

FRUITLAND TOWNSHIP BOARD
REGULAR MEETING
JULY 20, 2009
MINUTES

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

ALSO PRESENT: Nineteen (19) interested parties.

ABSENT: Treasurer Boyer

CALL TO ORDER: Supervisor St. Amour called the Monday, July 20, 2009, Regular Meeting of the Township of Fruitland Board to order at 7:00 PM and welcomed those present, led the Pledge of Allegiance and asked for a moment of silence.

AGENDA: Accept or amend the Monday, July 20, 2009 Agenda. Supervisor St. Amour asked the Board to amend the following on the agenda: add Special Announcement, change NB#18 to Citizens Advisory Regulatory Ordinance Committee and add NB #19 –Board Comments.

Motion by Trustee Binns, second by Trustee Bard, **ADOPTED**, to accept the amended July 20, 2009 Regular Township Board Meeting Agenda.

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

PUBLIC COMMENT:

1. Al VandeVusse, 2784 Scenic Drive – Stated that the Township has spent approximately \$80,000.00 in this investment and it is still not useable to the public. Is hopeful that the board will pay to have the stairway built and asked continue to pursue other means of funding to offset additional expenditures.
2. Jane Gardner, 5625 Murray Road – Encouraged the board to enforce the township ordinances and asked the board to stop the building at 5623 Murray Road.
3. Dave Joslyn, 5001 Jay Road – Stated that all vehicles on his property are licensed and made a formal complaint on the property owner at 4980 Jay Road stating that he has unlicensed vehicles and is running a business from this address.
4. Fred Livingston, 2538 Scenic Drive – Asked about new business item #8.

MINUTES: Accept or amend the June 9, 2009 Work Session minutes and June 15, 2009 Regular Meeting minutes.

Motion by Trustee Deur, second by Trustee Bole, **ADOPTED**, to accept the June 9, 2009 Work Session minutes and June 15, 2009 Regular Meeting minutes.

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

RECEIPTS & DISBURSEMENTS: Accept or amend report of Receipts of \$90,624.59 total Bank Balance and Certificate of Deposits in the amount of \$1,063,391.42 as of June 30, 2009, as reported by Debbie Boyer, Fruitland Township Treasurer CPFA and approve or amend General Fund 101 Disbursements in the amount of \$56,076.65 and Fund 701 Disbursements in the amount of \$1,383.75 for the period of June 1, 2009 through June 30, 2009, as reported by Karolyn Rillema, Fruitland Township Clerk.

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Trustee Deur commented that not being able to balance from last month and that the Treasurer was not present to answer questions, he could not accept the Receipts for June.

Motion by Trustee Deur, second by Trustee Bard, **ADOPTED**, to approve General Fund 101 Disbursements in the amount of \$56,076.65 and Fund 701 Disbursements in the amount of \$1, 383.75 for the period of June 1, 2009 through June 30, 2009, as reported by Karolyn Rillema, Fruitland Township Clerk.
*Upon Voice Vote: **6 AYES, 1 ABSENT***

SPECIAL ANNOUNCEMENT: Supervisor St. Amour announced that a letter of resignation had been received from Treasurer Boyer late in the afternoon. Her last day would be July 31, 2009.

Motion by Trustee Binns, second by Trustee Bole, **ADOPTED**, to accept the resignation of Debbie Boyer from the elected position of Treasurer of Fruitland Township and the appointed position of board member of the White Lake Fire Authority effective July 31, 2009.
*Upon Voice Vote: **6 AYES, 1 ABSENT***

Trustee Binns expressed her disappointment in Treasurer Boyer and her failure of leadership. Trustee Bard stated that this was a terrible time to resign and felt it was retaliation. Trustee Deur's concern was that Treasurer Boyer agreed to help cover the front office since releasing one office position and now her resignation leaves a huge hole.

ANNOUNCEMENTS: Supervisor St. Amour announced that the White Lake Ambulance Authority Blood Pressure Check will take place on Friday, July 17 from 10:00 AM to Noon and on every 3rd Friday of the month. He also encourages all to sign up for Enews at E-news@fruitlandtwp.org and that the Fruitland Evangelical Covenant Church Pancake Breakfast is scheduled for Saturday July 25, 2009 at the Nestrom Road Park.

COMMITTEE/BOARD UPDATES:

- White Lake Ambulance Authority – Trustee Bard reported that the authority is offering free blood pressure checks to the community every 3rd Friday of the month.
- White Lake Fire Authority – Supervisor St. Amour reported that the Articles of Incorporation and Lease are in progress.
- Parks and Recreation Commission – Trustee Binns reported that the commission is awaiting feedback from the Board of Trustees on their master plan and a fundraiser for the Friends of the Light Station will be held at the Wabaningo Club on July 23, 2009.
- Planning Commission – Trustee Deur reported that the Commission approved the Special Land Use Permit for McCormick LLC and would be forthcoming tonight for approval by the Board of Trustees. Also a zoning review committee has been established. They currently have ten items on the list to be reviewed.
- Muskegon County Regional Water System Board – Supervisor St. Amour had no comment.
- Citizen's Advisory Dry Hydrant Committee – Trustee Binns had no comment.

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- Citizen's Advisory Community Building Committee – Supervisor St. Amour had no comment.
- Citizen's Advisory McMillan Road End Committee – Trustee Bard reported that the next meeting is scheduled for July 23, 2009 at 7:00 PM.
- Citizen's Advisory Wireless Committee – Trustee Deur reported that the AT&T is holding off on possibility of building a PCS tower in our township this year but will contact us next year. The committee is preparing a report to present their findings to the Board of Trustees.
- Zoning Board of Appeals – Trustee Bole had no comment.
- Muskegon Area First – Supervisor St. Amour reported that the next meeting is scheduled for July 21, 2009.

OLD BUSINESS –

1. Policies & Procedures (Sections 4.0 – 4.12) – Clerk Rillema and Trustee Deur will be meeting to discuss changes/additions received from Brickley DeLong. Final draft will be presented at the August work session. Supervisor St. Amour and Clerk Rillema made changes/additions to Sections 5.0 – 6.7, Appendix . Any additional comments should be given to Clerk Rillema before the August work session. It is the goal to present section 4.0 – 6.7 to Attorney Eklund in August.
2. 1562 Duck Lake Road – Building Inspector DeBrot inspected the garage and found some repairs done. Supervisor St. Amour will speak to the owners and try to get okay to inspect inside of garage. It is currently an ordinance violation of the garage standing alone on the property.
3. 5623 Murray Road – Supervisor St. Amour reported that mediation between the Gardners and Gills was unsuccessful. The case will be going to court. The township's brief is due by July 31, 2009. Oral arguments are scheduled for August 17, 2009 and no scheduled date has been given for the second lawsuit.
4. Cemetery Sexton –

Motion by Trustee Bard, second by Trustee Binns, **ADOPTED**, to accept West Michigan Burial Vault company to perform the Cemetery Sexton duties for our township cemetery per their bid which will be attached in the minutes.

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

5. Fruitland Township Representation (Joint Planning Commission/West Michigan Shoreline Regional Development Commission) – Trustee Deur reported that Attorney Eklund is preparing changes/additions to the by-laws to be presented for consideration to the members of the JPC.
6. Road Improvements –

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Motion by Trustee Bole, second by Trustee Binns, **ADOPTED**, to allow the Supervisor to contract with Muskegon County Road Commission to appropriately chip seal Lakewood Road east of Nestrom Road/South Shore Drive. This contract not to exceed \$35,000.00.

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

Supervisor St. Amour will get additional information from the Muskegon County Road Commission regarding Simonelli and Dame Roads and updated pricing on millings from Scenic Drive 2010 project to consider Nestrom Road.

7. 2745 Lorensen Road – Supervisor St. Amour will keep the board abreast of any additional cleanup and results of court case.
8. McMillan Road End (Ordinance/Grants) – Supervisor St Amour was tasked to get current quotes on building of stairway and work with the McMillan Road Committee to secure funding without asking the Township for money.
9. Plastic Shredder – No report
10. Township Liability – No report.
11. Prein & Newhof – No report.
12. 3350 Bard Road – Supervisor St Amour will keep the board abreast of any additional cleanup of property and pending pretrial court case.
13. Community Building (Grants/Foundation Repair) – Clerk Rillema will report at the August work session grant reimbursement and grant application status.
14. White Lake Fire Authority – Dry Hydrants/Cistern – Supervisor St Amour stated that the White Lake Fire Authority approved to apply for grant monies at its July 17, 2009 meeting. Supervisor St. Amour will work with Chief Hulbert to secure help from the National Guard. Continued research is being done on the proposed cistern in the southwest corner of the township with talks with Laketon Township.

NEW BUSINESS –

1. Health Insurance – Supervisor St. Amour and Trustee Deur will be meeting with insurance agents to compare coverages.
2. White Lake Fire Authority - (Drain Field – Trustee Bole is securing additional quotes for a drain field at the Duck Lake Station.
3. Copier Lease – No report.
4. Planning Commission –

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Motion by Clerk Rillema, second by Trustee Binns, **ADOPTED**, to authorize the purchase of four (4) Township Planning & Zoning Decision Making books from the MTA at a price of \$128.00.

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

Motion by Trustee Deur, second by Clerk Rillema **ADOPTED**, as recommended by the Planning Commission, I move the Township Board approve a Special Land Use Permit for the application received by McCormick LLC requesting to operate a Convenience Store with Fuel in the Neighborhood Commercial District on the Southeast Corner of Whitehall Road and White Lake Drive, Whitehall, Michigan.
Upon Voice Vote: **6 AYES, 1 ABSENT**

5. Fruitland Township Hall Air Conditioning Unit –

Motion by Trustee Deur, second by Trustee Bard, **FAILED**, to authorize the Supervisor to accept the bid of G&W Refrigeration New Payne 13 Seer Air Conditioning Condenser Unit with New Generation 410A Refrigerant in the amount of \$1821.00.

ROLL CALL VOTE: Trustee Deur **AYE**, Trustee Bard **AYE**, Trustee Binns **NAY**, Trustee Bole **NAY**, Clerk Rillema **AYE**, Supervisor St. Amour **NAY**, Treasurer Boyer **ABSENT (Motion failed due to tie vote)**

6. Parks & Recreation – Master Plan – Supervisor St. Amour asked that all changes/additions to the plan be given to Trustee Binns before the next work session.

7. Ordinance Enforcer –

Motion by Trustee Bard, second by Trustee Deur, **ADOPTED**, to place an ad in the White Lake Beacon for two weeks for an Ordinance Enforcer and to use the Policies and Procedures of selection, candidate recommendations by the Treasurer, Clerk and Supervisor, interviewing by three elected officials chosen by the Supervisor and final candidate interview and recommendations to Board of Trustees for their approval by the Supervisor. This position will be a contracted position that will pay \$384.00 a month for eight (8) hours a week of ordinance enforcement.

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

Trustee Bole excused himself from the meeting at 8:30 PM.

8. Scenic Drive/Nestrom Road Ends – Supervisor St Amour reported that he signed the agreement with the Muskegon County Road Commission to place the trash barrels, porta jons and dock at Scenic Drive and trash barrel at Nestrom Road End.

Motion by Trustee Deur, second by Trustee Bard, **ADOPTED**, to suspend the rules to allow open floor discussion for resident Mr. Livingston to speak.

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Upon Voice Vote: 5AYES, 2ABSENT

Mr. Livingston was happy to hear that the trash barrels, dock and porta-jons were accessible to the public at the road ends.

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

Upon Voice Vote: 5AYES, 2ABSENT

9. 5617 South Shore Drive – Supervisor St. Amour reported that this property owner will now have to deal with Sheriff's department only.
10. Muskegon County Drain Commission – Supervisor St. Amour reported that the Board of Determination is looking to extend the Fred Down Drain on River Road. He will keep the board abreast of the progress.
11. Minimum Square Footage Request – Supervisor St. Amour reported that Mr. McCabe did not appear at the Planning Commission meeting. Mr. McCabe has been advised regarding legal steps to proceed with any ordinance changes.
12. Liquor License Approval – Supervisor St. Amour reported that our ordinances do not match state law. Would like this ordinance reviewed by advisory committee.
13. Elks Lodge – Fireworks –

Motion by Trustee Binns, second by Clerk Rillema, **ADOPTED**, to authorize a payment in the amount of \$100.00 to the White Lake Elks No. 2607 for services rendered on July 4, 2009 for fireworks and ask that an acknowledgement be sent to Fruitland Township.

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

14. Noise Ordinance – Motion by Trustee Binns, second by Trustee Bard, **ADOPTED**, to authorize Supervisor St. Amour to create a Citizens Advisory Noise Committee and authorize Supervisor St. Amour to ask George Wixom and David Twardock to serve on this committee.
Upon Voice Vote: 5AYES, 2ABSENT
15. Parks & Recreation – Budget Amendments – No report.
16. Monies for Tax Season – Motion by Clerk Rillema, second by Trustee Deur, **ADOPTED**, to increase the level of the change fund during the summer 2009 tax season to \$300.00. I also ask that the Policies and Procedures review team of Clerk Rillema and Trustee Deur make appropriate changes for Board of Trustees approval for both the summer and winter tax seasons.
ROLL CALL VOTE: Trustee Bard **AYE**, Trustee Deur **AYE**, Trustee Binns **AYE**, Clerk Rillema **AYE**, Supervisor St Amour **AYE**, Trustee Bole **ABSENT**, Treasurer Boyer **ABSENT**

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17. Signs (Community Building/Ecology Station) –

Motion by Trustee Binns, second by Clerk Rillema, **ADOPTED**, to approve up to \$237.50 to buy signs for the Ecology Station per the White Lake Fire Authority Fire Marshall recommendations and a sign for the Community Building

Motion by Clerk Rillema, second by Trustee Deur, **ADOPTED**, to suspend open floor discussion to allow Fire Marshall Ben Novak to speak.

Upon Voice Vote: **5 AYES, 2 ABSENT**

Fire Marshall Novak reported that it is against fire code to allow the burning of building materials in the brush pile. It is his recommendation that signage be placed to alert residents.

Motion by Trustee Bard, second by Clerk Rillema, **ADOPTED**, to close open floor discussion.

Upon Voice Vote: **5 AYES, 2 ABSENT**

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

18. Citizen's Advisory Regulatory Ordinance Committee

Motion by Supervisor St Amour, second by Trustee Bard, **ADOPTED**, to approve the Citizen's Advisory Regulatory Ordinance Committee members – Peggy Jacobs, Mike Bozym, Rachel Novak, Bill Stibitz, Diandra Reschke, Jamie Duncan, along with board liaison Gary Bole.

Upon Voice Vote: **5 AYES, 2 ABSENT**

19. Board Comments – No comments

PUBLIC COMMENT:

1. Terry Beekman, 2922 Scenic Drive – Would like the board to consider when a plan is considered for McMillan Road End to make sure it is accessible for persons in wheel chairs, especially an observation deck. Encourages the board to stay local for products especially the copy machine maintenance if possible.
2. Laura Shields, 5225 W. McMillan Road – Addressed the board that NB #15 Budget Amendments would be discussed between herself and Chairman Duncan. They will also be reviewing their budget to shift funds to allow additional spending if needed.
3. Joe Shelton, Marcus Dunes – Does not feel that the Parks and Recreation Board should spend \$1000.00 of taxpayer money on legal advice. Spend the money wisely.
4. Matt Burns, 2375 W. Bard Road – Concerned that the Cemetery Sexton position is being outsourced without total thought.
5. Marsha Hovey-Wright, 452 W. Webster – Is running for 92nd District to replace Doug Bennett. Is excited about having open dialogue with townships.
6. Doug Zwemer, 6335 Sheltering Way – Objects to the Parks and Recreation Commission's spending of \$1000.00 to seek legal advice.

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7. Ron Peel, 6405 Sheltering Way – Agrees with Mr. Shelton’s comments, time to put hard feelings to end and allow them to exercise their rights of what they purchased. Also encouraged the board to consider the heat pump with the air conditioning unit replacement.
8. Jane Gardner, 5625 Murray Road – Feels that this board should get involved because she feels that too many ordinances are being violated. She also stated that the Gills have not taken corrective action regarding violations from the Muskegon Conservation District and DEQ.

ADJOURNMENT:

Motion by Trustee Deur, second by Trustee Bard, ***ADOPTED***, to adjourn the Monday, July 20, 2009 Regular Meeting of the Township of Fruitland at 9:10 PM.

Upon Voice Vote: **5 AYES, 2 ABSENT**

Respectfully submitted,

Karolyn Rillema, Clerk
Township of Fruitland

Grave Opening/Closing Proposal

To: Fruitland Township
From: John King
West Michigan Burial Vault Co.
1546 Getty St.
Muskegon, MI 49442
Phone: 231.773.6631
Fax: 231.777.3541
Email: wilbertmuskegon@hotmail.com
Date: June 25, 2009

Proposal

I would like to submit a proposal for the grave opening/closings at Fruitland Township Cemetery. West Michigan Burial Vault Co. has been a locally owned family business serving families working closely with cemeteries for over 60 yrs. I understand how much work is involved in the up-keep of a cemetery. We know first hand how difficult it is to maintain a cemetery when time that could be used mowing grass or weed whipping around stones is lost because of a grave that needs to be open. We propose to do the following jobs.

- **Full Grave Opening/Closings**

Service included would be; locating grave, digging, removal of dirt, back filling the grave, and replacing the sod or seeding the grave, if we are unable to save the sod

- **Cremation Graves**

We would dig all graves for a cremation burial and perform the same tasks that we would do for a full grave burial.

Advantages

Having us open/close graves would help eliminate the time lost opening/closing graves so more cemetery up-keep can get done. There would also not be a need to have Cemetery personal around after hours, on weekends or on holidays.

Pricing

(Cemetery will be billed on the 1st of the following month)

We provide grave safety cribbing when needed. We also provide our own grave planks in these prices.

Opening/Closing of Grave	\$250.00 per grave
Opening/Closing of Cremation Grave	\$100.00 per grave

Overtime

Saturday Charge	\$85.00
After 4p.m. Charge	\$85.00
Sunday Charge	\$100.00
Holiday Charge	\$150.00
Setting of Foundation	\$.12 square inch

Summary

I am submitting this proposal in order to gain the work of locating and marking grave and opening/closing graves at Fruitland Township Cemetery.

We carry all our own liability insurance and workmen's comp insurance.

Sincerely,

John King
West Michigan Burial Vault Co.