

**FRUITLAND TOWNSHIP BOARD
WORK SESSION
APRIL 8, 2013
MINUTES**

PRESENT: Trustee Bard, Trustee Deur, Trustee Rissi, Treasurer Beegle, Clerk Rillema, Trustee Hampel, Supervisor St. Amour

ALSO PRESENT: Attorney Even and (3) three interested parties.

CALL TO ORDER: Supervisor St. Amour called the Monday, April 8, 2013 Work Session of the Township of Fruitland Board to order at 10:00 AM at the township hall.

AGENDA: Supervisor St. Amour asked to amend the agenda by moving New Business (5) Subcommittee/CAC - Open Meetings Act (OMA) to .5 under Old Business.

Motion by Trustee Deur, second by Trustee Bard, ***ADOPTED***, to accept the amended April 8, 2013 Work Session Agenda.
Upon Voice Vote: 7 AYES - motion carried

PUBLIC COMMENT: There was no public comment

ANNOUNCEMENTS: Supervisor St. Amour stated that securing grant funds for the Fred Meijer Berry Junction Rail Trail (FMBJRT) continues for the trail completion. The White Lake Association inquired if a donation box for use of the Scenic Drive Road End launch to help offset maintenance/repair costs for the seasonal dock could be placed at the road end. The Board tasked Supervisor St. Amour to gain written communication from the White Lake Association regarding who is responsible for payment of future dock maintenance/repairs and communicate with the MCRC regarding such placement of the donation box. A copy of the letter supporting the grant application for Duck Creek Watershed through the Muskegon Conservation District was shared with all Board members for Water Monitoring for Emerging Issues in the Duck Creek Watershed. A letter from the White Lake Community Foundation was received stating that the Porter-Smith Life Ring Fund's balance has recovered but no grants from the Fund will be available for 2013. The White Lake Fire Authority has recommended one additional deletion from their proposed amended Articles of Incorporation. The language to delete is in Article VI, paragraph 4, *The Chairperson shall vote only for the purposes of breaking a tie or meeting the requirement of having the four members present to approve any action.* Attorney Even okayed the deletion. Supervisor St. Amour announced that a mid-June meeting will be scheduled with Muskegon County Road Commission Director Hulka, Muskegon County Drain Commissioner Fisher and himself to discuss the drain issues in our township. Supervisor St. Amour received a phone call inquiring if the township was interested in the donation of a piano. At this time, the Board is not interested.

OLD BUSINESS:

1. Ordinance Enforcement – Supervisor St. Amour stated 4965 Duck Lake Road & 5096 Orshal Road are being monitored, 2643 Duck Lake Road & 3980 McMillan Road are continuing cleanup efforts slowly, 3068 Scenic Drive is under observation by our Zoning Administrator for tree replacement, 3323 Worden Road is okay in the front yard, back yard

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is continuing cleanup and Supervisor St. Amour tasked the Board to access 5700 Michillinda Road and report their findings to him.

2. WLAA - Supervisor St. Amour stated he was not able to participate in the March 28, 2013 meeting of the WLAA because the Chair stated that WLAA had no record that he was now representing Fruitland Township. The following motion supports his representation for Fruitland Township on the WLAA Board.

Motion by Supervisor St. Amour, second by Trustee Bard, **ADOPTED**, to authorize Supervisor St. Amour as representative for Fruitland Township on the White Lake Ambulance Authority.

Upon Voice Vote: 7 AYES - motion carried

Attorney Even stated that the two requests (amendments to the Articles of Incorporation and letter requesting 2011-12 Audit Report, 2012-13 Budget Year-to-Date Revenues/Expenditures and 2013-14 Proposed Budget) have become very adversarial for reasonable requests by a participating municipality. No response from the WLAA Attorney to date has been received by Attorney Even after numerous requests and authorization by WLAA Chairman Studevan at the March 28, 2013 meeting to request the WLAA attorney to respond to Fruitland's Attorney requests. The Board of Trustees continues to be concerned about 1) the poor quality of financial reports from WLAA, 2) the internal control weaknesses noted by the WLAA auditors and 3) lack of response from its Board on numerous requests. Disappointment regarding other municipality's involvement was also commented.

3. Ecology Station - Supervisor St. Amour prepared a spreadsheet on Allied Waste costs after learning that the January 2013 invoices reflected an increase in tonnage and pulls. The increase would have cost Fruitland approximately \$15000.00 more yearly had Chef Container not quoted for the service account. Invoices from Allied Waste were decreased back to the 2012 pricing in February once negotiations started taking place with both companies. Chef Container was awarded a three year contract. Matt from Chef Container will be attending the Monday Regular meeting to discuss the price matrix and also a potential electronics collection event available in our township.

NEW BUSINESS:

1. White River Township Request for Letter of Support - Trustee Deur gave a brief synopsis of the White River Township Dune Preserve and attempts by private landowners to have a driveway constructed through that preserve. White River Township Clerk Lehman contacted Fruitland Township for a letter of support. After much discussion, the township board chose not to take a stand because of the history and because of the legal complexities regarding how to interpret the recent amendments to the Sand Dune Protection legislation.
2. Fee, Permit and Escrow Schedule - Clerk Rillema stated that the schedule needs to be amended to remove the rental of the WRLS and increase the Nestrom Park Pavilion Rental from \$15.00 to \$20.00 as recommended by the Parks & Recreation Commission. A motion to approve such amendment to Resolution 2013-06 will be prepared for the Monday Regular meeting.

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3. Poverty Exemption Guideline Amendment - Clerk Rillema spoke on behalf of Assessor Bowen who is recommending the additional language of **(3) You may not own more than one home** to the Fruitland Township Asset Requirement per the Poverty Exemption Guidelines as set by the Township Board in 2008. A motion will be prepared for the Monday Regular meeting to adopt such additional language.
4. Hydrant Flushing - The invoice from the Department of Public Works of Muskegon County for the 2012 Fire Hydrant Index in the amount of \$2200.00 for the 11 fire hydrants in the township was received. A motion to authorize payment will be prepared for the Monday Regular meeting.
5. Subcommittee/Citizens Advisory Committee OMA - Attorney Even recommends status quo for our subcommittees/CACs on the requirement for the Open Meeting Act. The subcommittees/CACs are not subject to this requirement at this time as long as they are performing a "staff" function and are not making the decisions of the elected body or appointed commission.
6. Donation of Property - Supervisor St. Amour received a phone call from a real estate broker stating that Father Francis Partridge would like to donate approximately 20+ acres (parcel #61-107-300-0004-00 on the corner of Lamos and Michillinda Roads. Supervisor St. Amour will research if any deed restrictions exist and if any restrictions will be added if the donation is approved by the Board of Trustees.
7. Health Insurance - Trustee Deur will be discussing with agent Jennifer McDonnell potential plans for health insurance due to Fruitland Township only having one individual on a group plan at this time.
8. Marcus Park Lawsuit - Attorney Even stated that the appeal briefs have been submitted by all parties. Document review by 3rd District Judges will now take place with a potential September/October hearing.

Motion by Trustee Bard, second by Trustee Deur, **ADOPTED**, to suspend for open floor comments at 11:40 AM.

*Upon Voice Vote: **7 AYES - motion carried***

Jan Klco, 6740 Blank Road - Encouraged the board to not support the proposed Walmart in the White Lake area.

Motion by Trustee Bard, second by Trustee Deur, **ADOPTED**, to unsuspend and close open floor comments at 11:45 AM.

*Upon Voice Vote: **7 AYES - motion carried***

9. Board Comments - Trustee Bard stated to all board members that while she served as the representative of the WLAA, she reported a summary of meetings regularly at the monthly board meetings. Clerk Rillema asked Attorney Even if the WLAA does not provide any of the documents requested what is the next step. Attorney Even suggested waiting until this month's WLAA meeting's results and then the Board would need to discuss actions going forward.

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ADJOURNMENT:

Motion by Treasurer Beegle, second by Trustee Rissi, ***ADOPTED***, to adjourn the Monday, April 8, 2013 Work Session of the Township of Fruitland at 11:45 AM.

*Upon Voice Vote: **7 AYES - motion carried***

Respectfully Submitted,

Karolyn Rillema, Clerk
Township of Fruitland