

**FRUITLAND TOWNSHIP
SPECIAL MEETING PUBLIC HEARING
JUNE 6, 2023 MINUTES**

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

ABSENT – Trustee Holman

ALSO PRESENT – (5) Five interested parties

CALL TO ORDER - Supervisor Marcinkowski called the June 6th, 2023 Special Meeting Public Hearing to order at 4:30 PM, and led the Pledge of Allegiance.

AGENDA - Motion by Clerk Fagan, second by Trustee Jeske, **ADOPTED**, to approve the June 6, 2023 Special Meeting Public Hearing Agenda.
Upon Voice Vote: 6 AYES – motion carried

PUBLIC COMMENT – There were none.

ANNOUNCEMENTS/COMMUNICATIONS – There were none.

UNFINISHED BUSINESS – There was none.

NEW BUSINESS –

1)

a) Hain Street 2023 Road Improvement Special Assessment Public Hearing –

Supervisor Marcinkowski opened the public hearing at 4:34 pm.

Clerk Fagan reported that the Hain Street 2023 Road Improvement Special Assessment District has four parcels and three of the four returned signed petitions for a total of 75%. The Clerk verified signatures and ownership for each parcel. Notices for this public hearing were mailed to parcel owners on May 19, 2023 and the notice was published in the White Lake Beacon on May 28, 2023 and June 4, 2023.

Supervisor Marcinkowski reported that the estimated total cost of this project is \$6,200 with the MCRC paying \$3,200, Fruitland Township paying \$1,550 and the residents paying \$1,550 which is about \$387.50 per parcel. Per the MCRC recommendations this project will be for the chip and seal only.

No residents were present at the public hearing.

Supervisor Marcinowski closed the public hearing. There were no objections filed.

Motion by Trustee Lundell, second by Trustee Jeske, **ADOPTED**, to approve Resolution 2023-17 Hain Street 2023 Road Improvement Special Assessment District as amended with a five percent interest rate.

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

Supervisor Marcinkowski then reported that he, in anticipation of the foregoing resolution, had completed the assessment roll. The assessment roll was then received and placed on file with the Clerk.

Motion by Clerk Fagan, second by Supervisor Marcinkowski, **ADOPTED**, to schedule the next public hearing to Confirm the Special Assessment Roll and hear any objections on June 29, 2023 at 5:00pm.

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

b) Garber's Birchwood Subdivision 2023 Road Improvement Special Assessment Public Hearing –

Supervisor Marcinkowski opened the public hearing at 4:45 pm.

Clerk Fagan reported that the Garber's Birchwood Subdivision 2023 Road Improvement Special Assessment District has six parcels and five of the six returned signed petitions for a total of 83%. The Clerk verified signatures and ownership for each parcel. Notices for this public hearing were mailed to parcel owners on May 19, 2023 and the notice was published in the White Lake Beacon on May 28, 2023 and June 4, 2023.

Supervisor Marcinkowski reported that the estimated total cost of this project is \$23,000 with the MCRC paying \$7,925, Fruitland Township paying \$5,750 and the residents paying \$9,325 which is about \$1554.17 per parcel. Per the MCRC recommendations this project will be for the chip and seal and wedging.

Bill Ciancanelli, 5115 Brookside Dr – Questioned why there was a cost increase from 2022 to 2023. Supervisor Marcinkowski explained that the Muskegon County Road Commission relooked at the roads in 2023 and determined they would need additional wedging to be done correctly. The quote in 2022 did not include wedging.

Supervisor Marcinkowski closed the public hearing. There were no objections filed.

Motion by Clerk Fagan, second by Trustee Lundell, **ADOPTED**, to approve Resolution 2023-18 Garber's Birchwood Subdivision 2023 Road Improvement Special Assessment District as amended with a five percent interest rate.

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

Supervisor Marcinkowski then reported that he, in anticipation of the foregoing resolution, had completed the assessment roll. The assessment roll was then received and placed on file with the Clerk.

Motion by Clerk Fagan, second by Treasurer Pachman, **ADOPTED**, to schedule the next public hearing to Confirm the Special Assessment Roll and hear any objections on June 29, 2023 at 5:15pm.

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

C) The Village #1 2023 Road Improvement Special Assessment Public Hearing –

Supervisor Marcinkowski opened the public hearing at 5:00 pm.

Clerk Fagan reported that The Village #1 2023 Road Improvement Special Assessment District has twelve parcels and nine of the twelve returned signed petitions for a total of 75%. The Clerk verified signatures and ownership for each parcel. Notices for this public hearing were mailed to parcel owners on May 19, 2023 and the notice was published in the White Lake Beacon on May 28, 2023 and June 4, 2023.

Supervisor Marcinkowski reported that the estimated total cost of this project is \$13,000 with the MCRC paying \$4,400, Fruitland Township paying \$3,250 and the residents paying \$5,350 which is about \$445.83 per parcel. Per the MCRC recommendations this project will be for the chip and seal and wedging.

Nan Bruskotter, 7098 Starboard Dr – In favor of the project. Questioned why there was a cost increase from 2022 to 2023. Supervisor Marcinkowski explained that the Muskegon County Road Commission relooked at the roads in 2023 and determined they would need additional wedging to be done correctly. The quote in 2022 did not include wedging.

Supervisor Marcinkowski closed the public hearing. There were no objections filed.

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Motion by Clerk Fagan, second by Trustee Lundell, **ADOPTED**, to approve Resolution 2023-19 The Village #1 2023 Road Improvement Special Assessment District as amended with a five percent interest rate.

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

Supervisor Marcinkowski then reported that he, in anticipation of the foregoing resolution, had completed the assessment roll. The assessment roll was then received and placed on file with the Clerk.

Motion by Clerk Fagan, second by Trustee Lundell, **ADOPTED**, to schedule the next public hearing to Confirm the Special Assessment Roll and hear any objections on June 29, 2023 at 5:30pm.

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

At that time there was a large amount of time between the last public hearing and the next.

Motion by Clerk Fagan, second by Trustee Lundell, **ADOPTED**, to amend the agenda by moving agenda items 2 & 3 to occur prior to agenda item 1.D.

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

2) Road Assessment Resolutions – Tentative

a)

SANDCASTLE ESTATES 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 Merrie Lynn Court and West Merrie Lynn Court, located within the real property described in the attached **EXHIBIT 1**, hereinafter referred to as the Sandcastle Estates 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 Clerk Fagan, 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 Clerk Fagan, 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 \$53,600.00

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

FRUITLAND TOWNSHIP JUNE 6, 2023 SPECIAL MEETING MINUTES

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 Merrie Lynn Court and West Merrie Lynn Court, located in the Sandcastle Estates 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 Sandcastle Estates 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 29, 2023 at a special meeting of the Township Board at the Fruitland Township Hall 4545 Nestrom Rd., Whitehall, MI 49461 at 4:00 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: Trustee Jeske, Trustee Lundell, Trustee Graham, Treasurer Pachman, Supervisor Marcinkowski

Nays:

Absent: Trustee Holman

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

Breann Fagan, Township Clerk

b)

SPRING VALLEY ESTATES AND BURTON WOODS

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 Doug Drive, Shari Drive, Sandy Lane and Burton Woods Drive, located within the real property described in the attached **EXHIBIT 2**, and what is to be known as the Spring Valley Estates and Burton Woods 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 Clerk Fagan, 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 Clerk Fagan, 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 88,900.00.

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

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Motion was next made by Trustee Lundell, seconded by Clerk Fagan, 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 Doug Drive, Shari Drive, Sandy Lane and Burton Woods Drive, in the Spring Valley Estates and Burton Woods 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 Spring Valley Estates and Burton Woods 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 29, 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: Trustee Jeske, Trustee Lundell, Trustee Graham, Treasurer Pachman, Supervisor Marcinkowski

Nays:

Absent: Trustee Holman

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

Breann Fagan, Township Clerk

3) Road Assessment Petition – Extension Request

There was a request from Murray/Wilson Road to allow residents to have until June 13, 2023 to return final petitions. The Board discussed that the MCRC may not be able to accommodate due to the extended time frame. Supervisor Marcinkowski will communicate that with the approval.

Motion by Trustee Jeske, second by Trustee Lundell, **ADOPTED**, to allow petitions for Murray/Wilson Roads to be accepted until June 13, 2023.

Upon Voice Vote: 5 AYES, 1 NAY – motion carried

1)

d) Butterfield Woods Subdivision 2023 Road Improvement Special Assessment Public Hearing –

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Supervisor Marcinkowski opened the public hearing at 5:30 pm.

Clerk Fagan reported that the Butterfield Woods Subdivision 2023 Road Improvement Special Assessment District has thirty-six parcels and twenty-eight of the thirty-six returned signed petitions for a total of 78%. The Clerk verified signatures and ownership for each parcel. Notices for this public hearing were mailed to parcel owners on May 19, 2023 and the notice was published in the White Lake Beacon on May 28, 2023 and June 4, 2023.

Supervisor Marcinkowski reported that the estimated total cost of this project is \$34,200 with the MCRC paying \$15,300, Fruitland Township paying \$8,550 and the residents paying \$10,350 which is about \$287.50 per parcel. Per the MCRC recommendations this project will be for the chip and seal and wedging.

Alice Gambel, 5730 Oak Tree Ln – Asked for clarification on the steps of the project and timing. Questioned why there was a cost increase from 2022 to 2023. Supervisor Marcinkowski explained that the Muskegon County Road Commission relooked at the roads in 2023 and determined they would need additional wedging to be done correctly. The quote in 2022 did not include wedging. He explained the process and also that we will not be sure of timing until later in the year.

Ben Kautz, 5700 Oak Tree Ln – Had questions about his driveway and how he should prepare it for the road project. Supervisor Marcinkowski will get him more information.

Marlene Kautz, 5700 Oak Tree Ln – Reported that the beginning of the road sees a lot of puddling and flooding when it rains. Supervisor Marcinkowski asked them to send pictures if possible so he could report it to the MCRC.

Supervisor Marcinkowski closed the public hearing. There were no objections filed.

Motion by Clerk Fagan, second by Trustee Lundell, **ADOPTED**, to approve Resolution 2023-20 Butterfield Woods Subdivision 2023 Road Improvement Special Assessment District as amended with a five percent interest rate.

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

Supervisor Marcinkowski then reported that he, in anticipation of the foregoing resolution, had completed the assessment roll. The assessment roll was then received and placed on file with the Clerk.

FRUITLAND TOWNSHIP JUNE 6, 2023 SPECIAL MEETING MINUTES

Motion by Clerk Fagan, second by Supervisor Marcinkowski, **ADOPTED**, to schedule the next public hearing to Confirm the Special Assessment Roll and hear any objections on June 29, 2023 at 5:45pm.

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

PUBLIC COMMENT – There were none.

BOARD COMMENTS/DISCUSSION – There were none.

ADJOURNMENT

Motion by Clerk Fagan, second by Trustee Graham, **ADOPTED**, to adjourn the June 6, 2023 Special Meeting of the Township of Fruitland at 5:45 PM.

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

Respectfully Submitted,

Breann Fagan, Clerk
Township of Fruitland