

**FRUITLAND TOWNSHIP
REGULAR MEETING
NOVEMBER 15, 2021 MINUTES**

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

ALSO PRESENT – (3) Three interested parties

CALL TO ORDER – Supervisor Marcinkowski called the November 15, 2021 Regular Meeting to order at 6:00 PM, read an invocation and led the pledge of allegiance.

AGENDA - Motion by Trustee Holman, second by Trustee Jeske, **ADOPTED**, to amend the November 15, 2021 Regular Township Board Meeting Agenda by adding communication with Attorney Amanda Zdarsky after public comment.

Upon Voice Vote: 7 AYES – motion carried

PUBLIC COMMENT – There were none.

Motion by Clerk Fagan, second by Trustee Jeske, **ADOPTED**, to enter into closed session to consult with the Township’s attorney in connection with the case *People of Fruitland Township v. Rosene* because an open meeting would have a detrimental financial effect on the litigation or settlement position of the Township, and to consider material exempt from disclosure under the Freedom of Information Act, which exempts from public disclosure information or records subjected to the attorney-client privilege.

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

CLOSED SESSION

Motion by Trustee Holman, second by Trustee Jeske to return to open session at 6:43 PM. The doors were opened and Zoom streaming was resumed.

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

ANNOUNCEMENTS/COMMUNICATIONS – There were none.

CONSENT AGENDA

- a. **October 2021 Treasurer reports; Revenues (101) General Fund \$558,204.18: Expenditures: (101) General Fund \$542,019.73; (130) Public Works \$1,928.93**
- b. **October 2021 Clerk reports – Check disbursements**
- a. **Minutes – October 12, 2021 Work Session and October 18, 2021 Regular Board Meeting**
- b. **October PINS Report**
- c. **Ordinance Enforcement update – report from Toby Frederickson**
- d. **Zoning report – from Val Jensen**
 - Motion by Trustee Jeske, second by Trustee Lundell, **ADOPTED**, to approve the Consent Agenda as presented.
 - Roll Call Vote:* Trustee Holman **AYE**, Trustee Graham **AYE**, Trustee Lundell **AYE**, Treasurer Pachman **AYE**, Trustee Jeske **AYE**, Clerk Fagan **AYE**, Supervisor Marcinkowski **AYE**, – **motion carried**

UNFINISHED BUSINESS –

- a. **Park and Rec update** – Commissioner Huch shared improvement ideas that the Parks and Recreation Commission is hoping to include in the upcoming budget. These include updating and repairing the pump house, improving irrigation in the baseball outfield, tree removal, the possible addition of a service road, gates at the park entrance to potentially block one drive during the winter (in part to deter ORV/snowmobiles), and cameras. He stated that the scoreboard has been delayed to February.
- b. **Scheid Plumbing and Heating – HALO unit** – Trustee Graham shared some information regarding a different type of cleaning/sanitizing unit that may be another option. Clerk Fagan asked that she bring the information for discussion at the December work session.
 - Motion by Trustee Lundell, second by Trustee Holman, **RESCINDED**, to approve the quote if it can be done with ARPA funds.
 - Upon Voice Vote:* **7 AYES – Motion Rescinded**
- c. **Resolution 2021-19 Regulatory Ordinance Article 63 – Natural Area Conservation District**
 - Motion by Trustee Jeske, second by Trustee Graham, **ADOPTED**, to adopt Resolution 2021-19 Regulatory Ordinance Article 63 – Natural Area Conservation District.
 - Roll Call Vote:* Trustee Holman **AYE**, Trustee Graham **AYE**, Trustee Lundell **AYE**, Treasurer Pachman **AYE**, Trustee Jeske **AYE**, Clerk Fagan **AYE**, Supervisor Marcinkowski **AYE**, – **motion carried**
- d. **Website** – Clerk Fagan shared the most recent mock up from STG and the board agreed to keep moving forward. Kyle from STG said the next step will be to begin building the back end of the website.

e. Rosene update –

Motion by Clerk Fagan, second by Trustee Holman, **ADOPTED**, to authorize the Township's attorneys to negotiate and the Township Supervisor to enter into a settlement agreement in the matter of *People of Fruitland Township v. Rosene*, Case number 21D473131, upon the following terms: (1) Mr. Rosene agrees to dismiss his counterclaim with prejudice; (2) the Township agrees to dismiss its Complaint with prejudice; (3) the Township agrees to the disclosure of non-privileged documents sought by Mr. Rosene in his October 14, 2021 FOIA request to the Township.

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

NEW BUSINESS – There were none.

PUBLIC COMMENT – There were none.

BOARD COMMENTS/DISCUSSION – Trustee Graham asked about improving Lamos road end for ice fishing and asked that it be added to the next agenda. Supervisor Marcinkowski shared that he spoke with Patti from White River Township and the life rings will be coming down for the winter and Patti will publish the announcement. He also shared that Maintenance Supervisor Arron Ferris suggested a sign with a marquee to announce events in the township. Supervisor Marcinkowski has contacted the engineering department at Grand Valley State University to see if any students would be interested in helping with the McMillan stairs project. Clerk Fagan shared that the County Apportionment Commission had approved a new plan that lowered the number of commissioners in Muskegon to 7 and split Fruitland Township into two districts and that the State of Michigan is working on redistricting. There is a mini clerk conference on Friday, November 19, 2021 and Clerk Fagan will have more information after that conference. Treasurer Pachman shared that tax bills are almost ready and will be mailed out on November 30th. Supervisor Marcinkowski said the Veteran's Dinner went very well and he expects increased attendance in future years. Some members of the Parks and Recreation Commission and Supervisor Marcinkowski walked the property near Marcus Park and it appears it is too wet to consider a parking lot so they will consider other ways to improve parking for Marcus Park.

ADJOURNMENT

Motion by Trustee Holman, second by Trustee Jeske, **ADOPTED**, to adjourn the November 15, 2021 Regular Meeting of the Township of Fruitland at 7:32 PM.

Upon Voice Vote: **7 AYES** – **motion carried**

FRUITLAND TOWNSHIP NOVEMBER 15, 2021 REGULAR MEETING MINUTES

Respectfully Submitted,

Breann Fagan, Clerk
Township of Fruitland