

**FRUITLAND TOWNSHIP BOARD
REGULAR MEETING
NOVEMBER 16 2009
MINUTES**

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

ALSO PRESENT: Seven (7) interested parties.

CALL TO ORDER: Supervisor St. Amour called the Monday, November 16, 2009 Regular Meeting of the Township of Fruitland Board to order at 7:00 PM and welcomed those present, led the Pledge of Allegiance and asked for a moment of silence.

AGENDA: Accept or amend the Monday, November 16, 2009 Agenda.

Motion by Trustee Binns, second by Trustee Bard, **ADOPTED**, to accept the November 16, 2009 Regular Township Board Meeting Agenda.

Upon Voice Vote: 7AYES

PUBLIC COMMENT:

1. Bruce Biller, 5453 Mari Lynn Court – Addressed the Board on complaints regarding a neighbor burning garbage and yard debris, appliances in backyard and the placement of a tree deer blind within a close distance of neighboring homes.

MINUTES:

Motion by Trustee Deur, second by Trustee Bard, **ADOPTED**, to accept the October 13, 2009 Work Session minutes, October 19, 2009 Regular Meeting minutes and October 30, 2009 Special 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 \$72,708.35 and Bank Balance and Certificate of Deposits of \$1,006,137.73 for the period of October 1, 2009 through October 31, 2009 as reported by Melissa Hepler, Fruitland Township Treasurer and approve General Fund 101 Disbursements in the amount of \$71,152.54, Fund 120 Disbursements in the amount of \$4,935.88 and Fund 701 Disbursements in the amount of \$1,200.00 for the period of October 1, 2009 through October 31, 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 also mentioned that County Commissioner, Ken Mahoney, was in the audience for tonight's meeting.

COMMITTEE/BOARD UPDATES –

- White Lake Ambulance Authority – Trustee Bard reported that there was no November meeting and the authority is running smoothly.
- White Lake Fire Authority – Trustee Bole reported that our revised lease arrangement was presented to the WLFA Board last month. The Board took no action at that time but will discuss at its December meeting.
- Parks and Recreation Commission – Trustee Binns reported that a joint meeting between the P&R Commission and Board of Trustees took place on November 10, 2009. A number of issues were discussed and the Board of Trustees presented them with our suggested changes for their master plan. Another joint meeting will be scheduled in January 2010.
- Planning Commission – Trustee Deur reported that the Planning Commission continues to work on the Master Plan and the zoning review committee will be making recommendations for Attorney Eklund to review.
- Muskegon County Regional Water System Board – No report at this time.
- Citizen’s Advisory McMillan Road End Committee – Supervisor St. Amour reported that currently the Michigan State Court of Appeals has referred the decision back to the District Court for a retrial on the case which could help resolve road end issues.
- Citizen’s Advisory Wireless Committee – Trustee Deur reported that the committee created a petition to mail with the winter tax bills to gauge support to increase the willingness of Verizon to expand its broadband service in the area. Another broadband company, Azulstar, has applied to operate a broadband wireless network in Muskegon County. More information forthcoming on that application.
- Citizen’s Advisory Regulatory Ordinance Committee – Trustee Bole reported that the committee has a scheduled meeting and is on task.
- Citizen’s Advisory Residential Rental Committee – Trustee Deur reported for Chairman Nagengast that the committee is continuing gathering information from other townships and will review and make recommendations to the Planning Chairperson and Supervisor after the first of the new year to report their findings.
- Zoning Board of Appeals – Trustee Bole reported that the ZBA met this month on two items postponed from last months meeting regarding property width and DEQ authorization. Both items were granted.
- Muskegon Area First – Supervisor St. Amour stated that he sent the letter to Muskegon Area First declining Fruitland Township’s membership for this year.
- White Lake Community Library – Clerk Rillema handed out a copy of the November/December 2009 Newsletter to each of the Board members. The newsletter contains hours, upcoming events and special celebrations that occur at our local library.

OLD BUSINESS:

1. 1562 Duck Lake Road – Supervisor St. Amour stated that the letter was sent out informing the property owner of the options for the non-conforming structure. Supervisor St. Amour

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- received an email from the property owner requesting to take a look at the restrictive covenant. Supervisor St. Amour has sent a copy of the restrictive covenant by mail.
2. 5623 Murray Road – Supervisor St. Amour stated that he was in the court room again today and that the Attorney for the Gardner’s has requested a transcript of the October meeting(s). No date has been set for an appeal.
 3. Fruitland Township Representation (Joint Planning Commission/West Michigan Shoreline Regional Development Commission) – Trustee Deur and Supervisor St. Amour attended the JPC meeting on Friday, November 13, 2009. Willingness of the JPC to reconsider changes to the by-laws left the five jurisdictions involved in making a decision of what kind of organizational choice they would like to have in place (Coffee Casual Information Sharing, PA 281 of 1945 Regional Planning Act, PA 7 of 1967 Urban Cooperation Act or PA 226 of 2003 Joint Municipal Planning Act). A decision will need to be made before the next JPC meeting scheduled for December 16, 2009.
 4. Road Improvements – MCRC Strategy – Supervisor St. Amour reported that he has requested the information from the MCRC by January 1, 2010. No date has been scheduled for the Scenic Drive Restoration Project at this time as MCRC is still soliciting bids.
 5. 2745 Lorensen Road – Supervisor St. Amour stated that he sent a letter to the property owners asking if they have plans to clean up the property and if it is not cleaned up, Fruitland Township will file a motion with Judge Graves to take strong action in this violation.
 6. 3350 Bard Road – Supervisor St. Amour stated no further cleanup has been taken at this property and a December 2, 2009 court date is scheduled.
 7. Community Building (Ramp – Tree Service) – Supervisor St. Amour stated that the ramp is almost complete. A large tree limb which is damaged is lingering over the roof at the Community Building. Unfortunately, our insurance policy does not provide preventative damage coverage. Supervisor St. Amour would like to have the limb removed before damage occurs to the roof.

Motion by Supervisor St. Amour, second by Trustee Binns, **ADOPTED**, to authorize the Supervisor to have tree trimming at the Community Building not to exceed \$650.00. Two or more bids will be obtained for this service.
Roll Call Vote: Trustee Bole **AYE**, Treasurer Hepler **AYE**, Clerk Rillema **AYE**, Trustee Binns **AYE**, Trustee Deur **AYE**, Trustee Bard **AYE**, Supervisor St. Amour **AYE**
 8. White Lake Fire Authority – Dry Hydrants/Cistern/Lease/Fire Code –Supervisor St. Amour stated that he has received no word on the dry hydrants grant acceptance and the cistern is on hold due to circumstances with the Fire Chief. Trustee Bole presented the revised lease agreement and proposed rent increase for 2010 to the WLFA and no action was taken. The White Lake Fire Authority held an appeal hearing on Thursday, November 12, 2009 on the Stop Work Order issued at Sheltering Way in which developer Gerald Henning did not appear. Supervisor St. stated that the Board of Appeals ruled in favor of the Fire Marshall

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decision and upheld the Stop Work Order. Supervisor St. Amour has spoken to Attorney Eklund and at this time, the board is awaiting response from Gerald Henning.

9. Condemnation Hearings – Supervisor St. Amour stated that at the November 12, 2009 meeting, the bank representative presented their plans for the Condemnation Officer for 6106-245-003-0003-00 (6168 & 6188 Murray Road). The bank at this time will board up the houses to our Building Inspector DeBrot's satisfaction, have plans to eventually sell but need to wait a abandonment period for the previous owner to possibly respond which will be approximately March 3, 2010. Supervisor St. Amour requested Building Official DeBrot to investigate several structures on Nord Road for possible condemnation. Supervisor St. Amour will forward those structures if deemed condemnable to the Condemnation Officer.
10. Township Property (Hunting) – Supervisor St. Amour and Clerk Rillema continue to investigate what other jurisdictions have in place, liability and township resident interest. Question arose during conversation amongst board if the State of Michigan is exempt from hunting liability. Supervisor St. Amour will research and report back to the Board at the December Work Session. At this time, no action will be taken either for or against hunting on Township property.
11. Adopt-A-Road Program – Supervisor St. Amour stated that he will solicit interest in this program by an article in enews. Treasurer Hepler will oversee this program if it gets started.
12. 2009-10 Budget Amendments –

Motion by Clerk Rillema, second by Trustee Deur, **ADOPTED**, to authorize the Clerk to make the budget amendments and/or general ledger reallocations through October 31, 2009 as provided on the listing dated 11/16/09 (attached).

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

13. Private Road Agreement –

Motion by Trustee Bole, second by Trustee Deur, **ADOPTED**, to authorize Supervisor St. Amour to sign the amended easement agreement which states that the easement shall never be used to connect Nestrom Road to Scenic Drive.

Upon Voice Vote: **7AYES**

NEW BUSINESS:

1. Friends of Fruitland Township – Supervisor St. Amour stated that other townships receive donations from residents to be able to reward employees and members of committees. Questions arose from discussion amongst Board members if it is tax deductible. Supervisor St. Amour will research and report back to the Board at the December Work Session. He will also place an article in enews to solicit interest. Clerk Rillema will oversee this program if it gets started.

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2. Contracted vs. Employee – Supervisor St. Amour stated he is awaiting response back from Attorney Eklund on this subject.

3. MTA 57th Annual Education Conference & Expo –

Motion by Trustee Binns, second by Trustee Bard, **ADOPTED**, to authorize Trustee Jan Deur to attend the MTA 57th Annual Education Conference & Expo in January 2010 for all days not to exceed \$345.00. I also move to authorize Treasurer Melissa Hepler, Clerk Karolyn Rillema and Supervisor Sam St. Amour to attend the MTA Conference & Expo on January 28, 2010 at a rate not to exceed \$1,300.00 which includes room accommodations and meal allowance.

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

4. Leaf Removal Equipment –

Motion by Trustee Binns, second by Trustee Bole, **ADOPTED**, to authorize the purchase of leaf removal equipment not to exceed \$5,200.00 after investigation by Trustee Bole and Maintenance staff member Don Underwood with approval of Supervisor St. Amour.

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

9. Board Comments – Trustee Deur stated that we should revisit the Change Fund Policy of our Policies & Procedures due to the fact that we are currently keeping \$300.00 at the Township Hall and not just during tax season as stated in our policy.

ADJOURNMENT:

Motion by Treasurer Hepler, second by Trustee Bard, **ADOPTED**, to adjourn the Monday, November 16, 2009 Regular Meeting of the Township of Fruitland at 7:58 PM.

Upon Voice Vote: **7 AYES**

Respectfully Submitted,

Karolyn Rillema, Clerk
Township of Fruitland

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Budget Amendments

<u>Account Number</u>	<u>Revenue</u>	<u>Increase/Decrease</u>
101-000-447-001	State Education Reimbursement Tax (summer)	(\$ 392.00)
101-000-476.000	Permit Fees	\$ 1200.00
101-000-473.001	Permit-Building Fees	(\$ 7000.00)
101-000-473.003	Permit-Electrical Fees	(\$ 2000.00)
101-000-573.000	Liquor Control	(\$ 361.00)
101-000-574.000	State Shared	(\$14232.00)
101-000-577.000	Election	\$ 1500.00
101-000-622.001	Zoning-ZBA	(\$ 800.00)
101-000-630.000	Burials	\$ 500.00
101-000-643.000	Cemetery Lot Sales	\$ 3000.00
101-000-650.000	Museum Admission Fees	\$ 1408.00
101-000-651.000	Museum Gift Shop Receipts	\$ 3200.00
101-000-664.000	Interest on Deposits	(\$ 4000.00)
101-000-665.000	Interest Trust & Agency	\$ 1267.00
101-000-667.000	Township Park Pavilion Rental	\$ 15.00
101-000-671.000	Other Revenues	\$ 5800.00
101-000-673.000	Sale of Fixed Asset	\$ 550.00
101-000-694.000	Cash Over & Short	\$ 5.00
	TOTAL REVENUES	(\$10340.00)

<u>Account Number</u>	<u>Appropriations</u>	<u>Increase/Decrease</u>
	Governing Body	
101-101-956.000	Miscellaneous	\$ 100.00
	Treasurer	
101-253-945.000	Education & Dues	\$ 125.00
101-253-956.000	Miscellaneous	\$ 77.00
	Community Building	
101-267-930.000	Repairs & Maintenance	\$ 149.00
	Township Property	
101-269-930.000	Repairs & Maintenance	\$ 3000.00
	Cemetery	
101-276-920.000	Utilities	\$ 1500.00
101-276-956.000	Miscellaneous	\$ 33.00
	Inspection Department	
101-371-860.000	Transportation	\$ 300.00
	Ecology Station	
101-526-802.000	Contractual Recycling	\$ 4000.00
101-526-956.000	Miscellaneous	\$ 50.00
	McMillan Road End Committee	
101-747-801.000	Contracting	\$ 350.00
	ZBA	
101-804-945.000	Education & Dues	\$ 135.00
	TOTAL APPROPRIATIONS	\$ 9819.00

Journal Entry

<u>Account Number</u>	<u>Appropriations</u>	<u>Increase/Decrease</u>
	Township Hall & Grounds	
101-265-703.000	Salary	(\$ 4920.13)
101-265-704.000	Office Help	\$ 4920.13
	Cemetery	
101-276-706.000	Burial Wages	(\$ 4500.00)
101-276-801-000	Contracting	\$ 4500.00