

**FRUITLAND TOWNSHIP BOARD
REGULAR MEETING
MARCH 19, 2012
MINUTES**

PRESENT – Trustee Bard, Trustee Deur, Trustee Binns, Treasurer Beegle, Trustee Bole, Clerk Rillema, Supervisor St. Amour

ALSO PRESENT – Six (6) interested parties.

CALL TO ORDER – Supervisor St. Amour called the Monday, March 19 2012 Regular Meeting to order at 7:00 PM, Audience Member Jeff Auch led the pledge of allegiance.

AGENDA – Motion by Trustee Binns, second by Trustee Bole, **ADOPTED**, to accept the March 19, 2012 Regular Township Board Meeting Agenda.
Upon Voice Vote: 7 AYES

PUBLIC COMMENT –

1. Greg Kruse, South Shore Drive – Spoke to the Board regarding information on Supervisor St. Amour’s prior employment involving Kaydon Corporation.
2. Terry Sabo – MCRC/Muskegon County Commissioner Candidate – introduced himself and stated that he was visiting jurisdictions to become a familiar face as he announced his candidacy for Muskegon County Commissioner.

MINUTES - Motion by Treasurer Beegle, second by Trustee Bole, **ADOPTED**, to accept the February 13, 2012 Work Session Minutes and February 20, 2012 Regular Meeting Minutes.
Upon Voice Vote: 7 AYES

RECEIPTS & DISBURSEMENTS –

Motion by Treasurer Beegle, second by Trustee Bole, **ADOPTED**, to accept the Receipts of \$222,639.12 and Bank Balance and Certificate of Deposits of \$1,222,272.03 for the period of February 1, 2012 through February 29, 2012 as reported by Melissa Beegle, Fruitland Township Treasurer and approve General Fund 101 Disbursements in the amount of \$227,038.47, Fund 130 Disbursements in the amount of \$2,200.00 and Fund 701 Disbursements in the amount of \$655.00 for the period of February 1, 2012 through February 29, 2012 as reported by Karolyn Rillema, Fruitland Township Clerk.
Upon Voice Vote: 7 AYES

ANNOUNCEMENTS/COMMUNICATIONS – Supervisor St. Amour announced that he received news that the water rate will be increased for our two customers. The Supervisor and Clerk met with Eugene Franks of Even & Franks, PLLC regarding Fruitland Township not having a Section 125 Cafeteria Plan in place. Mr. Franks has been asked to draft a plan for our review for the April work session. The winner of the road contest is Ryan Briegel who guessed 30 miles completed. The

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answer is 25 miles. He will be contacted for a free lunch with the Supervisor, Clerk and Treasurer. The PINS report was included in a recent enews. A letter was received from the State of Michigan Liquor Commission regarding changes in the process of an applicant requesting a liquor license. Attorney Even will be given the letter to review the process. On April 11, 2012, White Lake Public Advisory Council will host a Governmental Update for all local officials at the City of Montague from 5:30 PM – 6:30 PM. Anyone interested in signing a petition called “Support for White Lake Mute Swan Control Program” can visit <http://www.ipetitions.com/petition/wlmuteswans/> Muskegon County is hosting a free precinct delegate/candidate forum on April 4, 2012 at 5:30 PM – 7:30 PM at the Louis McMurray Conference Center. Supervisor St. Amour welcomed Terry Sabo (MCRC Commissioner), Ken Mahoney (Muskegon County Commissioner) Deputy Asker (Muskegon County Sheriff’s Dept), Jeff Auch (Muskegon Conservation District) and Golf Pro Bill Borgman (White Lake Golf Course) who were in attendance tonight.

CONSENT AGENDA-

- Board of Review-term ending 12/31/2013 – Sue Walters

Motion by Trustee Bard, second by Treasurer Beegle, **ADOPTED**, to approve the consent agenda for the committee and member stated.

Upon Voice Vote: 7 AYES

COMMITTEE/BOARD UPDATES –

- White Lake Ambulance Authority – Trustee Bard reported that the WLAA met on February 29, 2012. It appears to be a busy month of March as 113 calls have been reported which is an average of 6.11 calls per day. The building details should be finalized soon and conversation with the WLFA possibly sharing the new space has been proposed. The last lawsuit has been heard in the Federal Court of Appeals and an Appeals Panel Decision is forthcoming.
- White Lake Fire Authority – Supervisor St. Amour reported that the Articles of Incorporation are being reviewed along with personnel booklets. They are in conversation with the WLAA regarding proposed sharing of the new space. The Board is reviewing shortfalls for equipment replacement at this time.
- Parks & Recreation Commission – Supervisor St. Amour reported a mediation hearing for the Marcus Park Lawsuit is scheduled in Grand Rapids on March 27, 2012.
- Planning Commission – Trustee Deur reported that an ordinance on Outdoor Furnaces is being recommended by the Planning Commission.

Motion by Trustee Deur, second by Treasurer Beegle, **ADOPTED**, to approve the Planning Commission recommendations regarding Ordinance #114 – Outdoor Furnace – Article II, Section 2.16 Definitions and Article III – General Provisions.

Roll Call Vote: Trustee Bard **NAY**, Trustee Deur **AYE**, Trustee Binns **AYE**, Clerk Rillema **AYE**, Treasurer Beegle **AYE**, Trustee Bole **NAY**, Supervisor St. Amour **AYE**

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Trustee Deur reported also that a public hearing was held at the March 7, 2012 meeting on a Special Land Use Permit request by the White Lake Golf Course. The Planning Commission recommends the approval of the Special Land Use Permit request including the submitted Site Plan, subject to approval from the Zoning Board of Appeals on the proposed Parking and Accessory Building request and subject to obtaining all necessary permits.

Motion by Trustee Deur, second by Trustee Bard, **ADOPTED**, to accept recommendation of the Planning Commission for the approval of the Special Land Use Permit including the submitted Site Plan subject to approval from the Zoning Board of Appeals on the proposed parking and accessory building request and subject to obtaining all necessary permits for the White Lake Golf course proposed driving range.

Roll Call Vote: Trustee Bole **AYE**, Treasurer Beegle **AYE**, Clerk Rillema **AYE**, Trustee Binns **AYE**, Trustee Deur **AYE**, Trustee Bard **AYE**, Supervisor St. Amour **AYE**

- Zoning Board of Appeals – Clerk Rillema reported that the Zoning Board of Appeals heard two applicants on March 12, 2012. The first applicant, Gail Donovan requested an appeal of the Zoning Administrators rulings with regard to certain improvements at 5623 Murray Road. The Zoning Board of Appeals adopted unanimously to not consider reversing the decision made in 2009 regarding the pergola and also adopted unanimously to not consider reversing the decision made in 2009 regarding the deck and space underneath. The second applicant, Norman Dodds requested a variance from Article VIIIa, Section 8.02a (1) Front Yard Setback, Residential Uses for parcel #61-06-107-100-0001-00. The Zoning Board of Appeals adopted unanimously to approve the variance request for parcel number 61-06-107-100-0001-00 as presented.
- Citizens Advisory Wireless Committee – Trustee Deur reported that efforts continue to discuss use of the centralized dispatch with the County of Muskegon.
- Citizens Advisory McMillan Road End Committee – Supervisor St. Amour stated that the survey is to be completed tomorrow prior to the fence being constructed. Audience member Jeff Auch reported that planking was completed last Friday, March 16 and that corner posts and railing still need to be completed.
- White Lake Public Advisory Committee – Trustee Deur reported that a meeting is scheduled at the White Lake Community Library on Wednesday, March 21, 2012 from 6:30 PM – 8:00 PM by the DEQ on the Tannery Cleanup.
- White River Light Station – Supervisor St. Amour reported that he has contacted Novotny to re-set the alarm system and that Cindy Beth Davis-Dykema of Sable Point Lighthouse Keepers Association will be picking up keys to the White River Light Station sometime prior to the April 1, 2012 take over date.

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OLD BUSINESS –

1. Ordinance Enforcement – Supervisor St. Amour stated that he needed to get updates from Deputy Ashker and would have more to report at the April work session.
2. Civil Infractions – Supervisor St. Amour stated that the fee schedule for the infractions will be reviewed at the April work session.
3. SAXE Drain Recommendations – Supervisor St. Amour stated that Drain Commissioner Fisher is working on his recommendations.
4. 2012-13 Budget Discussion – Supervisor St. Amour highlighted a few items that have been changed and stated that the budget adoption meeting is scheduled for March 30, 2012 at 10:00 AM. Discussion regarding assessment services compared with neighboring jurisdictions resulted in no decision at this meeting to change the proposed 2012-13 budget. Supervisor St. Amour stated that the MCRC will be discussion our 2012 road project at its meeting on Wednesday, the 21st. Trustee Bard stated that a section of Hyde Park Road between Tyler & Bard is in bad condition. Audience member Terry Sabo offered to contact Mr. Hulka of the MCRC but Supervisor St. Amour stated that he would rather discuss it with Whitehall Garage Supervisor Doug Davis.

NEW BUSINESS –

1. Weed Trimmer Purchase –

Motion by Trustee Binns, second by Trustee Bole, **ADOPTED**, to authorize the Supervisor to purchase a Stihl FS110 Weed Trimmer and Stihl Shoulder Strap from White Lake Nursery in the amount of \$364.92.

Roll Call Vote: Trustee Bole **AYE**, Treasurer Beegle **AYE**, Clerk Rillema **AYE**, Trustee Binns **AYE**, Trustee Deur **AYE**, Trustee Bard **AYE**, Supervisor St. Amour **AYE**

2. Cemetery – Crypt Request –

Motion by Trustee Binns, second by Treasurer Beegle, **ADOPTED**, to allow Serene Poyer to place a crypt in Block 4 of the Fruitland Township Cemetery on one burial space which consists of a land area four (4) feet wide and eight (8) feet long, contingent that the burial space and adequate foundation if necessary is fully purchased in advance. She shall provide the staff with the height, width and length of the crypt and composition of the crypt is granite or another approved, equally durable composition. All additional burial details are subject to staff approval and Article R7 – Fruitland Township Cemetery Ordinance.

Upon Voice Vote: **7 AYES**

3. 4th Qtr February 2011-12 Budget Amendments –

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Motion by Clerk Rillema, second by Trustee Bole **ADOPTED**, to instruct the Clerk to make the 4th Qtr February 2011-12 Budget Amendments as presented.
Roll Call Vote: Trustee Bole **AYE**, Treasurer Beegle **AYE**, Clerk Rillema **AYE**, Trustee Binns **AYE**, Trustee Deur **AYE**, Trustee Bard **AYE**, Supervisor St. Amour **AYE**

ACCOUNT NUMBER	DESCRIPTION	AMOUNT	INCREASE/DECREASE	EXPLANATION OF BUDGET AMENDMENT NECESSITY
REVENUES				
FUND 101				
101-000-447.000	Property Tax Admin Fee	\$ 958.75	increase	under budget
101-000-476.000	Permit Fees	\$ 80.00	increase	under budget
101-000-476.001	Permit-Building	\$ 882.70	increase	under budget
101-000-476.002	Permit-Electrical	\$ 81.00	increase	under budget
101-000-476.003	Permit-Mechanical	\$ 1,210.00	increase	under budget
101-000-476.004	Permit-Plumbing	\$ 580.00	increase	under budget
101-000-574.000	State Shared Revenue	\$ 17,707.00	increase	under budget
101-000-588.000	Transfer from Designated Funds	\$ 4,164.68	increase	not budgeted
101-000-622.001	Zoning-ZBA	\$ 375.00	increase	under budget
101-000-630.000	Burials	\$ 15.92	increase	under budget
101-000-666.000	Duck Lake Road Fire Station Lease	\$ 83.80	increase	under budget
101-000-679.000	Harvest Tree Receipts	\$ 17,904.30	increase	under budget
		\$ 44,043.15		
FUND 101				
APPROPRIATIONS				
101-101-900.000	Printing & Publishing	\$ 437.65	increase	under budget
101-101-956.000	Miscellaneous	\$ 25.00	increase	under budget
101-215-715.000	EMP-ER Soc/Med	\$ 224.68	increase	under budget
101-215-801.001	Contracting-Computer Services	\$ 10.00	increase	under budget
101-253-715.000	EMP-ER Soc/Med	\$ 255.90	increase	under budget
101-265-715.000	EMP-ER Soc/Med	\$ 130.65	increase	under budget
101-265-977.000	Capital Improvements	\$ 2,300.00	increase	under budget
101-269-930.000	Repairs & Maintenance	\$ 1,165.65	increase	under budget
101-265-977.000	Capital Improvements	\$ 1,120.00	increase	under budget
101-301-715.000	EMP-ER Soc/Med	\$ 8.98	increase	under budget
101-371-715.000	EMP-ER Soc/Med	\$ 266.66	increase	under budget
101-371-920.000	Utilities	\$ 567.66	increase	under budget
101-526-703.000	Salary	\$ 601.02	increase	under budget
101-526-715.000	EMP-ER Soc/Med	\$ 87.40	increase	under budget
101-526-801.000	Contracting	\$ 1,751.74	increase	under budget
101-746-715.000	EMP-ER Soc/Med	\$ 68.94	increase	under budget
101-746-930.000	Repairs & Maintenance	\$ 255.82	increase	under budget
101-804-715.000	EMP-ER Soc/Med	\$ 11.27	increase	under budget
101-804-900.000	Printing & Publishing	\$ 256.80	increase	under budget
		\$ 9,545.82		
FUND 130				
APPROPRIATIONS				
130-536-801.000	Contracting	\$ 1,463.27	increase	under budget
FUND 150				
APPROPRIATIONS				
150-000-999.000	Transfer to Other Fund	\$ 4,164.68	increase	not budgeted
FUND 155				
APPROPRIATIONS				
155-000-999.000	Transfer to Other Fund	\$ 2,120.00	increase	not budgeted

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4. Resolution 2012-07 – White Lake Mute Swan Control Program

**FRUITLAND TOWNSHIP
RESOLUTION 2012-07
WHITE LAKE MUTE SWAN CONTROL PROGRAM**

Regarding Michigan Department of Natural Resources, Mute Swan Management and Control Policy and Procedures for mute swan nest and egg destruction, and mute swan removal.

- WHEREAS,** the Muskegon Conservation District, has informed our municipality of their intention to implement a Mute Swan Control Program on White Lake, as well as provided public notice within local newspapers; and
- WHEREAS,** the Muskegon Conservation District, has notified our police department, local law enforcement agencies, local DNR Conservation Officers, DNR wildlife staff; and
- WHEREAS,** the Muskegon Conservation District shall implement this program under the DNR Mute Swan Management and Control Policy and Procedures with assistance from USDA-Wildlife Services; and
- WHEREAS,** the Muskegon Conservation District may implement future control measures such as nest and egg destruction, it is clearly understood that any birds removed during this program in the immediate future shall be killed; and
- WHEREAS,** our municipality recognizes the Mute Swan as an invasive species negatively impacting the ecological health of lakes through competition with native species for food and habitat, directly and indirectly displacing native species, degrading habitat, and altering food webs; and
- WHEREAS,** Mute Swan populations have the potential to increase rapidly with statewide populations numbering approximately 15,500 individuals, and locally 1,200 individuals; populations which may cause negative impacts to native wildlife and habitat; and
- WHEREAS,** our municipality recognizes the Muskegon Conservation District, as a subdivision of the state under Michigan Constitutional law, and as such has been the lead governmental entity in the management, conservation, restoration, and protection of natural resource projects related to White Lake; and
- WHEREAS,** the Muskegon Conservation District is responsible for adhering to the requirements of a permit issued from the DNR issued under the DNR Mute Swan Management and Control Policy and Procedures;

NOW, THEREFORE LET IS BE RESOLVED that the Township Board of Fruitland hereby formally acknowledges the Muskegon Conservation Districts intent to implement a Mute Swan Control Program on White Lake as long as they abide by the DNR permit requirements, in the implementation of the Mute Swan Management and Control Policy and Procedures for mute swan nest destruction and/or mute swan removal, for a 5-year period from 2012 through 2016 and additionally, to advise the Department that there shall be no cost to the Township of Fruitland for these programs.

Motion by Supervisor St. Amour, second by Trustee Bard, **ADOPTED**, Resolution 2012-07 to support the Michigan Department of Natural Resources, Mute Swan Management and Control Policy and Procedures for mute swan nest and egg destruction, and mute swan removal.

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

- “AYES”: **Trustee Bard, Trustee Deur, Trustee Binns, Trustee Bole, Treasurer Beegle, Clerk Rillema, Supervisor St. Amour**
“NAYS”: **None**
“ABSENT”: **None**

I, Karolyn Rillema, duly elected clerk of Fruitland Township, certify that the forgoing is a true and complete copy of Resolution 2012-07 adopted by the Township Board of Fruitland, County of Muskegon, Michigan at the meeting held on March 19, 2012 at 7:00 PM.

Karolyn Rillema, Clerk
Township of Fruitland

5. Township Hall Furnace Purchase –

Motion by Trustee Binns, second by Treasurer Beegle, **ADOPTED**, to authorize the Supervisor to purchase (2) Amana furnaces for the Township Hall in the amount of \$6,300.00 from Scheid Plumbing, Heating & Cooling, Inc.

Roll Call Vote: Trustee Bole **AYE**, Treasurer Beegle **AYE**, Clerk Rillema **AYE**, Trustee Binns **AYE**, Trustee Deur **AYE**, Trustee Bard **AYE**, Supervisor St. Amour **AYE**

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6. (3) HP LaserJet P2035n Printers Purchase –

Motion by Clerk Rillema, second by Trustee Bard, **ADOPTED**, to authorize the Clerk to purchase (3) HP LaserJet P2035n Printers for the Township Hall in the amount of \$804.43 from I.T. Right.

Roll Call Vote: Trustee Bard **AYE**, Trustee Deur **AYE**, Trustee Binns **AYE**, Clerk Rillema **AYE**, Treasurer Beegle **AYE**, Trustee Bole **AYE**, Supervisor St. Amour **AYE**

7. Life Ring Options – Supervisor St. Amour stated that he researched options for alerting when life rings are removed from their stands on the pier. Options are: (1) a beeper that alarms when a life ring is removed, (2) hard wired system that is transferred to 911 with cameras – costs approximately \$100,000.00 – Grand Haven has a system similar or (3) an alarm system similar to what White River Township is using in which when a life ring is removed a list of contacts is called to investigate reason. Trustee Bard suggested hiring a young person to check the status daily. Consensus of the Board was to ask Supervisor St. Amour to seek pricing for a system similar to White River Township and report back at the April work session.

8. Community Building Drain Field –

Motion by Trustee Bole, second by Trustee Deur, **ADOPTED**, to authorize the Supervisor to contract with A-1 Excavating for necessary repairs to the drain field at the Community Building for an amount not to exceed \$1,550.00.

Roll Call Vote: Trustee Bole **AYE**, Treasurer Beegle **AYE**, Clerk Rillema **AYE**, Trustee Binns **AYE**, Trustee Deur **AYE**, Trustee Bard **AYE**, Supervisor St. Amour **AYE**

9. Board Comments – There were none.

ADJOURNMENT –

Motion by Treasurer Beegle, second by Trustee Bard, **ADOPTED**, to adjourn the March 19, 2012 Regular Meeting of the Township of Fruitland at 8:47 PM.

Upon Voice Vote: **7 AYES**

Respectfully Submitted,

Karolyn Rillema, Clerk
Township of Fruitland