

**FRUITLAND TOWNSHIP BOARD
REGULAR MEETING
OCTOBER 19 2009
MINUTES**

PRESENT: Trustee Bard, Trustee Binns, Trustee Bole, Trustee Deur, Clerk Rillema, Treasurer Hepler, Supervisor St. Amour

ALSO PRESENT: Six (6) interested parties.

CALL TO ORDER: Supervisor St. Amour called the Monday, October 19, 2009 Regular Meeting of the Township of Fruitland Board to order at 7:02 PM and welcomed those present, led the Pledge of Allegiance and asked for a moment of silence.

AGENDA: Accept or amend the Monday, October 19, 2009 Agenda. Supervisor St. Amour asked the board to amend the following on the agenda. Move New Business item 6-Planning Commission (Fire Code) to Old Business item .5.

Motion by Clerk Rillema, second by Trustee Deur, ***ADOPTED***, to accept the amended October 19, 2009 Regular Township Board Meeting Agenda.
Upon Voice Vote: 7AYES

PUBLIC COMMENT: There was no public comment.

MINUTES:

Motion by Trustee Bard, second by Trustee Deur, ***ADOPTED***, to accept the September 15, 2009 Work Session minutes and September 21, 2009 Regular Meeting minutes of the Township of Fruitland.
Upon Voice Vote: 7AYES

RECEIPTS & DISBURSEMENTS:

Motion by Clerk Rillema, second by Trustee Deur, ***ADOPTED***, to accept Receipts of \$35,146.07 and Bank Balance and Certificate of Deposits of \$1,008,531.29 for the period of September 1, 2009 through September 30, 2009 as reported by Melissa Hepler, Fruitland Township Treasurer and approve General Fund 101 Disbursements in the amount of \$53,980.60, Fund 120 Disbursements in the amount of \$1,362.89, Fund 130 Disbursements in the amount of \$387.00 and Fund 701 Disbursements in the amount of \$735.00 for the period of September 1, 2009 through September 30, 2009, as reported by Karolyn Rillema, Fruitland Township Clerk.
Upon Voice Vote: 7AYES

ANNOUNCEMENTS: Supervisor St. Amour encouraged all to sign up for e-news at enews@fruitlandtwp.org. Supervisor St. Amour stated that no response has been received back by the residents of Nord Road regarding future road maintenance. Supervisor St. Amour stated that the CPI rate is negative. The impact on Fruitland Township will be a loss of approximately \$750.00 for this year. The November Work Session is rescheduled for Monday, November 9, 2009 @ 4:00 PM.

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CONSENT AGENDA:

Motion by Trustee Deur, second by Trustee Bard, **ADOPTED**, to appoint Jessica Reid and John Parks to serve on the Citizens Advisory Wireless Committee and accept the resignation of Connie Learman from the committee.

Upon Voice Vote: 7AYES

COMMITTEE/BOARD UPDATES –

- White Lake Ambulance Authority – Trustee Bard reported that out of 110 calls last month, 25 were in Fruitland Township and that the WLAA will be evaluating a more centralized location for the blood pressure checks – possibly Walgreens or Plumbs in Whitehall – in order to be benefiting more of the community.
- White Lake Fire Authority – Trustee Bole reported that there was no meeting last month and inquired about the lease language. Supervisor St. Amour stated that would be discussed under Old Business item 9.
- Parks and Recreation Commission – Trustee Binns reported that a joint meeting between the P&R Commission and Board of Trustees would likely be scheduled prior to the next P&R meeting on November 2 or before our next work session on November 9. Supervisor St. Amour encouraged Trustee Binns to secure a date as soon as possible.
- Planning Commission – Trustee Deur reported that the Planning Commission continues to work on the Master Plan and at the last meeting an item came up on the agenda that will be discussed under Old Business item .5.
- Muskegon County Regional Water System Board – Supervisor St. Amour reported that at the last meeting, an engineering report was furnished but not approved.
- Citizen’s Advisory McMillan Road End Committee – Supervisor St. Amour reported that currently the court case that could help resolve road end issues could be settled within the next six months. He has received two bids for the stairway and deck in the amounts between approximately \$12,000.00 and \$13,000.00. The Board directed Supervisor St. Amour to task the committee to start their fund raising campaign.
- Citizen’s Advisory Wireless Committee – Trustee Deur reported that the committee is creating a petition to mail with the winter tax bills to gain support to increase the willingness of Verizon to expand its broadband service in the area. The committee is also working with Muskegon County ISD Central Dispatch to tap into the fiber ring network for a county wide project for broadband services.
- Citizen’s Advisory Regulatory Ordinance Committee – Trustee Bole reported that there was no meeting last month because the group is having difficulty finding a meeting date that works for all. Supervisor St. Amour encouraged Trustee Bole to support this committee
- Citizen’s Advisory Noise Committee – Supervisor St. Amour reported that he has not had any success getting the two parties together although he has had individual conversation with both. He may recommend disbanding the committee at the next work session.
- Citizen’s Advisory Residential Rental Committee – Trustee Deur reported for Chairman Nagengast that the committee is currently collecting information from other townships and will review and make recommendations to the Board when completed.
- Zoning Board of Appeals – Trustee Bole reported that the ZBA met this month on two appeals. The first appeal was approved for a carport, but the garage was postponed until

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information is received from the DEQ with setback requirements and the second appeal affirmed the Zoning Administrator decisions and agreed with eight of nine issues and will be discussed under Old Business number 2.

- Muskegon Area First – Supervisor St. Amour reported that this item would be discussed later in the meeting under New Business item number 7.

OLD BUSINESS –

- .5 Planning Commission – Fire Code – Supervisor St. Amour stated that Fruitland Township’s Board of Trustees adopted the 2003 International Fire Code back in 2005 and it appears that we have ordinances that conflict with it. Several discussions in the past regarding the cul de sac turning radius size requirements have never been resolved. It has now become an issue for a private road that has come forth to the Planning Commission recently. A meeting with members of the Planning Commission, White Lake Fire Authority and Board of Trustees on October 15, 2009 resulted in discussion and disagreement between Fruitland Township and the White Lake Fire Authority. Members of the Board of Trustees agree that Fruitland Township has the authority to adopt cul de sac size requirements to fit the rural area of the township and directed the Supervisor to set up a meeting with the Zoning Administrator, Fire Marshall and himself to take a fire truck to a cul de sac currently meeting our standards and use those results and try to come up with a solution for the disagreement.
1. 1562 Duck Lake Road – Supervisor St. Amour stated that he has prepared a letter to be sent to the owners of this property requesting that the unsafe building conditions be resolved within 30 days from the date of the letter and that the zoning violations be addressed within 18 months from the date of the letter. Within that time frame, they will sell the property, demolish the accessory structure or combine the three parcels and enter into a restrictive covenant agreement. Trustee Bole requested that they also have the opportunity to appeal to the ZBA and would like that language in the letter. Supervisor St. Amour will revise the letter to include the appeal to ZBA.
2. 5623 Murray Road – Trustee Bole reported that the appeal to the ZBA was held on October 12, 2009 and reconvened on October 14, 2009. The ZBA affirmed the Zoning Administrator’s decisions and agreed with eight of nine issues. Decision orders will be processed and signed by all members and proper paperwork issued to all parties.
3. Fruitland Township Representation (Joint Planning Commission/West Michigan Shoreline Regional Development Commission) – Supervisor St. Amour reported that an upcoming meeting with the JPC is on October 28, 2009 to discuss the language changes in the By-laws regarding Act 226. Both Trustee Deur and he will be attending this meeting.
4. Road Improvements – MCRC Strategy – Supervisor St. Amour stated that current negotiations are in the works with the MCRC and Fruitland Township for a potential two year program for services and is awaiting responses from the MCRC.
5. 2745 Lorensen Road – Supervisor St. Amour reported that there is a court date scheduled on October 28, 2009 which he will be attending.
6. McMillan Road End – Stairway, Drawings, Raising Funds – Supervisor St. Amour stated that he has received two quotes for the stairway/deck at a cost of approximately

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\$12,000.00 - \$13,000.00. The Board directed the Supervisor to contact members of the McMillan Road End Committee to go forth with fund raising monies to offset this expense.

7. 3350 Bard Road – Supervisor St. Amour stated that a court date is scheduled for December 2, 2009 at 9:00 AM which he will be attending.

8. Community Building (Ramp)–

Motion by Trustee Binns, second by Clerk Rillema, **ADOPTED**, to authorize an additional \$1,700.00 to DeRose Builders for the widening of the ramp, railing on stairs and coefficient of friction in order to comply with ADA requirements at the Community Building to have continued use as a polling place – Precinct 1.

Roll Call Vote: Trustee Bard **NAY**, Trustee Deur **NAY**, Trustee Binns **AYE**, Clerk Rillema **AYE**, Trustee Bole **NAY**, Treasurer Hepler **AYE**, Supervisor St. Amour **AYE**

Discussion: No board members objected to the additional work in order to comply with ADA requirements. Discussion focused on whether a competitive rebid was necessary.

9. White Lake Fire Authority – Dry Hydrants/Cistern/Lease – Supervisor St. Amour stated that he has not heard any updates on the grants for the dry hydrants. The cistern is still on hold at this point due to circumstances with the Fire Chief and Trustee Bole questioned when Clerk Rillema would be providing the rent information regarding the change of lease as the next fire authority meeting is scheduled on November 4, 2009. Supervisor St. Amour stated that a special meeting would most likely be scheduled before November 4, 2009 and asked Clerk Rillema to have that information prepared for that meeting.

10. Parks & Recreation – Master Plan/Joint Meeting – Supervisor St. Amour asked that any additional changes and/or additions to the master plan be forwarded to Trustee Deur and tasked Trustee Binns to secure a joint meeting date of the Parks & Rec Commission and Board of Trustees in the near future.

11. Ordinance Enforcer –

Motion by Trustee Binns, second by Trustee Bard, **ADOPTED**, to authorize Supervisor St. Amour to hire Jeff Conroy as the Fruitland Township Ordinance Enforcer at a monthly rate of \$384.00 upon the passing of a physical and drug test.

Roll Call Vote: Trustee Bard **AYE**, Trustee Bole **AYE**, Treasurer Hepler **AYE**, Trustee Deur **AYE**, Trustee Binns **AYE**, Clerk Rillema **AYE**, Supervisor St. Amour **AYE**

12. 5617 South Shore Drive – Supervisor St. Amour reported that the individual pleaded guilty and will be sentenced on November 2, 2009. He encouraged all to write a letter to the prosecutor stating that this individual is a danger because of his involvement with drugs and guns.

13. State Shared Revenue – Treasurer Hepler reported that she has received documentation explaining that we will receive a 4.1% cut in state shared revenue which will be

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approximately \$14,232.00 less. Clerk Rillema and Treasurer Hepler will include this revenue cut in the budget amendments for the November work session.

14. 6106-245-003-0003-00 – 6168 & 6188 Murray Road - Condemnation Hearing – Supervisor St. Amour stated that the first hearing was on October 8, 2009 and the next meeting is scheduled for November 12, 2009. The hearing officer is awaiting response from the bank regarding plans they have to get the property in compliance and safe structure.

NEW BUSINESS –

1. Bard Road Culvert –

Motion by Trustee Deur, second by Trustee Binns, **ADOPTED**, to authorize payment to the Muskegon County Road Commission for the repair of the Bard Road Culvert not to exceed \$600.00.

Roll Call Vote: Trustee Bole **AYE**, Treasurer Hepler **AYE**, Clerk Rillema **AYE**, Trustee Bard **AYE**, Trustee Deur **AYE**, Trustee Binns **AYE**, Supervisor St. Amour **AYE**

2. Township Property – Hunting – Supervisor St. Amour stated that he has received inquiries whether hunting is permitted on township property. Discussion amongst the board resulted in tasking Supervisor St. Amour and Trustee Deur to investigate liability and asking other neighboring jurisdictions on their policy.
3. Fruitland Township Cemetery – Veteran Flag Placement & Removal – Clerk Rillema stated that she would like the permission from the Board of Trustees to respond to Tom Clock of Clock Funeral Home regarding the veteran flag placement and removal procedures that were taken for the Memorial Day Holiday. The Board granted that permission.
4. Adopt-A-Road Program – Supervisor St. Amour received an inquiry from a resident asking if we participated in the program. The Board instructed Supervisor St. Amour to advertise for interest in an upcoming article in the White Lake Beacon and Muskegon Chronicle and on e-news. If enough interest in favorable, a potential Citizen’s Advisory Committee would be formed.
5. 2009-10 Budget Review – Clerk Rillema stated that a listing of budget amendments would be available for review at the November work session including the recent state shared revenue cut.
7. Muskegon Area First – The Board of Trustees did not approve the 2009-10 contribution of \$2090.00 to Muskegon Area First for this fiscal year, though no formal vote was taken on this matter.
8. Wastewater Collection System Plan (Master Plan) –

Motion by Trustee Deur, Trustee Binns, **ADOPTED**, to accept the August 2009 report prepared by Prein & Newhof for the Wastewater Treatment Plan and place on file at Fruitland Township for reference only.

Upon Voice Vote: **7AYES**

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9. Clean Indoor Air Regulation – Clerk Rillema stated that Muskegon County asked all public and private worksites open to the public to adopt, implement, make known and maintain a written smoking policy by November 9, 2009.

**Fruitland Township
Resolution 2009-18
CLEAN INDOOR AIR REGULATION**

RESOLVED, that smoking is prohibited in all enclosed areas within the Fruitland Township Hall, without exception. This includes common work areas, conference and meeting rooms, private offices, hallways, employee lounges, stairs, restrooms, basements, employer owned or leased vehicles, and all other enclosed facilities owned by the Township of Fruitland.

ROLL CALL VOTE: Trustee Bole **AYE**, Treasurer Hepler **AYE**, Trustee Binns **AYE**, Trustee Deur **AYE**, Trustee Bard **AYE**, Clerk Rillema **AYE**, Supervisor St. Amour **AYE**

BE IT RESOLVED THAT, Resolution 2009-18, Fruitland Township Clean Indoor Air Regulation was adopted by the Board of Fruitland Township, at a Regular meeting held Monday, October 19, 2009 at 7:00 PM.

Karolyn Rillema, Clerk
Township of Fruitland

10. ZBA Meeting Comp –

Motion by Supervisor St. Amour, second by Trustee Bard, **ADOPTED**, to authorize one additional meeting pay no to exceed \$345.00 total to all Zoning Board members, Zoning Administrator and recording secretaries due to the length of the Zoning Board Meeting on October 14, 2009 and the amount of research and review necessary to prepare documents for the meeting as long as it is lawful.

Roll Call Vote: Trustee Bole **ABSTENTION**, Treasurer Hepler **AYE**, Clerk Rillema **AYE**, Trustee Binns **AYE**, Trustee Deur **AYE**, Trustee Bard **AYE**, Supervisor St. Amour **AYE**

ADJOURNMENT:

Motion by Treasurer Hepler, second by Trustee Bard, **ADOPTED**, to adjourn the Monday, October 19, 2009 Regular Meeting of the Township of Fruitland at 8:35 PM.

Upon Voice Vote: **7AYES**

Respectfully submitted,

Karolyn Rillema, Clerk
Township of Fruitland