

**FRUITLAND TOWNSHIP
REGULAR TOWNSHIP MEETING
FEBRUARY 16, 2009
MINUTES**

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

ALSO PRESENT: Nine (9) interested parties

CALLED TO ORDER: Supervisor St. Amour called the Monday, February 16, 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 for those in the armed forces.

AGENDA: Accept or amend the Monday, February 16, 2009, Agenda. Supervisor St. Amour asked the board to add under new business, item #12 – Public Comment.

Motion by Trustee Binns, second by Trustee Bole, ***ADOPTED***, to accept the Regular Township Board Meeting Agenda.

Upon Voice Vote: **7 AYES**

PUBLIC COMMENT:

1. Jim Duncan, 5800 Murray Road – As chairperson of the Parks and Recreation Board they have been tasked with setting a budget to maintain Dock Road End, Scenic Drive Road End, ½ of Lamos Road End, Nestrom Road End, ½ White Lake Drive Road End, Duck Lake Road Park, Marcus Park, Nestrom Park. Mr. Duncan referred to their jurisdiction according to the Master Plan for the Parks & Recreation & Open Spaces, page 18. Trustee Bole commented that has yet to be adopted by the Township Board. Trustee Bard asked about the possibility of the Parks & Recreation Board overseeing McMillan Road End. Supervisor St. Amour asked if those comments could be held until new business item #9.
2. Joe Vihtelic, 5527 Scenic Drive – Property owned by a family estate at Lamos Road End has gained final ruling on November 13, 2008, by the State Court of Appeals. Mr. Vihtelic stated that his family has had not only financial loss, but property has and continues to be trespassed and vandalized. Mr. Vihtelic will continue to report to law enforcement of such trespassing or vandalism that occurs. He asked the board to consider three items and furnished a copy of the ruling from the State of Michigan Court of Appeals.
 - a) Replace private property and no trespassing signs that were allegedly removed by a prior Board or Board member.

- b) Inform neighbors and public at large of status of property ownership
- c) Construct a fence on property to clearly define property lines.

Supervisor St. Amour asked the members of the Board to make comments during new business #2.

- 3. Al VandeVusse, 2784 Scenic Drive – Commented that his property backs up to what was referred to in the past as “paradise”. He erected a fence and trespassing and vandalism discontinued. He stated that he would hope that this township board would not spend any of township taxpayers’ money on building a fence at Lamos Road End, with no offense to the Vihtelic family.
- 4. David Reid, 2709 Nestrom Road – Inquiring how to get the dirt part of Nestrom Road paved. He too has trespassing and vandalism occurring on his property because of the status of the road. Supervisor St. Amour asked Mr. Reed to contact Trustee Bole who serves on our Citizen’s Advisory Road Committee but also commented that getting that road paved would likely be impossible any time soon because of the state of the economy and lack of money budgeted to Muskegon County Road Commission.
- 5. Denise Irey, 2290 Nestrom Road – Frustrated by trespassing and vandalism occurring on Nestrom Road and lack of police enforcement in area. Supervisor St. Amour asked Ms. Irey to contact Trustee Bard, who serves on our Citizen’s Advisory Law Enforcement Committee.
- 6. Judy Marcinkowski, 3767 Jay Road – Commented about 28 years ago that their property was a haven also for trespassing and vandalism. She praised the Board of Fruitland Township at the time for working with her to put in a street light, they constructed a fence and hence the behavior ceased. She also serves on the Citizen’s Advisory Law Enforcement Committee and welcomed all in attendance to take the on-line survey about law enforcement that is on our Fruitland Township website.

MINUTES: Accept or amend the January 13,2009, Work Session minutes, January 19, 2009, Regular Meeting minutes and the February 4, 2009, Budget Work Session minutes.

Motion by Treasurer Boyer, second from Trustee Bard, **ADOPTED**, to accept the January 13, 2009 Work Session minutes, February 4, 2009 Budget Work Session minutes, as written and amend the January 19, 2009 Regular Board minutes to correct Receipt amount from \$130,605.65 to \$197,181.41 and Total Bank Balance w/CD’s from \$784,456.41 to \$921,368.28.

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

Treasurer Boyer was asked by Trustee Deur the reason for the amendment. Treasurer Boyer explained that a column in her spreadsheet was overlooked during the creation of her spreadsheet and a State Shared Revenue had been received which caused the revenues to change.

RECEIPTS AND DISBURSEMENTS: Accept or amend report of Receipts of \$118,233.47 and total Bank Balance and Certificate of Deposits in the amount of \$921,953.53 as of January 31, 2009, as reported by Debbie Boyer, Fruitland Township Treasurer, CPFA and approve or amend Total General Fund Disbursements in the amount of \$79,079.82 for the period of January 1, 2009 through January 31, 2009, as reported by Karolyn Rillema, Fruitland Township Clerk.

Motion by Clerk Rillema, second by Trustee Deur, ***ADOPTED***, to accept report of Receipts of \$118,233.47 and total Bank Balance and Certificate of Deposits in the amount of \$921,953.53 as of January 31, 2009, as reported by Debbie Boyer, Fruitland Township Treasurer, CPFA and approve Total General Fund Disbursements in the amount of \$79,079.82 for the period of January 1, 2009 through January 31, 2009, as reported by Karolyn Rillema, Fruitland Township Clerk.

Upon Voice Vote: 7 AYES

ANNOUNCEMENTS: Supervisor St. Amour announced that Sheriff Dean Roessler and County Commissioner Ken Mahoney were in attendance this evening. Supervisor St. Amour stated that he handed out to all board members information regarding the Metro Authority Fund for possible money to be used for culvert repair, a letter received tonight from Ms. Lisa Stewart, 1562 Duck Lake Road with an update on the recently purchased property, and information from Attorney Eklund regarding liability for volunteers and employees of Fruitland Township.

- E-News – Supervisor St. Amour announced we currently have approximately 215 residents receiving e-news on a weekly basis.
- Zoning Board of Appeal – Supervisor St. Amour stated that a hearing is scheduled for February 23, 2009 at 7:00 PM.
- Board of Review – Supervisor St. Amour stated that if citizens would like to be heard, to please call the township hall and schedule a time.
- Upcoming Meetings – Supervisor St. Amour announced the upcoming meeting dates for budget work sessions, regular township board work sessions and meetings and the public budget review meeting. They are posted at the Township hall and are available on the website.

CONSENT AGENDA: Approve or amend all appointments as listed on the Consent Agenda.

- Citizen's Advisory Marcus Park Committee – (6 month term, February 16, 2009 – August 31, 2009)
Bill Traynor, Joe Shelton, Butch Hubers, Jerry Rumps, Jim Kobza, Bruce Rissi, Jim Duncan (Parks & Recreation Commission), Karolyn Rillema (Board Representative), Sam St Amour (Board Representative)
- Citizen's Advisory Wireless Service Committee – (1 year term, January 1, 2009 – December 31, 2009)
Dave Ridders

Motion by Clerk Rillema, second by Trustee Boles, **ADOPTED**, to approve all appointments listed on the Consent Agenda as stated.

Upon Voice Vote: 7AYES

COMMITTEE/BOARD UPDATES:

- White Lake Ambulance Authority – Trustee Bard
In 2008, WLAA received 1516 calls of which 135 were in Fruitland Township. Jean Dresen has been appointed the permanent director. There are currently 6 full time paramedics, 1 part time office staff, and 22 part time paramedics/emt-basics/emt-specialists. The WLAA has a lawsuit brought against them by the former Director for Open Meetings Act and Freedom of Information alleged violations.
- White Lake Fire Authority – Treasurer Boyer
A visit to the Duck Lake Fire Station brought forth a list of necessary repairs such as the septic system and other items to be considered. A review of the Articles of Incorporation to be updated and a review of the lease for the Duck Lake Fire Station were approved motions at the last WLFA meeting.
- Parks & Recreation Commission – Trustee Binns
The commission met to work on the 2009-10 budget, will be designing a brochure for the Museum, willing to take the Sports-n-Shorts program under their supervision, early stages of sponsoring a 5k/10k walk/run in July, providing a weather monitoring station at the Museum and researching a Historical Marker from the State for the Museum.
- Citizen's Advisory Road Committee – Trustee Bole
A tentative meeting will be scheduled for next week – weather pending.
- Citizen's Advisory Law Enforcement Committee – Trustee Bard
Completion of the online survey at the end of the month and the next meeting is scheduled February 26, 2009 @ 6:30 PM.
- Planning Commission – Trustee Deur
Public hearings were held on February 4, 2009 and results from two of those hearings will be discussed under New Business #10 & #11. In addition, the Planning Commission approved Zoning Ordinance amendments allowing wind turbines in Fruitland Township, which will be presented to the Board at its March meetings. A new committee will be appointed to consider changes to zoning ordinances with Don Sandel, Sally Garvey and Willie Josephson.

Treasurer Boyer and Trustee Bole asked about Don Sandel attending these committee meetings outside of a normal workday as it would possibly put him over the two meetings allowed each month and be an additional cost. The Duck Lake State Park Zoning Committee has presented a draft recommendation regarding re-zoning this area.

- Citizen's Advisory Dry Hydrant Committee – Trustee Binns
The committee has met several times now and is researching costs to possibly install dry hydrants near Lakeside Inn and Marcus Park. Both Murray Road and Dock Road dry hydrants are in working condition.
- Citizen's Advisory McMillan Road End Committee – Trustee Bard
Jeff Auch has informed Nancy Johnson, that the \$2000.00 DEQ permit is not required but a \$50.00 permit 91 (Soil erosion permit) from Muskegon County Public Works is required. Arbor Care was contracted last fall to trim trees on site but will be out this Thursday weather permitting.
- Citizen's Advisory Community Building Committee – Supervisor St. Amour
Committee cleaned out unnecessary items and has asked Troy DeBrot, Building Official, to inspect several areas in the building for necessary repair.
- Citizen's Advisory Wireless Committee – Trustee Deur
Had their first organizational and nominated Steve Nagengast as Chairman and Connie Learman as Secretary. The next meeting is scheduled March 23, 2009 @ 6:00 PM.
- Citizen's Advisory Scenic Drive Committee – Supervisor St Amour
A meeting with both Laketon & Fruitland Township residents is scheduled for February 19, 2009, to discuss tree removal for the repaving of Scenic Drive.
- Citizen's Advisory Marcus Park Committee – Supervisor St Amour
A meeting was held and the group agreed to become part of the advisory group. The next meeting is scheduled for March 12, 2009 @ 7:00 PM.
- Zoning Board Of Appeals – Trustee Bole
A hearing is scheduled for February 23, 2009 @ 7:00 PM regarding 5623 Murray Road.
- Citizen's Advisory Blueberry Festival Committee – Trustee Binns
Transition year to build a core volunteer group to possibly host the Blueberry Festival in year 2010. Currently plans for a 5k/10k walk/run are being discussed by the Parks & Recreation Commission in conjunction with the Fruitland Covenant Church hosting the Blueberry Pancake Breakfast.

OLD BUSINESS:

1. Marcus Park – Next meeting with Citizen's Advisory Marcus Park Committee on March 12, 2009 at 7:00 PM.
2. Policies & Procedures Handbook – Sections 1, 2 & 3 have been received back by Attorney Eklund. Trustee Binns stated that there are still a few grammatical errors to be corrected.

Motion by Treasurer Boyer, second by Trustee Bard, **ADOPTED**, to approve the Policies and Procedures Handbook, sections 1, 2 and 3 that have been reviewed by Attorney Eklund and recommended changes made.

Upon Voice Vote: 7 AYES

Clerk Rillema stated that Trustee Deur, Treasurer Boyer and herself have started reviewing sections 4.0 – 4.6 and have found that it references later sections and would like to be assigned sections 4.7 – 4.11 and provide the Board with section 4.0 – 4.11 at the March Work Session. Supervisor St. Amour granted that request.

3. Nord Road – No report
4. Nestrom Road – No report
5. 1562 Duck Lake Road – letter received from Ms. Stewart regarding an update of recently purchased property. Decision of property evaluation due by April 16, 2009.
6. 5623 Murray Road – Zoning Board of Appeals hearing February 23, 2009 at 7:00 PM
7. Duncan Property Sale – Letter has been sent to Ms. Duncan from Attorney Eklund regarding closing procedures for land purchase from Fruitland Township.
8. 1994 Truck – No report
9. Maintenance/Ecology Station/Punch Cards
Supervisor St. Amour stated that the Ecology Station is running in a deficit for 2008-09. After discussing this issue at the budget work session, it is the Boards wishes to review and make necessary changes.

Motion by Trustee Bard, second by Trustee Deur, **ADOPTED**, to appoint the Supervisor, Clerk and Treasurer to accomplish the following by April 1, 2009: (1) Make the position of Ecology Station Attendant redundant. (2) Add the duties of this Ecology Station Attendant to the Maintenance Position and adjust his schedule with no increase in pay. (3) Get signage approved to go to punch card only, sell punch cards at the Ecology Station and Township at full price. (4) Review rates to balance Ecology Station as a break-even department. (5) Negotiate with Allied Waste or others for reduction in costs for services.

Upon Voice Vote: 7 AYES

10. Blank Road Culvert – No report

11. Blueberry Festival – Citizen’s Advisory Blueberry Festival Committee to be formed if interest is acquired to put forth plans for 2010. Contact person is Trustee Binns.
12. Fruitland Township Representation – Supervisor St. Amour stated that he received a letter back from West Michigan Shoreline Regional Development Committee in regards to Public Act 226 requesting it be discussed at the next JPC meeting. Carol Kooistra will attend the next few meetings of the Muskegon Area Wide Implementation Plan and will be making a recommendation to decide if we should continue attending and who should attend on behalf of Fruitland Township. Mr. Garner of Muskegon Area First attended the February 10, 2009, Work Session. After discussion of whether to continue membership, a motion was presented.

Motion by Trustee Deur, second by Trustee Binns, **ADOPTED**, to approve joining the Muskegon Area First (with a complimentary membership to Muskegon Area Chamber of Commerce) at a reduced rate lower than \$3665.00 in consideration of our overpayment for five of the last six years to the Muskegon Area Chamber of Commerce and that we actively monitor Muskegon Area First’s activities over the next twelve months to ensure that we are satisfied with their economic development activities on behalf of Muskegon County.

Motion by Clerk Rillema, second by Trustee Deur, **ADOPTED**, to suspend open floor discussion to allow Supervisor St. Amour to ask Commissioner Mahoney and Sheriff Roessler if their departments are involved with Muskegon Area First. Both spoke very highly of the group and are satisfied with the involvement with the organization.

Motion by Trustee Bole, second by Trustee Deur, **ADOPTED**, to close open floor discussion.

Clerk Rillema read by the motion on the floor:

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

13. Scenic Drive Stimulus – Letter sent to WMSRDC requesting stimulus monies for this project.
14. McMillan Road End – Fruitland Township was informed that the \$2000.00 DEQ permit is not necessary but a permit application for Part 91, Act 451, Public Acts of 1994 needs to be completed to the Muskegon County Soil & Erosion & Sedimentation Control in the amount of \$50.00

Motion by Trustee Binns, second by Treasurer Boyer, **ADOPTED**, to approve \$50.00 for Part 91 and authorize Supervisor St. Amour to submit.

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

NEW BUSINESS:

1. West Michigan Coast Riders – Two members attended February 10 work session

Motion by Trustee Binns, second by, **ADOPTED**, to approve West Coast Riders to hold their time trials with use of Nestrom Park on June 7, 2009, as outlined at our work session upon receipt of their insurance certificate and our Attorney approval.

Upon Voice Vote: 7 AYES

2. Lamos Road End – Place on the March 11, 2009 Work Session Agenda for future discussion
3. Passport Training – Sally Garvey and Ericka DeCair to attend free seminar for passport training in Chicago Illinois on Monday, February 23, 2009. They will need hotel for Sunday evening and will be reimbursed for mileage and meal expense

Motion by Clerk Rillema, second by Trustee Deur, **ADOPTED**, to approve that Sally Garvey and Ericka DeCair attend the Passport Training Seminar in Chicago and that Fruitland Township pay for expense incurred in the amount of no more than \$300.00.

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

4. Land next to Cemetery – No interest in purchasing at this time in the amount of \$7000.00.
5. Simonelli Road – Supervisor St. Amour received permission at February 10, 2009 Work Session to contact Muskegon County Road Commission to inquire about driveway permits for this portion of the road.
6. 2745 Lorenson Road – Attorney Eklund to keep Supervisor St. Amour apprised of upcoming pre-trial date regarding 4th offense of ordinances at this address.
7. Street Light – Hill Street at South Shore Drive – Trustee Binns stated that it appears that a directional hood has been placed on this street light.

8. Planning Commission Seminar Request – Don Sandel and Jan Deur to attend the Varnum Water Law Seminar in Grand Rapids on March 10, 2009 at a cost of \$40.00 each.

Motion by Trustee Deur, second by Trustee Bard, **ADOPTED**, to approve that Don Sandel and Jan Deur attend the Varnum Water Law Seminar in Grand Rapids on March 10, 2009 at a cost of \$40.00 each per the Planning Commission request and reimburse mileage.

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

9. Parks & Recreation Commission Jurisdiction – Supervisor St. Amour asked this Board to consider the listing provided of property to be placed under the jurisdiction of the Parks & Recreation Commission. After much discussion, Supervisor St. Amour will place on the March Work Session to review.

10. Planning Commission Enabling Act – Article XIX, XXI, XXV and Article R15

Motion by Trustee Deur, second by Trustee Bole, **ADOPTED**, to pass Resolution 2009-02-04 #1. These recommendations from the Planning Commission are changes to Article XIX, Article XXI, Article XXV and Article R15. A public hearing was held Wednesday, February 4, 2009 regarding these changes. Copies of this Resolution will be included in the minutes of this meeting.

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

11. Planning Commission Neighborhood/Commercial – Article XI

Motion by Trustee Deur, second by Trustee Bard, **ADOPTED**, to pass Resolution 2009-02-04 #3. This recommendation from the Planning Commission is to amend Article XI. A public hearing was held Wednesday, February 4, 2009 regarding these changes. Copies of this Resolution will be included in the minutes of this meeting.

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

Supervisor St. Amour thanked the Planning Commission for its opportunity to work with the residents to finalize these resolutions.

12. Public Comment – Supervisor St. Amour asked the Board if they would be interested in moving the Public Comment to the end of the agenda. After discussion, the Board decided to add an additional Public Comment at the end of the agenda which would allow residents to address the board at the beginning and end of the Regular Township Board Meeting.

ADJOURNMENT:

Motion by Trustee Bole, second by Trustee Bard, ***ADOPTED***, to adjourn the Monday, February 16, 2009 Regular Township Board Meeting of Fruitland Township at 9:09 PM.

Upon Voice Vote: 7 AYES

Respectfully Submitted,

Karolyn Rillema, Clerk
Township of Fruitland