

**FIFE LAKE TOWNSHIP**

**Fife Lake Township Hall, 134 Morgan Street, Fife Lake, MI 49633  
231-879-3963 Phone / 231-879-3146 Fax**

**Regular Meeting**  
**APPROVED MINUTES**

**Thursday, January 26, 2023, 6:00 p.m.**

**CALL TO ORDER:** Supervisor Gerianne Street called the meeting to order at 6:09 p.m. The Pledge of Allegiance was recited.

**ROLL CALL:** Supervisor Street called Roll.

**Present:**

Supervisor Gerianne Street, Clerk Leigh Gifford, Treasurer Cathy Sorrow, and Trustee Nicole Gibson. A quorum was established.

**Absent:**

Trustee Dawn Zimmerman

**Also Present:**

Fife Lake Village President, Mr. Tom Hempsted  
Fife Lake Chamber President, Mr. Stan Patrick  
Recording Secretary, Ms. Kay Held

**APPROVAL OF AGENDA:**

**Amendments - Additions:**

**Agenda / Consent Calendar:** Correct date of Minutes included in Consent Calendar from “December 15, 2023” to the year “2022.”

**Reports:**

Add “Supervisor’s Report”

**New Business:**

CD Investment  
Time Sheets

**Old Business:**

Minute Amendment Clarification  
Road End Final Reports

Ms. Street announced a Closed Session will be held at 7:30 p.m.

**Board Action:**

Ms. Street made a motion to approve the Agenda as amended. Ms. Sorrow seconded the motion.

VOTE: YEAS: All. NAYES: None.

**CONFLICT OF INTEREST:** None.

**CONSENT CALENDAR:**

Clerk Gifford read the purpose of the Consent Calendar to include: Fife Lake Township Regular Minutes of December 15, 2022, Financial Report, Transfers and Bills to be Paid.

**Discussion regarding Bills to be Paid:**

Ask Clerk Report question - Perfect Fence regarding cemetery contractors.  
Question from Ms. Emily Escajeda of H&R Block amount was different – we had made a deposit.  
Ms. Emily Escajeda of H&R Block requests FLT add a line item for “Cemetery Contractor.”

**Board Action:**

Ms. Sorrow made a motion to add a line item to the budget for “Cemetery Contractor.” Ms. Gifford seconded the motion.

VOTE: YEAS: All. NAYES: None. Motion carried.

**Board Action:**

Ms. Sorrow made a motion to approve the Consent Calendar as amended. Ms. Street seconded the motion.

**ROLL CALL VOTE:**

Gibson-Y, Street-Y, Gifford-Y, Sorrow-Y. 4-Yes, 0-No. Motion carried.

**CORRESPONDENCE:** None.

**CITIZEN COMMENT:**

Supervisor Street announced that per MTA specifications, individuals making Public Comments made not give their time to other individuals.

Ms. Mary Ellen Dilley, 8611 East Sparling Road, Fife Lake, MI 49633:  
Ms. Dilley read aloud a prepared statement to the Board:

“I am speaking tonight with reference to the section of the December 15, 2022, Township meeting as corrections were made to the Minutes of the November 17, 2022, meeting. Supervisor Street was trying to amend the portion of said meeting as pertained to the release or handling of documents from a Closed Session by our Clerk, Ms. Gifford. Whether this was or was not entered correctly or placed in the record worded as it had been said is not the subject of my comment.

What surprised me was the interjection of our Recording Secretary, Kay Held, to want the wording to remain the same and not be amended as Supervisor Street had asked. This struck me as extraordinary to watch as I have attended many meetings and Ms. Held has added clarification to topics when appropriate or contributed information when necessary, but this was different. The back & forth, three or more times, to change a word seemed to go beyond the job of recording to a making of the record itself.

This is not a personal attack or statement; I have watched Ms. Held turn out wonderful copies of meetings with clear detail. But it seemed to go beyond the job description of Recording Secretary in the above mentioned encounter. Thank you.”

**GUESTS:** None.

**REPORTS:**

**County Commissioner, Mr. Darryl Nelson:**

Absent – No Report.

**Sheriff Department - Grand Traverse County Deputy Ryan Colley, FLT CPO:**

Deputy Colley reported on statistics from the Grand Traverse County Sheriff’s Department for Fife Lake Township.

For the month of December, 2022, there were five vehicle crashes and two DWI arrests in Fife Lake Township. The Village of Fife Lake has had two citations and one crash.

For the year 2022:

Fife Lake Township has had 55 citations issued, two fatal crashes, 11 injury car crashes, and 65 total car crashes with five drunk driving arrests and 20 additional criminal arrests.

Since joining the Township as the Community Police Officer since the last meeting:

Officer Colley has conducted 21 traffic stops, four citations have been issued, and there have been four minor car crashes with no injuries.

Moving and stationary radar have been enforced on U.S. 131 and Walton. Based on his observations, speeding and driving habits have improved; there are fewer traffic stops and moving violations.

He has conducted 16 hours of property checks the past month as well as 15 hours of residential patrols and 26 hours of traffic patrols.

He has been involved as a Mission Investigator assisting other outside agencies on internal and criminal investigations. He appreciates the Board's understanding and flexibility as he spent three days working with a neighboring agency assisting in an investigation.

A search warrant was executed, stolen credit/debit cards were recovered, and charges were authorized. The suspect is facing a 15-year felony as an habitual offender. He has also been involved as an Evidence Tech working on missing persons and drug activity cases. He remains involved with the elementary school including "Lunch with the Cop" and Lockdown Fire Drills. He's had a request for private property inspections. He was requested for private property inspections on a weekly basis.

He has created and posted a form for services the community would like to see. It is posted on his office door at the Township Hall. He is open to suggestions.

Regarding the issue of a homeless individual in the Village camping by railroad tracks behind the library, he is working with Community Mental Health, the Drug Diversion Program and his Case Worker. They are also working to identify appropriate housing and services for him. Deputy Colley reached out to MDOT & Great Lakes Central Railroad in response to easement issues in this situation.

The owner of the Fife Lake Inn has inquired whether speed bumps are allowable there. He is looking into it.

#### **Ambulance/Fire/Emergency Planning – Ms. Nicole Gibson, Chief Scott Tinker.**

Chief Tinker was absent; report provided by Ms. Nicole Gibson:

There were seven calls for service in December. They included auto accidents, a chimney fire and a tree blocking the road via a downed power line.

Ms. Nicole Gibson, EMS:

Between 11/1/22 and 12/31/22 she reported there were 45 calls for service in Fife Lake Township and 27 calls for service in Springfield Township.

The fifth truck is staffed as of 1/1/23.

The hospital hired an outside agency for EMS service and conducted a rate study. They received a Patient Satisfactory rating of 97%. This is very impressive.

There has been an increase in neonatal calls. Three portable ultrasound units have been purchased; they are hoping for additional funding to staff all ambulances. There will be NRP classes in February and March.

Paramedic classes have historically been conducted out of a Munson based education class; Munson has dropped their Paramedic and EMT classes. To become certified, an instructor needs to be linked into an educational affiliation. Northwestern Michigan College has opted out. Kalkaska Memorial Hospital has partnered with McClaren Health System in Petoskey, and Kalkaska will host a Paramedic class on an initial trial basis. This is very positive news.

#### **Fife Lake Village – Village President Mr. Tom Hempsted:**

President Tom Hempsted reported the Historical Society is seeking funds for the old fire barn. They approached the Village, which owns the building and rents it to the Historical Society. It is in need of many repairs. Grant applications for funding will be pursued.

President Hempsted also reported the Fife Lake Area Utility Authority approached each of the three constituent municipalities formally asking for ARPA fund contributions for a fence replacement project. The Village has approved the

traditional 40% split of the requested funds. They appointed a Treasurer and a Planning person. There are two DDA positions open. In summary, there are two open Trustee positions on the Village Board and one on the FLAUA Board; he anticipates those being filled at the February meeting.

**Fife Lake Area Utility Authority (FLAUA) – Ms. Leigh Gifford:**

Ms. Gifford reported on the January meeting; they received a positive report from Compliance Officer Ray Ravary. They continue to seek a qualified candidate to become trained and licensed as an Operator to serve as a backup or replacement to provide licensed coverage for Mr. Ravary in the event of illness, short- or long-term disability or in the event of his replacement. He continues to do well regarding his workplace injury and has been returned to work without restrictions.

Mr. Ravary was able to save FLAUA and, ultimately its users, \$40k by completing the fencing repair/replacement around the entire plant property by doing it in-house through W2 and 1099 staff. Professional fence company quotes exceeded \$70k. His efforts were a large financial savings to the community. Subsequently, each of the three constituent municipalities was approached requesting ARPA fund distributions to offset that expense.

There remain concerns about future capital expenditures and repairs to the facility as the system ages. Grant opportunities will be explored, and rate increases may be considered.

**Zoning Administrator – Mr. Robert Hall:**

Absent – Report provided. Supervisor Street reviewed his report aloud.

There has been a recent request to amend the Fife Lake Township Zoning Ordinance to allow curbside/contactless, drive-thru and home delivery services for marijuana dispensaries. The Township attorney is currently working on the appropriate language for the Fife Lake Area Planning Commission (FLAPC) to review, hopefully at their February meeting. After review, the FLAPC can then schedule a Public Hearing before making any recommendation to the Township Board.

His report included approximately 35 items he worked on, permitted, reviewed, and/or referred in 2022. His report also included links to Planning and Zoning topics.

He included a March, 2023, calendar showing relevant training programs that are available through the Michigan Association of Planning.

**Fife Lake Area Planning Commission (FLAPC) – Ms. Dawn Zimmerman:**

Absent – No Report.

**Civic Center South – Ms. Gerianne Street:**

Ms. Street reported no meeting was held.

**Cemetery – Cathy Sorrow:**

Treasurer Sorrow reported Assistant Deputy Supervisor Jeff Berthiaume has not yet received quotes for fence repairs from Perfect Fence as a result of storm damage. They may ask for ARPA consideration. She and Sexton Lisa Plamondon will meet to discuss cemetery expansion needs and plans, as well as stump removal.

Last year the Township did not let out bids for the cemetery and lawn maintenance (including Fall and Spring cleanup). A contract with Jake of the Mitten was renewed, and he was the only one who submitted a bid. Ms. Sorrow requested the Township request RFPs well in advance of May next year. She will contact Jake to verify if he would still be interested.

Supervisor Street will consult the Policy Handbook to verify whether it is allowable to post for this on the Fife Lake Community Page, Website and Facebook rather than the Traverse City Record Eagle. This would be a significant cost savings.

**Supervisor's Report:**

Township Supervisor Street read aloud her monthly Supervisor's Report to keep the Board and community apprised of the Supervisor's activity.

She posts State Representative John Roth's community "meet & greets" on the Township website for any community members who may be interested. Although there was some miscommunication of the January 4, 2023, event, she and others were present including Mr. Marty Anderson, the realtor representing the former Pugsley facility. As previously

reported, he would like input on prospective uses for this facility and sustainable development. She posts Representative Roth's Meet & Greets on the FLT website.

Supervisor Street has been in communication with the following individuals regarding a potential DNR Fish Habitat Grant:

Ms. Krista Phillips, MDOT Traverse City Operations Engineer  
Mr. John Roth, State Representative  
Mr. Jason Kartunnen, MDOT Railroad Track Engineer  
Mr. Andy Powers, MDOT Railroad Support Engineer  
Mr. Dax Carpenter, Railroad Permit Agent  
Ms. Heidi Phaneuf, MDOT North Region Planner  
Mr. Todd Ness, MDOT Resource Analyst (Flora/Fauna)  
Mr. Mark Tonello, MDNR Fisheries Management Biologist  
Mr. Darryl Nelson, Grand County District 6 Commissioner

Ms. Phillips has been very accommodating and organized a Microsoft Teams meeting on January 4 for key players to garner their input.

All are enthused about the possibility of creating a fish habitat with a DNR grant along the 3,000'+ feet of MDOT owned lakefront footage.

MDOT may be able to offer an Intern to work on drawings and engineering. Mr. Tonello will explore using SEEDS participants for labor involved in the project. We will also appreciate community volunteers.

Ms. Street has delegated the logging bid process of the M-113 process to Deputy Supervisor Jeff Berthiaume.

She has been working on the new Special Assessment District (SAD) process with our Assessor, Jessie Marvin and Attorney Dave Eberle. She is also coordinating with Township Treasurer Cathy Sorrow on Aquatic Invasive Species SAD refunds.

She was able to secure Grand Traverse County ARPA funds to apply to repair of the fire barn roof. This was a competitive application process. This County ARPA distribution is expected to be approximately \$95,000!

She contacted the Board of Review to arrange meetings and trainings.

Ms. Street reported a good deal of time this past month was spent on Marihuana. She is working on procuring all Marihuana documents for Attorney Eberle so he can develop a single working document (Ordinance). She also collaborated with Township Marihuana Administrator, Tom Hempsted, to bring him up to speed with the application and permit process.

She reviewed the Township website to identify outdated items and forwarded information to Webmaster, Mark Hoffmeister, to update the FLT website (included in packet). Community and Board Member input is welcomed to ensure accuracy and currency of website information.

She is working with Zoning Administrator, Bob Hall, and Attorney, Dave Eberle, on researching the viability and sustainability of the Fife Lake Area Planning Commission (FLAPC).

She designed and ordered the second publication provided us via a grant from EGLE and the Recycling Project. This is geared toward school children and will be distributed to the Forest Area and Kingsley Elementary Schools.

Supervisor Street attended the following meetings this past month:

- Civic Center South (cancelled) (CCS)
- Fife Lake Area Planning Commission (FLAPC)
- Fife Lake Area Utility Authority (FLAUA)
- Village Council Board Member (FLV)

**NEW BUSINESS:**

**Policy Changes:**

Ms. Street stated policy changes brought up at our last meeting need to be put into our Policy and decided by Board vote. The statement regarding the Closest Venue for training should be removed from the FLT timesheet.

At times the closest venue is not the least expensive as many factors come into play such as lodging availability if it is an overnight training. She believes a Policy Committee should be established to collect good ideas and cost-savings suggestions.

There was discussion between Supervisor Street and Clerk Gifford regarding prospective options for classes nearby versus those requiring an overnight stay. Ms. Street believes this issue needs to be stated on the timesheet. Clerk Gifford reported the Board would be approving an overnight stay/training before it is entered onto the timesheet without that prior knowledge. Because the Clerk approves timesheets, she suggested they be presented to the Board each meeting for approval; this suggestion was met with consensus. There was discussion/clarification to utilize Google Maps for mileage submission over odometer readings.

**Board Action:**

Ms. Sorrow made a motion to adjust the payroll processing date to after the Board approves payroll and mileage presented on the timesheet at their monthly meeting. Ms. Street seconded the motion.

VOTE: YEAS: All. NAYES: None. Motion carried.

**Hardship/Poverty Resolution:**

Ms. Street read aloud the annual proposed Fife Lake Township Hardship/Poverty Exemption Guidelines. Specific details were included in this document and read verbatim to the Board and public.

**Board Action:**

Ms. Street made a motion the Township hereby adopts the Fife Lake Township Hardship/Poverty Exemption Guidelines as presented to the Board. Now, therefore, be it hereby resolved that the Board of Review shall follow the above-stated guidelines in granting an exemption under section MCL 211.7.u, unless the Board of Review determines that there are substantial and compelling reasons for deviating from the guidelines and these reasons are communicated in writing to claimant.

Ms. Sorrow seconded the motion.

**ROLL CALL VOTE:**

Gibson-Y, Gifford-Y, Sorrow-Y, Street-Y. 4-Yes, 0-No. Motion carried.

**Planning Commission Master Plan:**

Ms. Street attended the January meeting of the Fife Lake Area Planning Commission (FLAPC). The Commission has been working on the Master Plan for quite some time (there were some extenuating circumstances). It was suggested at the meeting the Board consider putting Ordinance Amendments on the back burner while they complete their review of the Master Plan. She believes it is important that all applicants be treated in the same manner and reasonable timeframe and asks that they follow this approach the same for everyone. A Board Member verbally agreed.

Zoning Administrator Bob Hall has assisted in getting them on track and will be attending more Planning Commission meetings.

**Marihuana Applications Approval:**

Marihuana Administrator Tom Hempsted has reviewed the two applications received. He stated the Planning Commission has reviewed and signed off on them. He supports their decision. Township Board Members each received complete application packets for review prior to the meeting. Application fees have been paid.

**Board Action:**

Ms. Street made a motion to approve the JNN Properties, LLC, Renewal Application for a marihuana grow facility at 7579 U.S. Highway 131, Fife Lake, MI 49633. Ms. Sorrow seconded the motion.

**ROLL CALL VOTE:**

Street-Y, Gifford-Y, Gibson-Y, Sorrow-Y. 4-Yes, 0-No. Motion carried.

**Board Action:**

Ms. Street made a motion to approve the Renewal Application for retail facility Venus Operations, LLC, dba Skybox Cannabis, 6550 U.S. Highway 131, Fife Lake, MI 49633. Ms. Sorrow seconded the motion.

**ROLL CALL VOTE:**

Gibson-Y, Street-Y, Gifford-Y, Sorrow-Y. 4-Yes, 0-No. Motion carried.

Clerk Gifford noted that Mr. Phil Coulolias sent the Board an open invitation to visit his facility for a tour. All community members are welcome as well. Ms. Street and Mr. Hempsted have toured it and spoken with him about his operation.

**Website Updates:**

Suggested website updates/improvements were presented in the Supervisor's Report. Ms. Street asked the Board and public to advise of changes and corrections moving forward.

**Treasurer's Mailbox:**

Treasurer Sorrow has requested a P.O. Box for the receipt of property tax payments be opened on behalf of the Township rather than continuing to receive those documents at her home.

**Board Action:**

Ms. Gibson made a motion to approve opening and payment for a P.O. Box designated solely for tax collection purposes by the Township Treasurer. Ms. Gifford seconded the motion.

**ROLL CALL VOTE:**

Sorrow-Y, Street-Y, Gifford-Y, Gibson-Y. 4-Yes, 0-No. Motion carried.

When asked, Clerk Gifford responded she does not believe there is a need for an off-site P.O. Box at the post office as there is a secure drop box for ballot delivery by the public, and this drop box is covered by video surveillance.

**Eagle View Contract:**

Supervisor Street discussed correspondence she received from the Grand Traverse County Equalization Department regarding municipal cost sharing in the GTC EagleView Oblique and Aerial Imagery Contract. The Board had previously discussed this with our Assessors. She read aloud the details of the County contract, which is a six-year term with two flights of imagery three years apart beginning Spring, 2023. The imagery utilizes 3" resolution in the Village and 6" resolution in the Township.

Fife Lake Township is asked to buy-in at 40% of the cost at \$1,026 per year with six equal payments for a total of \$6,156. There are many benefits to this program; however, it is costly.

There was no Board Action at this time. Ms. Street will investigate further to determine if Fife Lake Village plans to participate and if there would be cost sharing between the Village and the Township. She will report back to the Board.

This matter was tabled to a later date by Board consensus.

**Evergreen Road Repair:**

Fife Lake Area Utility Authority Compliance Officer Ray Ravary offered Supervisor Street and the Township road grindings/millings to help repair Evergreen Road, which is in poor condition. FLAUA doesn't have a use for it. These materials would be at no charge. The Township would be responsible for hauling and spreading the materials. There are two FLAUA employees interested in hiring out to the Township to rake larger chunks of the millings.

Ms. Street can put this service out for bids on the Township website and Facebook page. Mr. Roger Gibson is interested in bidding the project. There was Board consensus to put this notice out for bids.

**Special Meeting for Pugsley Property Discussion:**

Mr. Marty Anderson is the realtor representing the former Pugsley correctional facility motivated to meet with the community to brainstorm potential ideas for the use of the facility. There is also a housing expert she communicated with who is knowledgeable about grant opportunities. They may attend a future Township meeting to discuss this matter.

**Approval of New Line Item Categories:**

**Board Action:**

Ms. Street made a motion to allow Clerk Gifford and Ms. Emily Escajeda of H&R Block to create new line items under the Fife Lake Area Planning Commission (FLAPC) for Wages, Legal, Publishing and Supplies. Ms. Gifford seconded the motion.

**ROLL CALL VOTE:**

Street-Y, Gibson-Y, Gifford-Y, Sorrow-Y. 4-Yes, 0-No. Motion carried.

**CD Investment:**

Treasurer Sorrow reported she spoke with Auditor Ryan Howell and Accountant Ms. Emily Escajeda of H&R Block regarding CD rates and investing \$50k from the General Fund in a short-term CD. Forest Area Federal Credit Union (FAFCU) is offering 7 months at 3.5% or 13 months at 4%. We are currently earning .02% interest. While not anticipated, an early withdrawal penalty with FAFCU is not known at this moment.

Trustee Nicole Gibson stated Traverse Bay Area Credit Union is offering a 12-month CD special at 4.9%. Institutions other than FAFCU can be considered. There is a 180-day penalty for early withdrawal. She noted she has the authority to vary the rates somewhat depending on the investment amount. She suggested Treasurer Sorrow inquire whether FAFCU could match TBA's interest rate.

**Board Action:**

Ms. Gibson made motion to authorize Ms. Cathy Sorrow to move \$50k in Township monies from the General Fund to purchase a CD with Forest Area Credit Union at an interest rate of 4% at 13 months, and at the same time, attempt to negotiate a TBA Federal Credit Union matching rate of 4.9%.

**ROLL CALL VOTE:**

Gifford-Y, Sorrow-Y, Street-Y, Gibson-Y. 4-Yes, 0-No. Motion carried.

**Board Action:**

Ms. Street made a motion to close the Fife Lake Township Board Meeting for Closed Session. Ms. Sorrow seconded the motion.

**ROLL CALL VOTE:**

Gifford-Y, Sorrow-Y, Street-Y, Gibson-Y, 4-Yes, 0-No. Motion carried.

**Board Action:**

Ms. Street made a motion to go into Closed Session, requiring a 2/3 roll call vote to enter a Closed Session. Closed Session will occur at 7:30 p.m. The Closed Session pursuant to MCL 15.2681E to consult with Township attorney regarding trial or settlement strategy in the matter of Lewis versus Fife Lake Township Board et. al. CZ-22-36418. Ms. Gibson seconded the motion.

**ROLL CALL VOTE**

Gifford-Y, Sorrow-Y, Street-Y, Gibson-Y. 4-Yes, 0-No. Motion carried.

**\*\*\* NOTE: The Open portion of the Public Meeting was closed at 7:32 p.m. and the Board moved into Closed Session. Members of the Public were asked to temporarily vacate the Conference Room during the Closed Session. \*\*\***

**\*\*\* NOTE: The Closed Session ended at 8:04 p.m. Members of the Public were allowed back into the Conference Room at 8:09 p.m. as the Open Portion of the Public Meeting resumed at 8:12 p.m. \*\*\***

**Time Sheets:**

This topic was discussed earlier under the Policy Change heading.

**OLD BUSINESS:**

**Meeting Reimbursement:**

Treasurer Sorrow reviewed seven years of old Township Minutes regarding meeting reimbursement rates including older MTA data. She was unable to locate the documentation or Resolution she was seeking. She does recall the previous Supervisor, Treasurer and Clerk could receive payment for going to other meetings, outside of for example, a Treasurer attending a Treasurer's meeting, the Clerk attending a Clerk's luncheon and the like.



She did find a Pay Schedule Needs Review document; however, found no evidence that it was enacted. Trustee Gibson recalls working on this with Ms. Sorrow in the past. Treasurer Sorrow will conduct additional research on this matter. This topic was tabled to the February meeting per Board consensus.

**Milfoil Special Assessment District (SAD):**

Ms. Street reported the Board had hoped to have an initial Resolution for approval tonight on the Milfoil Special Assessment District (SAD). Attorney Eberle is working on the SAD refund process and documentation.

Treasurer Sorrow is working on the SAD refunds with H&R Block's Emily Escajeda. She reported those refunds cannot be put on a tax bill as a credit, as was previously suggested. This was verified by the County Treasurer and Assessor. She has reached out to the Township's Attorney, Auditor, Accountant and Assessor for input and assistance. There is much concern from the auditor regarding this process. She is awaiting information and instruction from Township Attorney Dave Eberle.

She is committed to due diligence to ensure this process is performed correctly rather than going by what may have been done in the past.

**Road End Final Report:**

Citizen Ms. Deb Newell is on the Agenda this evening and delivered a presentation regarding Road Ends. The following is her report to ensure accuracy in content. Ms. Newell stated she had the pleasure of working on the "non-conforming" Road End Lake Access Committee where she also gained much knowledge. She distributed the following documents to Supervisor Street: Fife Lake Township Ordinance 2022-04-28-304, Public Act 56 for Michigan Road Ends, Additional Public Act 56 (Michigan's Public Road Ends at Lake Law) and Act 451 of 1994 (Natural Resources and Environmental Protection Act Excerpt).

She quoted the provisions of an Ordinance must be consistent with state laws and may not conflict with or be pre-empted by state law. She questions then whether a state law overrides a township law. This was not clear regarding the rights of the public. She noted Supervisor Street was not present for these discussions which lead to confusion and questions from the Committee regarding the Road End signs. She believes Assistant Deputy Supervisor Jeff Berthiaume forwarded these questions/concerns to the Township Supervisor. The Committee understood the Ordinance was amended 4/28/22 to include the right of Public Act 56 to protect the Township from legal action; she is uncertain whether this is accurate due to attorney language. However, should someone choose to sit on the shoreline of Evergreen Street (or any road end) and sunbathe, watch their children play in the water, etc., could they face an infraction?

The Township has taken what Act 56 says we can do at a road end and adopted the Ordinance we cannot do those things. She encouraged caution as the Township proceeds what can and cannot be done at the road end locations and review the Ordinance again.

Maintenance and safety should be proactive versus reactive. Each location should be added to a maintenance schedule. We can no longer expect neighboring property owners to care for these sites. This change should help regarding complaints to the Township from those property owners.

Can the waters be safely accessible? Can people walk in safely or are there drop-offs? They were not able to investigate this issue. Old signage should be cleaned up and out-of-date information brought current.

Regarding Evergreen, two Committee Members continue to have questions regarding this site. Is it plotted as a lot or a road end? We were awaiting map updates from the County as lines didn't seem to line up, and it was confusing to look at online. One member of the group planned to go to the County to conduct additional research of this history. However, the Committee was dissolved.

Additionally, someone will need to monitor the road ends for Milfoil, dead fish, holiday and other debris. This should also be a part of a scheduled maintenance plan.

Regarding Lot 82 – it is deeded dock access. She suggests a permanent post be installed to establish dock placement to alleviate any questions regarding the property owner allegedly shifting placement of their dock left or right of the large tree there. Deeded property owners must supply a copy of liability insurance annually per Township agreement. This should also be monitored on a scheduled basis. It is suggested a visible/safety chain be placed across the entrance to that dock indicating private property and no trespassing would also help to minimize complaints from the property owner as Lot 82 is open to the public.

The large tree at that location should be evaluated for its health, safety and any risks it presents.

The signage needs to be completed and indicate the purpose of Lot 82 and Road Ends as well as what is allowed and not allowed based on the Township Ordinance and other legal documents provided tonight: Fife Lake Township Ordinance 2022-04-28-304, Public Act 56 for Michigan Road Ends, Additional Public Act 56 (Michigan's Public Road Ends at Lake Law) and Act 451 of 1994 (Natural Resources and Environmental Protection Act Excerpt).

The new signs are very visually appealing, and Ms. Newell has heard many compliments about them. She has personally seen fishermen using them to get onto the lake.

The signs are listed as "Access." Under the Township Ordinance definitions, "Access" is not listed. The Township may want to update their definitions to add Number 17 Access, or should they have been listed as Road Ends, for which they actually are?

The Lot 82 new sign is listed as "Lake Access." Again, "Lake Access" is not listed in the Fife Lake Township Ordinance. Lot 82 actually falls under the definitions of Number 11, a "Public Access," because it is owned by the Township.

Lastly, if not already done, all documents in the surveys from this project need to be taken from the books, binders, file folders, etc., be scanned into the Township system.

Fife Lake Township has more than 15 years of history, attorney suggestions, survey information, etc., and it should be handled with care as a great deal of time has been spent on this. Ms. Newell suggests not waiting until Spring to move forward on this but start at this time.

She is requesting clarification on the Township Ordinance 2022-04-28-304, Section 304.002 Regulations and Prohibitions and Number 2 except as specifically authorized by this Chapter "No Person May." It covers d, e, and f as it conflicts with Public Act 56 and the non-existing definitions.

Ms. Newell apologized that she was unable to be present at the December meeting due to illness and appreciates the opportunity she was given this evening on this topic.

Clerk Gifford clarified with Ms. Newell our current signage says "Access" and "Lake Access." These terms are not in the Township's definitions.

Supervisor Street stated she had spoken with the Township Attorney regarding the verbiage, and his suggestion was not to put "Public Access" but rather just the word "Access."

Ms. Newell wonders if a civil infraction comes in play on a Road End, how does the Deputy Township Supervisor enforce that? Ms. Street stated she was advised the County Road Commission is responsible to enforce that. Ms. Newell states the verbiage is in conflict with PA 56.

Ms. Newell thanked the Board for the opportunity to deliver her presentation; Supervisor Street and Clerk Gifford thanked her as well.

**Minute Amendment Clarification:**

Supervisor Street stated she had heard from different people and referenced Ms. Mary Ellen Dilley's Public Comment about the Minutes. Ms. Street stated that, as a Board, we need to take a non-biased approach regarding the Closed Session Minutes being sent to residents.

She continued that when she spoke to Recording Secretary Kay Held last month about it, the word kept coming up "inadvertently," "inadvertently." She stated it is a difficult situation to be in as she does not want it to seem as though she is targeting Clerk Gifford on it.

Clerk Gifford interjected "it was inadvertently done."

Ms. Street stated Ms. Gifford said "she inadvertently..."

Ms. Gifford stated within an hour of sending the Closed Session Minutes erroneously she notified every recipient and requested those not on the Board to destroy those Minutes. She emphasized she acted as soon as she realized the mistake. Ms. Street stated the Board did not take a stance on that.

Supervisor Street wants the Minutes to reflect that this is what the Clerk said, not what the Board said. The Clerk said she inadvertently disclosed the Closed Session Minutes. Recording Secretary Held verified verbiage with the Board.

Ms. Street spoke with Attorney Eberle who recommended this subject be revisited in these Minutes. It is not advisable to continue changing Minutes. If it had gone the way she tried to communicate it during the last meeting, we wouldn't be here discussing this tonight.

#### **CLOSED SESSION MEETING:**

Supervisor Street referenced the Closed Session to members of the Public and made the following motion.

#### **Board Action:**

Ms. Street made a motion to proceed in the manner discussed in Closed Session regarding trial or settlement in the matter of Lewis vs. Fife Lake Township Board, et. al.

Ms. Sorrow seconded the motion.

#### **ROLL CALL VOTE:**

Gibson-Y, Street-Y, Gifford-Y, Sorrow-Y. 4-Yes, 0-No. Motion carried.

#### **OTHER BUSINESS:**

Ms. Street stated the burden of remote listening should fall to the absent person's responsibility. She has spent time looking into this with the Township and MTA attorneys. They each advise against it as it opens the Township up to a variety of potential issues. If someone in the audience chooses to audio tape the meeting that is acceptable.

Clerk Gifford reported that Trustee Dawn Zimmerman received a different response earlier from MTA Attorney Mullhaupt, stating in writing Ms. Zimmerman did have a right to listen in remotely.

Ms. Street stated remote listening takes time & resources of the Township to work it out. She wants to help but it isn't the burden of the Township. If the absent individual has a contact in the audience to audio tape the meeting, that is fine.

Ms. Sorrow reported she posted the Zoom link; however, the Board was unable to get it to work at the start of the meeting this evening.

#### **Orkin:**

Clerk Gifford stated Orkin is offering a budget plan regarding ant and rodent issues. The problem is excessive. Mr. Tom Hempsted stated the Village is on an every other month \$90 maintenance plan.

#### **CITIZEN COMMENT:**

Ms. Mary Ellen Dilley, 8611 East Sparling Road, Fife Lake, MI 49633:

Ms. Dilley inquired what the difference would be for mailing in tax payments. Treasurer Sorrow explained mail relating to tax bills and payments would no longer be delivered to her home address but rather the new P.O. Box that will be opened.

She also asked if she submitted a request for an Amendment to the Minutes she discussed earlier regarding the following: She noted that in a prior set of Minutes several months ago (uncertain of which month), she had stated during Public Comment she had been a resident of the area for 22 years and the Recording Secretary mistakenly typed 24 years. Additionally, it stated they had lost their services for their road when in fact her comment was that her road was downgraded to a "seasonal road." Recording Secretary Held asked the Board if they would her to pull up those Minutes to see if they were corrected. She was told that was not necessary but to note the comment here.

Ms. Deb Newell, 8927 Wil-Pet Drive, Fife Lake, MI 49633:

Ms. Newell referenced money for police funding. Have any permanent security cameras in town been discussed and placed as funds are available? Ms. Street stated our Deputy has some trail cams that may be available. She also stated this security camera aided in solving an ATM crime.

**OUTSTANDING TASK LIST:**

The Outstanding Task List was reviewed. New tasks were added throughout the meeting and completed items removed.

**ADJOURNMENT:**

**Board Action:**

Ms. Sorrow made a motion to adjourn the meeting. Ms. Gifford seconded the motion.

VOTE: YEAS: All. NAYES: None. Motion carried.

The meeting adjourned at 8:55 p.m.

**Submitted by: Kay Z. Held, Recording Secretary**