

**FRUITLAND TOWNSHIP BOARD
REGULAR MEETING
APRIL 20, 2009
MINUTES**

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

ALSO PRESENT: Fifty Seven (57) interested parties

ABSENT: Trustee Binns

CALL TO ORDER: Supervisor St. Amour called the Monday April 20, 2009 Regular Meeting of the Township of Fruitland Board to order at 7:03 PM and welcomed those present, led the Pledge of Allegiance and asked for a moment of silence.

AGENDA: Accept or amend the Monday, April 20, 2009 Agenda. Supervisor St. Amour asked the board to amend the following on the agenda: under Announcements – add upcoming election and under New Business and item #10 – Network access/administration, motion number 04-09-13.

Motion by Trustee Bole, second by Trustee Bard, ***ADOPTED***, to accept the amended April 20, 2009 Regular Township Board Meeting Agenda.
Upon Voice Vote: **6AYES, 1ABSENT**

PUBLIC COMMENT: No public comment.

MINUTES: Accept or amend the March 11 2009 Work Session minutes, March 16, 2009 Regular Meeting minutes, March 25, 2009 Work Session minutes, March 30, 2009 Public Hearing for Proposed Fiscal Year 2009-2010 Budget minutes and March 31, 2009 Special Meeting minutes.

Motion by Clerk Rillema, second by Trustee Deur, ***ADOPTED***, to accept the March 11 2009 Work Session minutes, March 16, 2009 Regular Meeting minutes, March 25, 2009 Work Session minutes, March 30, 2009 Public Hearing for Proposed Fiscal Year 2009-2010 Budget minutes and March 31, 2009 Special Meeting minutes.
Upon Voice Vote: **6AYES, 1ABSENT**

RECEIPTS and DISBURSEMENTS: Accept or amend report of Receipts of \$89,028.07 and total Bank Balance and Certificate of Deposits in the amount of \$1,027,513.14 as of March 31, 2009 as reported by Debbie Boyer, Fruitland Township Treasurer CPFA and approve or amend General Fund 101 Disbursements in the amount of \$54,038.76, Fund 130 Disbursements in the amount of \$5,200.00 and Fund 701 Disbursements in the amount of \$7,304.00 for the period of March 1, 2009 through March 31, 2009, as reported by Karolyn Rillema, Fruitland Township Clerk.

Motion by Treasurer Boyer, second by Trustee Deur, **ADOPTED**, to accept report of Receipts of \$89,028.07 and total Bank Balance and Certificate of Deposits in the amount of \$1,027,513.14 as of March 31, 2009 as reported by Debbie Boyer, Fruitland Township Treasurer CPFA and approve General Fund 101 Disbursements in the amount of \$54,038.76, Fund 130 Disbursements in the amount of \$5,200.00 and Fund 701 Disbursements in the amount of \$7,304.00 for the period of March 1, 2009 through March 31, 2009, as reported by Karolyn Rillema, Fruitland Township Clerk.
*Upon Voice Vote: **6_AYES, 1_ABSENT***

ANNOUNCEMENTS –

- Jan Deur – Board Member on the Land Conservancy of West Michigan
- E-news – Supervisor St. Amour encouraged all to sign up at www.fruitlandtwp.org
- Scenic Drive Survey – Supervisor St. Amour asked all to take the survey regarding shoulder paving at www.fruitlandtwp.org

CONSENT AGENDA –

Motion by Trustee Bard, second by Clerk Rillema, **ADOPTED**, to approve Penny Larson (alternate) and Brian Lernowich to a three year term beginning April 2009 ending March 31, 2012 to the Zoning Board of Appeals and approve Laura Castonia to a term at the pleasure of the Board to the White Lake Fire Authority.
*Upon Voice Vote: **6_AYES, 1_ABSENT***

COMMITTEE/BOARD UPDATES –

- White Lake Ambulance Authority – Trustee Bard reported that 82 calls were received last month. An open house for National EMS week is scheduled on May 19th. Director Dresen appointed Jonathon Degen Operations Manager, Mark Terpstra Operations Supervisor and Jeff Holmstrom Education Coordinator. The next board meeting is scheduled for April 29.
- White Lake Fire Authority – Treasurer Boyer reported that the auditing firm of Brickley DeLong reviewed the balance sheets of the authority and reported nine (9) recommendations of material weaknesses. There were 76 calls for the month of March and the employee handbook is currently being reviewed.
- Parks and Recreation Commission – Supervisor St. Amour stated that repairs at the Lighthouse are near completion and the Commission is reviewing their master plan and will be presenting it to the Township Board for approval in the near future.
- Citizen’s Advisory Road Committee – Trustee Bole had no report.
- Citizen’s Advisory Law Enforcement Committee – Trustee Bard reported that the committee is recommending the elimination of the Ordinance Enforcer position, retention of the PINS program with a minor amendment to the contract language, adoption of ordinances which would allow the Township to issue civil infraction citations and absorption of some duties to be handled by existing staff.
- Planning Commission – Trustee Deur stated that election of officers were taken at their last meeting – Carol Kooistra – Chairperson, Tom Thompson – Vice Chairman, Brian Lernowich

– Secretary. Notice in the White Lake Beacon was published for five public hearings scheduled for May 6, 2009.

- Fred Meijer Berry Junction Rail Trail – Supervisor St. Amour stated that a grant has been given tentatively but will require matched funds in the amount of \$400,000.00.
- Muskegon County Regional Water System Board – Trustee Deur attended the last meeting
- Citizen’s Advisory Dry Hydrant Committee – Supervisor St. Amour stated that the committee will be making its recommendations at the May work session.
- Citizen’s Advisory McMillan Road End Committee – Trustee Bard stated that the meeting scheduled for April 16 was cancelled. Grant monies have been applied for with the assistance of Jeff Auch.
- Citizen’s Advisory Community Building Committee – Supervisor St. Amour stated that clean up day is scheduled for April 25, 2009. Quotes for repair work are currently being sought. A grant from last year for polling places is being completed and another grant will be applied for ramp work necessary to meet ADA compliance.
- Citizen’s Advisory Wireless Committee – Trustee Deur stated that an email has been established for this wireless committee – wireless@fruitlandtwp.org. The committee is researching information to better provide wireless and broadband coverage in the western side of the township. There is a meeting scheduled on May 4 with ATT who is interested in establishing a tower in the township.
- Citizen’s Advisory Scenic Drive Committee – Supervisor St. Amour stated that more information on this is scheduled to be discussed under Old Business #1.
- Citizen’s Advisory Marcus Park Committee – Clerk Rillema stated that the next meeting with this committee is scheduled for April 23, 2009.
- Zoning Board of Appeals – Trustee Bole reported that there is no meeting scheduled.
- Citizen’s Advisory Blueberry Festival Committee – Supervisor St. Amour stated there will be no festival for 2009, but will hopefully be scheduled in 2010.
- Muskegon Area First – Trustee Deur stated that a meeting is scheduled for April 21, 2009 and reduced dues for 2009-2010 have been granted.

OLD BUSINESS –

1. Scenic Drive – Special Assessment Update – Supervisor St. Amour stated that an online survey has been put on the website. At the informational meeting in March, it appeared that there was positive support from the crowd for the assessment of paving the shoulders but it now appears that support has dwindled. Discussion amongst the board brought a motion to suspend open floor discussion

Motion by Trustee Bole, second by Trustee Bard, ***ADOPTED***, to suspend open floor discussion.

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

- 1) Dennis Hughes, 5333 Scenic Drive (White Duck Market) – Questioned the cost of paved shoulders costing the same as paving the whole road. Supervisor St. Amour responded that there is no base currently on the shoulder and it would have to be built up by handwork.
- 2) Dean Derks, 1889 Scenic Drive – Stated that shoulders are necessary to promote drainage. The lack of shoulder maintenance in his opinion has help deteriorate the current road condition.
- 3) Bill Brookstra, 3355 Scenic Drive – Thanked the MCRC for using all their stimulus money to repave Scenic but is not interested in funding the paving of shoulders for all to use.
- 4) Mike Murphy, 1853 Scenic Drive – Would like the project to continue and see how aggregate shoulders work. Questioned if there is other DNR grant money available to use towards shoulder paving.
- 5) Ron Peel, 6405 Sheltering Way – Stated that he would like to see the repaving completed and forget the shoulder work to avoid any additional delays.
- 6) Al VandeVusse, 2784 Scenic Drive – Would not like to be assessed for the paved shoulders.
- 7) Al Rapoport, 2533 Scenic Drive – Would like to see a township or county wide assessment for Scenic Drive because it is part of the Lake Michigan Circle Route.
- 8) Al Posthuma, 611 Scenic Drive – Is in favor for assessment of paved shoulders. Would like to see both Laketon & Fruitland Townships cooperate in the assessment process.
- 9) John Parks, 2820 Scenic Drive – Questioned if the quotes received from the MCRC are correct for these economic times when companies are hurting for work and maybe lower costs are possible.
- 10) Terry O’Connell, 5450 S. Shore Drive – Stated that as a motorcyclist, a serious accident is going to occur because of the condition Scenic Drive is currently in.
- 11) Joan Grover, 4676 W. McMillan – Doesn’t care either way if shoulders are paved as she doesn’t use Scenic Drive.
- 12) Mark Staple, 3056 Duck Lake Road – Stated that without paved shoulders the road will probably have a maximum of ten years.
- 13) Dave Edwards, 661 Scenic Drive – Stated that to do the job right, shoulders should be paved. Supervisor St. Amour stated the process of petitions, public hearings, etc.
- 14) Dave Burns, 3385 Lakewood Road – Stated that all roads in the township should be looked at and that the board should look at a township wide assessment to maintain our roads.
- 15) Carol Kooistra, 2553 Scenic Drive – Stated that she served on the committee and took the trolley ride last fall. Scenic Drive is designated as a shoreline trail and it should be paved without further delays without paved shoulders. She said she was speaking on behalf of five others living on Scenic Drive.
- 16) Jack Kennedy, MCRC – Stated that we should take pride in our county and township and that future road repairs will need to be shared amongst all because monies just won’t be available.
- 17) Mark Staple, 3056 Duck Lake Road – Reminded everyone that because this is a state funded project that prevailing wage is part of the high costs.

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

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

Motion by Trustee Bard, second by Trustee Deur, **ADOPTED**, to send a letter/survey to each property owner/resident on Scenic Drive to gather information on whether assessment of paved 3' shoulders is favorable for a public hearing

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

Supervisor St. Amour tasked Trustee Bole and Trustee Bard to work on the letter/survey to be mailed to all property owners/residents.

2. Lamos Road End – Supervisor St. Amour stated that the letter to both adjoining neighbors had been sent, no trespassing signs had been posted and Don Sandel confirmed the property lines.
3. Parks & Recreation – Supervisor St. Amour stated that Attorney Eklund is working on gathering information on road abandonment and will report at the next work session.
4. Policies & Procedures – Sections 4.0 – 4.11 – Clerk Rillema stated that Trustee Deur, Treasurer Boyer and herself are continuing the review of those sections and it should be ready for review at the May work session.
5. Nord Road – No report.
6. 1562 Duck Lake Road – Supervisor St. Amour stated that he is working with Don Sandel and Sally Garvey to obtain information on ordinance language and a possible work solution that would be beneficial to all parties.
7. 5623 Murray Road – Supervisor St. Amour stated that a court case has been filed by the Gardner's against the Zoning Board of Appeals. All communication is being funneled through him to Attorney Eklund.
8. 1990 Truck Status – Clerk Rillema stated that an advertisement has been placed in the White Lake Beacon requesting sealed bids to be sent by May 12 at 3:00 PM that will be opened at the May work session.
9. Cemetery – Supervisor St. Amour stated that since the retirement of our former Cemetery Sexton, Don Sandel and Sally Garvey will be handling the responsibilities of working with the funeral homes and marking grave sites.

Motion by Trustee Bole, second by Trustee Bard, **ADOPTED**, to allow Cemetery Sexton duties to be handled by Deputy Clerk and Zoning Administrator until further notice.

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

Burial Charges – Supervisor St. Amour and Clerk Rillema stated that because we do not currently have a Cemetery Sexton with equipment, an outside source has been contacted to do the opening/closings of graves.

Motion by Trustee Bard, second by Clerk Rillema, **ADOPTED**, to authorize payment of burial charges that are incurred by using an outside source. Current burial rates are from \$75.00 to \$300.00. The outside source rates are from \$100.00 to \$350.00. Additional fees apply for weekends/holidays ranging from \$85.00 to \$150.00.

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

Ecology Station –

Motion by Trustee Deur, second by Trustee Bard, **ADOPTED**, to accept Ecology Station fee schedule (revised 4-17-09) and direct the Supervisor/Clerk/Treasurer to purchase and place signage by the dates stated on the document. Usage of punch cards only at the Ecology Station and sales of said punch cards to be sold both at the Ecology Station and Township Hall at full price in increments of \$5.00 and \$10.00 cards. Also allow the Supervisor to assign two employees/elected officials to work the Ecology Station for the month of May through August or as required. All the above to be effective June 3, 2009, unless otherwise noted. The Fruitland Township sale of salvageable goods to be reinstated by July 1, 2009 or as soon as practical. All proceeds to go to the Fruitland Township General Fund. The enforcement of current Fruitland Township Resident's Only as the users to be enforced. Hours of the Ecology Station shall be changed to Wednesday 10:00 AM – 4:00 PM and Saturday 8:00 AM – 4:00 PM.

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

10. Fruitland Township Representation – JPC/West Michigan Shoreline Regional Development Committee – Trustee Deur and Supervisor St. Amour will be meeting with four of the five townships involved to discuss the legal issue of Act 226.
11. West Michigan Coast Riders – Supervisor St. Amour stated that he is still awaiting a copy of the insurance certificate for the time trials.
12. Simonelli-Dame-Nestrom-Simonelli Roads – Supervisor St. Amour has not received quotes from Muskegon County Road Commission.
13. 2745 Lorensen Road – Supervisor St. Amour stated that an April 30, 2009 District Court trial date is scheduled and will report to the board the outcome.
14. McMillan Road End – Supervisor St. Amour stated that before we approve the proposed ordinance, it would be better to see if any grants are secured.
15. Brine – Supervisor St. Amour is still awaiting the dollar amount from the Muskegon County Road Commission on the cost of brine for 2009.
16. Wind Energy Ordinance – Trustee Deur stated that new language was proposed and passed at the Planning Commission level but that after further review, inconsistencies were found and further language correction is needed. He would like to have it referred back to the Planning Commission for corrections.

Motion by Trustee Deur, second by Trustee Bard, **ADOPTED**, to refer the WES ordinance back to the Planning Commission for further language corrections.

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

17. Plastic Shredder – Treasurer Boyer had no report.
18. Township Liability Waiver – Supervisor St. Amour stated that this would be reviewed and added to the Policy and Procedures handbook.
19. Marcus Park –Supervisor St. Amour stated that the next meeting is scheduled for April 23, 2009.
20. Prein & Newhof – Supervisor St. Amour stated that the preliminary books and maps with costs are available for review.
21. Passport Training – Clerk Rillema stated that both Erika DeCair and Sally Garvey will be attending a free passport training class in West Olive on Thursday, April 23, 2009 and will be using the township truck for transportation.
22. Charter Communications – Supervisor St. Amour stated that Charter Communications has filed for bankruptcy and Attorney Eklund is investigating if any paperwork needs to be completed by the township in regards to our franchise fees.

NEW BUSINESS –

1. PINS Contract –

Motion by Trustee Bard, second by Trustee Deur, **ADOPTED**, to authorize payment of \$39,028.00 for Fiscal Year 2009-2010 PINS Contract with the amendment added by the Citizen’s Advisory Law Enforcement Committee.
ROLL CALL VOTE: Trustee Bard **AYE**, Trustee Deur **AYE**, Clerk Rillema **AYE**, Treasurer Boyer **AYE**, Trustee Bole **NAY**, Supervisor St. Amour **AYE**, Trustee Binns **ABSENT**

2. Humane Society & Animal Rescue - Feral Cat Policy –Clerk Rillema stated that resident Jane Missimer has been given the ordinance on Animals and a copy of the Feral Cat Policy received from the Humane Society and will keep in contact with her regarding her findings and suggestions.
3. 3350 Bard Road –Supervisor St. Amour has made contact with one of the owners of this property and is in talks regarding the cleanup of the property.
4. Free Dump Day – Supervisor St. Amour stated that he is in talks with the Muskegon County Waste Facility to receive no tipping fees and Allied Waste to negotiate reduced costs involved

with this service that we provide our residents. He will report back to the board his findings. Tentatively, May 30, 2009 is set aside for free dump day for our residents.

Motion by Trustee Deur, second by Trustee Bole, **ADOPTED**, to approve Free Dump Day on May 30, 2009, at the Fruitland Ecology Station.

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

5. Brickley DeLong Contract – Supervisor St. Amour will be contacting Brickley DeLong to discuss the contract and ask them to consider reviewing our policies and procedures handbook regarding the financial portion at no cost. Bank reconciliations have not been reconciled for last fiscal year and Supervisor St. Amour will ask for support of Brickley DeLong to help in this matter.
6. 2008-2009 Budget Item – Election Revenue – Treasurer Boyer stated that the journal entry made in the past for the reimbursement of expenses incurred from past elections have offset the expenses and not debited to the revenue. Both Clerk Rillema and Treasurer Boyer will be working to correct procedures going forward to account for revenue/expenditures for reimbursements.
7. Community Building – Supervisor St. Amour stated that the repair work for the Community Building was completed by Soraruf Building in the amount of \$5,691.39. Unfortunately, an open ended contract was approved by prior administration for part of the repair work not covered by a reimbursing grant for ADA compliance.

Motion by Treasurer Boyer, second by Trustee Deur, **ADOPTED**, to authorize the payment of \$5,691.39 to Soraruf Building Company for repairs to the Community Building.

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

8. MTA Seminar – Trustee Deur attended the 25th Annual West Michigan Township Officials Conference at Muskegon Community College on April 18, 2009 at a cost of \$70.00.

Motion by Clerk Rillema, second by Trustee Bole, **ADOPTED**, to authorize payment of \$70.00 to Muskegon Community College for Trustee Deur to attend the conference on April 18, 2009.

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

9. Special Drain District – Supervisor St. Amour stated that many of our drains and culverts are in need of attention. The Muskegon County Road Commission is currently working on cleaning out many ditches and assessing culvert repair work. Supervisor St. Amour will arrange a special informational meeting for the discussion of possible special assessment of drains

10. Network Access/Administration – Supervisor St. Amour stated that a significant amount of personal information has been located on our server with the help of I.T. Right which appears to be the mis-use of township property.

Motion by Supervisor St. Amour, second by Trustee Bard, ***ADOPTED***, to (1) cut access for network (except emails) from all outside sources. (2) Return all firewalls to township. (3) Temporarily put all network access codes in hands of the township Clerk. (4) Make Trustee Deur the backup recipient to these copies. (5) Advise all employees and elected officials that using township network for storage and personal items should cease. (6) Create policies for access codes and administration including all office equipment as an addition to the Policy and Procedures review. (7) Ask Clerk Rillema, Trustee Deur and Supervisor St. Amour to review all non-township activity on the network and allow access to any Board of Trustee to review any and all network records. (8) Work with I. T. Right to accomplish the above.
*Upon Voice Vote: **6 AYES, 1 ABSENT***

PUBLIC COMMENT –

1. Al VandeVusse, 2784 Scenic Drive - Felt that the township should consider a township wide assessment/millage for future road improvements.
2. Brian Grover, 4676 W. McMillan Road – Questioned the process going forward at the Ecology Station of “residents only”. How would it be conveyed and enforced?
3. Mary Eley, 3353 Jones Road – Asked if a date was set for brining and if the dock at Scenic Drive Road End would be installed.
4. Mark Staple, 3256 Duck Lake Road - Commended the board on the tremendous job it was doing and encouraged the enforcement at the Ecology station by checking licenses.
5. Kyle Esch, 5627 ½ Murray Road – Read portions of letters from two sisters in regards to the 5623 Murray Road project and encouraged this board to review all our ordinances.
6. Dave Burns, 3385 W. Lakewood Road – Spoke about road edge and inquired about the disinternment and reinternment over the weekend at the cemetery. Feels a cemetery sexton is necessary and should be a priority of this board.
7. Ron Peel, 6405 Sheltering Way – Would like this board to move forward with the paving of Scenic Drive and wondered if paved shoulders are taken out of the bid if road repairs would start sooner. Supervisor St. Amour stated that repair work will start in 2009 but the paving will take place in 2010.
8. Matt Burns, 2385 W. Bard - would like to be considered for the Cemetery Sexton position and also asked about the disinternment and reinternment over the weekend. Mr. Burns said that by not having a sexton we are in violation of our own ordinances.

ADJOURNMENT –

Motion by Trustee Bole, second by Trustee Deur, ***ADOPTED***, to adjourn the Monday Regular Meeting of the Township of Fruitland at 9:38 PM.

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

Respectfully submitted,

Karolyn Rillema, Clerk
Township of Fruitland