

**FRUITLAND TOWNSHIP
REGULAR MEETING
JUNE 21, 2021 MINUTES**

PRESENT – Trustee Jeske, Supervisor Marcinkowski, Clerk Fagan, Trustee Holman, Trustee Graham, Trustee Lundell

ABSENT – Treasurer Pachman

ALSO PRESENT – (15) Fifteen interested parties

CALL TO ORDER - Supervisor Marcinkowski called the June 21, 2021 Regular Meeting to order at 6:01 PM and led the pledge of allegiance.

AGENDA - Motion by Trustee Holman, second by Trustee Jeske, **ADOPTED**, to accept the June 21, 2021 Regular Township Board Meeting Agenda.
Upon Voice Vote: 6 AYES – motion carried

PUBLIC COMMENT –

- Julius Esch – 4411 Park St – Ongoing issues with neighbor. Someone has been shooting in the direction of his home, and windows have been shot out.

Motion by Trustee Holman, second by Trustee Jeske, **ADOPTED**, to suspend from Roberts Rules for public comment.

Upon Voice Vote: 6 AYES – motion carried

Supervisor Marcinkowski encouraged anyone who feels unsafe or believes they or there house is being shot at to call 9-1-1 and report the incident every time it happens.

Motion by Trustee Lundell, second by Trustee Holman, **ADOPTED**, to unsuspend from Roberts Rules for public comment.

Upon Voice Vote: 6 AYES – motion carried

- Darrell Hinken – 4449 Park St – Offered additional information about Julius Esch’s comment saying that a security camera on Esch’s property had also been shot and destroyed, and then the windows were shot.
- John McGovern – 3955 Scenic Rd – Complaints about 3905 Scenic Dr being run as a resort and marketed on many websites (hotels.com) as a resort. He also believes there is work being done without a permit.
- Jeffrey Werth – 3918 Scenic Dr – Also has concerns about 3905 Scenic drive and the marketing they are doing. States they are telling visitors they can fish and boat on Muskrat Lake and he is worried about the damage that could be done to the area. Also complained about the increased traffic on their small road with the renters coming and going as well as work trucks.

- Teresa Price – 3917 Scenic Dr – Concerned about the large amounts of traffic caused by 3905 Scenic Drive.

ANNOUNCEMENTS/COMMUNICATIONS –

- a. Gypsy Moth Caterpillar Information Campaign – Starting in October 2021 and continuing through April 15, 2022 – The Township continues to receive many calls and emails regarding gypsy moth caterpillars. An E-News will be sent with information shared by the DNR and Department of Agriculture. Supervisor Marcinkowski reiterated that the trees should survive and that Muskegon County and local municipalities including Fruitland are working on a plan to be better prepared and distribute more information for next year. He also shared a contract with Fruitland Township, Muskegon County, and the Department of Agriculture from 2013 regarding spraying for gypsy moths, but is unsure if that will be an option for next year.
- b. Road Brining – sent email to Drew Nichols (MCRC Maintenance) on several areas not brined or thinly brined – Supervisor Marcinkowski is having ongoing communication with MCRC regarding poorly brined roads in the Township and what can be done to rectify the issue. A recent email suggested that MCRC knew the brining may not “take” well on some of our roads and Supervisor Marcinkowski will be having further conversations with MCRC about that issue as well.
- c. May PINS Report
- d. Letter to County Commission Chair Robert Scolnik – Supervisor Marcinkowski shared a letter he would like to send to Robert Scolnik regarding a few issues he noticed at a recent meeting including distracted commission members, incentives for children to receive vaccinations and commission members that are not supportive of the PINS program that Fruitland Township is a part of.

Motion by Trustee Holman, second by Trustee Jeske, **ADOPTED**, to approve Supervisor Marcinkowski to send the letter.

Upon Voice Vote: 4 AYES, 2 NAYS – motion carried

- e. Letter from Senator Bumstead on the rescinding of – making temporary emergency COVID19 workplace rules permanent.
- f. Email on Waste Water Fund Balance – Supervisor Marcinkowski shared an email stating the Waste Water Fund Balance has an excess of \$10.6M above allowable operating and capital reserves and will be voting to decide what to do with the excess funds at the July 15, 2021 meeting.
- g. Letter from the State Department of Treasury – Certificate of Achievement – perfect score on the 2020 AMAR Review – Congratulations to Assessor Sue Bowen.

UNFINISHED BUSINESS –

- a. **Bob Ford – Duck Creek Natural Area**

Motion by Trustee Holman, second by Trustee Lundell, **ADOPTED**, to suspend from Roberts Rules for this presentation.

Upon Voice Vote: 6 AYES – motion carried

Bob and Peter were in person to speak about the proposal after being unable to hear them during the work session on Zoom. They gave an overview of each step of their proposal and discussed the possibility of increased access to grants once their work is completed. They would also help the Parks and Recreation Commission complete their five year plan in time for upcoming deadlines. The Board was able to ask questions and gain clarification. The Board then discussed the need to move quickly, but also be responsible about such a large amount of money. They discussed the need for two additional quotes, and the need to work with the Parks and Recreation Commission and have their approval as well.

Motion by Trustee Holman, second by Trustee Jeske, **ADOPTED**, to unsuspend from Roberts Rules.

Upon Voice Vote: 6 AYES – motion carried

- b. Technology – phone system (ZOOM Demo), website** – Clerk Fagan shared that herself, Supervisor Marcinkowski and Treasurer Pachman have had many meetings with Zoom regarding their phone system and that they were currently in a trial period. She demonstrated the product using her phone and the laptop to show how it worked and explain some of the features. Zoom also has “Zoom Room” and Webinar options that might be a great addition to make the meeting room more Zoom friendly and make virtual meetings seamless. Clerk Fagan also discussed website proposals. We have received 2 from national companies, but Clerk Fagan recently found two local website design companies that have experience with municipal websites and has requested proposals from both of them. She is hoping to present all options at the July work session.
- c. Senior millage update** – Clerk Fagan has received communication that our first installment check for the senior millage grant should arrive any day. She has been working with AgeWell to get the SafeSeniors programs as well as a local activity in process.
- d. Pole and Light installation by CE – estimate \$100 waiting for final quote. Seeking quote for power pedestal to power camera at Scenic Drive Boat Ramp – camera specifications (receiving help from Jim Konieczny – resident).** Supervisor Marcinkowski continues to work on this.
- e. Request Attorney Even to draft agreement for the parking of vehicles and trailers on the property owned by John Otterbacher and Barbara Craft.** Supervisor Marcinkowski shared a letter from John Otterbacher and Barbara Craft regarding the use of their property at the Scenic Drive boat launch. They would like an agreement in place to protect their ownership of the property, and protect them from liability while leaving it open to be used for parking at the boat launch.

Motion by Trustee Holman, second by Clerk Fagan, **ADOPTED**, to request Attorney Even prepare a draft agreement as requested.

Upon Voice Vote: 6 AYES – motion carried

NEW BUSINESS –

- a. **Greg Kruse – lawsuit action** – Clerk Fagan reported that the township was officially served with a summons from Greg Kruse today, June 21, 2021 regarding the ongoing claim that his FOIA appeal was mishandled and that he has been charged excessive fees. She will send a copy of the summons and complaint to Attorney Even and the insurance company.
- b. **Ordinance Enforcement update – report from Toby Frederickson** – A list of current ordinance enforcement complaints with action taken and current status was provided by Toby Frederickson.
- c. **Regulatory Ordinance NO. 50** – Trustee Graham and Trustee Lundell shared their current progress on an “Anti-Noise and Public Nuisance” ordinance to address some ongoing issues in the township as well as update the outdated ordinance currently in effect. The Board will continue to work on this ordinance.
- d. **Zoning report** – A Zoning Report written by Val Jensen was provided for review.
- e. **3905 Scenic Drive** – Supervisor Marcinkowski asked for approval to have Attorney Even proceed with legal action discussed during closed session at the work session.

Motion by Trustee Holman, second by Trustee Lundell, **ADOPTED**, to suspend from Roberts Rules for discussion.

Upon Voice Vote: 6 AYES – motion carried

Robert’s Rules of order were suspended to allow residents in the audience to discuss the Board’s plans for action regarding the property located at 3905 Scenic Drive. Residents were encouraged to reach out to the sheriff’s department when necessary. The Board discussed sending the ordinance enforcer and the zoning administrator to the property to investigate work being done without permits or ordinances being ignored.

Motion by Trustee Lundell, second by Trustee Graham, **ADOPTED**, to unsuspend from Roberts Rules for discussion.

Upon Voice Vote: 6 AYES – motion carried

Motion by Trustee Holman, second by Trustee Jeske, **ADOPTED**, to approve having Attorney Even proceed with previously discussed legal action.

Upon Voice Vote: 6 AYES – motion carried

f. May 2021 Treasurer Reports

Motion by Clerk Fagan, second by Trustee Holman, **ADOPTED**, to approve and accept May 2021 Treasurer Reports.

Upon Voice Vote: 6 AYES – motion carried

- g. May 2021 Clerk reports – Check Disbursement; Revenues \$51,608.19; Expenditures: (101) General Fund \$111,615.26; (130) Public Works \$191.18**
Motion by Trustee Graham, second by Trustee Jeske, **ADOPTED**, to approve and accept May 2021 Clerk Reports
Roll Call Vote: Trustee Holman **AYE**, Trustee Graham **AYE**, Trustee Lundell **AYE**, Trustee Jeske **AYE**, Clerk Fagan **AYE**, Supervisor Marcinkowski **AYE**, Treasurer Pachman **ABSENT – motion carried**
- h. Minutes – May 10, 2021 Work Session and May 17, 2021 Regular Board Meeting**
Motion by Trustee Jeske, second by Trustee Holman, **ADOPTED**, to approve and accept May 2021 Work Session and Regular Meeting minutes.
Upon Voice Vote: 6 AYES – motion carried
- i. Fruitland Township Resolution 2021 – 13 - Protection of Our Children - affirmation of 106th Congress Concurrent Resolution 107 – requesting board to review and approve.** – After discussion the Board decided to take no action on this Resolution and will consider a broader resolution with more inclusion.
- j. McMillan Rd end stair/platform removal** – Supervisor Marcinkowski shared updated information from the Conservation District stating that the previous quote was now beyond their scope. He also shared a quote from Aggregates Excavating Logistics for \$9,800. This satisfies three quotes for the work.
Motion by Trustee Jeske, second by Clerk, **ADOPTED**, to approve the quote from Aggregate Excavating Logistics for \$9,800 if they agree that the materials that are removed can be retained by the township.
Roll Call Vote: Trustee Holman **AYE**, Trustee Graham **AYE**, Trustee Lundell **AYE**, Trustee Jeske **AYE**, Clerk Fagan **AYE**, Supervisor Marcinkowski **AYE**, Treasurer Pachman **ABSENT – motion carried**
- k. American Rescue Plan – update from MTA webinar** – Clerk Fagan provided information received during a MTA webinar regarding the American Rescue Plan. She is getting all the necessary paperwork ready for application for the funds and provided some updates on the requirements for the funds and the possible need to hire an accountant or other experts to help manage the funds correctly and within the scope required by the State of Michigan.
- l. Montague-Whitehall Rotary Club – Fireworks Donation Request - \$100**
Motion by Trustee Holman, second by Trustee Jeske, **ADOPTED**, to approve the a \$100 donation to the Montague-Whitehall Rotary Club for their firework show.

Roll Call Vote: Trustee Holman **AYE**, Trustee Graham **AYE**, Trustee Lundell **AYE**, Trustee Jeske **AYE**, Clerk Fagan **AYE**, Supervisor Marcinkowski **AYE**, Treasurer Pachman **ABSENT** – **motion carried**

- m. **MTA Principles of Governance – Board signatures required** – MTA sent a suggested Principles of Governance form that Board members can choose to sign that can be displayed.

BOARD COMMENTS/DISCUSSION – Clerk Fagan shared that Treasurer Pachman has committed the tax roll. Trustee Holman and Supervisor Marcinkowski continue to have meetings and do research regarding the ecology station. The Scenic Road end boat dock has been placed and is working well. Supervisor Marcinkowski shared that it looks like the White Lake road end boat launch is owned privately by residents.

ADJOURNMENT

Motion by Trustee Holman, second by Clerk Fagan, **ADOPTED**, to adjourn the June 21, 2021 Regular Meeting of the Township of Fruitland at 8:37 PM.

Upon Voice Vote: **6AYES** – **motion carried**

Respectfully Submitted,

Breann Fagan, Clerk
Township of Fruitland