

**REGULAR MEETING**  
**April 11, 2023**

**PERE MARQUETTE CHARTER TOWNSHIP BOARD**  
held at 1699 S. Pere Marquette Highway, Ludington MI 49431

Board members present: Supervisor Gerald Bleau; Clerk Rachelle Enbody; Treasurer Karie Bleau; Trustees: Andrew Kmetz, James Nordlund Sr., Henry Rasmussen, and Ronald Soberalski.

Board member(s) absent: No members absent.

Also present: Sheriff Kim Cole, Mason County Commissioner Lewis Squires, Carlos Alvarado (Carlos Alvarado Law PC), Riley Kelley (Ludington Daily News) and numerous guests.

Present via Zoom: Township Attorney William Richardson (Fahey Shultz Burzych Rhodes) and Bethany Verble (Maner Costerisan).

The meeting was called to order at 4:00 p.m. by the Supervisor. Invocation was given by Nordlund; Pledge of Allegiance was recited by all.

APPROVAL OF MINUTES: **Moved** by Kmetz, seconded by Nordlund to approve the minutes from the meeting on March 28, 2023 as presented.

Motion carried.

SHERIFF / COUNTY COMMISSIONER REPORT(S): Sheriff Cole reported on fifty-four calls for service in March 2023.

County Commissioner Lewis Squires reported on the most recent meeting of the Mason County Board of Commissioners.

DEPARTMENT REPORTS: The following department reports were received: Building & Zoning Departments, Code Enforcement & Personnel Director; Fire Department; Deputy Clerk; and Treasurer.

PUBLIC COMMENT: Public comment was held.

APPROVAL OF AGENDA: **Moved** by Enbody, seconded by Soberalski to add Item 14. COMMITTEE REPORTS to the agenda, to renumber the remaining agenda items consecutively, and to approve the agenda as amended.

Motion carried.

COMMUNICATIONS:

- Mason County Township Officers Association Meeting Agenda for April 20, 2023 at 6:00 p.m.
- 2022 Youth Recreation Participation graphic of participation by township from Ludington Recreation.
- Community Foundation Grant Notification for the Pere Marquette Conservation Park Development Fund in the amount of \$125,000.00 from the Thomas William Paine Charitable Fund.
- Michigan Municipal Risk Management Authority notice of grant award and grant reimbursement requirements.

UNFINISHED BUSINESS: A. **Consider Risk Assessment Report and Adoption of Policies and Procedures** – **Moved** by Kmetz, seconded by Nordlund to consider each item individually.

Motion carried.

- a. Federal Financial Internal Controls and Procedures Appendix C

Bethany Verble of Maner Costerisan explained that the Township is required to have documented federal policies and procedures in order to receive any federal funding. To ensure that all requirements are met, it is recommended to adopt the Federal Financial Internal Controls and Procedures in their entirety.

**Moved** by Nordlund, seconded by Soberalski to adopt the Federal Financial Internal Controls and Procedures.

Motion carried.

- b. Bank Reconciliation Process Option 1 or Option 2 or Option 3

Ms. Verble explained the most important aspect of any financial process is the oversight and segregation of duties. The overall goal is to have a separation in the individual preparing and the individual reviewing the bank reconciliation while adhering to all legislative requirements regarding custody and responsibility for documents. Enbody added that the State of Michigan Accounting Procedures Manual states that “an authorized individual not responsible for the actual physical handling of the cash should reconcile bank statement to the general ledger”.

**Moved** by Soberalski, seconded by K. Bleau to adopt Bank Reconciliation Process Option 1.

Motion carried.

c. Utility Billing Process

Ms. Verble explained that the focus is the internal control process, which is the segregation of duties. The recommendation is for a division of duties between preparation and review between different staff members. The intent is for the new Administrative Assistant to DPW, Parks, Water & Sewer Departments perform the utility billing process.

**Moved** by K. Bleau, seconded by Nordlund to adopt the Utility Billing Process.

Motion carried.

d. Cash Handling Process

Ms. Verble explained that the Township is already following the procedures documented in the process and by adopting the process there will be a documented policy.

**Moved** by K. Bleau, seconded by Kmetz to adopt the Cash Handling Process.

Motion carried.

e. Travel Policy

Ms. Verble explained that aspects related to travel were previously incorporated within the purchasing policy and will now become a separate policy.

**Moved** by Soberalski, seconded by Nordlund to adopt the Travel Policy.

Motion carried.

f. Conflict of Interest Policy

Ms. Verble explained that a conflict of interest policy is a best practice for any organization. The policy defines what the township considers to be a conflict of interest and addresses the consequences of not reporting a conflict.

**Moved** by Nordlund, seconded by Soberalski, to adopt the Conflict of Interest Policy.

Motion carried.

g. Fraud Risk Management Policy

Ms. Verble explained that it is recommended that all municipalities should have a fraud policy. The policy details what the Township considers to be fraud, how to report suspicions and other vital steps in reducing the risk of fraud.

**Moved** by Soberalski, seconded by Rasmussen to adopt the Fraud Risk Management Policy.

Motion carried.

h. Fund Balance Classification and Best Practices Policy

Ms. Verble explained that the purpose of the policy is to address the requirement of the Governmental Accounting Standards Board (GASB) Statement No. 54 which defines the classifications of fund balance in governmental funds and sets guidelines for fund balance in the General Fund.

**Moved** by Kmetz, seconded by Enbody to adopt the Fund Balance Classification and Best Practices Policy.

Motion carried.

i. Capital Asset Management Policy

Ms. Verble explained that the purpose of the policy is to address the requirement of GASB Statement No. 34 that assets be capitalized if the useful life is estimated to extend beyond one year.

**Moved** by Nordlund, seconded by Rasmussen to adopt the Capital Asset Management Policy.

Motion carried.

j. Credit Card Policy

Ms. Verble explained that aspects related to credit card purchases were previously incorporated within the purchasing policy and will now become a separate policy. The policy requires employees to sign an agreement which outlines the consequences for fraudulent purchases.

**Moved** by Kmetz, seconded by K. Bleau to adopt the Credit Card Policy.

Enbody noted that the policy requires the Township to pay the monthly credit card bill via electronically, following the Township's ACH policy. The current statement is scheduled for payment tomorrow and there is not an ACH method set up to submit the payment.

Motion failed.

**Moved** by Nordlund, seconded by Kmetz to add language to the Credit Card Policy to allow for credit card payment by paper check as follows:

- o The Clerk's Office, once all charges are substantiated, will pay the monthly credit card bill via electronically, following the Township's ACH policy, **or by paper check**, to avoid interest payments necessitated by overdue account balances.

Motion carried.

k. Buttersville Campground Cash Handling Process

Ms. Verble explained that strong internal controls are necessary to prevent mishandling of funds and are designed to safeguard and protect employees.

**Moved** by K. Bleau, seconded by J. Nordlund to adopt the Buttersville Campground Cash Handling Process.

Board members discussed the processes and that the campground manager and/or attendants should be incorporated into the process with procedures detailed for secure transport of funds to the Treasurer's Office.

Motion failed.

**Moved** by K. Bleau, seconded by Soberalski to postpone adoption of the Buttersville Campground Cash Handling Process.

Motion carried.

l. ACH / EFT Policy

Ms. Verble explained that the Township had an ACH / EFT Policy and verbiage was added to strengthen the policy.

**Moved** by Kmetz, seconded by Nordlund to adopt the ACH / EFT Policy.

Motion carried.

m. Investment Policy

Ms. Verble explained that the Township had an Investment Policy and language was added to strengthen the policy and to include additional language in legislation. The policy continues to enforce legal restrictions on authorized and suitable investments.

**Moved** by Nordlund, seconded by K. Bleau to adopt the Investment Policy.

Motion carried.

n. Purchasing and Bid Policy

Ms. Verble explained that the Township had a Purchasing and Bid Policy and changes were made to strengthen what was in place, to modify spending thresholds, and to make the language clearer. Enbody noted that there are areas of the policy that need to be amended before adoption including the definition of Department Heads as they currently exist as well as references to portions of the policy that no longer exist.

**Moved** by Enbody, seconded by Rasmussen to postpone adoption of the Purchasing and Bid Policy.

Motion carried.

**NEW BUSINESS: A. Consider Request to Hire (Personnel Director) of Vacant Administrative Assistant Positions and Seasonal Parks Maintenance Positions** – Board members reviewed a memo from the Personnel Director requesting approval to hire the two vacant administrative assistant positions of 1.) The Administrative Assistant to the Supervisor’s Office and 2.) The Administrative Assistant to the DPW, Parks, Water & Sewer Departments. The memo is also requesting approval to hire the Seasonal Parks Maintenance positions(s) of up to two staff maintenance positions.

**Moved** by Nordlund, seconded by Kmetz to approve the request from the Personnel Director to hire applicant(s) for the Assistant to the Supervisor’s Office and Administrative Assistant to the DPW, Parks, Water & Sewer Departments and to hire applicant(s) for the two Seasonal Parks Maintenance Positions.

Motion carried.

**B. Consider Fireworks Permit** – Board members reviewed the application for fireworks display permit, noted that all information is complete, all required documentation has been submitted, and letters of support and acknowledgement have been received from the Mason County Sheriff, Pere Marquette Charter Township Fire Chief, and the airport manager. It is the responsibility of the governing body to rule on the competency and qualifications of an articles pyrotechnic and display fireworks operator and on the time, place, and safety aspects of the display of articles pyrotechnic or display fireworks.

**Moved** by Enbody, seconded by K. Bleau to approve the Application for Fireworks Display received from the Western Michigan Fair Association to conduct a public fireworks display at the Mason County Fairgrounds on Tuesday, August 8, 2023 at dusk and to authorize the township clerk to sign the Permit for Public Display. In case of rain, the display will occur on Friday, August 11, 2023.

Motion carried.

**C. Consider New Door Locks at Townhall and Fire Department** – Board members reviewed two proposals for the material, labor, and optional hosting, and service program for new door locks at the Pere Marquette Charter Township Hall and Pere Marquette Charter Township Fire Department. The purchase will be submitted to Michigan Municipal Risk Management Authority for a possible 50% reimbursement grant.

| VENDOR                 | LOCATION        | EQUIPMENT & LABOR  |
|------------------------|-----------------|--------------------|
| Architectural Hardware | Township Hall   | \$16,360.00        |
|                        | Fire Department | \$ 7,200.00        |
|                        | <b>TOTAL</b>    | <b>\$23,560.00</b> |

| VENDOR       | LOCATION        | EQUIPMENT & LABOR  |
|--------------|-----------------|--------------------|
| TKS Security | Township Hall   | \$17,210.00        |
|              | Fire Department | \$14,280.00        |
|              | <b>TOTAL</b>    | <b>\$31,490.00</b> |

Additional services offered by TKS:

| VENDOR       | LOCATION        | MONITORING & HOSTING SERVICES | QUALITY SERVICE PROGRAM   | ADDITIONAL ANNUAL COST |
|--------------|-----------------|-------------------------------|---------------------------|------------------------|
| TKS Security | Township Hall   | \$120.00 per month            | \$200.00 per month        | \$3,840.00             |
|              | Fire Department | \$ 88.00 per month            | \$200.00 per month        | \$3,456.00             |
|              | <b>TOTAL</b>    | <b>\$208.00 per month</b>     | <b>\$400.00 per month</b> | <b>\$7,296.00</b>      |

Board members discussed the quote(s) and if it is necessary to have all locks entry/exit as some of the doors could be designated as exit only. G. Bleau stated that he would have to verify building code requirements.

**Moved** by Kmetz, seconded by Soberalski to postpone consideration of new door locks for the Township Hall and Fire Department.

Motion carried.

D. **Consider Turnout Gear for Fire Department** – Board members reviewed an invoice from Allied Fire Sales & Service, LLC for the purchase of three sets of turnout gear.

**Moved** by Kmetz, seconded by Rasmussen to approve the purchase of three sets of custom turnout gear from Allied Fire Sales & Service, LLC in the amount of \$8,598.00.

Motion carried.

E. **Consider Security Cameras – DPW Building, Well House, Water Tower** – Board members reviewed two proposals for the material and labor for the replacement of the security camera system at the Township Hall and Fire Department. The current system at the Township Hall and Fire Department was purchased from and installed by Leo Woodley. Board members agreed that having the same system at all township facilities is beneficial.

| VENDOR      | DPW BUILDING | WELL HOUSE | WATER TOWER | TOTAL       |
|-------------|--------------|------------|-------------|-------------|
| Sync Wave   | \$10,280.86  |            | \$3,935.08  | \$14,215.94 |
| Leo Woodley | \$4,300.00   | \$2,800.00 | \$1,800.00  | \$8,900.00  |

**Moved** by Nordlund, seconded by Soberalski to accept the proposal from Leo Woodley in the amount of \$8,900.00 for the purchase and installation of new security camera systems for the DPW Building, Well House, and Water Tower.

Motion carried.

F. **Consider Request to Abandon Alley** – Attorney Alvarado reviewed the history of the Linlook Park subdivision and the purpose of the request. Attorney Richardson reviewed the laws regarding the vacating of an alley by a municipality and added that vacating the alley makes good risk assessment sense as the ownership of the land carries liability.

PERE MARQUETTE CHARTER TOWNSHIP, MICHIGAN  
RESOLUTION TO VACATE ALLEY IN LINLOOK PARK SUBDIVISION  
RESOLUTION NO. 2023-6

Residents John and Anita Wilson, a married couple, who have an address of 7285 Orchard Avenue, Ludington, Michigan 49431, are the sole owners, in fee, of several lots located in Linlook Park Subdivision, Pere Marquette Charter Township, Mason County, State of Michigan, to include lots adjacent to the alley described below.

The Wilsons request the Township Board vacate a portion of alley (Alley) that runs North to South, splitting lots 21 and 22 of the Linlook Park Subdivision, and is located between the South edge of an alley running East-West adjacent to the northern edge of lots 15, and 18 through 24, and the North edge of Jane Avenue, which is legally abandoned. A depiction of the Alley and adjacent parcels is attached hereto as Exhibit A and incorporated herein by reference.

The Linlook Park Subdivision Plat was approved by the Township Board on November 27, 1911, and was recorded on February 21, 1912. The plat states that the “streets and alleys as shown on said plat are hereby dedicated to the Public use”. Despite the plat dedication, the Township is not aware of any action on the Township’s part to further accept the plat dedication, much less open the subject Alley to public use.

Pursuant to the Michigan Land Division Act, PA 288 of 1967, Section 255b, effective as of December 22, 1978, land that is dedicated to the use of the public on a recorded plat is conclusively presumed to have been accepted “by the municipality within those boundaries the land lies” ten years after the date of recording of the plat, unless it can be established that the dedication was timely withdrawn by the plat proprietor within that same time frame.

The Township is not aware of any recorded document or action on the part of current or historic owners of property in the Linlook Subdivision that might constitute withdrawal of the offer to dedicate the Alley to public use. Although the passage of more than 66 years between the recording of the Linlook Subdivision Plat and the effective date of PA 288 of 1967, Section 255b, could create a question of continued viability of the plat-offering of dedication, the Township assumes, for the purpose of this Resolution that its authority and jurisdiction over the Alley vested a decade after the Linlook Subdivision Plat was recorded.

The McNitt Act, PA 130 of 1931, repealed by PA 51 of 1951, provided a mechanism for the County Road Commission to take over township roads, alleys, and streets within a recorded plat. Subsequent case law further required that any transfer of jurisdiction over roads through the McNitt Act would require a resolution that expressly identified the platted road or the specific plat that contained the road. Therefore, there was a mechanism for the Road Commission to take over the Alley, if the Alley had been effectively accepted by the Township.

The Mason County Road Commission, on its 2021 published roster of roads identifies roads in the Linlook Subdivision for which it claims jurisdiction: Lake Avenue, Juanita Avenue, No Name, Orchard Avenue, Terri Court, and Beech Avenue. The Road Commission has not provided any record that expressly identifies the Linlook Subdivision Plat for the purpose of transferring jurisdiction of all roads (or alleys) contained therein, nor a record that expressly identifies the Alley as being under the Road Commissions jurisdiction. Therefore, the extent to which the Road Commission has jurisdiction over the Alley is dubious.

The Alley is not within 25 meters of Lake Michigan, the closest body of water, and does not provide access to the lake. Therefore, the vacation of the Alley is not subject to the limitations of PA 288 of 1967, Section 255a.

The Township is not aware that the alleys of Linlook Park Subdivision have ever been improved, to the extent that, to date, they have been mowed and landscaped yards to any observer. Additionally, the Township does not have any current interest or future plans for public use of the alleys in the Linlook Subdivision, to the extent that the Alley does not have foreseeable utility to the Township as a public facility. Additionally, the Township does not wish to carry any maintenance responsibilities or liability that might attend jurisdiction over the Alley.

The Township Board finds that vacating its potential interests in and jurisdiction of the Alley, as such vacation might relate to the dedication evidenced in the Linlook Subdivision Plat, is in the best interest of the Township.

Pursuant to MCL 560.256, when the governing body of a municipality by resolution or ordinance vacates an alley or a portion of an alley, the clerk of the municipality, within 30 days thereafter, shall record a certified copy of the resolution with the register of deeds, giving the name of the plat affected, and shall send a copy of the resolution to the Director of the Department of Energy, Labor, and Economic Growth.

IT IS RESOLVED, that the Pere Marquette Charter Township Board, pursuant to MCL 560.256, hereby vacates the portion of the alley running North to South, splitting lots 21 and 22 of the Linlook Park Subdivision Plat, which sits between the South edge of the alley running East-West adjacent to the northern edge of lots 15, and 18 through 24 and the North edge of Jane Avenue.

IT IS FURTHER RESOLVED, that the Clerk is directed to record a certified copy of this resolution with the Register of Deeds, within 30 days of the adoption hereunder, and send a copy of the same to the Director of the Department of Labor and Economic Opportunity.

The above resolution was **moved** for adoption by Board Trustee Nordlund and seconded by Board Trustee K. Bleau.

The motion for adoption received the following vote:

|            |   |
|------------|---|
| YES:       | Soberalski, Rasmussen, K. Bleau, G. Bleau, Enbody, Kmetz, and Nordlund. |
| NO:        | None.   |
| Absent:    | No members absent.  |
| Abstained: | No members abstained.   |

Motion Carried.

**G. Consider Letter of Resignation – Firefighter** – Board members received a notice of resignation from firefighter Thomas Johnston.

**Moved** by G. Bleau, seconded by Enbody to accept the letter of resignation from firefighter Thomas Johnston, effective March 31, 2023.

Motion carried.

**COMMITTEE REPORTS:** Sewer & Water Committee (K. Bleau, G. Bleau, Nordlund): The committee will meet this Friday regarding a request for special assessment sewer project.

Roads Committee (Nordlund, Kmetz, Rasmussen): The committee will meet this Thursday at 10:00 a.m.

Planning Commission (K. Bleau): Reported the Planning Commission approved a conditional use application and site plan to construct a new car wash facility on US 10 and held a public hearing for the update to the Comprehensive Plan with two verbal and two written comments received and adopted the 2023 Comprehensive Plan update.

Zoning Board of Appeals (Rasmussen): Reported that the ZBA approved a request to expand a legal non-conforming building and amended the meeting schedule.

Fire Department Liaison (Kmetz): Reported discussion of options for upcoming training. Year-to-date runs are at ninety-nine runs compared to ninety-three runs to date last year. Kmetz presented certificates to Paul Bray for 30 years of service and James Mitchell for 35 years of service.

LMTA Representative (Enbody): Reported that LMTA is in the process of sending a letter to property owners and businesses in Amber Township along the US-10 corridor to see if there is an interest in contributing to public transportation for their customers and employees and that LMTA is seeking grant funding to continue to partially fund the Rides to Wellness program.

**TRUSTEE REPORTS:** No reports.

**OFFICERS REPORTS:** Clerk (Enbody) – Enbody distributed 2023 first quarter financial reports to board members. Reported contacting the township auditor to schedule the 2022 annual audit and working on six FOIA requests received in the past week. Enbody provided a list of current invoices for approval.

**Moved** by Enbody, seconded by Kmetz to approve payment of invoices in the amount of \$370,306.47. Motion carried.

Treasurer (K. Bleau) – Provided a report of bank balances for March 2023 including year to date totals and is working on a plan to invest 1.5 million and will be shifting the funds in the next month or so. The campground manager has started and is working to prepare the campground for the season. The bills for the 2021 billing error have gone out and \$8,933.43 has been collected with a little over \$7,000.00 still outstanding.

Supervisor (G. Bleau) – Reported on the most recent court proceeding of the Pallets Recycle case and that the property has been listed for sale. The addendum to the purchase agreement for the property at 946 S. Pere Marquette Hwy. was delivered to the seller with no response received to date. The closing date is expected to change. There is a Blight Elimination Grant available and G. Bleau is working with county officials in order to apply for the possible funding. Reported working with the Sheriff Department to obtain community service workers to assist with the scrap tire clean up.

**ANNOUNCEMENTS:** The Mason County Township Officers Association Meeting will be April 20, 2023 at 6:00 p.m. at Amber Township Hall.

**EXTENDED PUBLIC COMMENT:** Public comment was held.

**ADJOURNMENT:** The meeting was adjourned by consent at 6:12 p.m.