

**FRUITLAND TOWNSHIP BOARD  
REGULAR MEETING  
AUGUST 18, 2008  
MINUTES**

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

**NOT PRESENT:** Clerk Janell Beard

**ALSO PRESENT:** Township Attorney Robert Eklund and 33 interested parties.

**CALL TO ORDER -** Supervisor Boughton called the Monday, August 18, 2008 Regular Meeting of the Fruitland Township Board to order at 7:00 p.m. and welcomed those in attendance and led the Pledge of Allegiance.

**PUBLIC COMMENT –**

1. John Noling, 5890 Michillinda Road, has concerns with the McMillan Road End Report, Supervisor Boughton explains the report was received at the Wednesday August 13, 2008 meeting; it will be reviewed further at the next Wednesday September 17, 2008 meeting.
2. Steve Nagengast, 3905 Scenic Drive, voices concerns with rental properties, believes the township should have ordinance to regulate them, has rental property next to him, it creates problems with noise, excessive traffic on driveway and beach fires, he has been checking into other areas ordinances and is more than willing to help with language. Supervisor Boughton stated this can be put on the Wednesday September 10, 2008 agenda for discussion.
3. Kim McGee, 6166 Murray Road, believes Fruitland Township lands need rules for who can use, hours they can use and what they can be used for, there are signs but we need enforcement, has been asking for help for at least a year with the gates needing to be locked at the Lighthouse, he is tired of being told the township can not afford to pay someone to do this.
4. Tracy Jeffries, 5513 Lamos Road, advises the Blueberry Festival was awesome, great success, the games were great and there was something for everyone in the family, she commented she found some language offensive in the six (6) point plan Trustee Eley presented, she agrees we need rules and enforcement but feels some of this is a little overboard, we definitely need to keep Scenic Road End dock open, the County Sheriffs Department uses it for rescues, she feels the township needs to list roads in the order they need to be done, new committee needs to be diverse.
5. Charles Bourdon, 5385 Lakewood Road, asks who is responsible for the Township Park, Supervisor Boughton advises Parks and Recreation is.
6. Mary McGee, 6166 Murray Road, states Murray Road is in bad shape and needs attention also.
7. Tom Irely, 2290 Nestrom Road, advises the Muskegon County Road Commission put poles in today at River Road, he wants to see a speed limit sign, road curve sign and posts put on the township property.

Motion by Trustee Eley, second from Trustee Bard, ***ADOPTED***, to direct Supervisor Boughton to lobby the Muskegon County Road Commission to have a 25 mile per hour and road curve signs on the Seasonal road portion of Nestrom Road and to ask if they plan on putting post in with reflectors at the Nestrom Road curve and if not to direct maintenance to install within 30 days.

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

**MINUTES -** Accept or amend the July 16, 2008 and July 21, 2008 Regular Meeting Minutes and the August 1, 2008 Special Meeting Minutes.

Motion by Treasurer Boyer, second from Trustee Eley, **ADOPTED**, to approve the July 16, 2008 and July 21, 2008 Regular Meeting Minutes and the August 1, 2008 Special Meeting Minutes as submitted.

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

**RECEIPTS and DISBURSEMENTS –**

Accept or amend report of receipts in the amount of \$63,226.05 for Fund 101 and \$1,850.58 for Fund 150 and \$1,149.11 for Fund 812 for a General Fund Balance (Funds 101, 120, 130, 140, 145, 470 and 812), for a Total Balance of \$330,683.53 (liquid balance), and Total Bank Balances and Certificate of Deposits in the amount of \$1,204,199.51 as of August 15, 2008, as reported by Debbie Boyer, Fruitland Township Treasurer CPFA; and approve or amend for Total General Fund Disbursements the amount of \$23,188.36 for the period of July 22, 2008 through August 13, 2008 as reported by Janell Beard, Fruitland Township Clerk CMC.

Motion by Trustee Binns, second from Trustee Bard, **ADOPTED**, to accept the report of receipts in the amount of \$63,226.05 for Fund 101 and \$1,850.58 for Fund 150 and \$1,149.11 for Fund 812 for a General Fund Balance (Funds 101, 120, 130, 140, 145, 470 and 812), for a Total Balance of \$223,206.43 (liquid balance), and Total Bank Balances and Certificate of Deposits in the amount of \$1,204,199.51 as of August 15, 2008, as reported by Debbie Boyer, Fruitland Township Treasurer CPFA; and approve Total General Fund Disbursements the amount of \$23,188.36 for the period of July 22, 2008 through August 13, 2008 as reported by Janell Beard, Fruitland Township Clerk CMC.

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

**COMMUNICATION –**

- Don Carrier's Resignation

Motion by Treasurer Boyer, second from Trustee Eley, **ADOPTED**, to accept the resignation of Donald E. Carrier as Ordinance Enforcer effective November 15, 2008, and to direct Supervisor Boughton to write Mr. Carrier thanking him for his years of service. As a replacement is sought, the willingness of Mr. Carrier to continue doing liquor inspections shall be noted as the board seeks a replacement.

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

- Citizens Road Committee

Motion by Treasurer Boyer, second from Trustee Eley, **ADOPTED**, that the Citizens Roads Committee report be accepted and placed on file for discussion along with the report from the Fruitland Township Board's Road Committee at the September 10, 2008 board meeting.

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

It was stated that the current Citizens Roads Committee members are willing to continue. It was suggested by a board member that one (1) additional person be added to the committee.

*Place as item on the Wednesday September 10, 2008 meeting agenda.*

## **NEW BUSINESS**

### **1. LAKEWOOD ROAD IMPROVEMENT**

Motion by Treasurer Boyer, second from Trustee Eley, **ADOPTED**, to accept the bid provided by the MCRC for Project #1: the 1,200 feet of repairs for Lakewood Road east of the South Shore/Nestrom Road intersection. The project consists of 252 tons of hot mix asphalt costing \$14,011.20; berm removal/swale ditching costing \$1,030.00; traffic control cost of \$16,836.20 and Project #2: Repair road West of Orshal which includes 22 tons asphalt and 55 tons of new gravel with a total cost of \$3,300. Both projects totaling \$20,136.20 to be expensed from the GL #120-447-974.000.

#### **ROLL CALL VOTE:**

**Trustee Eley AYE, Trustee Binns AYE, Trustee Bole NAY, Trustee Bard NAY, Treasurer Boyer ABSTAINED, and Supervisor Boughton AYE.**

## **DISCUSSION**

Trustee Bole stated to be done correctly it needs to be chip sealed and that would add an additional 31,000.00. He also asked why this road wasn't on the list from the Citizens Road Committee if it is in such bad shape. Supervisor Boughton and Trustee Binns both stated these sections of Lakewood have not only become a nuisance for the residents but also for emergency crews. According to Treasurer Boyer there is more than enough money available if it is decided to do the chip seal.

Motion by Trustee Eley, second from Treasurer Boyer, **ADOPTED**, to suspend rules and accept public comment.

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

## **PUBLIC COMMENT**

- Tracy Jeffries, 5513 Lamos Road, stated she feels like the Citizen Roads Committee is being slapped in the face, why isn't the township listening to them? They presented a list, when the roads are being done lets do the full job not just band aid like we did on Lamos Road, it is already cracking on the edges.
- Ken Trojan, 5688 Simonelli Road, stated he has been fighting for years to get his road done, why is he being ignored.
- Dick Ciezak, 4020 Orshal Road, stated he agrees with Mr. Trojan but wanted him to know that Orshal Road was put to the public.

## 2. SMALL HARBORS RESOLUTION

Motion by Trustee Eley, second from Trustee Binns, **ADOPTED**, to adopt the Resolution supporting Michigan Small Harbors Coalition.

**ROLL CALL VOTE:**

**Treasurer Boyer AYE, Trustee Eley AYE, Trustee Binns AYE, Trustee Bole AYE, Trustee Bard AYE, and Supervisor Boughton AYE.**

*Upon Voice Vote: 6 AYES 1 ABSENT.*

### DISCUSSION

Supervisor Boughton stated this is necessary to obtain dredging.

## 3. MCMILLAN ROAD END REQUEST FOR STAFF ASSISTANCE

Motion by Trustee Eley, second from Treasurer Boyer, **ADOPTED**, to appoint Secretary Becky Dahl as staff assistant to the McMillan Road End Committee for various duties including minute taking, correspondence, and being a common central figure for information.

*Upon Voice Vote: 6 AYES 1 ABSENT.*

### DISCUSSION

Treasurer Boyer asks how often they meet and if they meet on the same date? She feels this is important for the staff assistant. Trustee Binns stated they normally meet once a month and she will ask the committee to set a specific date.

## 4. PLANNING COMMISSION

Motion by Trustee Eley, second from Trustee Bard, **ADOPTED**, to concur with the recommendation of the Planning Commission on amendment to Article IXa, Open Space Planned Unit Development (OS-PUD), Section 9.02a Definitions, as written below.

*Upon Voice Vote: 6 AYES 1 ABSENT.*

### SECTION 9.02a DEFINITIONS

For purposes of this section, a “subdivision” means any parcel or contiguous parcels of land proposed to be divided, into 10 or more lots, site condominium lots or recorded platted lots, for the purpose of sale, transfer or building construction and which is proposed to be served by an approved private or public road.

**For the purposes of this section, “Open Space” means any parcel or area of land that is set aside, dedicated, designated or reserved for public or private use or enjoyment. Such areas may contain, but are not limited to, forests, farmland, fallow fields, floodplains, wetlands, and shorelands. Open Space can also encompass scenic vistas, recreational areas, historic sites, and common space dedicated as a permanent recorded easement.**

7. **ADJOURNMENT**

Motion by Trustee Binns, second from Trustee Bard, ***ADOPTED***, to adjourn the Monday, August 18, 2008 Regular Meeting of the Fruitland Township Board at 8:30 p.m.

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

Respectfully Submitted,

Sally Garvey, Deputy Clerk  
Township of Fruitland

ENROLLED