

**FRUITLAND TOWNSHIP BOARD  
REGULAR MEETING  
DECEMBER 21, 2009  
MINUTES**

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

**ALSO PRESENT:** Four (4) interested parties.

**CALL TO ORDER:** Supervisor St. Amour called the Monday, December 21, 2009 Regular Meeting of the Township of Fruitland Board to order at 6:59 PM and welcomed those present, led the Pledge of Allegiance and asked for a moment of silence.

**AGENDA:** Accept or amend the Monday, December 21, 2009 Agenda. Supervisor St. Amour asked for the following to be amended on the agenda. Add under Announcements: Nancy Waters, Muskegon County Clerk.

Motion by Trustee Bole, second by Trustee Binns, **ADOPTED**, to amend the December 21, 2009 Regular Township Board Meeting Agenda.  
*Upon Voice Vote: 7 AYES*

**PUBLIC COMMENT:** There was no public comment.

**MINUTES:**

Motion by Trustee Binns, second by Trustee Deur, **ADOPTED**, to accept the November 9, 2009 Work Session minutes, November 10, 2009 Joint Parks & Recreation & Board of Trustees Meeting minutes and November 16, 2009 Regular Meeting minutes of the Township of Fruitland.  
*Upon Voice Vote: 7 AYES*

**RECEIPTS & DISBURSEMENTS:**

Motion by Trustee Deur, second by Trustee Bard, **ADOPTED**, to accept the Receipts of \$23,591.26 and Bank Balance and Certificate of Deposits of \$976,750.12 for the period of November 1, 2009 through November 30, 2009 as reported by Melissa Hepler, Fruitland Township Treasurer and approve General Fund 101 Disbursements in the amount of \$42,050.90, Fund 120 Disbursements in the amount of \$3,937.44, and Fund 145 Disbursements in the amount of \$1,528.80 for the period of November 1, 2009 through November 30, 2009, as reported by Karolyn Rillema, Fruitland Township Clerk.  
*Upon Voice Vote: 7 AYES*

**ANNOUNCEMENTS:** Supervisor St. Amour encouraged all to sign up for e-news at [enews@fruitlandtwp.org](mailto:enews@fruitlandtwp.org). A listing of dates for budget discussion and input from the community is available. A special work session is scheduled for January 6, 2010 to discuss the budget in detail. Nancy Waters, Muskegon County Clerk is in attendance and handed each board member a newsletter pertaining to their temporary location and services offered at the Muskegon County Clerk's office. Clerk Waters also thanked Supervisor St. Amour for his attendance at the Muskegon Charter Township's United Way Fundraiser celebration for his donation of blueberry pies.

**COMMITTEE/BOARD UPDATES –**

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- White Lake Ambulance Authority – Trustee Bard stated there was no meeting in November.
- White Lake Fire Authority
  - a) Monthly Report – Trustee Bole stated that several disciplinary actions had taken place at the last two meetings.
  - b) Lease – Clerk Rillema stated that the WLFA approved the rate increase proposed and the January 1, 2010 billing is ready to be mailed. The rate increase is the same the City of Whitehall at \$2.23 per square foot.
  - c) Dry Hydrants – Supervisor St. Amour stated that the grant application applied by the WLFA to Alcoa was received but rejected. Discussion for installation of dry hydrants has an item of discussion for several years and the following motion was brought forward.

Motion by Trustee Bard, second by Trustee Bole, **ADOPTED**, to authorize that Fruitland Township purchase the cost of materials to install two dry hydrants, one at Marcus Park and one at Scenic Drive Road End. Cost of materials not to exceed \$3500.00. This should be a joint effort of the White Lake Fire Authority supplying or obtaining the labor.

**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**

- d) Cistern – Supervisor St. Amour stated that he had no report but did say that Muskegon Charter is not interested at this time.
  - e) Fire Code – Supervisor St. Amour stated that the WLFA does not acknowledge our adoption of the Fire Code with exceptions to the appendix's at this time. We are at a stand still.
  - f) Marcus Dunes Stop Work Order – Supervisor St. Amour stated that it appears by the letter received that both the WLFA and Mr. Henning are communicating at this time.
- Parks and Recreation Commission
    - a) Monthly Report – Trustee Binns was unable to attend the last Parks & Recreation Commission meeting, but the joint meeting in November was positive.
    - b) Joint Meeting – January 12, 2010 @ 5:30 PM – Trustee Binns stated discussion using the same agenda will be used for the upcoming meeting.
    - c) Storage Ordinance Request – Trustee Binns stated that this request will be discussed at the joint meeting in January 12, 2010.
  - Planning Commission
    - a) Monthly Report – Trustee Deur stated that the zoning ordinance subcommittee has made its recommendations to the Planning Commission and several ordinances will be corrected and the Master Plan is ready to be reviewed by the County and neighboring townships. Trustee Deur also relayed a request from the Planning Commission that the Board of Trustees act soon on the proposed move to civil

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infractions, as it is felt by the Planning Commission that zoning violations should not be criminal in nature.

b) Michigan Citizen Planner Attendance

Motion by Trustee Deur, second by Trustee Binns, **ADOPTED**, to authorize \$599.97 for Sue Hertel, Steve Nagengast and Don Sandel to take the on-line training program for the Michigan Citizen's Planner course titled "Fundamentals of Planning and Zoning".

**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**

c) Master Plan

Motion by Trustee Deur, second by Trustee Bole, **ADOPTED**, to suspend the rules to allow open floor discussion and permit Planning Commission Chairperson Carol Kooistra to speak about the Master Plan.

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

Chairperson Kooistra thanked the Board of Trustees and members of the Planning Commission for all the hard work put forth on this Master Plan. Grammatical errors have been corrected and maps are being updated and the Master Plan is ready to be sent out for review by the County and surrounding townships for their input. Chairperson Kooistra would like to schedule a public hearing in February for this Master Plan.

Motion by Trustee Deur, second by Trustee Bole, **ADOPTED**, to unsuspend the rules.

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

Motion by Trustee Deur, second by Trustee Bole, **ADOPTED**, to have the Board of Trustees authorize the Planning Commission to go forward with the Master Plan Adoption process including the minor grammatical corrections.

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

- Muskegon County Regional Water System Board – Supervisor St. Amour had no report.
- Citizen's Advisory Wireless Committee – Trustee Deur stated that the petitions sent out with the winter tax bill are being returned with favorable response. The Committee continues discussions with Verizon regarding DSL and expanded broadband coverage.
- Citizen's Advisory Regulatory Ordinance Committee – Trustee Bole stated that the last meeting was cancelled due to inclement weather.
- Citizen's Advisory Residential Rental Committee – Trustee Deur stated that Steve Nagengast has scheduled a meeting with Supervisor St. Amour and Planning Commission Chairperson Kooistra to discuss the committee's recommendations.

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- Citizen's Advisory McMillan Road End Committee – Supervisor St. Amour stated that a request from the committee to help cover costs of a mailing for fund raising is okay for the Board to approve.

Motion by Trustee Binns, second by Trustee Bole, **ADOPTED**, to authorize the expense incurred with the post card mailing for support of donations for the McMillan Road End Stairway proposed project. Costs not to exceed \$150.00.

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

- Zoning Board of Appeals – Trustee Bole stated that there was no meeting.
- Fred Meijer Berry Junction Rail Trail – Supervisor St. Amour stated that the Rail Trail committee members are in negotiations with the DNR and the Coalition regarding funding for the bike trail.
- White Lake Public Advisory Council – Trustee Deur stated that this council is very active to help restore the Great Lakes Region including the White Lake Area. Either Trustee Deur or his wife will be attending the meetings of this council.

### OLD BUSINESS:

1. 1562 Duck Lake Road – Supervisor St. Amour stated that no communication has been received back from Ms. Stewart and he has asked Attorney Eklund to draft a letter to be sent on action to be taken by Fruitland Township.
2. 5623 Murray Road – Supervisor St. Amour stated that once the transcription of the tapes of the October ZBA meeting are completed, the steps for the new trial will start.
3. Fruitland Township Representation (Joint Planning Commission/West Michigan Shoreline Regional Development Commission) – Trustee Deur and Supervisor St. Amour attended the JPC meeting on December 16, 2009 and results from that meeting were that the JPC does need to exist, all Act 226 language will be removed from the by-laws, results from goals and actions of this JPC are to defined in a letter which will be sent with the 2010 invoice. Discussion of this Board continues regarding the involvement of WMSRDC.
4. Road Improvements – MCRC Strategy, Bard Road Culvert, Plow Info – Supervisor St. Amour stated that the road improvement information is forthcoming by the first of next year. The Bard Road Culvert repair was less than \$5000.00 and does not require any funds from the township and Supervisor St. Amour provided copies of the letter from Maintenance Superintendent Laurie Peterson regarding MCRC's snow plow techniques to be used this winter.
5. 2745 Lorensen Road – Supervisor St. Amour stated that a January 4, 2010 sentencing date is scheduled. He will assess the property and may be asking to adjourn this court date if satisfactory clean up of the property is occurring.

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6. 3350 Bard Road – Supervisor St. Amour stated that a February 2, 2010 sentencing date is scheduled. He will assess the property and may be asking to adjourn this court date if satisfactory clean of the property is occurring.
7. Condemnation Hearings
  - 6106-245-003-0003-00 – 6168 & 6188 Murray Road – Supervisor St. Amour stated that the two structures have been secured and the next meeting is schedule in March 2010.
  - Nord Road – Supervisor St. Amour stated that the condemnation hearing is scheduled for January 21, 2010. A couple of the structures are being repaired without permits. Contact will be made to the property owner to discuss proper procedure for the repairs.
  - Scenic Drive – Supervisor St. Amour stated that the condemnation hearing is scheduled for January 21, 2010. One of the two structures have been taken down.
8. Township Property – Hunting – The Board instructed Supervisor St. Amour to adjourn this item until the January work session.
9. Adopt-A-Road Program – Treasurer Hepler has only received one interested party at this time. There is an adopt-a-road sign on the corner of Whitehall Road and Michillinda that needs to be taken down or cleaned off due to indecent language.
10. Contracted vs. Assessor – Supervisor St. Amour stated that he is waiting on language from Attorney Eklund regarding the payment process with our assessor.

**NEW BUSINESS:**

1. Wood Cutting on Township Property (Liability)

Motion by Trustee Bard, second by Trustee Deur, **ADOPTED**, to authorize the addition of Fruitland Township Residents only to the wood cutting agreement.

**Upon Voice Vote: 7 AYES**

2. Risk Assessment Insurance Report – Supervisor St. Amour and Clerk Rillema have received a listing of areas of existing and/or potential liability exposures with suggestions to help alleviate the exposure. Two of the items are storage units necessary at the maintenance garage and removal of the wood burner at the Ecology Station.

Motion by Trustee Deur, second by Clerk Rillema, **ADOPTED**, to authorize Supervisor St. Amour to purchase the safety storage cabinets at the Maintenance Barn not to exceed \$1600.00.

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

Motion by Trustee Bole, second by Trustee Bard, **ADOPTED**, to authorize the removal of the wood burner at the Ecology Station Building and purchase a vent free gas heater not to exceed \$350.00. Trustee Bole will negotiate with Lowe's on pricing.

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

3. 2009 Hydrant District Fee

Motion by Trustee Deur, second by Trustee Bole, **ADOPTED**, to authorize the payment of \$2200.00 for the 2009 Hydrant District Fee.

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

4. West Michigan Strategic Alliance Membership

Motion by Trustee Binns, second by Clerk Rillema, **ADOPTED**, to authorize payment for \$50.00 to join the West Michigan Strategic Alliance.

**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**

5. Muskegon Area Chamber of Commerce Membership

Motion by Trustee Binns, second by Clerk Rillema, **ADOPTED**, to authorize payment in the amount of \$325.00 to join the Muskegon Area Chamber of Commerce.

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

6. Employee Vehicle Damage – Supervisor St. Amour stated that the incident involving the 009 GMC Truck and employee, Ericka DeCair’s automobile is covered with a deductible of 500.00.

Motion by Trustee Bard, second by Trustee Deur, **ADOPTED**, to authorize the payment of the \$500.00 deductible to have Ericka DeCair’s vehicle repaired.

**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**

7. 2010-2011 Proposed Budget Review – Supervisor St. Amour tasked the Board of Trustees to come prepared to the January 6, 2010 Special Work Session to discuss the 2010-2011 Budget and encourages any comments and/or suggestions from the public.

8. Board Comment – Clerk Rillema stated that the IRS has lowered its standard mileage rate effective January 1, 2010 to 50 cents per mile which is down from 55 cents in 2009. Trustee Binns wished all a Merry Christmas.

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**ADJOURNMENT:**

Motion by Treasurer Hepler, second by Trustee Bard, ***ADOPTED***, to adjourn the Monday, December 21, 2009 Regular Meeting of the Township of Fruitland at 8:19 PM.

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

Respectfully Submitted,

Karolyn Rillema, Clerk  
Township of Fruitland