

**FRUITLAND TOWNSHIP BOARD
WORK SESSION
JUNE 10, 2013
MINUTES**

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

ALSO PRESENT: Attorney Even and (1) one interested party.

CALL TO ORDER: Supervisor St. Amour called the Monday, June 10, 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 the addition of a moment of silence before Public Comment and move Old Business #2 - White Lake Ambulance Authority Update to New Business #3.5.

Motion by Trustee Bard, second by Trustee Deur, **ADOPTED**, to accept the amended June 10, 2013 Work Session Agenda.

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

PUBLIC COMMENT: There was no public comment.

SPECIAL GUEST - Aaron King, 3680 W. River Road - Spoke to the Board of Trustees and encouraged the board to adopt an ordinance to regulate the discharge of fireworks on the other 335 days of the year that state law does not regulate. His family has been disrupted by the discharge of fireworks by neighboring parcels. The Board tasked Attorney Even to gather information on tickets issued in Muskegon County in the last year for firework discharge so additional conversation can take place at an upcoming work session.

ANNOUNCEMENTS: Supervisor St. Amour stated that over 4000 tires were collected in the Five Township Scrap Tire event this last Saturday. Discount Dump Days is currently happening in the township for the month of June. Supervisor St. Amour reported that Director Cindy Beth Davis-Dykema of SPLKA has resigned from her position due to relocating back to Hawaii. Supervisor St. Amour polled the Board if interest in asking for representation from Fruitland Township on the SPLKA board was a possibility. The Board okayed Supervisor St. Amour to investigate such representative. Muskegon County has received grant monies once again for beach water testing. Testing will be performed near the channel on Lake Michigan. Notices will be again alerted in our e-news and a copy will be placed at the White River Light Station notifying the public of any irregularities. Supervisor St. Amour stated that he is working on a personnel issue with our maintenance employee. He will keep the board abreast of any issues that arise.

OLD BUSINESS:

1. Ordinance Enforcement – Supervisor St. Amour reported that 5162 South Shore Drive is working to clean up the east side of his property and at 3775 White Lake Drive, he has left his business card twice but has not received any response from the property owner. Deputy Ashker will be asked to visit this address for violation of our junk ordinance. Supervisor St. Amour reported that he has not met with Mark Bletsch who was appointed to help with

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ordinance enforcement last month. Several other junk ordinance violation properties continue their efforts in cleanup at this time.

2. White Lake Fire Authority Articles of Incorporation - Attorney Even reviewed the additional language change submitted by the WLFA in May. A motion will be prepared to adopt such language in "ARTICLE VI: AUTHORITY BOARD, #4 Quorum, Meetings and Voting: *The Board shall meet at least quarter annually, and shall hold special meetings upon call of the Chairperson or three Board members. No action shall be taken by the Board except by concurring vote of four members*" for the Monday Regular meeting.
4. Donation of Property - The Board directed Supervisor St. Amour to inform Father Partridge of our non-interest in the donation of the property at Lamos and Michillinda Roads and inform him of the West Michigan Land Conservancy whom may have an interest.
5. Community Building Rental - Supervisor St. Amour stated that three board members responded to his request for comments on the proposed rental agreement with the White Lake Area Alcoholics Group for the continued use of the Community Building. Attorney Even was tasked with preparing an agreement for discussion at the July work session.
5. Road End Agreements - Supervisor St. Amour stated that a Resolution for the use of Nestrom and Scenic Drive Road Ends will need to be adopted and placed on file with the Muskegon County Road Commission. A response from the White Lake Association (WLA) on the proposed agreement for placing a donation box at Scenic Drive Road end was received and Attorney Even will update the agreement if needed after his review of the WLA responses. A Resolution for Nestrom Road End use will be prepared for the Monday Regular meeting.

NEW BUSINESS:

1. MTA Dues - Clerk Rillema stated that our annual dues invoice from MTA is in the amount of \$4,228.25 with a legal defense discretionary assessment of \$126.85. Fruitland Township has traditionally not paid the legal assessment. Trustee Hampel will call MTA and gain knowledge of the assessment and report her findings at the Monday Regular meeting. A motion will be prepared to pay the dues for the Monday Regular meeting.
2. Caller ID/Caller Recording - Trustee Bard requested that the Board now re-consider the addition of caller ID to the township phone system. In light of recent verbal activities and a few township residents known for past erratic behavior she would like to see this system in place. Supervisor St. Amour requested that caller recording be added also. Attorney Even stated that it is legal on a one person phone call to an individual. Again Supervisor St. Amour stated that it would have been beneficial for future use in a recent phone conversation in which the follow up email was different than stated on the phone. Attorney Even reported that we may want to look into our recording system for meetings also, as a recently filed ZBA appeal hearing has ordered a transcript of the hearing which it is unable to do due to large parts of the tape being inaudible. The board tasked Supervisor St. Amour to investigate all.

Trustee Deur excused himself from the meeting at 11:00 AM.

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3. Tax Sale Properties - Treasurer Beegle reported that nine properties in Fruitland Township are listed on the tax sale from Muskegon County. Parcel #61-06-413-010-0021-00 (approximately .11 acres) is surrounded by Fruitland Township owned land and is being sold at a cost of \$360.40. The board okayed for the purchase of such parcel as it would make the parcel between Evanston Avenue and Dearborn Avenue whole. A motion to purchase such parcel will be prepared for the Monday Regular meeting

3.5 White Lake Ambulance Authority -

Motion by Trustee Bard, second by Treasurer Beegle, **ADOPTED**, to go into closed session at 11:05 AM upon advice of Attorney Even.

Roll Call Vote: Trustee Rissi **AYE**, Trustee Hampel **AYE**, Trustee Bard **AYE**, Treasurer Beegle **AYE**, Clerk Rillema **AYE**, Supervisor St. Amour **AYE**, Trustee Deur **ABSENT**

CLOSED SESSION

Motion by Clerk Rillema, second by Trustee Bard, **ADOPTED**, to come out of closed session at 11:40 AM.

Roll Call Vote: Trustee Rissi **AYE**, Trustee Bard **AYE**, Treasurer Beegle **AYE**, Clerk Rillema **AYE**, Supervisor St. Amour **AYE**, Trustee Hampel **AYE**, Trustee Deur **ABSENT**

**FRUITLAND TOWNSHIP
RESOLUTION 2013-14**

WHITE LAKE AMBULANCE AUTHORITY

WHEREAS, A resolution providing for Fruitland Township's revocation of its consent to the 1989 Articles of Incorporation and the 1999 Restated Articles of Incorporation for the White Lake Ambulance Authority with reference to the following facts:

1. Attached hereto as Exhibit A is a copy of the "Articles of Incorporation" for the White Lake Ambulance Authority indicating that they are to be Effective as of January 1, 1989;
2. Attached hereto as Exhibit B is a copy of the "Restated Articles of Incorporation" for the White Lake Ambulance Authority indicating that they are to be Effective as of May 26, 1999;
3. The Articles of Incorporation were filed with the Michigan Secretary of State on January 5, 1989;
4. The Restated Articles of Incorporation were published on August 16, 1999;
5. The Michigan Secretary of State confirms that the Restated Articles of Incorporation were never filed with the Michigan Secretary of State's office as required by Act 57 of 1988;
6. The Articles of Incorporation contains language which purports to give the Authority the power to amend the White Lake Ambulance Authority's Articles of Incorporation by a simple majority which is in violation of Act 57 of 1988;
7. The Restated Articles of Incorporation contains language which purports to give the Authority the power to amend the White Lake Ambulance Authority's Articles of Incorporation by a simple majority which is in violation of Act 57 of 1988, and
8. The attorney for the White Lake Ambulance Authority and the Attorney for Fruitland Township have both opined that the White Lake Ambulance Authority's Articles of Incorporation may only be lawfully amended by the consent of all member units of the Authority.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Trustees of Fruitland Township that the Township's consent to the adoption of the White Lake Ambulance Authority's Articles of Incorporation and its Restated Articles of Incorporation as set forth in Exhibits A and B is hereby revoked for the reason that said Articles are either void, voidable or otherwise constitute an Ultra Vires act of the Authority Members.

Motion by Supervisor St. Amour, second by Trustee Bard, **ADOPTED**, Resolution 2013-14, White Lake Ambulance Authority.

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Upon a roll call vote, the members voted as follows:

“**AYE**”: Trustee Rissi, Trustee Hampel, Trustee Bard, Treasurer Beegle, Clerk Rillema, Supervisor St. Amour

“**NAY**”: None

“**ABSENT**”: Trustee Deur

BE IT RESOLVED THAT, Resolution 2013-14, was adopted at the June 10, 2013 Work Session of the Township of Fruitland.

Karolyn Rillema
Township Clerk

Dated: June 10, 2013

4. Board Comments - Clerk Rillema stated that she would like to apply for a subscription to the White Lake Beacon for Fruitland Township. She currently collects the notices for Fruitland Township out of her personal subscription but would like to see the Township have its own subscription at a yearly cost of \$38.50. A motion to approve the subscription will be prepared for the Monday Regular meeting. Clerk Rillema reported that there will be no August election but that a September election may be in the works for the Muskegon Area Intermediate School District.

ADJOURNMENT:

Motion by Trustee Bard, second by Treasurer Beegle, **ADOPTED**, to adjourn the Monday, June 10, 2013 Work Session of the Township of Fruitland at 11:45 AM.

Upon Voice Vote: **6 AYES, 1 ABSENT - motion carried**

Respectfully Submitted,

Karolyn Rillema, Clerk
Township of Fruitland