

TOWNSHIP OF THORNAPPLE

Eric Schaefer, *Supervisor* / Debra K Buckowing, *Treasurer* / Cindy A. Willshire, *Clerk*
 Curt Campbell, *Trustee* / Ross DeMaagd, *Trustee* / Kim Selleck, *Trustee* / Sandra Rairigh, *Trustee*



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 PO Box 459 - 200 E Main St. - Middleville, MI 49333

REGULAR MEETING ZOOM MEETING & IN PERSON April 12, 2021

1. INVOCATION

TIME: 7:00 P.M.

2. PLEDGE OF ALLEGIANCE

3. ROLL CALL

ROLL CALL:	Buckowing: Present Campbell: Present (arrived 2 min late) DeMaagd: Present Rairigh: Present	Schaefer: Present Selleck: Present Willshire: Present
OTHERS PRESENT:	In person: Jason Bushman, Jim Dull, Brian Campbell, Jon Humphrey, Andrew Beck, John Corner, Catherine Getty, Chief Randy Eaton, Amy Brown. On Zoom: J. J. Butts, Patty Rayl, Kim Jachim, Greg Chandler.	

4. APPROVAL OF PRINTED AGENDA:

MOTION STATED:	Buckowing – Motion to approve printed agenda as presented.
MOTION SUPPORTED:	Willshire
MOTION STATUS:	Approved with 7 voice votes.

5. APPROVAL OF CONSENT AGENDA:

MOTION STATED:	Willshire – Motion to approve the consent agenda as presented.
MOTION SUPPORTED:	Buckowing
MOTION STATUS:	Approved with 7 voice votes.

6. FIRST PUBLIC COMMENT: None.

7. COUNTY REPORT:

County Commissioner Catherine Getty:	The county commission held their first in person meeting last Tuesday. They approved several items including: PA116 for a Farm in Assyria Township, approved spending \$5,000.00 to update the Drain Commissioner’s rules and procedures on design criteria on storm water drain management, cost to install 75 bipolar ionization units in HVAC systems in the courthouse and other county buildings to improve air quality, approved request by City of Hastings to install a metal buck sculpture on the courthouse lawn, approved purchase of a new 200 HP boat for Sheriff’s Department to be used mostly on Gun Lake. Passed a resolution supporting small businesses and an emergency declaration to allow for remote meetings for public meetings that can’t meet due to size of building available to them.
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Board Response:	None.
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8. RESERVED TIME:

A. Jim Dull, Barry County Drain Commissioner – Duncan Lake has been having water issues for a number of years. They did the Duncan Lake #2 project some years ago with the intent of diverting some rain water away from the lake. John Corner, President of the Lake Association reached out 2 years ago and stated that they still had problems. They have gotten a lot of water and sediment from Kent and Allegan County rains and with 1 inch of rain, their lake comes up about 7 inches. If they get 5 inches of rain, then you get 40 inches on the lake that stays for 3 or 4 weeks. They'd like something to be done about it. Dull reached out to Brad Lamberg from the Barry County Road Commission when the rain overtopped 108th Street because it's a danger for people. Someone from Kent County Road Commission suggested raising the road. That would keep the water from covering the road, but if that is done it will cause flooding in neighboring property and possibly cause flooding in homes. The Road Commission wrote a petition asking for an Intercounty Board to look into the issue and see if there is a solution to stop the sediment coming into the lake and to create a retention area to stop the water coming into the lake. The other option would be to increase the outlet. However, that would just move the problem further down the line. While there isn't a code requiring the Drain Commissioner to get a petition from all the different groups of people, he has gotten a petition from Duncan Lake residents with 30 signatures even though Dull only needed to get 5. Dull would like the Township Board to sign a petition as well. According to Dull, Brady Harington said that it wasn't necessary to get multiple petitions. However, Dull feels it is better to get them from those involved to ensure that questions are answered and that everyone understands what is happening in the process. Dull asked if there were any questions and John Corner asked if it was a time that the general public could ask questions as well. Schaefer asked Dull if he was comfortable with that. Dull said he was alright with it. Corner asked what can be done to take care of issues upstream? Schaefer asked John to identify himself. John Corner stated he is the President of the Duncan Lake Association. He then asked if the Township meeting was the correct place to discuss this or when might be? Dull explained that first everyone in the district gets a letter explaining that an Intercounty Drain Commission will meet to discuss the issue and decide the next step. The first question is if the petition was written correctly to address any and all concerns to be brought forward. Next an engineering firm is hired to research the issue and give an idea of what can be done. Dull's idea is to find some lower lying fields in Kent County to hold the water with a release valve and a sediment trap that can be cleaned out every so often. Schaefer asked if it would be possible to invite Dull to come speak to the Duncan Lake Association meeting? Dull said yes and John Corner also said yes. Dull asked the Township to sign the petition so that it can be taken to the Intercounty Drain Commission meeting. Selleck asked if this is just to look at the northern end? Dull stated they would look at the whole area. Dull said he had taken care of a tree at the south end already and he can address maintenance issues himself. The engineering firm can review the overall system and then it can be decided to do nothing or plan 1 or plan 2, which is a lot better than if by code. If you have a Board of Determination and it's decided that there is a problem, then the engineer figures it out, it's done and there isn't much else you can do.

Jon Humphrey stated that there is an issue with drain #2. He asked what the process is to get that issue addressed - asking what do they do? Selleck asked what drain #2 is? Dull explained that the east side lake people were told that if they supported the drain # 2 project, they could stop the water coming into the lake and it would get rerouted into Duncan Creek. It was promised that the Intercounty Drain Board would be more inclined to work on this issue from their counties. However, the DEQ would not allow the project to be built the

way it was designed to work, so the result was a patchwork that is not as effective. For example, they were not allowed to build berms in wetland areas. They wanted to add water to a small creek, but weren't allowed. The tile installed wasn't as deep as it should have been, and it caved in. The easements weren't drawn by a lawyer, but rather by the engineer. The catch basin may not have been placed correctly. The land owner had already given an easement and now to go back and ask for a second easement isn't easy to do. Brian Campbell stated that his house flooded two years ago over July 4th. The Board of Determination said this flooding is a health and safety issue a year and a half ago. He doesn't feel that they are any closer to a solution.

Schaefer asked if the Resolution the Township is going to vote on would address this issue. Dull said no, it wouldn't. Selleck asked if drain #2 was an intercounty issue or just a Thornapple Township issue? Selleck asked if the drain #2 issue is on Dull's radar to fix? Dull said, yes, it is. Dull explained that the farmer can end up moving the soil and the drain tile doesn't work the way it was designed. Dull suggested a cement wall would keep this from happening, but the code says the engineer has to come up with the design. Jon Humphrey stated he didn't want to pay for another design that doesn't work.

Schaefer felt that this topic could be better discussed at another meeting and thanked Jim Dull for this time. DeMaagd asked who owns the drain. Dull stated it was the Intercounty Drain Commission. DeMaagd asked who has the managerial responsibility? Dull stated it was the Intercounty Drain Commission. DeMaagd asked what responsibility Thornapple Township has. Dull said it is to pay a portion of the cost based on apportionments. DeMaagd asked if they are here to approve the spending? Dull said not even that, but it's to write a Resolution and sign a Petition to say that there is a problem, and something needs to be done. The code is very specific that if they receive a petition, they have to form a Board of Determination and the engineer presents the facts to see if there is a problem. If there is, then the Board hires the engineer to formulate a project to resolve the issue. DeMaagd asked who pays the cost? Dull said everyone in the districts involved. DeMaagd asked how the Township is part of that. Dull said as an at large and the Township will pay 10% of the cost because there is a public health and welfare piece to this. Dull thanked the Township for having an in-person meeting.

B. Andrew Beck, Middleville Lions Club – Beck stated that Jason Bushman would be speaking tonight. Bushman said he was here looking for funds to support the fireworks. He explained they were able to have fireworks last year after all. In the past, the DDA, Bradford White, the Village and then small businesses had all participated besides the Township. This year, however, they aren't going to ask the small businesses to contribute due to the year they've had. Bushman thanked the Township for their past participation and all they do. They are looking forward to getting the Lion's Club back to meeting in person. Schaefer pointed out the previous year's support recorded in the Board's packet. DeMaagd asked what the total fireworks cost is. Schaefer stated that it is \$5,000.00, which is equivalent to a fireworks show that would normally cost \$20,000.00. Buckowing stated that last year there were financial concerns because no one knew how the shared revenues would be impacted. Buckowing stated that she would be comfortable with an amount of \$1,000.00, stating that the State shared revenue is on target with what was expected for this year. Rairigh agreed she was thinking the same amount. Getty explained that normally they would ask small businesses, but this year would not. Getty said she didn't think the DDA would be able to contribute as it is out of district. DeMaagd asked if funds were available? Campbell asked what the budgeted \$8,000 was to be used for. Schaefer explained

TAPRC, library, YMCA and Green Gables were budgeted for that. Buckowing asked the Board to look back at previous years’ budgets for community promotions. Buckowing said it had previously been at the \$12,000 mark and suggested giving some more time to consider this request as well as the other requests. Schaefer asked to table the discussion until next month.

9. CLERK’S REPORT: None.

10. TREASURER’S REPORT:

A. Authorization to open a new banking account for anticipated American Rescue Act funds. Buckowing also requests Willshire assign general ledger account numbers for the revenues and expenditures in preparation of receipt of the American Rescue Act funds.

MOTION STATED:	Willshire – Motion to authorize Treasurer Buckowing to open a new bank account to prepare for receipt of the American Rescue Act funds.
MOTION SUPPORTED:	Campbell
MOTION STATUS:	Approved with 7 voice votes.

11. PLANNING AND ZONING REPORT:

A. March Report – Getty asked the Board if they had any questions concerning her March report included in the Board’s packet. There were no questions from the Board.

B. Short Term Rental Recommendation – Getty stated that a committee of Tom Kilgore, Bryan Finkbeiner, Sandy Rairigh and herself had met to discuss the topic. Their recommendation to the Board is to request information from residents as to whether there is any history of issues concerning short term rental properties. The request could be a posting on the website, an ad in the paper or during a public meeting. The hope is to get further details as to whether any such ordinance would be necessary. The committee wonders if any ordinance would be an overreach of authority if there hasn’t been a concern by residents asking for something to be done. Campbell stated that the next Duncan Lake Sewer Authority meeting may be a lively one. Buckowing requested Campbell to make an announcement of when and where as soon the meeting is scheduled.

12. EMERGENCY SERVICES REPORT:

A. Annual hose and ladder inspection with an anticipated cost of \$2,000.00 – Chief Eaton explained that approximately 1500 – 1800 ft. of hoses failed the testing and inspection and have had to be taken out of service. EMS will be looking to replace it soon.

B. Needed miscellaneous items (Foam Barrel, Spanner wrenches, hydrant wrench, gate valves, and Haligan bar) cost NTE \$3,000.00.

MOTION STATED:	DeMaagd – Motion to approve the expenditure not to exceed \$3,000.00 for the purchase of a barrel of foam (55 gal), spanner wrenches, hydrant wrench, gate valves and a Haligan bar.
MOTION SUPPORTED:	Rairigh
MOTION STATUS:	Motion approved by roll call vote. 7 yes’s and 0 no’s.

ROLL CALL VOTE:	Buckowing: Yes	Schaefer: Yes
	Campbell: Yes	Selleck: Yes
	DeMaagd: Yes	Willshire: Yes
	Rairigh: Yes	

C. Yearly fertilizer application at a cost of \$77 (2 applications) – Chief Eaton asked for Board approval for this expenditure. DeMaagd stated that he did not feel this needed to be voted on and asked other members if they thought so. No members objected.

D. Quote for smaller shut-off nozzle with pistol grip and 1 1/16” bore nozzle at a cost of \$529.20. Chief Eaton stated that they had used the demo equipment at a fire last week and found it worked very well. It allows for much more flow of water with much less pressure. It produced 200 gallons per minute flow.

MOTION STATED:	Willshire – Motion to approve the purchase of nozzle and shut off valve at a cost of \$529.20.
MOTION SUPPORTED:	Buckowing
MOTION STATUS:	Motion approved by roll call vote. 7 yes’s and 0 no’s.

ROLL CALL VOTE:	Buckowing: Yes	Schaefer: Yes
	Campbell: Yes	Selleck: Yes
	DeMaagd: Yes	Willshire: Yes
	Rairigh: Yes	

E. Summary – Chief Eaton explained that included in the Consent Agenda were the EMS Meeting Minutes which listed the request to hire four new candidates as paid on-call firefighters. He asked for approval to hire them. He reminded the Board that all four would be sent to fire school in the fall.

MOTION STATED:	Willshire – Motion to authorize Chief Eaton to hire 4 new on call firefighters and send them to fire school in the fall.
MOTION SUPPORTED:	Buckowing
MOTION STATUS:	Approved with 7 voice votes.

Chief Eaton pointed to a comparison given in his Summary report that in March of 2020 when the Covid shutdown first began, there were 63 calls as compared to this March 2021 they were back up to 103 calls. They

average around 85 – 88 per month so it is up from that. There were 12 calls with double hits. There were 18 turn overs from and 6 turn overs to. Campbell asked if the double hits were out of district. Eaton said there were 6 calls for Life EMS in Kent County, 8 calls for Mercy in Hastings, and 3 for Wayland and one other maybe for Nashville. So likely that’s when the second hits were occurring.

13. UNFINISHED BUSINESS:

A. Employee auto insurance deductible coverage while on Township business policy – Willshire explained this was only coverage up to \$500.00. DeMaagd asked whether this had already been approved. Willshire explained this had been discussed at a Board meeting, but not finalized because a policy had not been written at that time. DeMaagd asked which employees would be covered by this. Willshire explained that it would cover just the Township office employees. Buckowing explained that the elected officials and fire/EMS departments were already covered. This would cover the deductible portion. DeMaagd asked if those covered under the Township insurance had a deductible. Willshire said no, this is for employees covered by their own car insurance. DeMaagd asked if employees are compensated for use of their personal vehicle. Buckowing stated it is during normal work hours and trips to the post office or bank don’t receive mileage. The Code Enforcement Officer does. This would cover the employee in the event that there is an accident. Getty asked if the \$500.00 would still be paid if the employee was at fault. Insurance in Michigan is no-fault coverage. Rairigh stated that how the policy is written for the handbook is that it states that the employee is to be following the rules of the road and driving in a responsible manner. The discussion was tabled until next month by Schaefer.

B. Motion to approve Resolution 08-2021 Petition for Maintenance of Duncan Lake Intercounty Drain – Campbell stated he had questioned why they were doing this Resolution when the Duncan Lake drain #2 was done so poorly. But Dull answered that question. Campbell thought it was pretty reasonable what they are asking to do through the Resolution which is to control what and how water comes in from the high side which is primarily from Kent County, some from Allegan County and some from Barry County as well. The July flooding two years ago was an unusual event and did some nasty stuff. Campbell thinks it’s worth doing the intercounty drain project and that Kent County will do a good job. Rairigh asked if this is where it crosses 108th Street, east of Patterson. Selleck asked what the closest cross street is. Campbell confirmed it is where the water comes over the road by Whispering Waters. Eaton explained it is just west of the boat launch. Selleck said that after hearing about drain #2 we should try to push that issue forward. Campbell explained that the Board didn’t have any authority to do anything about the issue. However, Buckowing encouraged the Board members to reach out to those who can to try and encourage action.

MOTION STATED:	Campbell – Motion to approve Resolution 8-2021 for Maintenance and Improvement of an Intercounty Drain.
MOTION SUPPORTED:	Buckowing
MOTION STATUS:	Motion approved by roll call vote. 7 yes’s and 0 no’s.

ROLL CALL VOTE:	Buckowing: Yes	Schaefer: Yes
	Campbell: Yes	Selleck: Yes
	DeMaagd: Yes	Willshire: Yes
	Rairigh: Yes	

14. NEW BUSINESS:

A. Appointment of Jeff Kenyon to TAPRC Board.

MOTION STATED:	Buckowing – motion to approve the appointment of Jeff Kenyon to TAPRC board.
MOTION SUPPORTED:	Willshire
MOTION STATUS:	Approved with 7 voice votes.

B. Appointment of Elaine Denton to the General Ordinance Committee. DeMaagd asked if people were aware of the appointments. Schaefer confirmed they were aware.

MOTION STATED:	Willshire – Motion to approve the appointment of Elaine Denton to the general ordinance committee.
MOTION SUPPORTED:	Buckowing
MOTION STATUS:	Approved with 7 voice votes.

C. Budget amendments to correct budget G/L’s that weren’t budgeted for. Selleck asked if this would add \$166,000.00 to the budget. Buckowing explained that it does, but that the money had already been spent. In a previous meeting the Board had voted to buy a new ambulance but hadn’t amended the budget at that time. This would amend the budget for the fiscal year 2020-21.

MOTION STATED:	Buckowing – Motion to approve the budget amendments as described in the Board packet.
MOTION SUPPORTED:	Willshire
MOTION STATUS:	Motion approved by roll call vote. 7 yes’s and 0 no’s.

ROLL CALL VOTE:	Buckowing: Yes	Schaefer: Yes
	Campbell: Yes	Selleck: Yes
	DeMaagd: Yes	Willshire: Yes
	Rairigh: Yes	

D. Barry County YMCA Donation – Schaefer received a request from the YMCA asking for support. Schaefer suggested tabling this request to be voted on with the Lion’s Club request. Buckowing clarified that the Township doesn’t make donations, but rather enters into contracts for services rendered.

15. COMMITTEE REPORTS:

A. Administration (Schaefer, Buckowing, Willshire) None.

B. Cemetery (Willshire, DeMaagd, Rairigh) – Willshire introduced the Cemetery Sexton, Josh Wickham and asked him to explain the situation with the water. When they were laying the foundations today they turned the water back on and discovered several leaks from an incident that occurred in February. Wickham explained that in the fall/winter the water hadn't been turned completely off so they had requested the Village DPW to turn it completely off, but they had actually turned the water completely back on. Then the Sexton came back and discovered the water was spilling all over and they called them to come turn it back off completely. However, by then the water was already starting to freeze and there wasn't anything they could do at that time. Then today, Wickham stated he had repaired the core line and four faucets and they wondered why the new section wasn't getting any water. They did get some air here and there and then they saw it blowing out the center of the road. Wickham stated he had put up the flag with the light and requested trash pick-up be restarted. He said there was a tree limb hanging out in the Parmelee Cemetery. He requested a pile of 10 yards of top soil be delivered. Willshire stated she would order it from NTA. The Eavey family requested the sand pile be moved to a new location as well. Wickham requested that it be placed in the north east corner of the cemetery. He explained it can't go behind the green building because their equipment can't go up the hill very easily. There are also old foundations that are piled over there that will need to be gotten rid of. There is also a large brush pile that will need to be burned. He will talk with Chief Eaton and get a burn permit once it dries out a little. Wickham asked if they had budgeted the same amount to fix up some of the older foundations? In the past it was \$1200 to \$1500. Willshire stated she would get back on to him on what they want to do this year. Wickham also said they would be removing the old faucets that are no longer functioning so that it wouldn't cause confusion for residents. Chief Eaton said they had burned off the prairie grass on the hill in the oldest section a couple of years ago. However, the sassafras trees are starting to get really out of hand. Willshire asked if the grass could be burned at the same time as the brush pile? Eaton said it is possible depending on if they can get some dry weather. There was a burn ban on when it was the best time to do it last Spring. However, the sassafras trees don't burn. In a couple of years, it will overtake the cemetery. Willshire said she would contact the Conservation office to see what she could find out regarding the sassafras trees to manage them. Wickham asked about the old foundations, where to dispose of them? Eaton suggested that maybe they could be used in places where there was water erosion along the river. Wickham said it would take a 20-yard truck. Buckowing asked if there is a way to make the faucets more visible? Wickham said they would put some bright red or orange tape on the tops. Willshire thanked Wickham for attending the meeting.

C. Middleville DDA Report (Schaefer) – The Spring Spectacular is coming up the Saturday after this one. There will be a ribbon cutting for the two-story renovation at 101 E. Main, chalk art, trivia on trails and a great karaoke event. Buckowing thanked the DDA for bringing back some activity to the Village.

D. Elections (Willshire, Buckowing, Schaefer) – Willshire stated she hasn't heard of any elections being held this year yet.

E. Emergency Services (DeMaagd, Schaefer, Rairigh) None.

F. Finance (Buckowing, Willshire, DeMaagd) – Buckowing handed out a sheet to help explain that even though her general reports (included in the Board packet) look like it's the end of the fiscal year, that isn't really the case. As the handout shows, there were delinquent taxes received from the county to make the total even more. Also, there will be another revenue sharing payment received for \$59,431 according to the state website scheduled for April. Therefore, the Board is very close to the budgeted amount and are just under by \$2,766.

G. Parks and Recreation Report (Getty) – Practice started today for baseball and softball. There are 27 teams and sponsors for all teams so “thank you” to all in the community. This past Saturday there was a volunteer Spring clean-up day. Sunday was the first Covid testing day. All results were negative, but it was quite a learning curve for so many students, but it went well with 15-20 volunteers with a handful of nurses to guide the process. Right now, the plan is for two Sundays in a row. The testing is for an antigen testing and if someone were to test positive then they would go for a full test to confirm the result as there is a chance of a false positive. Kick-off meeting scheduled for April 19 for the Sheridan Road Sports Park to continue planning the project. Two fields have been lost due to the expansion of the school district.

H. Personnel – Compensation (Willshire, Campbell, Schaefer) Willshire stated there will be a meeting coming up this week. Rairigh stated that Buckowing, Schaefer, Eaton and Rairigh have to come up with a recommendation for the medical insurance plan by July 1, so they will have to set a meeting.

I. Property and Public Utilities (Selleck, DeMaagd, Campbell) – None. Schaefer did inform the Board that the painter did not show up to paint the door. Schaefer is trying to reach him.

J. Roads and Highways (Campbell, DeMaagd, Selleck) – Campbell said there isn't anything new, but that DeMaagd suggested Brad or Jake come in the fall to pitch to the entire Board. Schaefer asked if they should come in the Spring? DeMaagd said he was thinking if they presented in the fall, the Board could keep it in mind as they decided on their next budget. Buckowing asked about this Spring because they still need to know for this season. DeMaagd thought the commitment of funds were made and had told them to do their best with it. He wanted to let them explain to the entire Board why it is they are 2.5 million behind in fixing the roads. Buckowing explained that in the past, they were given a packet in the mail and they would pick which projects they wanted to support. Buckowing questioned why they would send a committee to the presentation given by the Road Commission only to have them come and give the same information to the Board. Schaefer stated he would ask Brad to come to the May Board meeting.

K. Duncan Lake Sewer (Campbell, Selleck, Schaefer) Progressive AE Study – Campbell stated that the Sewer Authority will meet and think they will likely recommend the 180 REU (residential equivalency units) plan rather than the 210 REU plan. Campbell has talked with Larry Shade and feels this is the right way to go and it is right in the middle as far as cost goes. Campbell is hopeful they can get a grant to help pay for the cost. Selleck stated he reached out to Bryan Finkbeiner to try and understand the system better and hopes to get a tour of the ponds area.

16. SECOND PUBLIC COMMENT PERIOD: Patty Rayl asked what the Sewer Authority is exactly? Campbell explained it is the Duncan Lake Sewer System and the Authority is the Board that manages it. It is the

system for the lake residents. Rayl asked what the Township does with the Authority. Campbell stated that it had to be a legal entity that created the Authority.

17. POLL OF MEMBERS:

Kim Selleck (Trustee) – Was thinking this was the first public meeting he has been to since the November meeting. It was nice to put eyes to the names of people.

Sandy Rairigh (Trustee) – Rairigh stated she would like to have a Clerk’s report. It has been several months without one. Willshire asked what she was looking for? Rairigh stated just a general summary of what she is working on.

Ross DeMaagd (Trustee) – None.

Curt Campbell (Trustee) – None.

Deb Buckowing (Treasurer) – Echo the sentiment that it is good to be back to in person meetings.

Cindy Willshire (Clerk) – None.

Eric Schaefer (Supervisor) – Echo the same thing, it is good to be back in person. Chief Eaton pointed out that the Pledge of Allegiance sounded much more in sync than over the phone. Buckowing reminded the trustees about the upcoming MTA online conference and recommended they review the offerings to select which classes they want to attend.

18. ADJOURNMENT:

TIME: 8:52 P.M.

MOTION STATED:	Buckowing – Motion to adjourn.
MOTION SUPPORTED:	Willshire
MOTION STATUS:	Approved by 7 voice votes.

Amy Brown, Recording Secretary

Approved_____/2021