

Maple Grove Township Board Meeting Minutes

Meeting Date: 2024/05/20- Presented by: Tish Yaros - Clerk

Meeting was held in person and called to order at 7:00 p.m. All board members were present.

A motion was made by Trustee Wendling to approve the April 15th, 2024 meeting minutes, seconded by Trustee Peterman. Motion passed.

Chief Andres reported on the testing done to all the trucks and issues with each engine. Andres noted that the Grant for Turnout gear was approved and he will be ordering equipment to fulfill the grant. Discussion around the excessive burning at 1425 Volkmer Road was discussed and an official complaint will need to be filed in order to move forward with this issue.

Trustee Peterman met with Allen Rabideau to discuss the Ordinance Enforcement Officer position. He is willing to do this, but needs mileage reimbursement as part of his salary. Peterman motioned to hire Allen Rabideau at the same salary of his predecessor, Dan Kuhn, but include a mileage reimbursement rate set at the Federal Rate, Supervisor Krupp supported. After some discussion, motion passed.

County Commissioner, Denny Harris, noted there will be 3 millages on the August ballot this year.

Treasurer Yaros reported on the following:

- Check Reconciliation report and Cash report was reviewed
- Par Plan insurance increased 40% this year due to the cost to replace our assets has increased
- Township Hall Furnace died and needs to be replaced. To replace both furnaces it would be around \$6,500
- Discussion on the duties of the Township Hall Maintenance position as the furnace should have been addressed by this position, not left for the office staff
- BS&A was upgraded and we are now on the same version as Saginaw County
- BS&A bill has increased to include assessing. Working on getting the history of who paid this previously.
- Treasurer Yaros motioned to do the following budget Amendments:
 - Increase Liability Insurance budget from \$26,000 to \$37,000 to cover the increased cost
 - Increase Township Hall Maintenance from \$8,000 to \$16,000 to cover the furnaces
 - Increase Mileage for Ordinance Compliance Officer from \$100 to \$2,400 to cover travel expenses
 - Increase Software Licensing from \$1,800 to \$2,700 for increase in Assessing charges

Seconded by Clerk Yaros. After some discussion, motion passed.

- Review of the 401K plan was completed and adopted
- All wording needs to be submitted for the Tax Newsletter as that goes out soon
- There will be a Zoning Board of Appeals meeting on May 29th regarding a pond variance

Clerk Yaros noted that the Non-partisan deadline is July 23rd at 4:00 p.m. to get on the November Ballot for both School board and Township Board positions. Absentee Voter Applications will go out this week to those people on the Permanent AV List. Clerk Yaros reminded everyone to consider getting on the Permanent ballot List as the Permanent AV List will go away after 2024. The State Primary Election will be held on Tuesday, August 6th and Saginaw County will hold the 9 days of early voting in Saginaw. All information regarding elections is on our website. T. Yaros also noted she will be attending the Bureau of Elections Election Cycle Training on June 6th.

Supervisor Krupp discussed the option of putting the Fire Protection Proposal on the November ballot again. There was a lot of discussion on if it should be a millage or a special assessment and what would the amount need to be? Once our truck ages out of the Federal Guidelines recommendations, the township is then open to potential liability claims if something fails. Discussed the risks of this option and need to get more clarification on the risks associated with not falling within Federal Guidelines.

Trustee Wendling noted that the Planning Commission meeting will be held on June 5, 2024 to discuss the Master Plan and also set the Open House date. Zoning Administrator Yaros encouraged everyone to attend as the Master Plan will direct decisions for the next 25 years and will impact our township and how we prioritize things in the future.

Trustee Peterman noted that 9 people showed up at the Park Clean Up day to clean up the park. The drainage at the Park is still an issue and needs to be addressed as many cars are getting stuck in the parking lot.

Supervisor Krupp discussed the upcoming Road Millage and the McNitt Act of 1931 and Public Act 51 of 1951 which gave the road commission the responsibility to maintain roads. An article that goes into more detail regarding this will be attached to these notes.

Clerk Yaros motioned to pay bills 21069 thru 21099 for a total of \$83,545.85, seconded by Trustee Peterman. Motion passed.

Public Comment: Questions around the Fund Balance and what this includes. Clarifying question on the furnace purchase that it's just the furnaces, not Air Conditioners as well.

Supervisor Krupp motioned to adjourn the meeting, seconded by Treasurer Yaros. Motion passed. Meeting adjourned at 8:25 p.m.



Q Our county road commission has told our township that it will not provide any maintenance or repair to our local public roads unless we provide a 50% match of the cost to the county. Do we have to pay this match?

In short, no. Years ago, township boards had responsibility over the construction and maintenance of township public roads. The McNitt Act of 1931 and Public Act 51 of 1951 altered this responsibility. Under these acts, the county road commission is required to take over all public streets and alleys outside of the limits of incorporated cities and villages as either county primary or county local roads. (MCL 247.669) This ended any “township road system.” State law now requires that county road commissions keep roads, bridges and culverts under their jurisdiction in “reasonable repair” so that the roads are “reasonably safe and convenient for public travel.”

County road commissions receive what is referred to as Act 51 monies as the primary revenue source to perform this obligation. Importantly, townships have no statutory obligation to maintain these public roads (i.e., those roads located outside of incorporated cities or villages).

Q Even though our township does not have to provide matching funds, can our township voluntarily provide matching funds to the county?

A township board may choose to appropriate monies to the county road fund for the maintenance and/or improvement of county roads within the township pursuant to an agreement with the county road commission. Although township board financial support is not mandatory, in practice, townships often partner with county road commissions to help pay for and prioritize improvement and maintenance of township roads.

Townships have a variety of funding mechanisms available to raise or otherwise provide local matching funds. Townships may designate funds from unexpended balances in the contingent or general fund, may employ special assessment districts, may levy a road millage, or may sell bonds for road improvements (with voter approval).

Q Can a township be held liable for injuries or damages arising from a public road in the township?

No. Under the Governmental Tort Liability Act (GTLA), PA 170 of 1964, as amended, MCL 691.1402 provides that a township “has no duty to repair or maintain, and is not liable for injuries or damages arising from, a portion of a county or a state highway.” This provision makes it very clear that the township has no liability in this regard.

Instead, the GTLA provides that the county road commission shall maintain the highway in reasonable repair so that it is reasonably safe and convenient for public travel. It further provides that a person who sustains damage to their person or property due to a poorly maintained public road may recover the damages from the county road commission. The GTLA limits this liability to only the improved portion of the highway designated for vehicular travel, and does not include sidewalks, trailways, crosswalks or any other installation outside of the improved portion of a highway designed for vehicular travel. The GTLA defines a highway as a “public highway, road, or street that is open for public travel. Highway includes a bridge, sidewalk, trailway, crosswalk, or culvert on the highway. Highway does not include an alley, tree, or utility pole.” There is a separate liability provision that governs sidewalks adjacent to a highway.

Q If a county road commission is not specifically aware of a pothole in the highway, can it be held liable for damage?

Possibly. The answer to this question comes from the GTLA, which provides:

“No governmental agency is liable for injuries or damages caused by defective highways unless the governmental agency knew, or in exercise of reasonable

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diligence should have known, of the existence of the defect and had a reasonable time to repair the defect before the injury took place. *Knowledge of the defect and time to repair the same shall be conclusively presumed when the defect existed so as to be readily apparent to an ordinary observant person for a period of 30 days or longer before the injury took place.*" (MCL 691.1403, emphasis added)

It is extremely important to bring potholes to the attention of your road commission so that they can make the needed repair and avoid liability for damages.

Q Is our township responsible for repair and maintenance of sidewalks?

Pursuant to MCL 691.1402a of the GTLA, a city, village and township shall maintain in reasonable repair the sidewalks adjacent to highways within their local municipality. A sidewalk is defined as a "paved public sidewalk intended for pedestrian use situated outside of and adjacent to the improved portion of a highway designed for vehicular travel." (MCL 691.1401)

In order for a township to be held liable, the plaintiff must prove that at least 30 days before the occurrence of the injury, the local municipality knew or, in the exercise of reasonable diligence, should have known of the existence of the defect in the sidewalk. The law favors the city, village and township by presuming that they maintain the sidewalks in reasonable repair. However, this presumption is rebuttable by showing that the proximate cause of the injury was "a vertical discontinuity defect of two inches or more on the sidewalk and/or a dangerous condition in the sidewalk itself of a particular character other than solely a vertical discontinuity."

To the extent that a particular area does not fall within the definition of sidewalk, the township would not be liable.

Hello, MTA ... ? provides general information on typical questions asked by township officials. Readers are encouraged to contact an attorney when specific legal guidance is needed. Member township officials and personnel may contact MTA Member Information Services with questions or requests from 8 a.m. to 5 p.m., weekdays, at (517) 321-6467 (press 1) or fax (517) 321-8908.



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