

**FRUITLAND TOWNSHIP BOARD**  
**FISCAL YEAR 2008 / 2009 BUDGET HEARING AND REGULAR MEETING**  
**MARCH 17, 2008**  
**MINUTES**

**PRESENT:** Supervisor Gregory R. Boughton, Treasurer Debbie Boyer, Trustee Mary Ann Bard, Trustee Gary Bole, Trustee Norma Binns, Trustee Mary Eley, and Clerk Janell Beard.

**ALSO PRESENT:** Township Attorney Robert Eklund and 18 interested parties.

**CALL TO ORDER -**

Supervisor Boughton called the meeting for public hearing for Fiscal Year 2008 / 2009 Budget to order at 7:00 p.m.; and led those in attendance in the Pledge of Allegiance.

1. Public Hearing

Motion by Trustee Eley, second from Trustee Bard, **ADOPTED**, to open for public hearing the 2008 / 2009 Fiscal Year Budget at 7:04 p.m.

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

Opening statement from Supervisor Boughton stated it is the responsibility of the Supervisor to take input from Department Heads and the public at large and compose the township budget for public hearing and implementation. Notice of 2008 / 2009 Budget Hearing was published March 02, 2008 and March 09, 2008 in the White Lake Beacon. The 2008 / 2009 Fiscal Year Budget does not include increases for Elected Officials, the 2008 / 2009 Fiscal Year Budget presented reflects the departmentalized salary allocations, with an increase of 2.3%, cost of living, and expenditures for drainage project at the Fire Barn and irrigation repair and upgrade at the cemetery. Supervisor Boughton stated the township is in an enviable position with a healthy fund balance.

**FISCAL YEAR 2008 / 2009 BUDGET PUBLIC HEARING OPENED AT 7:04 P.M.**

1. Jan Deur 2761 Scenic Drive, Muskegon, MI 49445, cited previously submitted questions via email and the Wednesday, March 12, 2008 meeting of the Fruitland Township Board, and asked the cost of conducting an election, if proposed budget included a June Presidential Primary election expenditure, and sought clarification for contracting bank service expenditure and inquired about Health Savings Account in place of the current health insurance policy.

Treasurer Boyer stated the expenditure for bank service reflects the approval of the Fruitland Township Board for participation in positive pay and other banking functions.

Clerk Beard cited an estimated amount of 1,800.00 – 2,300.00 for an election.

Supervisor Boughton stated the proposed 2008 / 2009 Fiscal Year Budget did not include a June Presidential Primary election, and a budget amendment would be in order if the 2008 Presidential Primary was to be held again in June. Supervisor Boughton stated the health insurance amendments were for a period of three years, ending June 2009, and in preparation for June 2009, others health insurance options will be considered, including health savings account.

2. Jeff Marcinkowski 3767 Jay Road, Whitehall, MI 49461 asked if the budget cuts that have been made are sustainable and recover from cuts to budget.

Supervisor Boughton stated future projections are optimistic and close to prior operating.

Motion by Trustee Eley, second from Trustee Binns, **ADOPTED**, to close the public hearing for the 2008 / 2009 Fiscal Year Budget at 7:24 p.m.

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

Supervisor Boughton declared closure on the proper hearing held on the 2008 / 2009 Fiscal Year Budget.

Supervisor Boughton called the Monday, March 17, 2008 Regular Meeting of the Fruitland Township Board to order at 7:25 p.m.; and called for public comment for items not referenced on the March 17, 2008 agenda.

1. Marjorie Jones 3075 Scenic Drive, Muskegon, MI 49445 inquired as to the process to eliminate the monies paid to Parks and Recreation Commission, stated she served as a Parks Commissioner on a voluntary bases in Yorktown Heights, New York; if the Fruitland Township Board was the proper place to address the removal of pay.  
Supervisor Boughton stated the members of the Fruitland Township Parks and Recreation Commission are elected officials and receive 35.00 per meeting pay.  
Trustee Eley stated the people of Fruitland Township voted to create the Parks and Recreation Commission, and by ballot initiative the voters could by referendum to dissolve the Parks and Recreation Commission, and across the state precedence has been set to dissolve Parks and Recreation Commissions.
  
2. Jeff Marcinkowski 3767 Jay Road, Whitehall, MI 49461 stated the political arena phenomenon "Clintonism" pertains to increasing desire for elected officials to do bad things under the aura of power, and feel potentially immune. People in power feel they can do things that mere mortals cannot; Clerks mileage claims, Treasurer covers for Building Official and is afraid of the Clerk, Supervisor has his own private police force to teach someone a lesson, and plays dumb when called on it; I have not called you by name, for when you assumed your elected position, your integrity is gone, and shall remain nameless; a recall is appropriate; I will spend all my time and treasure and will find talents to replace you; save yourself time and effort and resign now.

**MINUTES -**

Motion by Trustee Eley, second from Trustee Bole, **ADOPTED**, to accept the February 13, 2008 and amend the February 20, 2008 Regular Meeting Minutes to reflect *amendment from Trustee Eley "Item Number 02-08-05 Salary Resolutions, c. Resolution 2008-06 Establish Clerk Salary for fiscal year 1008-09 Discussion: Trustee Eley provided the Clerk the opportunity to voluntarily relinquish her \$1,500 per election bonus, per MCL 41.95(2), and allow the board to reallocate these funds to worthy township projects, such as road repair; the Clerk refused."*

*Upon Voice Vote:*

**5 AYES** (Bard, Bole, Binns, Eley, Boughton)

**2 NAYS** (Boyer, Beard)

**RECEIPTS and DISBURSEMENTS –**

Motion by Trustee Eley, second from Trustee Bole, **ADOPTED**, to accept the report of receipts in the amount of \$215,625.88 for Fund 101, for a General Fund Balance (Funds 101, 120, 130, 140, 145, 470 and 812), for a Total Balance of \$954,245.85 (liquid balance),

and Total Bank Balances and Certificate of Deposits in the amount of \$1,309,323.54 as of March 14, 2008, as reported by Debbie Boyer, Fruitland Township Treasurer CPFA; and approve Total General Fund Disbursements in the amount of \$34,268.55 for the period of February 19, 2008 through March 17, 2008 as reported by Janell Beard, Fruitland Township Clerk CMC.

Upon Voice Vote: **7 AYES**

**NEW BUSINESS –**

1. RESOLUTION 2008-09 GENERAL APPROPRIATIONS –

Motion by Treasurer Boyer, second from Trustee Binns, **ADOPTED**, to enact Resolution 2008-09 General Appropriations for Fiscal Year 2008 / 2009, with estimated revenues allocations for 101 General Fund 931,628.00, general fund 102 Public Roads 520,494.00, general fund 130 Public Works 74,000.00, general fund 140 Metro Authority 26,526.00, general fund 145 Equipment Replacement 75,000.00, general fund 150 Blueberry Festival / Nestrom Park 15,050.00, general fund 470 Building and Site 64,476.00, and general fund 812 Special Assessment 62,489.00, and expenditures of 93,127.00 Governing Body, 45,103.00 Supervisor, 11,405.00 Elections, 6000.00 Audit, 50,000.00 Assessor, 55,000.00 Attorney, 54,865.00 Clerk, 1,710.00 Board of Review, 52,981.00 Treasurer, 41,276.00 Township Hall, 11,091.00 Community Building, 27,694.00 Township Property, 21,713.00 Cemetery, 1,000.00 Watershed, 48,879.00 Ordinance Enforcer / Police, 122,513.00 Inspection Department, 1,500.00 Drains, 13,500.00 Street Lighting, 600.00 Special Assessment Street Lighting, 64,675.00 Ecology Station, 22,321.00 Parks and Recreation, 50,864.00 Museum, 53,493.00 Planning Commission, 11,861.00 Zoning Board of Appeals, 39,000.00 Insurance and Bond, 1,000.00 Unemployment for Fiscal Year 2008 / 2009.

ROLL CALL VOTE:

Treasurer Boyer AYE, Clerk Beard AYE, Trustee Bard NAY, Trustee Bole NAY, Trustee Binns AYE, Trustee Eley NAY, Supervisor Boughton AYE.

Trustee Eley “Regretfully, I must vote against adopting this budget. It is not because I disagree with a particular expenditure – although there are several that I question. Rather, it is the closed process in which this budget was developed that concerns me. Besides voting on board issues, Michigan law holds a township trustee responsible for one thing: the township’s fiduciary health. The Michigan Townships Association explains, “As the name implies, a trustee is an individual placed in a position of public trust with fiduciary responsibilities to manage the affairs of the township for the best interests of the public... Trustees should be given an opportunity to investigate and study important decisions before voting. They should insist upon this opportunity if it has not been afforded them.” The most important fiduciary responsibility in township government is the development of a fiscally sound, well-vetted budget. This process cries out for

robust, public discussion and close scrutiny, particularly in these challenging economic times. Last year, several members of this board – myself included – worked very hard to foster such a process, resulting in nearly \$100,000 in savings for taxpayers. Unfortunately, that process was not followed this year. Line items cut last year have increased with little or no board discussion. And one Trustee’s request for copies of contracts and other financial information were repeatedly ignored. To his credit, the Supervisor appointed several committees to study specific budget issues, including the selection of a township auditor and a review of the building inspection department. However, a committee’s recommendation is not a mandate, nor should it replace board discussion and deliberation, or exclude the public. Mr. Supervisor, this budget is not the best we can do. But there is still time for us to discuss and amend it. The new fiscal year begins on April 1. Before that date, I encourage you to call a special meeting to listen to your board, provide the information they request, and answer all their questions. March 17 marks the beginning of Sunshine Week, a national initiative to open dialogue about the importance of open government and freedom of information. Actions speak louder than words, Mr. Supervisor. Let us join together to demonstrate open, transparent, accountable government with this budget. It is not too late to let the sunshine in. The citizens of Fruitland Township deserve nothing less.

Clerk Beard respectfully disagreed with Trustee Eley’s perspective of a closed process for the development of the Fiscal Year 2008 / 2009 Budget, as the proposed budget has been a work in progress since December 2007 with copies distributed at every meeting to members of the board and public at large; Supervisor Boughton has continually called for direction and discussion regarding the proposed budget from township board members and the public at large; and has indeed met with members of both parties. The proposed budget has been available on the township web site for review and comment. There are no substantial changes to the budget except to the Department for Code Enforcement regarding lowered compensation for the Building Official and the Electrical and Mechanical Inspector; the other minute changes reflect cost of living increase for the Office Staff, Maintenance, Ecology Station Attendant and the Museum Curator.

Trustee Binns stated Supervisor Boughton did as he was directed to do by the Township Board in composing the proposed budget.

Supervisor Boughton stated he respected the perspective of Trustee Eley and encouraged her to vote her conscience. Supervisor Boughton stated he has worked with members of the Township Board and met with individuals who had concerns, and felt he had acted in accordance with an open process and his fulfilled his fiduciary responsibility in preparation for the presentation of the Fiscal Year 2008 / 2009 Budget for the public hearing this evening.

2. 2008-2009 APPOINTMENTS

A. TOWNSHIP ATTORNEY - Robert Eklund

Motion by Trustee Binns, second from Treasurer Boyer, **ADOPTED**, to appoint Attorney Robert Eklund as the attorney for Fruitland Township.

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

B. BOARD OF REVIEW ALTERNATE to 12/31/08 – Kathy Nearanz

Motion by Trustee Binns, second from Trustee Eley, **ADOPTED**, to appoint Kathy Nearanz as an alternate to the Fruitland Township Board of Review, with the term ending December 31, 2008.

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

C. PLANNING COMMISSION

3 year term – Carol Kooistra

Motion by Trustee Eley, second from Trustee Bard, **ADOPTED**, to appoint Carol Kooistra to the Fruitland Township Planning Commission for a 3 year term, ending March 31, 2011.

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

1 year term – Mary Eley

Motion by Trustee Bole, second from Trustee Bard, **ADOPTED**, to appoint Mary Eley to the Fruitland Township Planning Commission, for a term ending December 01, 2008.

*Upon Voice Vote:*

**6 AYES** (Bole, Bard, Binns, Boughton, Boyer, Beard)

**1 ABSTAIN** (Eley)

D. ZONING BOARD OF APPEAL

3 year term – John Warner

Motion by Trustee Bole, second from Trustee Bard, **ADOPTED**, to appoint John Warner to the Fruitland Township Zoning Board of Appeals for a 3 year term, ending March 31, 2011.

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

3 year term – Gary Bole

Motion by Trustee Eley, second from Trustee Bard, **ADOPTED**, to appoint Gary Bole to the Zoning Board of Appeals for a 3 year term, ending March 31, 2011.

*Upon Voice Vote:*

**6 AYES** (Eley, Bard, Binns, Boughton, Boyer, Beard)

**1 ABSTAIN** (Bole)

3. APPOINTMENT OF AUDITOR

Motion by Trustee Binns, second from Trustee Bard, **ADOPTED**, to accept the proposal for one year contract with extensions open to future boards from Brickley DeLong; and to appoint Brickley Delong as Fruitland Township Auditor for 2008.

*Upon Voice Vote:*

**6 AYES** (Bard, Bole, Binns, Boughton, Eley, Boyer)

**1 NAY** (Beard)

4. DEPOSITORIES FOR TOWNSHIP FUNDS

Motion by Treasurer Boyer, second from Trustee Bole, **ADOPTED**, to appoint 5 / 3 Bank and National City Bank as the depositories for Fruitland Township funds.

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

5. ESTABLISH REGULAR MEETING DATES

Motion by Trustee Binns, second from Trustee Eley, **ADOPTED**, to set the third Monday of the month at 7:00p.m., for the monthly meeting of the Fruitland Township Board of Trustees, with a work session meeting at 4:00 p.m. the Wednesday preceding the third Monday, effective May 2008. The April Fruitland Township Board meeting will be Tuesday, April 22, 2008 at 7:00 p.m.; Fruitland

Township Panning Commission will meet the first Wednesday of the month at 6:30 p.m., with the exception of the April meeting which will be held on April 9<sup>th</sup>; the Fruitland Township Zoning board of Appeals will meet the second Monday of the month at 6:30 p.m. when necessary.

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

6. PLANNING COMMISSION

Motion by Trustee Eley, second from trustee Bole, ***ADOPTED***, to accept the recommendation of the Fruitland Township Planning Commission to the Private Street Ordinance, Planning Commission Resolution 2008-03-05-1; Article XVIIIa, Private Streets, Section 18.01 Scope, E.

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

7. WATER SYSTEM CONTRACT

Motion by Trustee Bole, second from Trustee Binns, ***ADOPTED***, to approve and enact the Resolution for the Muskegon County Department of Public Works Contract.

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

Motion by Trustee Bole, second from Trustee Binns, ***ADOPTED***, that Fruitland Township enter into the Muskegon County Department of Public Works contract and authorize the Supervisor and Clerk to sign said agreement.

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

8. M.D.O.T. ENHANCEMENT GRANT – MCRC

Motion by Trustee Bard, second from Trustee Eley, ***ADOPTED***, to request that the Muskegon County Road Commission apply for an enhancement grant for Fruitland Township Berry Junction Rail Trail and authorize the Supervisor and Clerk to sign agreement with the Muskegon County Road Commission.

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

9. SCENIC DRIVE PARKING REGULATIONS

Motion by Trustee Bard, second from Trustee Eley, ***ADOPTED***, to enact ordinance to regulate Parking on Scenic Drive, and encourage P. I. N. S. Officer to enforce parking ordinance.

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

10. P.I.N.S. CONTRACT

Motion by Trustee Bole, second from Trustee Eley, ***ADOPTED***, to direct the Supervisor to sign the intergovernmental agreement for partnership in Neighborhood Safety (P.I.N.S.) for one year period April 01, 2008 through March 31, 2009.

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

Supervisor Boughton state the intergovernmental agreement for Muskegon County Sheriff Department coverage is shared with Whitehall Township. Consensus that the Muskegon County Board of Commissioners needs to support the program.

Denise Irely 2290 Nestrom Road, Muskegon, MI 49445 stated one P.I.N.S. Officer is not enough for Fruitland Township.

11. COMMUNITY EDUCATION

Motion by Trustee Eley, second from Trustee Binns, **ADOPTED**, to contract with White Lake Community Education for the Sports N Shorts program to be held in the Fruitland Township Park, and to not join the consortium this year.

Upon Voice Vote: **7 AYES**

12. SPECIAL BOARD MEETING / SETTLEMENT DAY MARCH 31, 2008

Motion by Trustee Eley, second from Trustee Bard, **ADOPTED**, that a Special Meeting be called for March 31, 2008 at 7:00 p.m. for the purpose of year end budget amendments to the fiscal year 2007/2008 budget, and that the Treasurer prepare allocation of surplus funds according to the following percentages: Public Roads 50%; Public Works 25%; Equipment Replacement 25%; and for the appointment of Planning Commission member.

Upon Voice Vote: **7 AYES**

13. BUILDING INSPECTOR CONTRACT / MECHANICAL & ELECTRICAL INSPECTOR CONTRACT

Motion by Trustee Binns, second from Treasurer Boyer, **ADOPTED**, to accept the building inspector contract effective April 1, 2008 through March 31, 2009 and delegate the Supervisor to sign said contract on behalf of the Township.

Upon Voice Vote:

**5 AYES** (Binns, Eley, Boyer, Boughton, Beard)

**2 NAYS** (Bole, Bard)

Motion by Trustee Eley, second from Trustee Binns, **ADOPTED**, to accept the electrical / mechanical inspector contract effective April 1, 2008 through March 31, 2009, and delegate the Supervisor to sign said contract on behalf of the Township.

**6 AYES** (Bard, Binns, Eley, Boyer, Boughton, Beard)

**1 NAY** (Bole)

Motion by Trustee Bole, second from Trustee Eley, ***ADOPTED***, to adjourn the Monday, March 17, 2008 Regular Meeting of the Fruitland Township Board at 9:40 p.m.

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

Respectfully Submitted,

Janell Beard, Certified Municipal Clerk  
Fruitland Township Clerk

ENROLLLED