

Board Meeting by Zoom Meeting  
February 10, 2021

The Regular Meeting of the Oceana County Board of Road Commissioners was called to order by Chairman Myers by Zoom Meeting at 10:00 AM on Wednesday, February 10, 2021.

The Pledge of Allegiance was recited by all.

Members present: Myers, Gowell, Forbes, Blohm. Absent: Carr.

Staff present: Timmer, Griffin, Koch, Holmes, Powell.

Visitors: Lynne Cavazos, Pentwater Township Supervisor; Mike Flynn, Pentwater Township Trustee; Larry Doran, Weare Township Supervisor; Craig Mast, Oceana County Sheriff; Tim Beggs, County Commissioner Liaison; Lori Green, Weare Township resident; Glenn Beavis, Pentwater Township resident; Ross Feltes, Pentwater Township resident; Nick and Linda Fekken, Frank and Nancy Arvai and Attorney Scott Timmer, all interested parties in the 62<sup>nd</sup> Avenue road abandonment.

**TOTAL: 11 visitors.**

### **CITIZEN'S PARTICIPATION**

Craig Mast, Oceana County Sheriff expressed his appreciation to the Road Commission for keeping the roads clear and plowed during the recent snow storms (there have been very few accidents). Sheriff Mast spoke briefly on the frost laws that will soon come into effect and said his deputies will be getting the scales ready to use.

Motion by Forbes and supported by Blohm to approve the following Agenda items for discussion.

1. Public Hearing @ 10:15 AM / Petition to Abandon 62<sup>nd</sup> Avenue (Madison to Hammett) in Pentwater Township.

Roll call vote: Forbes – yes; Blohm – yes; Gowell – yes; Myers – yes; Carr – Absent.  
Motion carried.

Motion by Forbes and supported by Gowell to approve the minutes of the January 27, 2021 Regular Board Meeting.

Roll call vote: Forbes – yes; Gowell – yes; Blohm – yes; Myers – yes; Carr – Absent.  
Motion carried.

The Revenues & Expenditures Report and Cash Flow Statement were given to the Board members to review.

Motion by Gowell and supported by Blohm to approve the following Vouchers as presented.

Voucher No. 72176 (Accounts Payable 1-29)	\$ 21,274.00
Voucher No. 72177 (Accounts Payable 2-3)	\$ 399,894.82
Voucher No. 72178 (Payroll 2-3)	<u>\$ 85,335.64</u>
Total	\$ 506,504.46

Roll call vote: Gowell – yes; Blohm – yes; Forbes – yes; Myers – yes; Carr – Absent.  
Motion carried.

## **STAFF REPORTS**

The State crew has been plowing, sanding, patrolling, doing route checks, and roadside cleanup as well as night patrol and winter maintenance.

The M-20 crew as well as the Hart crew have been plowing, sanding, winter maintenance, patched on various roads, and brush/tree cutting.

Traffic Services has worked on asset management, Miss Digs, street name signs, permits, supervised the sign crew with State and County work, performed miscellaneous sign work, traffic control for tree/brush removal, and is working on finalizing the “new” Oceana County maps.

All employees are continuing to practice “best practices/social distancing” protocol and are asked the health survey questions daily and employees have been provided an additional two (2) cloth masks. We are presently working on accounting system training, have built a salt-sand-brine spreadsheet, and have worked on Township quotes for road work. All Road Commission employees are doing an incredible job and the office staff has received numerous calls “thanking” us for the exceptional work being done.

**At 10:15 AM, Chairman Myers opened the Public Hearing regarding the request for abandonment of 62<sup>nd</sup> Avenue, between Hammett Road and Madison Road, in Section 13 of Pentwater Township.**

The Board members were all given copies of the abandonment paperwork, proof of payment of the \$500.00 abandonment fee, written documents for/against the abandonment, and paperwork from Pentwater Township supporting the abandonment.

The Chairman explained the protocol for the Public Hearing to all in attendance and asked for statements from the Petitioners, Frank and Nancy Arvai. Mr. and Mrs. Arvai asked their

attorney Scott Timmer, of Gielow, Groom, Terpstra, & McEvoy in Norton Shores, to speak on their behalf.

Scott Timmer began by stating that he had performed a title search and looked for documents regarding 62<sup>nd</sup> Avenue, north of Madison Road, but found no dedication or acceptance of this road as being a public road maintained by the Road Commission. He also confirmed that abandonment of this narrow two-track would not landlock anyone, and also explained the Fekken family did not need to use this road as they have access to their property off Hammett Road and 62<sup>nd</sup> Avenue dead ends in their back yard and is gated.

Pentwater Township held a Public Hearing on October 14, 2020 and approved the Arvai's abandonment, but listed one requirement of emergency vehicles being allowed access to the road. Mr. Glenn Beavis and Mr. Ross Feltes, neighbors of the Arvai's, as well as Lynne Cavazos, Pentwater Township Supervisor, spoke in favor on the abandonment. It was also mentioned that if someone went down the two-track road, there was no place to go.

Managing Director, Mark Timmer, commented that there is no formal dedication or acceptance by the Road Commission; there has never been a formal Resolution to accept the road. He spoke with employees that worked for the Road Commission as far back as the late 1970's; they verified that the Road Commission did not maintain the road and there is no record of use by the public.

Chairman Myers then asked for opposing comments. Nick Fekken, Pentwater Township resident, and abutting landowners to the Arvai property, said the road has been used by the public since the early 1900's or before to get to 66<sup>th</sup> Avenue in Weare Township and also into Pentwater. He added the horseback riding and snowmobilers still used 62<sup>nd</sup> Avenue. Mr. Fekken feels that should he desire to sell some of his property behind his home, the property would be landlocked.

Weare Township Supervisor, Larry Doran, said he has used the road in the past for riding horses, but did not realize it was actually a road.

Chairman Myers asked if there were any other comments. There being none, the Public Hearing was closed at 10:31 AM.

Chairman Myers then asked the Board for their comments. Vice-Chairman Gowell stated that he has reviewed a lot of paperwork and found no dedication of this road to the Road Commission. Commissioner Forbes mentioned the "road by user" clause, and also the fact that the Road Commission has not maintained the road. She added "if the abandonment is not approved, we would have to allow the public to drive through the Fekken property to get on to Hammett Road. Chairman Myers commented that former Manager, Mike Smith had written a letter in 1995 saying 62<sup>nd</sup> Avenue was a certified County road and that seasonal road signs were placed at both ends of 62<sup>nd</sup> Avenue. Commissioner Blohm chose not to comment at this time.

Chairman Myers then asked for a motion for/against abandonment.

**RESOLUTION NO. 1 – ABANDONMENT OF 62<sup>nd</sup> AVENUE (MADISON TO HAMMETT) IN PENTWATER TOWNSHIP**

Motion by Forbes and supported by Gowell to abandon 62<sup>nd</sup> Avenue (Madison to Hammett). A brief discussion ensued and Commissioner Gowell withdrew his second to Commissioner Forbes motion. Commissioner Forbes then amended the motion.

Motion by Forbes and supported by Gowell to abandon 62<sup>nd</sup> Avenue (Madison to Hammett) and to allow for utility easement to the property.

Roll call vote: Forbes – yes; Gowell – yes; Blohm – no; Myers – no; Carr – Absent.  
**Motion Failed.**

Chairman Myers asked if there was any further business to come before the Board. There being none, the Meeting was adjourned by Chairman Myers at 10:40 AM.

Respectfully submitted,

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**LORI L. HOLMES**  
**Finance / HR Director**

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**WILLIAM MYERS**  
**Chairman**

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**FEBRUARY 24, 2021**

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