

**FRUITLAND TOWNSHIP BOARD
REGULAR MEETING
March 16, 2009
MINUTES**

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

ALSO PRESENT: Fourteen (14) interested parties

CALLED TO ORDER: Supervisor St. Amour called the Monday, March 16, 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 for those serving our country.

AGENDA: Accept or amend the Monday, March 16, 2009 Agenda. Supervisor St. Amour asked the board to amend the following on the agenda: language under receipts and disbursements to reflect Funds 101 & 470 in the disbursements totaling \$60,344.67 instead of only Fund 101. Under Consent Agenda remove items White Lake Fire Authority and Road Sub Committee and add Clarence Gaertner as nominee under Zoning Board of Appeals with a 3 year term ending March 31, 2012. Under Old Business, move item 16 Parks & Recreation to item 1.5.

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

Upon Voice Vote: 7AYES

PUBLIC COMMENT:

1. Lee Gardner – 5625 Murray Road – Doesn't feel that the zoning ordinances are being enforced. Stated that 14 ordinances are being violated at the building site at 5623 Murray Road. A stop order was issued by Fruitland Township, DEQ and Muskegon Conservation District violations have been cited and he has made several attempts to work with the township and neighbors but have not been successful. Encouraged this board to enforce our ordinances and handed each board member a listing of the 14 alleged ordinance violations and provided Clerk Rillema and Treasurer Boyer with a packet that was presented to the ZBA members at the hearing in February.

MINUTES: Accept or amend the February 10, 2009 Work Session minutes, February 16, 2009 Regular Meeting minutes and the March 4, 2009 Budget Work Session Minutes.

Motion by Trustee Bard, second by Trustee Deur, ADOPTED, to accept the February 10, 2009, Work Session Meeting Minutes, February 16, 2009, Regular Meeting Minutes and the March 4, 2009, Budget Work Session Minutes.

Upon Voice Vote: 7AYES

RECEIPTS and DISBURSEMENTS:

Accept or amend report of Receipts of \$166,057.90 and total Bank Balance and Certificate of Deposits in the amount of \$1,037,472.40 as of February 28, 2009, as reported by Debbie Boyer, Fruitland Township Treasurer CPFA and approve or amend Total General Fund Disbursements in the amount of \$60,344.67 for the period of February 1, 2009 through February 28, 2009, as reported by Karolyn Rillema, Fruitland Township Clerk.

Motion by Trustee Bole, second by Trustee Binns, **ADOPTED**, to accept report of Receipts of \$166,057.90 and total Bank Balance and Certificate of Deposits in the amount of \$1,037,472.40 as of February 28, 2009, as reported by Debbie Boyer, Fruitland Township Treasurer CPFA and approve General Fund 101 Disbursements in the amount of \$60,215.93 and Fund 470 in the amount of \$128.74 for the period of February 1, 2009 through February 28, 2009, as reported by Karolyn Rillema, Fruitland Township Clerk.

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

ANNOUNCEMENTS:

Supervisor St. Amour stated that the Public Budget Hearing meeting was scheduled for March 30 at 7:00 PM and the 2009-2010 Budget Adoption and Budget Amendments for 2008-2009 would be on March 31 at 4:00 PM. An informational meeting with both Laketon and Fruitland Township residents and the Muskegon County Road Commission on the status of Scenic Drive repair work is on March 17 @ 7:00 PM. Supervisor St. Amour encouraged all in attendance to sign up for the weekly/bi-weekly email by registering at www.fruitlandtwp.org.

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

- Zoning Board of Appeals – *Clarence Gaertner – (3 year term – April 1, 2009 – March 31, 2012)*
- Planning Commission – *Steve Nagengast – (3 year term – April 1, 2009 – March 31, 2012)*

Motion by Clerk Rillema, second by Trustee Bard, **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
Total calls for the month of February were 107 and 11 of those were billable in Fruitland Township. Applicants for the Operations position are being interviewed and the board plans to vote on this at their March 25 meeting. A website has been developed for WLAA: www.whitelakeems.com.
- White Lake Fire Authority – Treasurer Boyer
An upgrade to the communications equipment will be covered by a grant 100%. The new fire truck is under construction. A WLFA firefighter has been placed on administrative leave for allegations of sexual harassment. Fire Marshal Novak has cited safety violations at a location in Fruitland Township and measures for corrective actions are being taken. Fruitland Township representative Jeff Goss has given his resignation to the board due to work conflicts.

- Parks and Recreation Commission – Trustee Binns
- The Commission would like to do some minor repair/updates at Dock Road End & Scenic Drive Road End to ensure safety. Currently working on the color brochure for the White River Lighthouse Station and met an approved their budget discussions for 2009-2010.
- Citizen’s Advisory Road Committee – Trustee Bole
No report at this time.
- Citizen’s Advisory Law Enforcement Committee – Trustee Bard
The committee met with Captain Poulin of Muskegon County Sheriff Department and will be meeting with our PINS Officer at its April Meeting. It is the goal of this committee to present to the township board its recommendations for better law/ordinance enforcement in May.
- Planning Commission – Trustee Deur
The Commission met with Jon & Peggy Jacobs on a preliminary site review and will be looking into language to consider rezoning the Duck Lake State Park land.
- Fred Meijer Berry Junction Rail Trail – Supervisor St. Amour
This committee consists of members of the City of North Muskegon and Dalton, Laketon, Fruitland and Muskegon Charter Townships and is continuing to search for match dollars for a MDOT grant to develop a bike path from White Lake Drive to Beegle Road.
- Muskegon County Regional Water System Board - Supervisor St. Amour
Supervisor St. Amour attends this meeting and stated that Fruitland Township currently has only two water customers at this time.
- Citizen’s Advisory Dry Hydrant Committee – Trustee Binns
At this time, the committee has been doing some individual work but a meeting will be scheduled in the near future. Trustee Binns will have more to report at the next meeting.
- Citizen’s Advisory McMillan Road End Committee Trustee Bard
Trees have been trimmed. Permit 91 has been approved and received back to Supervisor St. Amour. Chairperson Nancy Johnson will be scheduling a meeting in the near future.
- Citizen’s Advisory Community Building Committee – Supervisor St. Amour
A list of repairs has been developed that could possibly be shared by AA and Fruitland Township. Clerk Rillema received a survey for the election polling location which Supervisor St. Amour completed with the help of resident Tom Grein. Supervisor St. Amour stated that we are currently in violation and will report to the board when a response is received back from the State of Michigan. Clerk Rillema stated that there is grant money available for these repairs on a first come first serve basis.
- Citizen’s Advisory Wireless Committee – Trustee Deur
This committee has been formed to improve cellular coverage especially on the west side of the township and to investigate extending broadband internet access. Another meeting is scheduled for Monday, March 23, 2009.
- Citizen’s Advisory Scenic Drive Committee – Trustee Deur, Supervisor St. Amour
An informational meeting is scheduled for Tuesday, March 17, 2009 at 7:00 PM with residents of both Laketon and Fruitland Townships along with members of the Muskegon County Road Commission.
- Citizen’s Advisory Marcus Park Committee – Supervisor St. Amour, Clerk Rillema
Clerk Rillema stated that a second meeting had taken place. Slow progress with recommendation for land/lake usage but a third meeting is scheduled to take place on April 23, 2009.
- Zoning Board of Appeals – Trustee Bole
No report at this time.

- Citizen's Advisory Blueberry Festival Committee - Trustee Binns
The Parks & Recreation Commission investigated the details for a walk/run race, but Commissioner Marcinkowski evaluated and found it to be very cumbersome and too large to take place this summer. At this time, the Blueberry Festival will consist only of the pancake breakfast benefiting the Fruitland Evangelical Church.

2009 – 2010 PROPOSED BUDGET:

Supervisor St. Amour stated that the board has met several times to work on the 2009-2010 proposed budget and encouraged them to participate at the Public Budget Hearing on the 30th of this month. Trustee Deur had questions on current tax collection, state shared revenue, and low interest revenues verses high bank charges. Treasurer Boyer responded that 94% of the taxes were collected, a state shared revenue payment is expected to be deposited typically in April. Supervisor St Amour stated that bank charges, computer services and other expenses will be reviewed over the next coming year. Trustee Deur asked for clarification on departments 265, 269, 301 and 526. Supervisor St. Amour touched on a few of the items that were big changes and comments from the floor sparked conversation in regards to the Ecology Station and the blending of positions to eliminate the Ecology Station Attendant position. Supervisor St. Amour assured the parties present that much time and thought went into place and this is necessary to move forward in reconciling a loss in this department.

OLD BUSINESS:

1. Lamos Road End – Joe Vihtelic spoke at the work session and asked this board to consider replacing no-trespassing signs removed by a member of the previous board of trustees, inform the adjoining neighbors of the State of Michigan Court of Appeals ruling and construct a fence on the property line.

Motion by Trustee Binns, second by Trustee Deur, **ADOPTED**, to have Supervisor St. Amour purchase four no-trespassing signs and post them on property lines, provide letters on township letterhead to the two adjoining neighbors advising them of the State of Michigan Court of Appeals ruling and publish the results on e-news. Further, I move to allow the Supervisor to have the road end surveyed or to find prior surveys to establish property lines.

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

- 1.5 Parks & Recreation – Supervisor St. Amour asked for the consideration of this board to grant jurisdiction to the Parks & Recreation Commission over the White River Lighthouse Station and property, Nestrom Road Park, Duck Lake Road Park and adjoining property, Scenic Drive Road End, Dock Road End and Marcus Park. The board discussed each property and Supervisor St. Amour asked for a single motion for each.

Motion by Trustee Bole, second by Clerk Rillema, **ADOPTED**, to allow jurisdiction for Parks and Recreation Commission activities over White River Lighthouse Station and property.

Upon Voice Vote: **7AYES**

Motion by Trustee Bard, second by Trustee Deur, **ADOPTED**, to allow jurisdiction for Parks and Recreation Commission activities over Nestrom Road Park.

Upon Voice Vote: 7AYES

Motion by Trustee Bard, second by Trustee Binns, **ADOPTED**, to allow jurisdiction for Parks and Recreation Commission activities over Duck Lake Road Park and adjoining property excluding the Fire Barn and Utility Building.

Upon Voice Vote: 7AYES

Motion by Trustee Deur, second by Clerk Rillema, **ADOPTED**, to allow jurisdiction for Parks and Recreation Commission activities over Scenic Drive Road End subject to legal review of existing agreements between Muskegon County Road Commission and Fruitland Township to ensure that all proposed activities are legal.

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

Trustee Bole excused himself from the meeting at 9:07 PM

Motion by Trustee Bard, second by Treasurer Boyer, **ADOPTED**, to authorize Supervisor St. Amour to go to the Muskegon County Road Commission and investigate Dock Road End about ownership and report back to the Board.

Upon Voice Vote: 4AYES, 2 NAYES, 1ABSENT

Motion by Clerk Rillema, second by Treasurer Boyer, **ADOPTED**, to allow jurisdiction for Parks and Recreation Commission activities over Marcus Park.

Upon Voice Vote: 6AYES, 1ABSENT

Supervisor St. Amour asked for a five minute break. All were in favor.

2. Marcus Park – Next Citizen’s Advisory Committee meeting scheduled for April 23, 2009
3. Policies & Procedures Handbook, Section 4.0 – 4.11 – Clerk Rillema stated that this would be ready for the April work session.
4. Nord Road – No report at this time but a meeting in the near future will be scheduled.
5. Nestrom Road – Supervisor St. Amour stated that this item will be removed from the agenda because one of the parties is moving and issue will be resolved for now.
6. 1562 Duck Lake Road – Report from home owner due April 16, 2009
7. 5623 Murray Road – Supervisor St. Amour stated that the construction site is still on hold because of DEQ and Muskegon Conservation Department violations.
8. 1994 Truck Status – Supervisor St. Amour to sell by June 1, 2009
9. Maintenance – Ecology Station – Punch Card – will be discussed at our April Work Session.

10. Blank Road Culvert – Supervisor St. Amour received word from Muskegon County Road Commission that work will start the week of March 23rd.
11. Fruitland Township Representation
 - Muskegon Area First/Muskegon Area Chamber of Commerce – awaiting response from Ed Garner
 - Joint Planning Commission – Trustee Deur and Supervisor St. Amour will attend April meeting of the JPC.
 - West Michigan Shoreline Regional Development Commission – awaiting response from April JPC meeting.
 - West Michigan Strategic Alliance – Trustee Deur stated that this committee would keep us abreast of regional activities for the yearly fee of \$50.00.

Motion by Trustee Deur, second by Trustee Bard, **ADOPTED**, to join the West Michigan Strategic Alliance for the yearly fee of \$50.00.

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

12. Scenic Drive Stimulus – Informational meeting on March 17, 2009 at 7:00 PM with Laketon, & Fruitland Townships and the Muskegon County Road Commission to discuss road repair work to be scheduled.
13. West Michigan Coast Riders – Scheduled for June 7, 2009 – awaiting certificate of insurance.
14. Simonelli, Dame, Nestrom and Simonelli Roads – Supervisor St. Amour has requested quotes from the Muskegon County Road Commission for costs to improve conditions of these roads. These quotes are informational only at this time.
15. 2745 Lorenson Road – Court hearing is scheduled for April 30, 2009. Past ordinance enforcer, Don Carrier may need to be contracted on an hourly basis for this hearing.
16. McMillan Road End – Permit 91 has been approved. The proposed ordinance from 11/5/08 will be discussed at the April Work Session and discussion on future dollars spent at this property will be discussed.
17. Brine – Supervisor St. Amour has not received any costs yet for this service.

NEW BUSINESS:

1. Planning Commission (Wind Energy Ordinance) – Trustee Deur asked the board allow the Planning Commission to discuss a potential change to the WES ordinance.

Motion by Trustee Deur, second by Trustee Bard, **ADOPTED**, to move that the Board allow the Planning Commission to discuss a potential change to the WES ordinance before the Board acts upon the ordinance.

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

2. Plastic Shredder – Treasurer Boyer contacted the manufacturer of the shredder and it was suggested that a price of 80% of the purchase price would be appropriate for a sell price. Treasurer Boyer will ask MTA to put a classified ad on their website advertising this shredder for sale.
3. White Lake Fire Authority – Supervisor St. Amour stated that the Lease and Articles of Incorporation will be reviewed and that an opening on the board needs to be filled.
4. Hydrant District Fee – Clerk Rillema stated that she would like clarification on the billing because it stated for 2008 Hydrant Fees due in 2009. Clerk Rillema will report her findings at the next meeting of the board. Trustee Deur would also like clarification on the description of “plugged” hydrants.
5. County Drain Spray Program – Clerk Rillema would like approval to authorize payment to the Muskegon County Drain Commission in the amount of \$300.00 for participation in the county drain spray program for 2009.

Motion by Trustee Bard, second by Trustee Deur, ***ADOPTED***, to approve \$300.00 for payment to the Muskegon County Drain Commission to be part of their spray program.

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

6. Township Liability – Supervisor St. Amour stated that he is working with Attorney Eklund on liability issues and has asked Attorney Eklund to provide us with a policy and volunteer form.
7. MTA Magazines – Clerk Rillema will contact the department heads to determine the number of magazines requested for ordering purposes.
8. Fruitland Township Open Permits – Supervisor St. Amour stated that there were outstanding permits for Fruitland Township property that need to be closed and will incur payments in the amount of \$320.00.

Motion by Clerk Rillema, second by Treasurer Boyer, ***ADOPTED***, to authorize a payment of \$320.00 to close out permit building permits.

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

9. 5617 South Shore Drive – Supervisor St. Amour stated that a police report had been filed at this address and has been forwarded to the Prosecutor’s office for review.

PUBLIC COMMENT:

1. Lee Gardner, 5625 Murray Road – Stated that the ZBA hearing only heard the scope of the height issue of the building, but that there were a number of issues that needed to be addressed. He stated that he feels he is being encouraged to have to go to court and wants this board to take action to ensure that the ordinances are being followed.

2. Judy Marcinkowski – 3767 Jay Road – Expressed her concern that a cost of living and possible merit increase to staff wouldn't look good to the taxpayers when we have already eliminated the position of the ecology station.

ADJOURNMENT:

Motion by Clerk Rillema, second by Trustee Bard, ***ADOPTED***, to adjourn the Monday, March 16, 2009 Regular Township Board Meeting of Fruitland Township at 9:54 PM.

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

Respectfully submitted,

Karolyn Rillema, Clerk
Township of Fruitland