

**FRUITLAND TOWNSHIP BOARD
REGULAR MEETING
AUGUST 20, 2012
MINUTES**

PRESENT – Trustee Bard, Trustee Deur, Trustee Binns, Clerk Rillema, Treasurer Beegle, Trustee Bole, Supervisor St. Amour

ALSO PRESENT – Three (3) interested parties.

CALL TO ORDER – Supervisor St. Amour called the Monday, August 20, 2012 Regular Meeting to order at 7:00 PM, led the pledge of allegiance and asked for a moment of silence..

AGENDA – Motion by Trustee Bole, second by Trustee Binns, **ADOPTED**, to accept the August 20, 2012 Regular Township Board Meeting Agenda.
Upon Voice Vote: 7 AYES

PUBLIC COMMENT –

- 1) Randy Kostrzewa, 2098 Maryland, Muskegon – Introduced himself as a candidate running for 14th Circuit Court Judge and asked for our support. He has 19 years with the Muskegon County Prosecutor’s office and is very active in community service in Muskegon County. He wants to serve and protect the people of Muskegon County.
- 2) Matt Krehan, PO BOX 1700, Muskegon – Opposes a new jail for Muskegon County and encouraged the Board to not support a proposal if one arises.
- 3) Roger Nye, 1495 Westwood Circle, Muskegon – Represents Occupy Muskegon Movement and cautioned the Board on actions taken by the Muskegon County Board of Commissioners that do not appear to be forthright.

MINUTES –

Motion by Clerk Rillema, second by Trustee Bard, **ADOPTED**, to accept the July 9, 2012 Work Session Minutes and July 16, 2012 Regular Meeting Minutes.
Upon Voice Vote: 7 AYES

RECEIPTS & DISBURSEMENTS –

Motion by Treasurer Beegle, second by Trustee Bard, **ADOPTED**, to accept the Receipts of \$21,145.84 and Bank Balance and Certificate of Deposits of \$1,142,288.09 for the period of July 1, 2012 through July 31, 2012 as reported by Melissa Beegle, Fruitland Township Treasurer and approve General Fund 101 Disbursements in the amount of \$60,362.50 for the period of July 1, 2012 through July 31, 2012 as reported by Karolyn Rillema, Fruitland Township Clerk.
Upon Voice Vote: 7 AYES

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ANNOUNCEMENTS/COMMUNICATIONS – Supervisor St. Amour announced that the booklet “Before and After the Fire” is available from the White Lake Fire Authority. The road used by the foresters behind Fire Station #2 has been repaired. Our workers compensation insurance coverage through Accident Fund has been terminated as of August 21, 2012 due to loss ratio percentage. Western Insurance has been contacted and has solicited for new coverage. Unfortunately because of our experience rate with the claim filed by prior employee, Don Underwood, we have been placed in a high risk pool for two years. Our premium will be doubled during that time which means an increase of \$1800.00. Clerk Rillema is completing necessary paperwork with the insurance company at this time. SPLKA has informed the township that a filming crew from Columbia College will be on the grounds at the end of the month to film part of a movie. The Board will discuss at the September work session whether it wishes to continue to accept additional artifacts for the WRLS. Supervisor St. Amour wrote a letter of support to SPLKA requesting the curator, Leslie Griswald, to stay on but live off site and allow renting of the living quarters of the WRLS. Our software conversion to BS&A.net training will take place on September 6 & September 7. The office will be closed during that time. A thank you was received from the Montague-Whitehall Rotary for our contribution to the firework fund. Fruitland Township will be hosting another political forum on October 30, 2012 at 6:00 PM for the State, County and Township Offices on the November 6, 2012 ballot.

SPECIAL GUEST – Eric Van Dop of Brickley DeLong presented the 2011-2012 Fiscal Year Audit to the Board of Trustees. The Township received a favorable audit.

Motion by Trustee Bole, second by Trustee Bard, **ADOPTED**, to accept the 2011-2012 Fiscal Year Audit as presented by Brickley DeLong and place on file.

Upon Voice Vote: 7 AYES

COMMITTEE/BOARD UPDATES –

- White Lake Ambulance Authority – Trustee Bard reported that the WLAA meeting was held on July 25, 2012. For the month of July, 16 of 160 calls were in Fruitland Township. Electricity has been turned on in the new building. Quotes for driveway and roof repairs are being sought as well as heating/cooling quotes.
- White Lake Fire Authority – Treasurer Beegle reported that there was no meeting. At our work session, Attorney Even was given a copy of the Articles of Incorporation for his review. The next meeting of the WLFA is scheduled for September 13, 2012.
- Parks & Recreation Commission – Supervisor St. Amour stated that Judge Graves ruled that Fruitland Township was able to convey land to Marcus Dunes in the Marcus Park Lawsuit and the lawsuit may be dropped by DLROA in the near future. Supervisor St. Amour forwarded Chair Shields the listing of possible projects for their review and explained that no monies were allocated because of a potential board change in the November election. Suggestion of a joint meeting in December was voiced.
- Planning Commission – Trustee Deur reported that two public hearings will be held at the next Planning Commission meeting on September 5, 2012. The first is to strike language in

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Article 3 – Outdoor Storage and the second is to recommend approval to the Board of Trustees on Article 20, the civil infraction language and appropriate fee schedule.

- Zoning Board of Appeals – Clerk Rillema reported that no meeting was held in August.
- Citizens Advisory Wireless Committee – Trustee Deur reported that the City of Muskegon is now a 4G area covered by Verizon Wireless effective August 16, 2012. There is no benefit for Fruitland Township yet but estimates of outlying areas to be covered is by October 2013.
- White Lake Public Advisory Committee – Trustee Deur reported that the City of Whitehall is hosting a gathering on Tuesday, August 21, 2012 featuring Dr. Rick Rediske of GVSU to talk about his study of fish contamination in White Lake and “How to Eat Safe Fish” from 6:30 – 8:30 PM..

OLD BUSINESS –

1. Ordinance Enforcement – Supervisor St. Amour reported various ordinance enforcement cases in the township. Deputy Ashker has been involved in many of the cases.
2. Civil Infractions – Supervisor St. Amour stated that the process of handling civil infractions will be discussed at the September work session.
3. Policies & Procedures, Employee Handbook – Supervisor St. Amour stated that Attorney Even reviewed and continued discussion will take place at the September work session on the bid process, accrued vacation and birthday policy.

NEW BUSINESS –

1. Lamos Road End - Supervisor St. Amour stated that Attorney Even is in receipt of our files from Attorney Eklund to locate the letter written to property owners on the west side notifying them of our intent to have continued use by the public on the road end. Discussion of having a survey done and signage posted down both sides of the road end will be completed once construction on the east side of the road end is finished.
2. Paper Container – Supervisor St. Amour received a request from Fruitland Evangelical Covenant Church to buy our paper container at the Ecology Station. It is currently not being utilized because of our new comingled recycle containers. Discussion to sell or ask for consideration of using the church facility as a potential polling location after 2014 at no cost for five years will be presented to the Church by Supervisor St. Amour. The Community Building on Lamos Road must be used until the general election of 2014 because of grant monies used for upgrades. Supervisor St. Amour will keep the Board abreast of his conversation with members of the Fruitland Evangelical Covenant Church.
3. Dalton – Fruitland Waste Water Flow Through Agreement – Supervisor St. Amour stated that Attorney Even is reviewing this agreement and will report his findings at the September work session.
4. MCRC Performance and Indemnification Resolution –

FRUITLAND TOWNSHIP
RESOLUTION 2012-18

**PERFORMANCE AND INDEMNIFICATION
RESOLUTION**

RESOLVED

WHEREAS, the Township of Fruitland hereinafter referred to as the "Governmental Body", from time to time makes application to the Muskegon County Road Commissions, hereinafter referred to as the "Commission" for permits, hereinafter referred to as "Permit", to construct, operate, use and/or maintain utilities or other facilities, or to conduct other activities, on, over, and/or under Muskegon County Roads at various locations within and adjacent to its corporate limits;

NOW THEREFORE, in consideration of the Commission granting such Permit, the Governmental Body agrees that:

1. It will fulfill all permit requirements and will indemnify, save, harmless, represent and defend the Muskegon County Road Commission, and all officers, agents, and employees thereof, and those governmental bodies performing permit activities for the Commission, and all officers, agents and employees thereof, pursuant to any activity for which the commission may require a Permit, from any and all claims of every kind for injuries to, or death of any and all persons, and for loss of or damage to property, and environmental damage or degradation, and from attorney's fees and related costs arising out of, under, or by reason of the presence of the Governmental Body's facilities and/or its installation, construction, operation, maintenance, or other activities which are being performed under the terms of the Permit on, over, and/or under Muskegon County Roads, except claims resulting from the sole negligence or willful acts or omissions of said Commission, its officers, agents, employees, and contracting governmental bodies and officers, agents, and employees thereof, performing permit activities.
2. The Commission shall not be subject to any obligations or liabilities by vendors and contractors of the Governmental Body, or their subcontractors, or any other person not a party to the Permit without its specific prior written consent and notwithstanding the issuance of the Permit.
3. It will, by its own volition and/or request by the Commission, promptly restore and/or correct physical or operating damages to any Muskegon County Road resulting or arising out of the installation, construction, operation, and/or maintenance of the Governmental Body's facilities pursuant to a Permit issued by the Commission.
4. The incorporation by the Commission of this Resolution as part of the Permit does not preclude the Commission requiring additional performance security or insurance when deemed necessary by the Commission.
5. This Resolution shall continue in force from the date hereof until canceled by the Governmental Body or the Commission with no less than thirty (30) days prior

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written notice to the other party. It will not be canceled or otherwise terminated by the Governmental Body with regard to any Permit which has already been issued or activity which has already been undertaken.

BE IT FURTHER RESOLVED, that the following position or positions, are hereby authorized to make application to the Muskegon County Road Commission for the necessary permit to work within County Road rights of way on behalf of the Governmental Body.

Name	and/or	Title
Fruitland Township Board	Sam St. Amour	Supervisor

I HEREBY CERTIFY that the foregoing is a true copy of a resolution adopted by the Fruitland Township Board for the Township of Fruitland of Muskegon County, Michigan, at a Regular Meeting held on Monday, August 20, 2012.



Carolyn Rillema, Clerk

5. Road Projects – Supervisor St. Amour stated that in following the Asset Management Program, our good roads have been fixed and now it is time to tackle the not so good roads. Murray, Riley Thompson between Orshal & Nestrom and Todd Roads were discussed amongst the Board as possible 2013 road projects. The Board feels that the 60/40 split as performed on the road projects in recent years continues to benefit all. The MCRC at this

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point has not secured its partnership for these road projects, so conversation of a special assessment was discussed. The Board okayed Supervisor St. Amour to begin investigating the process of a special assessments for both Murray and Riley Thompson Roads. Todd Road will be a much less expensive project and may be able to be added in at a later date.

6. MLCC – Supervisor St. Amour stated that the dance permit application submitted by Lakeside Inn Resort has been withdrawn as it was an error in submission of the wrong application. Lakeside Inn Resort has been informed to submit a formal withdrawal to the State of Michigan and asked to copy us in on the withdrawal.
7. Complaint Investigation – Supervisor St. Amour received a request from a property owner in the township to only act on complaints if the complainant is willing to leave their name and contact information. The Board at this time would like to still continue receiving complaints by either complainant’s willingness to leave name and/or number or remain anonymous.
8. Board Comments – Trustee Deur stated his uneasiness with the 50% increase in the monthly health insurance premium and health insurance fringe received by employees. Trustee Deur and Trustee Bard would like to see a cap for increases put into place based on a % rather than just increasing the fringe by the single rate health insurance premium increase. Trustee Bole and Trustee Binns agreed that a formula should be developed to prevent such an increase in fringe. Clerk Rillema stated that health insurance coverage has been reviewed each year and with the experience rate at Fruitland Township and termination of our coverage has caused the increase. Supervisor St. Amour stated that increases are happening to everyone not just Fruitland Township and the fringe is still a cost savings to the township rather than having everyone on the insurance plan. Supervisor St. Amour tabled conversation to the September work session. Supervisor St. Amour stated that the Scenic Drive Road End dock was damaged. It has been repaired by the White Lake Association and Fishing Association at a cost of just over \$500.00. Supervisor St. Amour will inquire with our insurance agent if it should be considered as a claim.

ADJOURNMENT –

Motion by Treasurer Beegle, second by Trustee Bole, ***ADOPTED***, to adjourn the August 20, 2012 Regular Meeting of the Township of Fruitland at 8:52 PM.

*Upon Voice Vote: **7 AYES***

Respectfully Submitted,

Karolyn Rillema, Clerk
Township of Fruitland