

FRUITLAND TOWNSHIP BOARD
REGULAR MEETING
June 15, 2009
MINUTES

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

ALSO PRESENT: Seventy two (72) interested parties

CALL TO ORDER: Supervisor St. Amour called the Monday, June 15, 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.

AGENDA: Accept or amend the Monday, June 15, 2009 Agenda. Supervisor St. Amour asked the Board to amend the following on the agenda: move Old Business #17 – Marcus Park to Old Business #.5 and add under New Business #12 – Pay It Back.

Motion by Trustee Deur, second by Trustee Bard, **ADOPTED**, to accept the amended June 15, 2009 Regular Township Board Meeting Agenda.

Upon Voice Vote: **7AYES**

Supervisor St. Amour announced that before opening the floor for public comment that Old Business #17 – Marcus Park, will be turned over to the Parks and Recreation Commission following clarification of jurisdiction received on Friday, June 12, 2009.

PUBLIC COMMENT:

1. Bruce Rissi, 5820 Duck Lake Road – Asked Supervisor St. Amour if the proposed motion under Item #17 would be forthcoming this evening and stated that the township board is the entity to seek legal action on behalf of the Parks & Recreation Commission. He submitted to the board a memo asking the Board of Trustees to enforce the keyhole ordinance in regards to Winterwood Shores. He has heard no response.
2. Jim Duncan, 5800 Murray Road – Stated that he asked that no action on Marcus Park be taken by the Board of Trustees, provided clarification of Parks & Recreation Commission jurisdiction from the Office of the Attorney General in 1981 and that the Parks & Recreation Commission would likely be seeking legal advice particularly in riparian expertise in regards to Marcus Park.
3. Joe Shelton, Sheltering Way – Stated the background of his acquiring the property and conversations with Ben Marcus about use of land. He stated that a dock had been present

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- for many years prior and he had received no objections from any neighbor prior to the passing of Mr. Marcus.
4. Tony DeNicolo, 6136 Duck Lake Road – Stated that he is the President of the Duck Lake Riparian Association and also represented DLA on the Citizen’s Advisory Marcus Park Committee. He stated that the advisory committee only agreed on one point and that was the welfare of Duck Lake. He stated that at the Annual Meeting of the Duck Lake Riparian Association that a resolution reading that the Duck Lake Riparian Association objects to the Fruitland Township Board of Trustees allowing the private use of the Marcus Township Park on Duck Lake as a dock site by private property owners from Marcus Dunes and Winterwoods subdivisions without an order from the proper court of law indicating such use is lawful. He also stated that a Petition regarding Private Use of Marcus Park was solicited and 100 signatures were obtained. He presented the Board of Trustees with both correspondences for the record.
 5. Robert Penny, 5830 Duck Lake Road – He has concerns and objects to allow private property owners to use public land for personal use. There are many safety reasons, over utilization of small lake and use of public land for personal use that should be taken into consideration.
 6. Judith Traynor, 6305 Sheltering Way – This issue has caused them a significant amount of money and feels they have received the decision of the court to have the right for docks and shore stations. Is urging the Parks & Recreation Board to make reasonable limits to both Winterwood and Marcus Dunes for their investment.
 7. Jerry Rumps, 4378 Winterwood Shores – Stated history of sale of land dating back to 1935 with easement language. Would like the investment they have all purchased to be protected.
 8. Ben Benson, 4655 Nestrom Road – Is opposed to adding more docks on Duck Lake. Would not like to see this jewel of a lake and its environment destroyed.
 9. Nancy Dunwell, 4226 Scenic Drive – Her property would be directly impacted by the addition of docks allowed by the Parks & Recreation Commission and the Board of Trustees.
 10. Al VandeVusse, 2784 Scenic Drive – Would like to know when the snow fence will be removed at McMillan Road End. Asked if any grants have been applied for. Also mentioned that because it is Flag Day, our flag in the meeting room is in the wrong position. Supervisor St. Amour asked if Al would fix after the meeting.
 11. Doug Zwemer, 6335 Sheltering Way – Stated that Marcus Dunes has had one dock as far as he knows for many years. A court decision supports the dock rights of Marcus Dunes. Would like continuation of dock usage.
 12. Dave Eskew, 6832 Duck Lake Road – Concerned about the issue at Marcus Park and safety of the public because of the storage of docks and shore stations on public land.

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13. Chuck Miller, 5756 Duck Lake Road – Concerned about the addition of more docks and boats on Duck Lake, jurisdictional questions and safety of individuals using the docks and traffic on Scenic Drive.
14. Terry Hampel, 6171 Duck Lake Road – Concerned about the permanent docks being placed in wetlands. Believes there are permits required and wondered if there are any violations now.
15. Lynn Knopf, 4328 Mystic Lane – Concerned about the placement of docks from the private property owners. Could they move the docks further into the park area if they chose to if water continues to rise.
16. Tom Thompson, 5564 S. Shore Drive – Inquired if the township would consider going back to a two day free dump day versus a one day. It was too busy for one day.
17. Nelson Heinrichs, 5794 Duck Lake Road – Has safety concerns for anyone using that part of Scenic Drive because of curve and no street parking.
18. Fred Scheerer, 5710 Duck Lake Road – Concerned about the quality of Duck Lake and the State Park. Stated that the DNR worked hard to put limits on boat usage on Duck Lake and would not like to see that disrupted.
19. Dave Piquet, 5650 Duck Lake Road – Glad to see this go before the Parks & Recreation Commission. He is a member of DLA which voted on Saturday, June 13, 2009 to get clarification of usage. He hopes for an amicable resolution.
20. Chris Piquet, 5650 Duck Lake Road – Wonders if all involved have the concept of “safety of the lake” and wonders how that many docks would look on Duck Lake at the west end of the lake.
21. Cameron Peel/Hannah Zwemer – Sheltering Way – They like to fish and swim off their docks for fun. From their fourteen and fifteen year olds perspective, they look at the behavior of these groups and it reminds them of children not wanting to share.
22. Constance Meklund (sp) 1351 W. Summit, Roosevelt Park - Concerned about the boat congestion on a small lake. Knows a child who was seriously hurt in a boating accident on a small lake and would like to know that the safety of her children on Duck Lake would not be compromised.
23. Norman Knopf, 5622 Duck Lake Road – Stated that the gated community and private beach on Lake Michigan is a concern to him. He was yelled at by an individual to not use their private docks.
24. Valerie Rissi, 5820 Duck Lake Road – Concerned that the permanent dock structures at the west end of the lake are on public land. Does it meet ADA requirements and is Fruitland Township in violation.
25. Bill Traynor, 6305 Sheltering Way – Stated that he values nature and the beauty of Duck Lake and all that it has to offer. Looks forward to working with the Parks & Recreation Commission and hopes that they will protect their recognized rights.
26. Dave Joslyn, 5001 Jay Road – Asked Supervisor St. Amour if his property was going to be cleared of any alleged violations. He has been undergoing this for over 20 years. He

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does not have any equipment for commercial usage on his property and would like an answer if he is cleared.

MINUTES: Accept or amend the May 12, 2009 Work Session minutes, May 18, 2009 Regular Meeting minutes and June 3, 2009 Special Work Session minutes.

Motion by Trustee Deur, second by Trustee Binns, **ADOPTED**, to accept the May 12, 2009 Work Session minutes, May 18, 2009 Regular Meeting minutes and June 3, 2009 Special Work Session minutes of the Township of Fruitland.

Upon Voice Vote: 7AYES

RECEIPTS & DISBURSMENTS: Accept or amend report of Receipts of \$13,104.57 and total Bank Balance and Certificates of Deposits in the amount of \$1,038,555.51, as of April 30, 2009 as reported by Debbie Boyer, Fruitland Township Treasurer CFPA, and additional Fund 101 Disbursements for April Payroll in the amount of \$21,412.62 for the period of April 1, 2009 through April 30, 2009 as reported by Karolyn Rillema, Clerk.

Motion by Trustee Deur, second by Trustee Bard, **ADOPTED**, to accept the report of Receipts of \$13,104.57 and total Bank Balance and Certificates of Deposits in the amount of \$1,038,555.51 as of April 30, 2009 as reported by Debbie Boyer, Fruitland Township Treasurer CFPA, and additional Fund 101 Disbursements for April Payroll in the amount of \$21,412.62 for the period of April 1, 2009 through April 30, 2009 as reported by Karolyn Rillema, Clerk.

Upon Voice Vote: 7AYES

Accept or amend report of Receipts of \$46,069.49 and total Bank Balance of Certificate of Deposits in the amount of \$1,016,568.67 as of May 31, 2009, as reported by Debbie Boyer, Fruitland Township Treasurer CPFA and approve or amend General Fund 101 Disbursements in the amount of \$67,461.23, Fund 130 Disbursements in the amount of \$310.40 and Fund 701 Disbursements in the amount of \$1,851.25 for the period of May 1, 2009 through May 31, 2009 as reported by Karolyn Rillema, Fruitland Township Clerk.

Motion by Trustee Bard, second by Trustee Deur, **ADOPTED**, to accept the report of Receipts of \$46,069.49 and total Bank Balance of Certificate of Deposits in the amount of \$1,016,568.67 as of May 31, 2009, as reported by Debbie Boyer, Fruitland Township Treasurer CPFA and approve or amend General Fund 101 Disbursements in the amount of \$67,461.23, Fund 130 Disbursements in the amount of \$310.40 and Fund 701 Disbursements in the amount of \$1,851.25 for

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the period of May 1, 2009 through May 31, 2009 as reported by Karolyn Rillema, Fruitland Township Clerk.

Upon Voice Vote: 7AYES

SPECIAL GUEST: Citizens Advisory Law Enforcement Committee Chair – Kevin Even

Mr. Even introduced his committee members: Trustee Bard, Herb Huch and Judy Marcinkowski. He stated that the committee has been meeting for months and has the following recommendation to make: eliminate the Ordinance Enforcer position as it currently exists, retain the PINS program with some minor amendments to the contract language, work with the Muskegon County Sheriff's Department to secure grant programs, adopt ordinances such as Uniform Traffic Code, Municipal Ordinance Violations Bureau and Ordinance Enforcement Officer which would allow the Township to issue civil infraction citations for its ordinances, hire a part time office staff person to handle the paperwork, review all penal provisions of any Township ordinance that could be handled by way of civil infraction and have the advisory committee reconvene after the first 180 days to report back to the board the effectiveness and impact of these recommendations if adopted.

ANNOUNCEMENTS: Supervisor St. Amour announced that if there are interested parties in a blood drive through the American Red Cross, to contact the township hall. The 2009 County Drain Right of Way Spray Program was currently taking place. Free dump day was heavily attended and encouraged all in attendance to sign up for enews at fruitlandtwp.org.

COMMITTEE/BOARD UPDATES:

- White Lake Ambulance Authority – Trustee Bard stated that free Blood Pressure checks are scheduled at Fruitland Township starting July 17, 2009 from 10:00 AM to Noon. They will take place the 3rd Friday of each month.
- White Lake Fire Authority – Treasurer Boyer stated that the authority had 76 calls last month. A draft of the articles of incorporation will be reviewed at the next authority meeting. The revised lease agreement needs to be reviewed by the authority attorney and will then be brought back to the townships and City of Whitehall for their boards review. The authority was visited by the ISO and updated ratings will be available within 3 to 6 months for Whitehall and its surrounding areas. The authority will also be applying for grant monies on behalf of the Citizen's Advisory Dry Hydrant Committee.
- Parks & Recreation Commission – Trustee Binns deferred this to later in the agenda.
- Planning Commission – Trustee Deur stated that the commission has developed two subcommittees (1) Duck Lake State Park Rezoning chaired by Carol Kooistra and (2) Zoning Ordinance Review chaired by Willie Josephson. The Commission members are currently reading the revised MTA Planning handbook and Chairman Kooistra spoke at the work session on June 9, 2009 and asked if the Board of Trustees would welcome

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being assigned a Planning Commissioner to review the Master Plan. All Board of Trustee members were agreeable.

- Fred Meijer Berry Junction Rail Trail – Supervisor St. Amour stated that the committee was unable to raise any matching funds and the committee will be put on hold at this time.
- Muskegon County Regional Water System Board – Supervisor St. Amour stated that he is continuing to attend these meetings.
- Citizen’s Advisory Dry Hydrant Committee – Trustee Binns deferred this to later in the agenda.
- Citizen’s Advisory Community Building Committee – Supervisor St. Amour deferred this to later in the agenda.
- Citizen’s Advisory McMillan Road End Committee – Trustee Bard stated that no grants have been received to date and the snow fence has not been taken down due to the advice of Jeff Auch.
- Citizen’s Advisory Wireless Committee – Trustee Deur stated that the committee is currently in talks with AT&T to widen the broadband coverage in Fruitland Township.
- Citizen’s Advisory Marcus Park Committee – Supervisor St. Amour deferred this to later in the agenda.
- Zoning Board of Appeals – Trustee Bole stated that there have been no meetings.
- Muskegon Area First – Supervisor St. Amour stated that MAF is working on luring companies to Muskegon County and that he and Trustee Deur continue to assess our continuation of membership with this group.

OLD BUSINESS:

.5 Marcus Park – Supervisor St. Amour

1. Policies & Procedures – Clerk Rillema stated that Resolution 2009-12 Mileage Reimbursement –for elected officials needed to be finalized by this resolution stating that mileage reimbursements for elected officials are limited to out-of-county travel to coincide with the 2009-10 Fiscal Year Budget.

**FRUITLAND TOWNSHIP
RESOLUTION 2009-12
MILEAGE REIMBURSEMENT POLICY**

WHEREAS, The members of the Fruitland Township Board, Fruitland Township Staff, do travel time to time to fulfill obligations and responsibilities of Fruitland Township and their positions with Fruitland Township, and;

WHEREAS, The Fruitland Township Board has determined that a mileage reimbursement is reasonable for personal expense incurred by performing the aforementioned duties; and

WHEREAS, The Fruitland Township Board acknowledges that the Fruitland Township Board and Fruitland Township Staff drive many miles without reimbursement; and

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WHEREAS, The Fruitland Township Board will reimburse for mileage with documentation of date, purpose, number of miles traveled, and destination for mileage accrued on personal vehicles while fulfilling the obligations and responsibilities of Fruitland Township and their positions with Fruitland Township. The mileage shall be reported as follows:

(1) Mileage from the Fruitland Township Hall to destination and return to the Fruitland Township Hall as determined by a G. I. S. system (Yahoo Maps / Map Quest)

Or

(2) Odometer mileage from the Fruitland Township Hall to destination and return to Fruitland Township Hall. A written explanation for deviation greater than five (5%) percent of G. I. S. mileage shall be required.

And

(3) Mileage reimbursements for elected officials are limited to out-of-county travel.

THEREFORE, LET IT NOW BE RESOLVED,

That the Fruitland Township Board does acknowledge the reasonableness of the expense, and does hereby set the rate for mileage reimbursement at the rate per mileage as determined by the Internal Revenue Service each year.

Motion by, Trustee Bard, second by, Trustee Deur, **ADOPTED**, Resolution 2009-12 to adopt the Fruitland Township Mileage Reimbursement Policy.

Upon a roll call vote, with all members present, the members voted as follows:

“**AYE**”: Trustee Bard, Trustee Deur, Trustee Binns, Clerk Rillema, Treasurer Boyer, Trustee Bole, Supervisor St. Amour

“**NAY**”: None

“**ABSENT**”: None

BE IT RESOLVED THAT, the Fruitland Township Mileage Reimbursement Policy was adopted by the Board of Fruitland Township, at a regular meeting held Monday, June 15, 2009 at 7:00 PM.

Karolyn Rillema, Clerk
Township of Fruitland

Clerk Rillema stated that Resolution 2009-14, Conference, Class Attendance and Payment Policy was never adopted but being followed.

**FRUITLAND TOWNSHIP
RESOLUTION 2009-14
CONFERENCE, CLASS ATTENDANCE, AND PAYMENT POLICY**

WHEREAS, the Fruitland Township Board wishes to adopt a policy for conference and class attendance and payment.

WHEREAS, the provisions of these guidelines shall apply to all employees of the Township of Fruitland, including those who are elected or those who are appointed.

WHEREAS, it is the intent of the Township to enhance professional development of the employee and official by sponsoring participation in approved learning activities.

THEREFORE, LET IT NOW BE RESOLVED,

1. Township Board officer may have up to 4 working days in a calendar year to attend overnight meetings. Requests for fees and conferences shall be processed in advance through the Clerk’s office. Additional days shall require township board approval.
2. Attendance at any meeting planned for outside the State of Michigan must have township board approval.
3. Conference / Seminar fees will be mailed in advance when possible. Township employees will present forms to the Clerk who will in turn discuss approval with the Supervisor. Appeals of said decision must be made to the township board. The activity must be directly related to the person’s Township job function.
4. Lodging fees may be:
 1. billed to Fruitland Township

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2. paid in advance by township check
3. paid by employee/board member and reimbursed by check upon presentation of receipt of Clerk.
5. Conference / class attendees are encouraged to use the most economical form of transportation. Persons using their personal vehicles shall be reimbursed for the mileage according to present policy. Fruitland Township representatives are encouraged to ride share to destination.
6. Conference attendees may have a single room if they so choose.
7. Spouses may accompany the township representative. Any expense incurred by that spouse shall not be the responsibility of Fruitland Township.
8. Pre and post conference activities are not the responsibility of the township.
9. Meal expenses and gratuities for the township representative will be reimbursed for those not included in the conference fee. A receipt must be obtained and submitted to the Clerk. Meals not included in conference fees are reimbursable to \$25.00 per day.
10. No meal or lodging expenses will be reimbursed without receipts. No advance payment will be provided for meal expenses.

Motion by, Treasurer Boyer, second by, Trustee Bole, **ADOPTED**, Resolution 2009-14 to adopt the Fruitland Township Conference, Class Attendance and Payment Policy.

Upon a roll call vote, with all members present, the members voted as follows:

“**AYE**”: Trustee Bole, Treasurer Boyer, Clerk Rillema, Trustee Binns, Trustee Deur, Trustee Bard, Supervisor St. Amour

“**NAY**”: None

“**ABSENT**”: None

BE IT RESOLVED THAT, the Fruitland Township Conference, Class Attendance and Payment Policy was adopted by the Board of Fruitland Township, at a regular meeting held Monday, June 15, 2009 at 7:00 PM.

Karolyn Rillema, Clerk
Township of Fruitland

Clerk Rillema also stated that Resolution 2009-15, Fruitland Township Investment Policy needed to be updated by adding her name and adding additional banking establishments and bank name changes.

FRUITLAND TOWNSHIP BOARD Resolution 2009-15 Fruitland Township Investment Policy

WHEREAS, The Board of Fruitland Township, Muskegon County, in exercising its fiduciary responsibilities desires to safeguard the funds of the Township that may be invested from time to time, and

WHEREAS, Public Act 77 of 1989, MCL 41.77, requires that the Township Board designate the banks or depositories for the money belonging to the Township, including the time for which the deposits shall be made and all details for carrying into effect the authority given in this act, and

WHEREAS, Public Act 196 of 1997, MCL 129.91, *et seq.*, requires Townships Boards, in consultation with the Township Treasurer, to adopt an investment policy, now

THEREFORE BE IT RESOLVED,

That this policy is applicable to all public funds belonging to Fruitland Township and in the custody of the Township Treasurer.

BE IT RESOLVED,

That the Board approves the following financial institutions as depositories of township funds:

Fifth Third Bank	National City Bank (PNC)
Community Shores Bank	Shelby State Bank
Flag Star Bank	Huntington Bank
Independent Bank	Michigan Commerce Bank
Citizens Bank	Muskegon Governmental EFCU
Comerica Bank	

BE IT FURTHER RESOLVED,

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That the Treasurer may invest Township funds in certificates of deposit, savings accounts, deposit accounts, or depository receipts of a bank but only if the bank, savings and loan association, or credit union meeting all criteria as a depository of public funds contained in state law. The standard of prudence to be used shall be the "fiduciary" standard and shall be applied in context of managing an overall portfolio.

BE IT FURTHER RESOLVED,

That the prior approval of the Township Board shall be required for the Treasurer to invest in any other lawful investment instruments. The Township Board's standard of prudence shall be the "fiduciary" standard, which shall be applied in context of managing an overall portfolio. The Township Board may authorize the Treasurer to invest in the following:

- (A) Bonds, securities, and other obligations of the United States or an agency or instrumentality of the United States.
Commercial paper rated at the time of purchase within the 2 highest classifications established by not less than 2 standard rating services and that matures not more than 270 days after the date of purchase.
- (B) Repurchase agreements consisting of instruments listed in subdivision (a).
- (C) Bankers' acceptances of United States banks.
- (C) Obligations of this state or any of its political subdivisions that at the time of purchase are rated as investment grade by not less than 1 standard rating service.
- (E) Mutual funds registered under the Investment Company Act of 1940, Title I of chapter 686, 54 Stat. 789, 15 U.S.C. 80a-1 to 80a-3 and 80a-4 to 80a-64, with authority to purchase only investment vehicles that are legal for direct investment by a public corporation. However, a mutual fund is not disqualified as a permissible investment solely by reason of either of the following:
 - (I) The purchase of securities on a when-issued or delayed delivery basis.
 - (II) The ability to lend portfolio securities as long as the mutual fund receives collateral at all times equal to at least 100% of the value of the securities loaned.
 - (III) The limited ability to borrow and pledge a like portion of the portfolio's assets for temporary or emergency purposes.
- (F) Obligations described in subdivisions (a) through (g) if purchased through an interlocal agreement under the Urban Cooperation Act of 1967, Public Act 7 of 1967 (*Ex Sess*), MCL 124.501, *et seq.*
- (G) Investment pools organized under the Surplus Funds Investment Pool Act, Public Act 367 of 1982, MCL 129.111, *et seq.*
- (H) The investment pools organized under the Local Government Investment Pool Act, Public Act 121 of 1985, MCL 129.141, *et seq.*

BE IT FURTHER RESOLVED,

That decisions and actions involving the Township's investment portfolio shall be meeting the following criteria:

Safety: Safety of principle is the foremost objective of Fruitland Township's investment practices.

Diversification: The investments shall be diversified by avoiding over concentration in securities from a specific issuer or business sector (excluding U.S. Treasury securities and insured certificates of deposits).

Liquidity: The investment portfolio shall remain sufficiently liquid to meet all operating requirements that may be reasonably anticipated.

Return on Investment: Return of investment is of secondary importance compared to safety and liquidity objectives. Investments shall be selected to obtain a market average rate of return. The core of investments is limited to relatively low risk securities.

BE IT FURTHER RESOLVED,

That the Treasurer may elect to have certificates and other evidence of investments held by a financial institution, provided that the financial institution presents to the Township Treasurer, sufficient documentation and acknowledgment of the investment instruments held on behalf of the Township.

BE IT FURTHER RESOLVED,

That the Township will comply with all applicable statutes related to public fund investments. Any provisions of this resolution in conflict with applicable statutes are void.

Motion by, Trustee Bole, second by, Trustee Deur, ***ADOPTED***, Resolution 2009-15 to adopt the Fruitland Township Investment Policy.

FRUITLAND TOWNSHIP JUNE 15, 2009 REGULAR MEETING MINUTES

Upon a roll call vote, with all members present, the members voted as follows:

“**AYE**”: Trustee Bard, Trustee Deur, Trustee Binns, Clerk Rillema, Treasurer Boyer, Trustee Bole, Supervisor St. Amour

“**NAY**”: None

“**ABSENT**”: None

BE IT RESOLVED THAT, the Fruitland Township Investment Policy was adopted by the Board of Fruitland Township, at a regular meeting held Monday, June 15, 2009 at 7:00 PM.

Karolyn Rillema, Clerk
Township of Fruitland

In accordance with the adopted Investment Policy as state above, you, as representative of the

_____, have read the above Investment Policy and agree to follow the laws established by the State of Michigan and the Fruitland Township Board, as stated in paragraph seven.

Financial Institution Representative Acknowledgement:

Signature

Date

Financial Institution Representative Title

2. Nord Road – Trustee Bole stated that he has not received any communication back from the property owners since their last meeting.

Motion by Trustee Bole, second by Clerk Rillema, **ADOPTED**, to move that Fruitland Township will no longer maintain Nord Road as of June 15, 2009 as required by law and have the Supervisor send a copy of this motion to all property owners.

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

3. 1562 Duck Lake Road – Supervisor St. Amour stated that this will be discussed at the July work session.
4. 5623 Murray Road – Supervisor St. Amour stated that the Gill’s have agreed to intervene with the Township in the court case involving the Gardners. Supervisor St. Amour included for our review the follow up report from the Michigan Conservation District.

5. Cemetery –

Motion by Treasurer Boyer, second by Trustee Bard, **ADOPTED**, to authorize the Supervisor to purchase a new sign for the Fruitland Township Cemetery not to exceed \$150.00

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**

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Motion by Trustee Bard, second by Trustee Deur, **ADOPTED**, to authorize the Treasurer, Clerk and Supervisor to advertise for the Cemetery Sexton Position. Duties of this position would include: opening/closing of gravesites, placing of headstones and coordinating activities with township staff and bring potential candidates to the July work session.

Upon Voice Vote: 7AYES

6. Fruitland Township Representation – Trustee Deur stated that Attorney Eklund is reviewing the Joint Planning Commission by-laws and will be making recommendation for future consideration.
7. Road Improvements – Supervisor St. Amour stated that this will be discussed at our July Work Session. Trustee Bole mentioned that he did not see that Fruitland Township was on the list of the MCRC for chip sealing in the Muskegon Chronicle this past weekend. He thought that Lakewood had been authorized by the prior administration. Supervisor St. Amour will look into this.
8. 2745 Lorenson Road – Supervisor St. Amour stated that some cleanup has been done and the board requested that the June 22, 2009 court date be kept.
9. McMillan Road End – Trustee Bard will be checking with Jeff Auch to get clarification of whether or not the fence could be taken down. She stated that securing grant monies is a long slow process.
10. Plastic Shredder – Treasurer Boyer stated that an ad had been placed on Craig’s List with one interested party but no response back had been received. She will place the ad in the MTA magazine as approved at the work session.
11. Township Liability – Supervisor St. Amour stated that this is a placeholder and will be reviewed with the Policies and Procedures.
12. Prein & Newhof – Supervisor St. Amour to get recommendations from John Warner to Prein & Newhof for final report.
13. 3350 Bard Road –

Motion by Treasurer Boyer, second by Trustee Bard, **ADOPTED**, to authorize the Supervisor to have the Township Attorney proceed with court case proceedings versus Mrs. Pyle to clean up 3350 Bard Road per the ordinances.

Upon Voice Vote: 7AYES

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14. Network Access – Trustee Deur commented on the investigative report and Clerk Rillema read Resolution 2009-13.

**FRUITLAND TOWNSHIP
RESOLUTION 2009-13**

The Fruitland Township Board hereby adopts the following Resolution:

- WHEREAS,** the Board appointed a subcommittee to investigate various issues relating to access to the computer network and the subcommittee has prepared a report of its findings and recommendations;
- WHEREAS,** one issue that came to the attention of the Board in the subcommittee report is that in the past, the township had few, if any, written policies regarding personal use of township equipment. The subcommittee believes that such personal use is improper and inappropriate.
- WHEREAS,** the Board is particularly concerned about the past actions of Treasurer Debbie Boyer, who made use of the township computer system to store hundreds of photographs unrelated to township business, as well as a price list and advertising flyer for photography services, while serving as the administrator of the computer network.
- NOW, THEREFORE, BE IT RESOLVED,** that the Board accepts the report of the subcommittee. It endorses all of the recommendations in the report, and will make use of the information contained in it to develop and institute a comprehensive policy with regard to the proper use of township computers and other office equipment. Adopting such a policy shall be a top priority for the Board

In addition, for the reasons set forth in the report, the Board hereby reprimands Treasurer Boyer for engaging in the activities described in the report and for exercising poor judgment while doing so. She is hereby directed to discontinue any such activities immediately if she has not done so already. She is also relieved of her duties as network administrator and shall no longer be entitled to possess an administrative password for the computer network.

Upon a roll call vote, with all members present, the members voted as follows:

“Aye”: Trustee Bard, Trustee Deur, Trustee Binns, Clerk Rillema, Trustee Bole, Supervisor St. Amour

“Nay”: None

“Abstention”: Treasurer Boyer

BE IT RESOLVED THAT, the Board of Fruitland Township adopted Resolution 2009-13 at a Regular Meeting of the Fruitland Township Board at 7:00 PM on Monday, June 15, 2009.

Karolyn Rillema, Clerk
Township of Fruitland

Dated: _____

15. Community Building –

Motion by Trustee Binns, second by Trustee Bole, **ADOPTED**, to move to have the Supervisor spend \$5710.00 to repair the basement foundation wall of the Community Building.

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**

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Motion by Treasurer Boyer, second by Clerk Rillema, **ADOPTED**, to increase #101-267-977.000 from \$4000.00 to \$5710.00.

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**

16. White Lake Fire Authority –

Motion by Trustee Binns, second by Trustee Deur, **ADOPTED**, to ask the White Lake Fire Authority to submit, on Fruitland Township's behalf, grant applications for two dry hydrants and one cistern for Fruitland Township. All equipment will be placed on Fruitland Township or County property at Scenic Drive Road End and Southern most part of Marcus Park on Scenic Drive and the southwest corner of Fruitland Township with authorization of the Parks & Recreation Commission.

Upon Voice Vote: **7AYES**

NEW BUSINESS:

1. Regulatory Ordinance Review –

Motion by Trustee Bard, second by Trustee Deur, **ADOPTED**, to authorize the Supervisor to create a Citizen's Advisory Regulatory Ordinance Review Committee for board approval to review regulatory ordinances not being fully enforced. Trustee Bole will be appointed the township board liaison.

Upon Voice Vote: **7AYES**

2. AA – Nestrom Park Pavilion Rental – no action taken

3. Staff –

Motion by Supervisor St. Amour, second by Trustee Bard, **ADOPTED**, to authorize the Treasurer, Clerk and Supervisor to advertise for a part time office staff position. This action is to generate interest of potential candidates should this position need to be filled.

Upon Voice Vote: **7AYES**

4. Friends of the White River Light Station Request – no action taken

5. Health Insurance – Supervisor St. Amour and Trustee Deur will be reporting at the July work session.

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6. White Lake Fire Authority – Drain Field – no action taken. Trustee Bole is awaiting quotes.

7. Parks & Recreation –

Motion by Clerk Rillema, second by Trustee Bard, **ADOPTED**, to suspend open floor discussion for Parks Chairman Duncan to speak to the Board.

Upon Voice Vote: 7AYES

Chairman Duncan spoke about the progress and activities that the Parks and Recreation Commission are involved in at this time. A joint meeting is recommended between the Parks & Recreation Commission and the Board of Trustees to discuss jurisdictional/joint ventures of both boards going forward.

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

Upon Voice Vote: 7AYES

Supervisor St. Amour stated that the Master Plan for Parks, Recreations, Open Space and Natural Areas has been given to the Board of Trustees for their review. It will be discussed at the July work session.

8. Minimum Square Footage Request – Supervisor St. Amour stated that this request has been forwarded on to the Planning Commission and Attorney Eklund.
9. Copier Lease – Treasurer Boyer stated that our lease has expired and we now own the copier. She will be negotiating a lower price with IKON for the maintenance program and will report at the July work session.
10. Planning Commission – Smart Strategies for Dealing with Undesirable Land Uses Conference –

Motion by Trustee Deur, second by Trustee Bard, **ADOPTED**, to approve the attendance to the MTA Smart Strategies for Dealing with Undesirable Land Uses Conference of Planning Commissioner Steve Nagengast on July 14 2009 in Lawrence Michigan. The cost shall not exceed \$250.00 which includes the cost of the workshop, transportation and meal allowance per our policies.

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**

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11. Ecology Station Change Fund –

Motion by Trustee Bard, second by Trustee Binns, **ADOPTED**, to approve the increase in the change fund amount from \$50.00 to \$100.00 for the Ecology Station.

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

12. Pay It Back Program – Supervisor St. Amour would like to investigate the costs of Pay It Back Program to help the Maintenance Department get caught up with the grounds work.

Motion by Trustee Binns, second by Trustee Bole, **ADOPTED**, to authorize Supervisor St. Amour to investigate the costs associated with the Pay It Back Program and utilize this program if he sees fit.

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**

PUBLIC COMMENT:

1. Dave Joslyn, 5110 Jay Road – Asked Supervisor St. Amour if his issues with his property were cleared up.
2. Matt Burns, 2375 W. Bard Road – Asked if the Cemetery Sexton position would be an individual or a company per the advertisement.

ADJOURNMENT:

Motion by Trustee Bole, second by Trustee Bard, **ADOPTED**, to adjourn the Monday, June 15, 2009 Regular Meeting of the Township of Fruitland at 10:28 PM.

Upon Voice Vote: **7AYES**

Respectfully Submitted,

Karolyn Rillema, Clerk
Township of Fruitland