

**FRUITLAND TOWNSHIP
PARKS AND RECREATION
SCHEDULED MEETING
October 4, 2010**

PRESENT: Chairman Jim Duncan, Commissioners Roger Missimer, Laura Shields, Steve Urban and Jeff Marcinkowski.

ALSO PRESENT: One Hundred (100) interested parties.

CALL TO ORDER: Chairman Duncan called the meeting to order at 7:00 p.m.

PLEDGE OF ALLEGIANCE

WELCOME GUESTS

AGENDA: Motion by Jeff Marcinkowski, second from Steve Urban, *ADOPTED*, to accept the October 4, 2010 meeting agenda as written.

5 AYES

MINUTES: Motion by Laura Shields, second from Roger Missimer, *ADOPTED*, to accept the September 8 and September 22, 2010 work session minutes and the September 7, 2010 regular meeting minutes as submitted.

5 AYES

PUBLIC COMMENT:

Judith Traynor, 6305 Sheltering Way – supports easement agreements
Bruce Rissi, 5820 Duck Lake Road – opposes easement agreements
Clifton Helms, 3914 Scenic Drive – opposes easement agreements
Jerry Rumps, 4378 Winterwood Shores – support easement agreements
David Pequet, 5650 Duck Lake Road, opposes easement agreements
Chuck Miller, 5756 Duck Lake Road – opposes easement agreements
Ben Benson, 4655 Nestrom Road – opposes easement agreements
Nelson Heinrichs, 5794 Duck Lake Road – opposes easement agreements
Lonnie Ward, 5854 Duck Lake Road – opposes easement agreements
Val Rissi, 5820 Duck Lake Road – opposes easement agreements
Mr. Byrne, 5595 Duck Lake Road – opposes easement agreements
Kathy Eggleton, 3249 Johnson Drive – opposes easement agreements
Richard Tanner, 5085 W. Bard – opposes easement agreements
Chris Huls, 4365 Orshal Road – opposes easement agreements
Kimon Kotos, 6171 Duck Lake Road – opposes easement agreements
Fay Tellam, 4387 Winterwood Shores – supports easement agreements
Dan Sutherland, 2983 Scenic Drive – opposes easement agreements
Nancy Dunwell, 4226 Scenic Drive – opposes easement agreements
Geoffrey Dancik, 6060 Duck Lake Road – opposes easement agreements

Miriam Bush, 5678 W. McMillan Road, opposes easement agreements
Paula Martin, 5365 Duck Lake Road, opposes easement agreements
Terrie Hampel, 6171 Duck Lake Road, opposes easement agreements
Brett DeAugustine, 5131 W. Bard Road, opposes easement agreements
Jim Schweigert, 5888 Duck Lake Road, supports easement agreements

Public Comment closed 8:20 p.m.

RECEIPTS:

Commissioner Duncan reported receipts activity as Township Park pavilion rental in the amount of \$15, for total receipts in the amount of \$15.00 for the month of August 2010.

Motion by Roger Missimer, second from Jeff Marcinkowski, **ADOPTED**, to accept receipts in the amount of \$30.00 for the month of September 2010.

5 AYES

Roll Call Vote: Urban-Aye, Shields-Aye, Duncan-Aye, Marcinkowski-Aye, Missimer-Aye

DISBURSEMENTS:

Motion by Laura Shields, second from Jeff Marcinkowski, **ADOPTED**, to pay Lowe's in the amount of \$6.87, for a total disbursement of \$6.87.

5 AYES

Roll Call Vote: Missimer-Aye, Marcinkowski-Aye, Duncan-Aye, Shields-Aye, Urban, AYE

OLD BUSINESS:

1. Marcus Dunes and Winterwood Shores Easement Agreements

MARCUS DUNES EASEMENT AGREEMENT

Motion by Roger Missimer, second from Laura Shields, **ADOPTED**, to make the following revision to the **Marcus Dunes Amended Easement Agreement** (Draft dated 10-04-10):

5 AYES

- **2. The Amended Easement**
 - (A) The right to construct, install and maintain a seasonal dock in accordance with this agreement. Such docks shall not extend from the upland portion of the Easement Area into Duck Lake more than 50 feet, or beyond water depth of 36 inches at the

end of the dock, whichever, is greater. They shall not have a width in excess of 4 feet and shall not have any "T" or "L" shaped extensions. Each Marcus Dunes Party shall be entitled to the use of one dock with at least one other Marcus Dunes Party. Each Marcus Dunes Party may have ~~two~~ **one** watercraft and one boat lift. In no event shall more than six docks be maintained at one time.

Motion by Roger Missimer, second from Jeff Marcinkowski, **ADOPTED**, to make the following revision to the **Marcus Dunes Amended Easement Agreement** (Draft dated 10-04-10):

5 AYES

- **3. Easement Restrictions**

(E) **(Re-insert)** The Marcus Dunes Parties shall create a condominium association ("Association") if one does not currently exist for the purpose of monitoring the use of the Easement Area by the Marcus Dunes Parties and their guests and invitees. Each of the Marcus Dunes Parties shall be a member of the Association. The Association shall agree in writing to be a party of this agreement and shall also be responsible in the event that any Marcus Dunes Parties is in violation of the terms of the Easement Agreement. The Association shall notify Fruitland of the current name and address of the President of the Association and Fruitland shall send copies of any communication regarding this agreement to both the applicable Marcus Dunes Party and the Association.

Motion by Roger Missimer, second from Jeff Marcinkowski, **ADOPTED**, to send the Marcus Dunes Amended Easement Agreement (Draft dated 10-04-10) with the above revisions to the Township Board of Trustees for approval.

5 AYES

Roll Call Vote: Missimer-Aye, Marcinkowski-Aye, Duncan-Aye, Shields-Aye, Urban, AYE

DISCUSSION

Chairman Duncan explains that Judge Marietti has already ruled that Marcus Dunes parcels do have the right for docks and mooring in Duck Lake. This easement was deeded to these parcels. This Easement Agreement will actually stipulate how many boats the parcel owners can have which the Judge's ruling did not.

Commissioner Missimer explains this easement is not being implemented it was granted my Mr. Marcus and upheld with Judge Marietti's decision. He has read all emails sent to them and believes all comments tonight are heartfelt even though he doesn't agree with all of them.

WINTERWOOD SHORES EASEMENT AGREEMENT

Motion by Roger Missimer, second from James Duncan, **ADOPTED**, to make the following revisions to the **Winterwood Shores Amended Easement Agreement** (Draft dated 10-04-10):

5 AYES

- **2. The Amended Easement**

- (A) The right to construct, install and maintain a seasonal dock in accordance with this agreement. Such docks shall not extend from the upland portion of the Easement Area into Duck Lake more than 50 feet, or beyond water depth of 36 inches at the end of the dock, whichever, is greater. They shall not have a width in excess of 4 feet and shall not have any “T” or “L” shaped extensions. Each Marcus Dunes Party shall be entitled to the use of one dock with at least one other Marcus Dunes Party. Each Marcus Dunes Party may have ~~two~~ **one** watercraft and one boat lift. In no event shall more than six docks be maintained at one time.

- **Easement Restrictions**

- (E) **(Re-insert)** The Marcus Dunes Parties shall create a condominium association (“Association”) if one does not currently exist for the purpose of monitoring the use of the Easement Area by the Marcus Dunes Parties and their guests and invitees. Each of the Marcus Dunes Parties shall be a member of the Association. The Association shall agree in writing to be a party of this agreement and shall also be responsible in the event that any Marcus Dunes Parties is in violation of the terms of the Easement Agreement. The Association shall notify Fruitland of the current name and address of the President of the Association and Fruitland shall send copies of any communication regarding this agreement to both the applicable Marcus Dunes Party and the Association.

Motion by Roger Missimer, second from Jeff Marcinkowski, **ADOPTED**, to send the Winterwood Shores Amended Easement Agreement (Draft dated 10-04-10) with the above revisions to the Township Board of Trustees for approval.

4 AYES

1 NAY

Roll Call Vote: Missimer-Aye, Marcinkowski-Aye, Duncan-Aye, Shields-Aye, Urban-Nay

DISCUSSION

Commissioner Missimer explains Mrs. Dake decided property was to have easement also when Winterwood Shores was developed. Those parcel owners started using Duck Lake right away so this would be grandfathering them for the use they have been using.

2. Other Business:

None

NEW BUSINESS:**1. Discussion of possibly disbanding the Parks & Recreation Commission****DISCUSSION**

Chairman Duncan states that the Township Board of Trustees has the say regarding almost everything, leaving the Parks and Recreation Commission with control of only a few parks. He doesn't feel there is a place any longer for the Parks and Recreation Board. If there is a consensus to try and disband it takes a petition to be put on a ballot for the vote of the people and should be done at a big election.

Commissioner Missimer agrees with Chairman Duncan.

Commissioner Marcinkowski does not agree; he does not feel the Parks and Recreation Commission should be disbanded; however, he understands it could be done by the vote of the people.

Chairman Duncan said it is not as easy to work on things as it used to be.

Commissioner Shields does not agree; she believes there is still good that can be done, there is still stuff that can be offered.

Commissioner Urban does not agree with possible disbanding, he agrees with Commissioner Shields, and stated we still have parks that need to be taken care of.

COMMISSIONER'S COMMENTS:

Commissioner Missimer stated he believes that even if the Easement Agreements are approved there will be no impact immediately than there is today and if it goes to court the judge decides they can have boats but does not say how many, these agreements would actually stipulate the number of boats.

ADJOURNMENT:

Motion by Steve Urban, second from Laura Shields, *ADOPTED* to adjourn the October 4, 2010 scheduled meeting of the Fruitland Township Parks and Recreation Commission at 9:00 p.m.

5 AYES

Respectfully submitted,

Sally Dion, Recording Secretary