

**Fruitland Township Board
Regular Meeting
Minutes
June 16, 2008**

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

ALSO PRESENT: Recording Secretary Sally Garvey, Township Attorney Robert Eklund and 22 interested parties.

NOT PRESENT: Clerk Janell Beard

CALL TO ORDER: Supervisor Boughton called the Monday, June 16, 2008 Regular Meeting of the Fruitland Township Board to order at 7:00 p.m.; and led those in attendance in the Pledge of Allegiance.

PUBLIC COMMENT –

1. Tim Tubergen from the Muskegon Area District Library expresses that it is imperative that the Fruitland Township Representative attend all meetings. They are normally held on Wednesdays at 3:30 p.m. at the Muskegon Area District Library Administrative Building on Airline Road in Muskegon.

Supervisor Boughton stated Jean Dresen is the Fruitland Township Representative with he and Trustee Bard as alternates. He will ensure that the township is represented by one of them.

2. Jeff Marcinkowski, 3767 Jay Road, asks who Ordinance Enforcer Carrier reports to and what his job description is. He also would like to know who comes up with the remedies.

Supervisor Boughton stated Ordinance Enforcer Carrier reports to the Township Board. When an ordinance violation is identified he fills out a Notice of Ordinance Violation form and leaves a copy of the ordinance in violation.

3. Dick Ciezak, 4020 Orshal Road, states he heard that Orshal Road is only being improved from Duck Lake Road to McMillan Road, he wants to know why. He was on the Road Subcommittee and it was recommended that all of Orshal Road be improved.

Supervisor Boughton explains that the bid was put out for Orshal Road from Duck Lake Road to McMillan Road; however, if the bid comes in low enough more may be done.

MINUTES -

Motion by Treasurer Boyer, second from Trustee Eley, **ADOPTED**, to accept the May 14, 2008 and May 19, 2008 Regular Meeting Minutes as submitted.
Upon Voice Vote: **6 AYES 1 ABSENT**

CORRESPONDENCE –

- Muskegon County Road Commission – Nord Road maintenance and Orshal Road improvement.

Supervisor Boughton stated he received a letter dated May 13, 2008 from the Muskegon County Road Commission Maintenance Superintendent regarding the Township's request to modify the winter snow plowing maintenance for Nord Road. The request has been respectfully denied and it has been determined by the Muskegon County Road Commission that it would be in both of our interests for the Township to have Nord Road maintained during all seasons by another source. As a result of this decision, effective immediately, the Road Commission will discontinue all maintenance service for Nord Road north of River Road.

(Place on July agenda for further discussion)

Supervisor Boughton explained that a notice to bidders was published in the Muskegon Chronicle on June 13, 2008 for bids on the improvement of Orshal Road between Duck Lake Road and McMillan Road to be received at the Muskegon County Road Commission no later than 2:00 p.m. on Tuesday, June 24, 2008. The Road Commission has given staff approval to accept the low bid and to start the project as quickly as possible after the 4th of July.

- Robert Christie Resignation – White Lake Library Fruitland Township Representative

Supervisor Boughton stated he received a letter dated May 29, 2008 from the Library Director regarding Dr. Robert W. Christie, D.D.S., retirement from the board effective July 1, 2008. The Board Development Committee has a list of criteria for new board members and a process for filling vacancies. A copy was included. They look forward to working with us on selecting a qualified person to fill this seat.

RECEIPTS and DISBURSEMENTS –

Motion by Trustee Bard, second from Trustee Binns **ADOPTED**, to accept the report of receipts in the amount of \$31,494.38 for Fund 101, \$7,336.45 for fund 140, \$522.00 for Fund 150, \$4,059.00 for Fund 470 for a General Fund Balance (Funds 101, 120, 130, 140, 145, 470 and 812), for a Total Balance of \$365,806.73 (liquid balance), and Total Bank Balances and Certificate of Deposits in the amount of \$1,234,989.96 as of June 13, 2008, as reported by Debbie Boyer, Fruitland Township Treasurer CPFA; and approve Total General Fund Disbursements in the amount of \$33,456.55 for the period of May 17, 2008 through June 13, 2008 as reported by Debbie Boyer, Fruitland Township Treasurer CPFA

Upon Voice Vote:

6 AYES 1 ABSENT

NEW BUSINESS –

1. Item Number: 06-08-01
Township Insurance

Motion by Trustee Eley, second from Treasurer Boyer, **ADOPTED**, to contract with Western Insurance for township liability insurance, property, inland

marine, and EDP deductibles at \$500.00 with \$1,000.00 Wrongful Act deductibles at a cost of \$18,271.00.

Upon Voice Vote: **6 AYES 1 ABSENT**

2. Item Number 06-08-02
Township Response to Request from Bruce Rissi

Motion by Trustee Eley, second from Trustee Bole, ***ADOPTED***, to take no action at this time to prevent such use of the docks in Marcus Park to the extent they are used as they have been used in the past, however, the Board reserves the right to take further action at any time regarding this matter regardless of the status of their pending appeal.

Upon Voice Vote: **5 AYES 1 ABSENT 1 NAY (Binns)**

Motion by Trustee Eley, second from Trustee Bard, ***ADOPTED***, to suspend the rules to hear Public Comment.

5 AYES 1 ABSENT 1 NAY (Bole)

PUBLIC COMMENT

- Bill Traynor, 6305 Sheltering Way, representing Marcus Dunes, wants clarification that these motions do not include Marcus Dunes residents who were granted easement by the Judge Marietta. The board clarifies the motions do not include Marcus Dunes residents.
- Bruce Rissi, 5820 W. Duck Lake Road, representing the Duck Lake Association, expresses he is troubled with the direction the township is taking and is asking again that the township enforce Judge Marietta's order.
- Jerry Rumps, 4378 Winterwood Shores, makes reference to Judge Marietta's judgment. Board members request a copy of said judgment. Mr. Rumps will provide to them.

Motion by Trustee Eley, second from Trustee Bole, ***ADOPTED***, due to the fact that all of the parties to this litigation have appealed the judgment to take no action at this time against the residents of Winterwood Shores.

6 AYES 1 ABSENT

3. Item Number 06-08-03
Township Response to Request from Mrs. Denise Irely

Motion by Treasurer Boyer, second from Trustee Bole, ***ADOPTED***, to direct Supervisor Boughton to obtain by a Freedom of Information Act request, all documentation from the Muskegon County Road Commission, between them and Mr. Scott for the upgrading of the most southern end of Nestrom Road to Seasonal Standards.

Upon Voice Vote: **6 AYES 1 ABSENT 7**

Trustees question, what is a seasonal road and who should be responsible for maintenance?

4. Item Number 06-08-04
Planning Commission

Motion by Trustee Eley, second from Trustee Binns, **ADOPTED**, to amend Article III, General Provisions, Section 3.23 (E. 3.) to add Lake Michigan Shoreline District, Inland Lakes District, and North Duck Lake Overlay District.
Upon Voice Vote: **6 AYES 1 ABSENT**

Motion by Trustee Eley, second from Trustee Bard, **ADOPTED**, to amend Article XX, Section 20.02 (F-striking Shoreline Overlay District and replacing with Inland Lakes District, J-striking Light Industrial District and replacing with North Duck Lake Overlay District and L-striking Overlay)
Upon Voice Vote: **6 AYES 1 ABSENT**

Motion by Trustee Eley, second from Trustee Binns, **ADOPTED**, to amend Article VI, Medium Density Residential (MDR) District, Section 6.04 to change the minimum lot area for residential uses from one (1) acre to two (2) acres and minimum lot width from one hundred five (105) feet to one hundred fifty (150) feet to become effective January 1, 2009, with all residents in this district being notified by mail of the changes and the effective date.
Upon Voice Vote: **6 AYES 1 ABSENT**

5. Item Number 06-08-05
Township Response to Mark Mulder

Motion by Trustee Eley, second from Trustee Bard, **ADOPTED**, to reconfirm the Fruitland Township policy to purchase Lakewood Lots for \$150.00 per lot, and to direct Supervisor Boughton to make this offer to Mr. and Mrs. Mulder.
Upon Voice Vote: **6 AYES 1 ABSENT**

6. Item Number 06-08-06
Muskegon County Road Commission Invoice 700662

Motion by Trustee Eley, second from Trustee Bard, **ADOPTED**, to direct Supervisor Boughton and Trustee Eley to meet with Mr. Hulka from the Muskegon County Road Commission to obtain an explanation of how much of Invoice 700662 was allocated to Lamos Road and then to make recommendation to the board on how to proceed.
Upon Voice Vote: **6 AYES 1 ABSENT**

Motion by Trustee Bole, second from Trustee Eley, **ADOPTED**, to suspend the rules to hear public comment.

PUBLIC COMMENT

- Dick Ciezak, 4020 Orshal Road, asks why the road subcommittee list wasn't used instead of letting the Muskegon County Road Commission make the decision. There are a lot of other roads the excess asphalt could have been used on.

- Jeff Marcinkowski, 3767 Jay Road, suggests doing separate contracts for each project for better tracking.

7. Item Number 06-08-07
4th of July Fireworks

Motion by Trustee Binns, second from Trustee Eley, **ADOPTED**, to expend \$200.00 to participate in the White Lake Elks #2607 4th of July fireworks.

Upon Voice Vote: **6 AYES 1 ABSENT**

Adjournment

Motion by Trustee Bard, second from Trustee Eley, **ADOPTED**, to adjourn the Monday, June 16, 2008 Regular Meeting of the Fruitland Township Board at 8:50 p.m.

Respectfully Submitted,

Sally Garvey
Recording Secretary

ENROLLED