

**FRUITLAND TOWNSHIP BOARD
REGULAR MEETING
MARCH 21, 2011
MINUTES**

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

ALSO PRESENT – Twenty-one (21) interested parties.

CALL TO ORDER – Supervisor St. Amour called the Monday, March 21, 2011 Regular Meeting to order at 7:00 PM and welcomed those present, led the pledge of allegiance and asked for a moment of silence for those soldiers in harms way, Japan and Peggy Ann.

AGENDA – Supervisor St. Amour asked to amend the agenda by moving New Business Item #7 to Special Guest and allow Sheriff Roesler who is in attendance to speak about that item and the PINS Program.

Motion by Trustee Deur, second by Trustee Bard, **ADOPTED**, to accept the amended March 21, 2011 Regular Township Board Meeting Agenda.

Upon Voice Vote: **7 AYES**

PUBLIC COMMENT –

- 1) Norma Nesbit, 5492 South Shore Drive – Opposes wage increase proposed in the budget and appreciates the many cost cutting efforts.
- 2) Judy Marcinkowski, 3767 Jay Road– Quoted items that Supervisor St. Amour stated he would tackle prior to being elected in 2008 has occurred and hopes that further items can be marked “checked” off the list going forward.

SPECIAL GUEST – Laura Shields, Parks & Recreation Commission Chairperson – Spoke about the proposed budget from the Parks & Recreation Commission. The Board of Trustees spoke about the Sports-n-Shorts Program and consensus with the Board was to authorize payment for 2011-12 but ask the Parks & Recreation Commission to review whether or not it meets their expectations at the end of the program this year. The Board of Trustees expressed their concern for the repair of the tennis courts at Nestrom Park. Several quotes have been sought by the Parks & Recreation Commission but no final quotes have been reviewed by the Commission. Consensus of the Board is to make a budget amendment if necessary to the budget once a final bid is approved for the repair work for fiscal year 2011-12.

Dean Roesler, Muskegon County Sheriff –Spoke about the PINS program and the importance of such program for our township. Trustee Bole questions if we are getting any more coverage than other municipalities that do not participate in the PINS program. Sheriff Roesler stated that Fruitland Township has a dedicated officer on duty in the township when scheduled but may be called away if circumstances occur. Trustee Bard served on the Citizens Advisory Law Enforcement Committee and reminded the Board of the survey that was completed by residents. Law enforcement is favored

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by the survey results. Consensus of the Board is that the PINS program is valuable to our township. The topic of a new vehicle purchase was also discussed. Sheriff Roesler explained that a new vehicle is being discussed and explained how costs associated with such purchase are distributed. The current vehicle was paid off last year and a credit will be forthcoming. Supervisor St. Amour stated that a request from the Duck Lake Riparian Owners Association for a speed limit decrease on Duck Lake between Scenic Drive and Nestrom Road was received along with a petition with 76 signators. Sheriff Roesler agreed that lowering the speed would most be helpful for safety of pedestrians, bicyclists and homeowners but cautioned that no additional coverage by officers would likely be the case. Supervisor St. Amour received verbal okay from the Board of Trustees to send a request to Muskegon County Road Commission requesting a speed limit decrease and possibly no passing signage along that mile of Duck Lake Road

MINUTES –

Motion by Clerk Rillema, second by Trustee Bard, **ADOPTED**, to accept the February 14, 2011 Work Session Minutes and the February 22, 2011 Public Budget Hearing/Regular Meeting Minutes.

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

RECEIPTS & DISBURSEMENTS –

Motion by Treasurer Wilks, second by Trustee Deur, **ADOPTED**, to accept the Receipts of \$195,573.63 and Bank Balance and Certificate of Deposits of \$1,156,506.05 for the period of February 1, 2011 through February 28, 2011 as reported by Melissa Wilks, Fruitland Township Treasurer and approve General Fund 101 Disbursements in the amount of \$39,997.06 for the period of February 1, 2011 through February 28, 2011 as reported by Karolyn Rillema, Fruitland Township Clerk.

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

ANNOUNCEMENTS/COMMUNICATIONS – Supervisor St. Amour stated that Fruitland Township will host an information session on oil/gas leasing on April 28, 2011. A thank you for member support was received by West Michigan Strategic Alliance. Supervisor St. Amour stated that information received from the Institute for Healing Racism would be a great special guest topic for a future meeting. Resident Theresa Rowerdink requests the Board's consideration of making available at the beach, baggies for disposal of dog feces and designated fire pits. The Board will discuss at the April work session. Supervisor St. Amour asked Zoning Administrator Sandel if he would be willing to attend the free seminar on watersheds requested by resident Lee Holly. At this time, the Board does not wish to have Mr. Sandel attend as it has little relevance to his job and responsibilities as Zoning Administrator.

COMMITTEE/BOARD UPDATES –

- White Lake Ambulance Authority – Trustee Bard stated that there were 178 calls in February. No raises for staff and the same health plan are proposed at this time. The White Lake Beacon did an interview on the new ambulance and cot. The next meeting will be April 27, 2011 @ 7:00 PM.

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- White Lake Fire Authority – Treasurer Wilks stated that the WLFA is waiting on weather to install the dry hydrants. Burn permits can be obtained by contacting Fire Marshal Ben Novak or Captain Greg Holman. Fire Marshal Novak is continuing his review of the suggested amendments to the appendices for private streets to the 2009 International Fire Code with several building officials in the area.
- Parks & Recreation Commission – Trustee Binns reported that the Commission received notification that both Marcus Dunes and Winterwood Shores did not sign the agreements for use of Marcus Park. The commission would like to pursue eminent domain as a possible solution. Supervisor St. Amour will follow up with the MCRC regarding the additional parking spaces on Scenic Drive near Marcus Park now that the snow has melted.
- Planning Commission – Trustee Deur stated that Commissioner Hertel attended her last meeting and newly appointed Commissioner Roesler also attended the March meeting. Chairperson Kooistra asked Trustee Deur to be on the nomination committee for officer positions to be elected in April. Supervisor St. Amour stated that he spoke to Attorney Eklund and Chairperson Kooistra regarding if any zoning/planning ordinances on oil/gas could be explored. The DNR/DEQ regulates those wells and it appears there is little Fruitland Township can do to control.
- Zoning Board of Appeals – Clerk Rillema that there was no March meeting scheduled.
- Citizens Advisory Wireless Committee – Trustee Deur states the committee continues to seek alternatives to get extended internet coverage throughout the township.
- Citizens Advisory Residential Rental Committee –

Motion by Trustee Deur, second by Supervisor St. Amour, **ADOPTED**, to suspend for open floor comment from Steve Nagengast.
Upon Voice Vote: 7 AYES

Steve Nagengast summarized his committee's findings and recommends the Board of Trustees to adopt the presented ordinance which is in its simplest and low cost approach to enforce residential rental issues that arise in Fruitland Township.

Motion by Trustee Bard, second by Trustee Deur, **ADOPTED**, to unsuspend from open floor comment.
Upon Voice Vote: 7 AYES

Supervisor St. Amour stated that Fruitland Township does have a responsibility but the Board is struggling whether an ordinance needs to be adopted or is the building code enforcement enough. Trustee Bole feels there are not enough complaints to warrant an ordinance at this time. Trustee Bard is opposed to this ordinance and feels our current ordinances cover any complaints that would arise. Trustee Deur stated that we have a legal responsibility to enforce and that the township is not required to adopt such a ordinance. Supervisor St. Amour would like to discuss this topic more at the April work session.

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- Citizens Advisory McMillan Road End Committee – Supervisor St. Amour stated that Jeff Auch is awaiting word on the grant from Alcoa.
- Citizens Advisory Scenic Drive Road End Dock Committee – Clerk Rillema stated that Mr. Peabody and Mr. Kops went to look over the dock which is in storage at the Maintenance Garage to gather ideas for additional safety/repair. No recommendations are available at this time.
- White Lake Public Advisory Committee – Trustee Deur stated that Leslee Rohs was hired as the new Sustainability Coordinator for Muskegon County and spoke of an upcoming county wide hazard waste collection event. Mr. Ted Stojak was also in attendance at the WLPAC meeting who has considerable knowledge on oil/gas leasing and is willing to be contacted to discuss this topic.
- Fred Meijer Berry Junction Rail Trail – Supervisor St. Amour stated his concern on recent notification from the DNR that a snowmobile mix needs to be used on the trail. This mix which verbally has been committed for funds by the DNR could be a cost of \$150K. No written commitment has been received to date which has stalled the bid process.
- White River Light Station – Curator McDonnell continues to work on projects and she attended SPLKA's board meeting this past weekend. Positive encouragement was received regarding a future agreement between SPLKA and Fruitland Township.

OLD BUSINESS –

1. 5623 Murray Road – Supervisor St. Amour stated that an order from the Court of Appeals, State of Michigan was received stating the appeal DENIED for lack of merit in the grounds presented.
2. Ordinance Enforcement – Supervisor St. Amour stated that Judge Wierengo dismissed the case on property 1490 W. Duck Lake Road. Attorney Eklund checked into the case and a letter was written which a response from the Judge will be forthcoming regarding the dismissal. A letter was written to Mrs. Pyle of 3350 Bard giving her until May 1, 2011 to have the boat/lifts removed. A condemnation hearing is being scheduled for 4540 Weber Road in which the home was deemed unsafe by the Building Official/Inspector during a recent inspection.
3. 2011-2012 Proposed Fiscal Year Budget Discussion – Supervisor St. Amour stated that the proposed 2011-12 budget reflects no wage increase, no meeting pay increase, no Ordinance Enforcer wage and no cleaning of hall wage. Trustee Bard asked for her comments to become part of the record (see attached). Trustee Deur stated that he would like to see Supervisor St. Amour receive payment for Ordinance Enforcer duties but would like this position not long term held by the Supervisor and would also like Clerk Rillema to receive payment for cleaning the township hall. Supervisor St. Amour and Clerk Rillema said that in good conscience, even though they think it's deserved, won't take funds for extra activities when we can't give the employees funds for the extra activities they taken on over the last two years. Trustee Binns stated that she wished she had spoken up sooner in support of the wage increase and stated that she was disappointed in herself for not being more vocal. Supervisor

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St. Amour received an update from the forester regarding payment for upcoming tree removal. Discussion will take place at the April work session. The following Resolutions were adopted:

**FRUITLAND TOWNSHIP
RESOLUTION NO. 2011-03
ESTABLISH SUPERVISOR SALARY FOR FISCAL YEAR 2011 / 2012**

WHEREAS, The Township of Fruitland, County of Muskegon, is a general law township established in 1869; and

WHEREAS, The electorate of the Township of Fruitland, County of Muskegon, elected a Supervisor at a General Election, held November 4, 2008, in accordance with the Election Law of the State of Michigan, to fulfill the duties and responsibilities established by Statutes of the State of Michigan and the Township of Fruitland ; and

WHEREAS, The Township of Fruitland does not hold an Annual Meeting; and

WHEREAS, The Township of Fruitland has not adopted an Ordinance to Establish a Salary Compensation Committee;

THEREFORE, LET IT NOW BE RESOLVED,

That this resolution identifies the authority of the members of the Fruitland Township Board to determine the salaries of the elected officials, in compliance with MCLA 41.95 (3), and

Motion by Clerk Rillema, second by Trustee Bard, **ADOPTED** , Resolution 2011-03 to approve Supervisor Salary for fiscal year 2011 – 2012.

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

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

“NAY”: None

“ABSENT”: None

BE IT RESOLVED THAT, as of April 1, 2011, the salary of the Supervisor for the Township of Fruitland shall be established at a proper level of \$31,314.24 for the Fiscal Year of April 1, 2011 through March 31, 2012.

Karolyn Rillema, Clerk
Township of Fruitland

**FRUITLAND TOWNSHIP
RESOLUTION NO. 2011-04
ESTABLISH CLERK SALARY FOR FISCAL YEAR 2011 / 2012**

WHEREAS, The Township of Fruitland, County of Muskegon, is a general law township established in 1869; and

WHEREAS, The electorate of the Township of Fruitland, County of Muskegon, elected a Clerk at a General Election, held November 4, 2008, in accordance with the Election Law of the State of Michigan, to fulfill the duties and responsibilities established by Statutes of the State of Michigan and the Township of Fruitland ; and

WHEREAS, The Township of Fruitland does not hold an Annual Meeting; and

WHEREAS, The Township of Fruitland has not adopted an Ordinance to Establish a Salary Compensation Committee;

THEREFORE, LET IT NOW BE RESOLVED,

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That this resolution identifies the authority of the members of the Fruitland Township Board to determine the salaries of the elected officials, in compliance with MCLA 41.95 (3), and

Motion by Clerk Rillema, second by Trustee Bard, **ADOPTED**, Resolution 2011-04 to approve Clerk Salary for fiscal year 2011 – 2012.

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

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

“**NAY**”: None

“**ABSENT**”: None

BE IT RESOLVED THAT, as of April 1, 2011, the salary of the Clerk for the Township of Fruitland shall be established at a proper level of \$31,314.24 as a base salary for the Fiscal Year of April 1, 2011 through March 31, 2012.

Karolyn Rillema, Clerk
Township of Fruitland

**FRUITLAND TOWNSHIP
RESOLUTION NO. 2011-05
ESTABLISH TREASURER SALARY FOR FISCAL YEAR 2011 / 2012**

WHEREAS, The Township of Fruitland, County of Muskegon, is a general law township established in 1869; and

WHEREAS, The electorate of the Township of Fruitland, County of Muskegon, elected a Treasurer at a General Election, held November 4, 2008, in accordance with the Election Law of the State of Michigan, to fulfill the duties and responsibilities established by Statutes of the State of Michigan and the Township of Fruitland ; and

WHEREAS, The Township of Fruitland does not hold an Annual Meeting; and

WHEREAS, The Township of Fruitland has not adopted an Ordinance to Establish a Salary Compensation Committee;

THEREFORE, LET IT NOW BE RESOLVED,

That this resolution identifies the authority of the members of the Fruitland Township Board to determine the salaries of the elected officials, in compliance with MCLA 41.95 (3), and

Motion by Clerk Rillema, second by Trustee Bard, **ADOPTED**, Resolution 2011-05 to approve Treasurer Salary for fiscal year 2011 – 2012.

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

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

“**NAY**”: None

“**ABSENT**”: None

BE IT RESOLVED THAT, as of April 1, 2011, the salary of the Treasurer for the Township of Fruitland shall be established at a proper level of \$31,314.24 for base salary with both winter and summer tax collection, for the Fiscal Year of April 1, 2011 through March 31, 2012.

Karolyn Rillema, Clerk
Township of Fruitland

**FRUITLAND TOWNSHIP
RESOLUTION NO. 2011-06
ESTABLISH TRUSTEE SALARY FOR FISCAL YEAR 2011 / 2012**

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WHEREAS, The Township of Fruitland, County of Muskegon, is a general law township established in 1869; and

WHEREAS, The electorate of the Township of Fruitland, County of Muskegon, elected four Trustees at a General Election, held November 4, 2008, in accordance with the Election Law of the State of Michigan, to fulfill the duties and responsibilities established by Statutes of the State of Michigan and the Township of Fruitland ; and

WHEREAS, The Township of Fruitland does not hold an Annual Meeting; and

WHEREAS, The Township of Fruitland has not adopted an Ordinance to Establish a Salary Compensation Committee;

THEREFORE, LET IT NOW BE RESOLVED,

That this resolution identifies the authority of the members of the Fruitland Township Board to determine the salaries of the elected officials, in compliance with MCLA 41.95 (3), and

Motion by Clerk Rillema, second by Trustee Bard, **ADOPTED**, Resolution 2011-06 to approve Trustee Salary for fiscal year 2011 – 2012.

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

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

“**NAY**”: None

“**ABSENT**”: None

BE IT RESOLVED THAT, as of April 1, 2011, the salary of each of the Trustees for the Township of Fruitland shall be established at a proper level of \$3,659.28 for the Fiscal Year of April 1, 2011 through March 31, 2012.

Karolyn Rillema, Clerk
Township of Fruitland

NEW BUSINESS –

1. Muskegon County Wastewater System Master Contract – Supervisor St. Amour received a call from developer Brad VanBergen stating that the potential proposed assisted living center on Whitehall Road would intercept into the main system across Whitehall Road and would not include any other businesses at this time.
2. WRLS – Sable Point Lighthouse Keeper’s Association – Supervisor St. Amour received an email from Cindy Beth Davis-Dykema regarding the good news which states that the SPLKA board voted unanimously to further our discussions and create a concession agreement to partner for the future of the White River Light Station. Supervisor St. Amour would like Attorney Eklund, Lakeshore Museum Center Executive Director John McGarry, Cindy Beth Davis-Dykema (SPLKA) and himself meet to continue the efforts of a developing a workable agreement.
3. Muskegon Conservation District – Land Proposal – Supervisor St. Amour contacted Jeff Auch for proposed parcel numbers and descriptions. Mr. Auch specified that public use of land must be made available, no docks and a minimum of four vehicle parking places necessary for each property is requested for donation of land.
4. Muskegon County Solid Waste Free Dump Day Program 2011 – Supervisor St. Amour received notification from the Muskegon County Solid Waste Manager waiving tipping fees

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at the Muskegon County Solid Waste for spring cleanup events hosted by local municipalities. To participate in the Muskegon County Solid Waste Free Dump Day Program 2011, the transfer station must accept materials free of charge. Discussion at the April work session regarding free of charge or the prior \$5.00 dump charge will take place.

5. 61-06-545-000-0006-00 River Road Property – Supervisor St. Amour received a request for purchase of this property on River Road. Attorney Eklund provided notice of conditions for the bid and sale of real estate which will need to be published. The Board authorized Supervisor St. Amour to gather a bid price from a local realtor.
6. Journal Entry/4th Quarter Budget Amendments –

Motion by Clerk Rillema, second by Trustee Bard, **ADOPTED**, to authorize the Clerk to make a general journal entry to transfer \$50,000.00 from account number 101-000-999.000 to account number 120-000-5888.000 prior to year end 2010-2011.

Upon Voice Vote: 7 AYES

Motion by Clerk Rillema, second by Trustee Deur, **ADOPTED**, to authorize the Clerk to make the budget amendments as listed.

Upon Voice Vote: 7 AYES

ACCOUNT NUMBER	DESCRIPTION	AMOUNT	INCREASE/	EXPLANATION OF BUDGET
FUND 101				
REVENUES				
101-000-403.000	Current Taxes	\$ 17,011.01	increase	under budgeted
101-000-447.000	Property Tax Admin Fee	\$ 5,416.42	increase	under budgeted
101-000-451.000	Franchise Fees	\$ 3,979.17	increase	under budgeted
101-000-475.000	Zoning Permit Fees	\$ 75.00	increase	under budgeted
101-000-476.001	Permit-Building	\$ 1,480.55	increase	under budgeted
101-000-476.002	Permit-Electrical	\$ 404.00	increase	under budgeted
101-000-476.003	Permit-Mechanical	\$ 315.00	increase	under budgeted
101-000-476.004	Permit-Plumbing	\$ 170.00	increase	under budgeted
101-000-664.000	Bank Interest & Charges	\$ 381.97	increase	under budgeted
101-000-666.000	Duck Lk Road Fire Station Lease	\$ 58.78	increase	under budgeted
101-000-667.000	Twp Park Pavillion Rental	\$ 60.00	increase	under budgeted
101-000-671.000	Other Revenues	\$ 53.15	increase	under budgeted
101-000-672.001	Tranquil Trail Assessment	\$ 200.55	increase	under budgeted
		\$ 29,605.60		
FUND 101				
APPROPRIATIONS				
101-101-801.001	Contracting-Computer Services	\$ 23.98	increase	under budgeted
101-101-801.005	Contracting-Payroll Services	\$ 269.16	increase	under budgeted
101-191-704.000	Office Help	\$ 191.24	increase	under budgeted
101-191-714.000	Pension 457	\$ 31.15	increase	under budgeted
101-191-715.000	EMP/ER Soc Sec/Med	\$ 15.88	increase	under budgeted
101-209-726.000	Supplies	\$ 31.99	increase	under budgeted
101-209-801.000	Contracting	\$ 215.00	increase	under budgeted
101-267-910.001	Health Insurance	\$ 0.04	increase	under budgeted
101-269-910.001	Health Insurance	\$ 0.04	increase	under budgeted

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101-269-930.000	Repair & Maintenance-Twp Grounds	\$ 591.48	increase	under budgeted
101-276-910.002	Life Insurance	\$ 0.06	increase	under budgeted
101-371-705.000	Inspectors Wages	\$ 368.10	increase	under budgeted
101-371-726.000	Supplies	\$ 238.19	increase	under budgeted
101-371-920.000	Utilities	\$ 396.99	increase	under budgeted
101-526-801.000	Contracting	\$ 962.09	increase	under budgeted
101-526-956.000	Miscellaneous	\$ 253.60	increase	under budgeted
		\$ 3,588.99		

7. Duck Lake Road Speed Limit Request – Discussed under Special Guest earlier in meeting.
8. Duck Lake & Creek Watershed Ordinance Development Request (Lee Holly) – Supervisor St. Amour and the Board feel that Mr. Holly should direct his comments/suggestions for Duck Lake to the Duck Creek Watershed. The watershed group meets regularly and has a vested interest in the happenings of Duck Lake.
9. 2011 Muskegon County Drain Maintenance Program –

Motion by Trustee Bard, second by Trustee Deur, **ADOPTED**, to authorize the Clerk to make payment to the Muskegon County Drain Commissioner in the amount of \$300.00 for participation in the 2011 Muskegon County Drain Maintenance Program.

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

10. Board Comments - There were no board comments.

ADJOURNMENT –

Motion by Treasurer Wilks, second by Trustee Bard, **ADOPTED**, to adjourn the March 21, 2011 Regular Meeting of the Township of Fruitland at 9:10 PM.

Upon Voice Vote: **7 AYES**

Respectfully Submitted,

Karolyn Rillema, Clerk
Township of Fruitland

3-21-2011

BOARD COMMENTS

I have always supported Mr. St. Amour as Ordinance Enforcer and I always thought he should have taken a salary for this. I mentioned this at meetings but he declined any compensation which I thought was wrong but it was his choice. Mr. St. Amour is doing a wonderful job of getting the township cleaned up which hasn't been the case in the 46 years I have been a resident of the township.

I feel the residents should know what other duties Mr. St. Amour has done for Fruitland Township on his own time, never asking for any compensation.

He uses his own equipment and gas to clean off sand from the pier when the proper permits are obtained. Our Maintenance man has been off work for weeks due to a work related injury and Mr. St. Amour stepped in and made sure the parking lots at the Township Hall, The Fire Barn on Duck Lake Road, Ecology Station and White River Lighthouse were plowed and yes he did use the township equipment to do this.

I would like to recommend a amendment be made to the 2011-2012 budget to put back the \$4,608.00 salary for Ordinance Enforcer St. Amour and the \$1500.00 salary for Clerk Rilliema for the Cleaning of the Township Hall. She does a great job on keeping the hall cleaned and in the absence of our Maintenance man she took over the duty of shoveling the sidewalks at the hall.

Thank you to you both.

Mary Ann Bond, Trustee