# FRUITLAND TOWNSHIP REGULAR MEETING MAY 15, 2023 MINUTES

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

**ALSO PRESENT –** (5) Five interested parties

**CALL TO ORDER** – Supervisor Marcinkowski called the May 15, 2023 Regular Meeting to order at 6:00 PM and led the pledge of allegiance.

**AGENDA** - Motion by Trustee Graham, second by Trustee Holman, **ADOPTED**, to

accept the May 15, 2023 Regular Township Board Meeting Agenda.

Upon Voice Vote: 6 AYES - motion carried

# **PUBLIC COMMENT -**

Sondra Cross, Zellar – White Lake Chamber Music Festival will take place August 5-13.

### PRESENTATIONS -

a. Library Annual Report, Lynette Johnson & Bobbi Allred – Presented the White Lake Community Library 2022 Annual Review.

Motion by Supervisor Marcinkowski, second by Trustee Holman, ADOPTED, to suspend from Robert's Rules to discuss with the representatives.

Upon Voice Vote: 6 AYES - motion carried

Supervisor Marcinkowski asked if there is sexually explicit material at the library.

Bobbie Allred responded that it is against the First Amendment to ban books, but she has looked into whether it would be an option to have some sort of rating system for books but there is nothing set up at this time.

The Board had a long discussion with the representatives regarding if more can or should be done to rate books for potentially offensive material. It was suggested that this may be something to work with publishers about. Supervisor

Marcinkowski will prepare a letter of support for approval by the Board.

Motion by Supervisor Marcinkowski, second by Trustee Holman, ADOPTED, to return to Robert's Rules.

Upon Voice Vote: 6 AYES – motion carried

b. Trustee Graham – Senior Palooza – Trustee Graham continues to coordinate the 2023 Senior Palooza. She has a number of vendors signed up, a lunch planned, and presentations. AgeWell will be paying for the lunch for any seniors over 60 and presenting two Safe Senior presentations. Postcards will be sent by the end of next week.

# ANNOUNCEMENTS/COMMUNICATIONS -

- a. April PINS report Will be placed on file
- b. April Zoning Report -
- c. April Ordinance Report Will be placed on file
- d. Well at cemetery completed 5/10 Power was connected today.
- e. Duck Lake Level Control inspection Completed last week, waiting for report.
- **f. Boater Safety Course** USCG Auxiliary was looking for a place to hold a Boater Safety Course in our area. We have offered our building and it is tentatively scheduled for July 1.
- **g. Email 3319 Scenic Drive Dangerous Building –** Response from the Becks regarding their property being looked at as a dangerous building.
- h. Memorial Day Service flyer
- i. Email from Commission Kim Cyr PINS Commissioner Cyr had voted not to continue the PINS program in Fruitland Township at a Muskegon County Commission in April. This email states he has a better understanding now and will vote to support the PINS program in the future.
- j. Email from David Rice DCNA Update There will be a Exploratory Walk on May 20<sup>th</sup> at 10:00 am.

# **CONSENT AGENDA -**

- a. April 2023 Treasurer reports; Revenues: (101) General Fund \$138,834.23; Expenditures: (101) General Fund \$ 25,570.62pr
- b. April 2023 Clerk reports Check disbursements and ARPA Funds
- c. Minutes April 10, 2023 Work Session; April 17, 2023 Regular Board Meeting

Motion by Trustee Holman, second by Trustee Lundell, **ADOPTED**, to approve the Consent Agenda as presented.

Roll Call Vote: Trustee Graham AYE, Clerk Fagan AYE, Trustee Lundell AYE, Treasurer Pachman AYE, Trustee Holman AYE,

Supervisor Marcinkowski **AYE**, Trustee Jeske **ABSENT** – **motion** carried

#### **UNFINISHED BUSINESS -**

a. Small subdivision roads – establish assessment districts for Brookside/Garber;
 Hain; Oaktree/Woodtrail; Starboard – Resolutions and set public hearing
 dates/times. Request from Burton Woods & Paul Bowman for an extension to
 May 26 to seek additional parcel signature

Motion by Supervisor Marcinkowski, second by Trustee Lundell, **ADOPTED**, to extend the acceptance date to May 26 2023 for Sandcastle Estates and Spring Valley Estates.

Upon Voice Vote: 6 AYES - motion carried

#### HAIN STREET 2023 ROAD IMPROVEMENT SPECIAL ASSESSMENT DISTRICT

The supervisor next reported that petitions had been filed with the Township for road improvements including application of a dense graded bituminous surfacing and other necessary and incidental improvements of the entirety of the entirety of Hain Street, located within the real property as described in the attached **EXHIBIT 1**, hereinafter referred to as the Hain Street 2023 Road Improvement Special Assessment District, under authority of Michigan Public Act 188 of 1954, as amended

The supervisor and clerk next reported that they had checked the signatures on the petitions, the record owners of land within the township contained within the district described above and had prepared and filed a report setting forth the percentage of record owners of lands by area within the district, who signed the petitions which amounted to not less than Fifty-One percent (51%).

Motion was then made by Trustee Lundell, seconded by Trustee Holman, and unanimously carried that the petitions be received by the township board and the report pertaining thereto be filed as a part of the minutes of the meeting.

Motion was next made by Trustee Lundell, seconded by Trustee Holman and unanimously carried directing the Muskegon County Road Commission to proceed with the plans for the improvement, the location thereof, and an estimate of the costs of the same.

The Muskegon County Road Commission's report was received showing the improvement, the location thereof and an estimate of the costs of the same, these plans and estimates were then presented to the board for their consideration. The total estimated cost was in the amount of \$6,200.00

Motion was next made by Trustee Lundell, seconded by Trustee Holman and unanimously carried ordering the plans and estimates to be filed with the township clerk for public examination.

Motion was next made by Trustee Lundell, seconded by Trustee Holman, to adopt the following resolution:

### RESOLUTION

BE IT HEREBY RESOLVED that the township board does hereby tentatively declare its intent to have the Muskegon County Road Commission make road improvements including application of a dense graded bituminous surfacing and other necessary and incidental improvements of the entirety of the entirety of Hain Street, located in the Hain Street 2023 Road Improvement Special Assessment District, together with the necessary structures and other work incidental thereto, all within the proposed district in accordance with the petitions of the property owners therefore.

BE IT FURTHER RESOLVED that the township board does tentatively designate the special assessment district against which the costs of the improvements is to be assessed as the Hain Street 2023 Road Improvement Special Assessment District which shall include the lands and premises more particularly described in **EXHIBIT 1**.

BE IT FURTHER RESOLVED that a hearing on any objections to the petitions, to the

improvement, the estimate of costs, and to the special assessment district proposed to be established for the assessment of the cost of such improvement, shall be held on June 6, 2023 at a special meeting of the Township Board at the Fruitland Township Hall 4545 Nestrom Rd., Whitehall, MI 49461 at 4:45 pm.

BE IT FURTHER RESOLVED that the clerk is instructed to give the proper notice of such hearing by mailing and publication in accordance with law and statute provided.

BE IT FURTHER RESOLVED that all resolutions and parts of resolutions insofar as they conflict with the provisions of this resolution be and the same are hereby rescinded,

Upon roll call vote, the following votes were recorded:

Ayes: Clerk Fagan, Treasurer Pachman, Trustee Graham, Trustee Lundell, Supervisor Marcinkowski

Nays:

Absent: Trustee Jeske

The supervisor declared the motion carried and the resolution was duly adopted.

Breann Fagan, Township Clerk

#### **GARBER'S BIRCHWOOD SUBDIVISION 2023**

#### ROAD IMPROVEMENT SPECIAL ASSESSMENT DISTRICT

The supervisor reported that petitions had been filed with the Township for road improvements including application of a dense graded bituminous surfacing and other necessary and incidental improvements of the entirety of the entirety of Garber Lane and Brookside Drive, located within the real property as described in the attached **EXHIBIT 2**, hereinafter referred to as the Garber's Birchwood Subdivision 2023 Road Improvement Special Assessment District, under authority of Michigan Public Act 188 of 1954, as amended

The supervisor and clerk next reported that they had checked the signatures on the petitions, the record owners of land within the township contained within the district described above and had prepared and filed a report setting forth the percentage of record owners of lands by area within the district, who signed the petitions which amounted to not less than Fifty-One percent (51%).

Motion was then made by Trustee Lundell, seconded by Trustee Holman, and unanimously carried that the petitions be received by the township board and the report pertaining thereto be filed as a part of the minutes of the meeting.

Motion was next made by Trustee Lundell, seconded by Trustee Holman and unanimously carried directing the Muskegon County Road Commission to proceed with the plans for the improvement, the location thereof, and an estimate of the costs of the same.

The Muskegon County Road Commission's report was received showing the improvement, the location thereof and an estimate of the costs of the same, these plans and estimates were then presented to the board for their consideration. The total estimated cost was in the amount of \$23,000.00.

Motion was next made by Trustee Lundell, seconded by Trustee Holman and unanimously carried ordering the plans and estimates to be filed with the township clerk for public examination.

Motion was next made by Trustee Lundell, seconded by Trustee Holman, to adopt the following resolution:

#### RESOLUTION

BE IT HEREBY RESOLVED that the township board does hereby tentatively declare its intent to have the Muskegon County Road Commission make road improvements including application of a dense graded bituminous surfacing and other necessary and incidental improvements of the entirety of Garber Lane and Brookside Drive, located in the Garber's Birchwood Subdivision 2023 Road Improvement Special Assessment District, together with the necessary structures and other work incidental thereto, all within the proposed district in accordance with the petitions of the property owners therefore.

BE IT FURTHER RESOLVED that the township board does tentatively designate the special assessment district against which the costs of the improvements is to be assessed as the Garber's Birchwood Subdivision 2023 Road Improvement Special Assessment District which shall include the lands and premises more particularly described in **EXHIBIT 2**.

BE IT FURTHER RESOLVED that a hearing on any objections to the petitions, to the

improvement, the estimate of costs, and to the special assessment district proposed to be established for the assessment of the cost of such improvement, shall be held on June 6, 2023 at a special meeting of the Township Board at the Fruitland Township Hall 4545 Nestrom Rd., Whitehall, MI 49461 at 4:45 pm.

BE IT FURTHER RESOLVED that the clerk is instructed to give the proper notice of such hearing by mailing and publication in accordance with law and statute provided.

BE IT FURTHER RESOLVED that all resolutions and parts of resolutions insofar as they conflict with the provisions of this resolution be and the same are hereby rescinded,

Upon roll call vote, the following votes were recorded:

Ayes: Clerk Fagan, Treasurer Pachman, Trustee Graham, Trustee Lundell, Supervisor Marcinkowski

Nays:

Absent: Trustee Jeske

The supervisor declared the motion carried and the resolution was duly adopted.

Breann Fagan, Township Clerk

#### THE VILLAGE #1 2023 ROAD IMPROVEMENT SPECIAL ASSESSMENT DISTRICT

The supervisor next reported that petitions had been filed with the Township for road improvements including application of a dense graded bituminous surfacing and other necessary and incidental improvements of the entirety of Starboard Drive, located within the real property as described in the attached **EXHIBIT 3**, hereinafter referred to as the Village #1 2023 Road Improvement Special Assessment District, under authority of Michigan Public Act 188 of 1954, as amended

The supervisor and clerk next reported that they had checked the signatures on the petitions, the record owners of land within the township contained within the district described above and had prepared and filed a report setting forth the percentage of record owners of lands by area within the district, who signed the petitions which amounted to not less than Fifty-One percent (51%).

Motion was then made by Trustee Lundell, seconded by Trustee Holman, and unanimously carried that the petitions be received by the township board and the report pertaining thereto be filed as a part of the minutes of the meeting.

Motion was next made by Trustee Lundell, seconded by Trustee Holman and unanimously carried directing the Muskegon County Road Commission to proceed with the plans for the improvement, the location thereof, and an estimate of the costs of the same.

The Muskegon County Road Commission's report was received showing the improvement, the location thereof and an estimate of the costs of the same, these plans and estimates were then presented to the board for their consideration. The total estimated cost was in the amount of \$13,000.00

Motion was next made by Trustee Lundell, seconded by Trustee Holman and unanimously carried ordering the plans and estimates to be filed with the township clerk for public examination.

Motion was next made by Trustee Lundell, seconded by Trustee Holman, to adopt the following resolution:

## RESOLUTION

BE IT HEREBY RESOLVED that the township board does hereby tentatively declare its intent to have the Muskegon County Road Commission make road improvements including application of a dense graded bituminous surfacing and other necessary and incidental improvements of the entirety of the entirety of entirety of Starboard Drive, located in the Village #1 2023 Road Improvement Special Assessment District, together with the necessary structures and other work incidental thereto, all within the proposed district in accordance with the petitions of the property owners therefore.

BE IT FURTHER RESOLVED that the township board does tentatively designate the special assessment district against which the costs of the improvements is to be assessed as the Village #1 2023 Road Improvement Special Assessment District which shall include the lands and premises more particularly described in **EXHIBIT 3**.

BE IT FURTHER RESOLVED that a hearing on any objections to the petitions, to the

improvement, the estimate of costs, and to the special assessment district proposed to be established for the assessment of the cost of such improvement, shall be held on June 6, 2023 at a special meeting of the Township Board at the Fruitland Township Hall 4545 Nestrom Rd., Whitehall, MI 49461 at 5:00 pm.

BE IT FURTHER RESOLVED that the clerk is instructed to give the proper notice of such hearing by mailing and publication in accordance with law and statute provided.

BE IT FURTHER RESOLVED that all resolutions and parts of resolutions insofar as they conflict with the provisions of this resolution be and the same are hereby rescinded,

Upon roll call vote, the following votes were recorded:

Ayes: Clerk Fagan, Treasurer Pachman, Trustee Graham, Trustee Lundell, Supervisor Marcinkowski

Nays:

Absent: Trustee Jeske

The supervisor declared the motion carried and the resolution was duly adopted.

Breann Fagan, Township Clerk

#### **BUTTERFIELD WOODS SUBDIVISION 2023**

#### ROAD IMPROVEMENT SPECIAL ASSESSMENT DISTRICT

The supervisor next reported that petitions had been filed with the Township for road improvements including application of a dense graded bituminous surfacing and other necessary and incidental improvements of the entirety of Oak Tree Lane and Woodtrail Court, located within the real property as described in the attached **EXHIBIT 4**, hereinafter referred to as the Butterfield Woods Subdivision 2023 Road Improvement Special Assessment District, under authority of Michigan Public Act 188 of 1954, as amended

The supervisor and clerk next reported that they had checked the signatures on the petitions, the record owners of land within the township contained within the district described above and had prepared and filed a report setting forth the percentage of record owners of lands by area within the district, who signed the petitions which amounted to not less than Fifty-One percent (51%).

Motion was then made by Trustee Lundell, seconded by Trustee Holman, and unanimously carried that the petitions be received by the township board and the report pertaining thereto be filed as a part of the minutes of the meeting.

Motion was next made by Trustee Lundell, seconded by Trustee Holman and unanimously carried directing the Muskegon County Road Commission to proceed with the plans for the improvement, the location thereof, and an estimate of the costs of the same.

The Muskegon County Road Commission's report was received showing the improvement, the location thereof and an estimate of the costs of the same, these plans and estimates were then presented to the board for their consideration. The total estimated cost was in the amount of \$34,200.00

Motion was next made by Trustee Lundell, seconded by Trustee Holman and unanimously carried ordering the plans and estimates to be filed with the township clerk for public examination.

Motion was next made by Trustee Lundell, seconded by Trustee Holman, to adopt the following resolution:

#### RESOLUTION

BE IT HEREBY RESOLVED that the township board does hereby tentatively declare its intent to have the Muskegon County Road Commission make road improvements including application of a dense graded bituminous surfacing and other necessary and incidental improvements of the entirety of the entirety of Oak Tree Lane and Woodtrail Court, located in the Butterfield Woods Subdivision 2023 Road Improvement Special Assessment District, together with the necessary structures and other work incidental thereto, all within the proposed district in accordance with the petitions of the property owners therefore.

BE IT FURTHER RESOLVED that the township board does tentatively designate the special assessment district against which the costs of the improvements is to be assessed as the Butterfield Woods Subdivision 2023 Road Improvement Special Assessment District which shall include the lands and premises more particularly described in **EXHIBIT 4**.

BE IT FURTHER RESOLVED that a hearing on any objections to the petitions, to the

improvement, the estimate of costs, and to the special assessment district proposed to be established for the assessment of the cost of such improvement, shall be held on June 6, 2023 at a special meeting of the Township Board at the Fruitland Township Hall 4545 Nestrom Rd., Whitehall, MI 49461 at 5:30 pm.

BE IT FURTHER RESOLVED that the clerk is instructed to give the proper notice of such hearing by mailing and publication in accordance with law and statute provided.

BE IT FURTHER RESOLVED that all resolutions and parts of resolutions insofar as they conflict with the provisions of this resolution be and the same are hereby rescinded,

Upon roll call vote, the following votes were recorded:

Ayes: Clerk Fagan, Treasurer Pachman, Trustee Graham, Trustee Lundell, Supervisor Marcinkowski

Nays:

Absent: Trustee Jeske

The supervisor declared the motion carried and the resolution was duly adopted.

Breann Fagan, Township Clerk

**b.** Jay Rd gravel upgrade – New email from MCRC has increased the cost for this project to \$93,000. Which raises Fruitland Township's share to \$46,500.

Motion by Trustee Holman, second by Clerk Fagan, *ADOPTED*, to approve the increased cost and allocate an additional \$16,500 out of the Road Fund.

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

c. Scenic Drive Road End Parking - EOR proposal

Motion by Trustee Lundell, second by Trustee Graham, *ADOPTED*, to obtain more bids from construction companies via RFPs for the work that needs to be completed at the Scenic Drive Road End. *Upon Voice Vote:* 6 AYES – motion carried

d. EV Charging Station agreement Invasive Species WRLS –

Motion by Trustee Lundell, second by Treasurer Pachman, **ADOPTED**, to approve the removal quote from the Muskegon Conservation District in the amount of \$1,432.63. **Roll Call Vote**: Trustee Graham **AYE**, Clerk Fagan **AYE**, Trustee Lundell **AYE**, Treasurer Pachman **AYE**, Trustee Holman **AYE**, Supervisor Marcinkowski **AYE**, Trustee Jeske **ABSENT** – **motion carried**  e. Nestrom Park Site Plan – A revised site plan and cost estimate have been received for the DNR Spark Grant application. The entire project has been broken into two phases and phase 1 will include pickleball courts, sidewalks, restrooms and well & septic.

#### **NEW BUSINESS –**

a. Park Commission – open position – recommend Katy Bradford

Motion by Supervisor Marcinkowski second by Clerk Fagan, **ADOPTED**, to approve the recommendation of Katy Bradford to the Parks Commission.

Upon Voice Vote: 6 AYES - motion carried

b. Greg Kruse FOIA appeal -

Motion by Trustee Graham second by Trustee Holman **ADOPTED**, to maintain the FOIA coordinator's denials of Mr. Kruse's FOIA requests dated April 1, 2023, and April 5, 2023 for the reasons stated by the FOIA Coordinator in her denials of on April 6, 2023 due to the request being too vague and overbroad and/or not sufficiently described to enable us to find the records (MCL 15.233).

Upon Voice Vote: 6 AYES - motion carried

c. RESOLUTION 2023-14 PERFORMANCE AND INDEMNIFICATION

Motion by Clerk Fagan, second by Trustee Holman, *ADOPTED*, to approve Resolution 2023-14 Performance and Indemnification. *Roll Call Vote*: Trustee Graham AYE, Clerk Fagan AYE, Trustee Lundell AYE, Treasurer Pachman AYE, Trustee Holman AYE, Supervisor Marcinkowski AYE, Trustee Jeske ABSENT—motion carried

d. RESOLUTION 2023-15 PROCLAMATION AND SUPPORT FOR AMATEUR RADIO WEEK –

Motion by Trustee Graham, second by Supervisor Marcinkowski, *ADOPTED*, to approve Resolution 2023-15 Proclamation and Support for Amateur Radio Week.

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

# e. RESOLUTION 2023-16 PROCLAMATION AND SUPPORT FOR NATIONAL POLICE WEEK –

Motion by Trustee Graham, second by Trustee Holman, **ADOPTED**, to approve Resolution 2023-16 Proclamation and Support for National Police Week

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

**f. AED – Zoll AED Plus –** Zoll AED is the same type used by rescue personnel in the township.

Motion by Trustee Holman, second by Clerk Fagan, *ADOPTED*, to purchase the Zoll AED Plus to replace the current AED using the General Fund.

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

# g. IT quotes – CatchMark, VC3 and STS

Motion by Clerk Fagan, second by Trustee Holman, to approve the contract with VC3.

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

# h. Executive Session - Dirty Daubers Posts WRLS -

Motion by Trustee Graham, second by Trustee Lundell, to approve the installation of the Dirty Daubers Posts.

Upon Voice Vote: 6 AYES - motion carried

# i. Executive Session – Entered Executive Session at 8:00 PM

Motion by Trustee Holman, second by Trustee Lundell, to return to Open Meeting.

Upon Voice Vote: 6 AYES - motion carried

Motion by Trustee Holman, second by Trustee Graham, to approve the contract for professional services.

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

**PUBLIC COMMENT –** There were none.

BOARD COMMENTS/DISCUSSION – Supervisor Marcinkowski relayed that he spoke to the WLFA representatives regarding getting off topic at the Work Session. The Board felt like the discussion was aggressive and threatening. Trustee Graham shared that a representative doing Broadband research told her that Fruitland Township will likely see broadband coverage increase soon. Clerk Fagan shared that approximately 25% of voters showed up to vote at the May 2 election. The MAISD proposal passed while WHSD proposal did not. She shared that the Senior Millage allocation has been received for this year and the vouchers should be available in June. Clerk Fagan has been working with BS&A for the payroll module, but full transition will not happen until October. Supervisor Marcinkowski reminded the Board that our term is up in 2024 and encouraged members to consider running for Supervisor.

#### **ADJOURNMENT**

Motion by Trustee Holman second by Trustee Lundell, **ADOPTED**, to adjourn the May 15, 2023 Regular Meeting of the Township of Fruitland at 8:25 PM.

Upon Voice Vote: 6 AYES - motion carried

Respectfully Submitted,

Breann Fagan, Clerk Township of Fruitland