

**FRUITLAND TOWNSHIP BOARD  
REGULAR MEETING  
JUNE 20, 2011  
MINUTES**

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

**NOT PRESENT** – Clerk Rillema

**ALSO PRESENT** – Fifty Eight (58) interested parties.

**CALL TO ORDER** – Supervisor St. Amour called the Monday, June 20, 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 needing it.

**AGENDA** – Motion by Trustee Binns, second by Trustee Bard, **ADOPTED**, to accept the June 20, 2011 Regular Township Board Meeting Agenda.

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

**PUBLIC COMMENT** –

- 1) **Leland Holly, 6820 South Shore Drive** – Opposes Amended Easement Agreement for Winterwood Shores. He stated the recommendation of the Parks and Recreation Commission to be approved tonight is not well substantiated or comprehensive enough to be approved at this time. It should be returned to the Parks & Recreation Commission for alteration and subsequent resubmission.
- 2) **Tom Thompson, 5564 South Shore Drive** – Is representing the White Lake Historical Society members and is asking to borrow four (4) artifacts from the White River Light Station for an event on July 23, (steering oar, sign board and two pictures), these items would enhance this upcoming event. Supervisor St. Amour asked Curator McDonnell if these artifacts are township owned and she stated that they are. He also advised he would like to be sure they are covered by insurance, either the township insurance or their insurances before we approve and that he will call for a motion later in the meeting.
- 3) **Bruce Rissi, 5820 W. Duck Lake Road** – Is representing the Duck Lake Riparian Owners Association and advised a lawsuit has been filed today. He stated that the Marcus Dunes Amended Easement Agreement even though is not before the board for approval at this time makes sense because it specifies documents that support the fact that they have easement. The Winterwood Shores Amended Easement Agreement recommended for approval by the Township Board tonight does not have any supporting documentation that they have or had easement.
- 4) **Dave Pequet, 5650 W. Duck Lake Road** – Opposes Winterwood Shores Amended Easement Agreement, stated that in August 2006 Judge Marietti ruled that Winterwood Shores does not have easement rights. He stated that the Inland Lakes District Zoning Ordinance regarding Riparian Access and Waterfront Keyhole Development needs to be enforced.

Supervisor St. Amour challenged Mr. Pequet on some comments that were made to the press regarding the Open Meetings Act (OMA).

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- 5) **Jim Duncan, 5800 Murray Road** – Stated that Judge Marietti ruled that the Duck Lake Riparian Owners Association did not have standing so he is questioning why they are still disputing this issue. Winterwood Shores did have easement rights but was left out years ago during a transfer of ownership and was not caught.
- 6) **Val Rissi, 5820 W. Duck Lake Road** – Shared concerns of environmental conditions of Duck Lake if this agreement is approved and an additional thirty (30) boats are allowed on the lake.
- 7) **Fay Tellam, 4387 Winterwood Shores** – Stated that in 1977 Ruth and Ben Marcus gave a gift to the township that is known as Marcus Park, it was given with stipulations. One of the stipulations was that (grantors reserve an easement of access to said property for recreational and boating purposes for themselves and any of their grantees to whom they may have or in the future will convey parcels of property in Sec. 24, Fruitland Township, County of Muskegon, and State of Michigan) and this would include Winterwood Shores parcels.
- 8) **Ben Benson, 4655 Nestrom Road** – Opposes Winterwood Shores Amended Easement Agreement. Stated concerns with welfare of the lake.
- 9) **Jerry Rumps, 4378 Winterwood Shores** – Supports Winterwood Shores Amended Easement Agreement. There is a reason the injunction requested today was not granted.
- 10) **Chris Meyer (Warner Norcross & Judd), 111 Lyon Street, Grand Rapids** – Supports Winterwood Amended Easement Agreement, represents Winterwood Shores Association.
- 11) **Laura Shields, 5225 McMillan Road** – Advises the number of increase in boats would be eighteen (18) if approved and that is if everyone docks a boat. She stated since the docks have been on Duck Lake/Marcus Park there has never been six (6) boats docked.
- 12) **Terrie Hampel, 6171 W. Duck Lake Road** – Opposes Winterwood Amended Easement Agreement, if this is approved she will be utilizing the docks for seating purposes.
- 13) **Robert Hubers, 4368 Winterwood Shores** – Supports Winterwood Amended Easement Agreement as they do have easement rights.
- 14) **Steve Burley, 6196 South Shore Drive** – Supports Winterwood Amended Easement Agreement.
- 15) **Andy Kacena, 5870 W. Duck Lake Road** – Opposes Winterwood Amended Easement Agreement as allowing more docks will ruin this lake.

**MINUTES –**

Motion by Trustee Bard, second by Trustee Bole, ***ADOPTED***, to accept the May 9, 2011 Work Session Minutes and May 16, 2011 Regular Meeting Minutes.

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

**RECEIPTS & DISBURSEMENTS –**

Motion by Treasurer Wilks, second by Trustee Bole, ***ADOPTED***, to accept the Receipts of \$20,637.62 and Bank Balance and Certificate of Deposits of \$1,123,538.35 for the period of May 1, 2011 through May 31, 2011 as reported by Melissa Wilks, Fruitland Township Treasurer and approve General Fund 101 Disbursements in the amount of \$54,473.33 for the period of May 1, 2011 through May 31, 2011 as reported by Karolyn Rillema, Fruitland Township Clerk.

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

**ANNOUNCEMENTS/COMMUNICATIONS** – Supervisor St. Amour stated that he tried to acquire mineral rights back from the state for township owned properties but was unsuccessful.

**COMMITTEE/BOARD UPDATES** –

- White Lake Ambulance Authority – Trustee Bard reported there was no meeting.
- White Lake Fire Authority – Treasurer Wilks reported the personnel committee met and are proposing to start the process of hiring a part time fire chief, the township proposed amendments to Appendix D Fire Apparatus Access Roads of the International Fire Code were rebuked by Fire Marshal Ben Novak as being unsafe and approval of the 2009 International Fire Code is expected.
- Parks & Recreation Commission –

**Marcus Park Agreement (Winterwood Shores)** –

**DISCUSSION**

Supervisor St. Amour advised a lawsuit was filed today by the Duck Lake Riparian Owners Association regarding this matter. He reminded the board member when conversing of this fact. The Parks and Recreation Commission passed this Winterwood Shores Easement Agreement; it was signed by both the Chairperson and Vice-Chairperson of such Commission and has been sent to the Township Board for their approval and signatures. Supervisor St. Amour explained he would be more comfortable with clarification from a judge and because of this his opinion is to consider not taking action on the proposed motion until after a judge has decided. The attorney also stated this is one of the options. Supervisor St. Amour asked for comments from the other board members.

- Trustee Binns – Supports Supervisor St. Amour in waiting to take action on this until we obtain additional information from the court.
- Trustee Bole – Is ready to sign the agreement as was agreed on at the work session.
- Trustee Bard – Is ready to sign the agreement, believes there was a deeded easement and it was left off during transfer of ownership.
- Trustee Deur – Stated this is a no win situation for the township board, the board just received this agreement after it was signed by the Parks and Recreation Chairperson and Vice-Chairperson and he would like more time to review and discuss further with the attorney.
- Treasurer Wilks – Supports Supervisor St. Amour in waiting to take action on this until we obtain additional information from the court.

No action taken on the proposed agreement.

**Marcus Park – Additional parking on Scenic Drive** – Supervisor St. Amour stated this is still being worked on by the Muskegon County Road Commission.

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- Planning Commission – Trustee Deur reported that the Planning Commission held two (2) public hearings at their June 8, 2011 meeting. One was for a proposed zone change and the other was for a zoning ordinance amendment.

Motion by Trustee Deur, second by Trustee Bard, **ADOPTED**, to accept the recommendation from the Planning Commission for a zone change from Medium High Density Residential (MHDR) to Neighborhood Commercial (NC) for a portion of parcel number 61-06-101-100-0002-10 located at 6827 Whitehall Road as described in Westshore Consulting Survey, File No. 3496-8A dated May 12, 2011.

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

Motion by Trustee Deur, second from Trustee Bard, **ADOPTED**, to reject the amendment to Article III, Section 3.23 Non-Conforming Buildings, Structures and Uses as recommended by the Planning Commission and request language changes by the August 15, 2011 Regular Meeting of the Fruitland Township Board of Trustees.

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

- Zoning Board of Appeals – Supervisor St. Amour reported for Clerk Karolyn Rillema that there was no June meeting scheduled.
- Citizens Advisory Wireless Committee – Trustee Deur reported that they have met with Frontier Communications local management and that they want to provide better service. They are planning to meet with the Muskegon County Administrator to see about using the county fiber lines.
- Citizens Advisory McMillan Road End Committee –

Motion by Trustee Binns, second from Treasurer Wilks, **ADOPTED**, to accept the direction of the Muskegon Conservation District using a grant funded by Alcoa in the amount of \$3000.00, donated funds to Fruitland Township in the amount of \$1920.00 and volunteer help coordinated by Muskegon Conservation District for the construction of the stairway and restoration of plantings within erosion areas of the road end.

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

### DISCUSSION

Trustees Bard and Deur support this project but believe this should wait for the Ganges Township court case opinion which is supposed to be in August. Our situation is very comparable to that one and if the stairway is constructed it may have to be removed

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depending on the judge's ruling. Supervisor St. Amour advised the work is not scheduled to start until October 6, 2011, so if necessary this could be stopped.

- White Lake Public Advisory Committee – Trustee Deur reported that a meeting will be held at the White Lake Community Library for status of the DuPont cleanup issue on Monday, June 27, 2011 from 6:00 p.m. to 8:00 p.m.
- Fred Meijer Berry Junction Rail Trail – Supervisor St. Amour reported the project has begun, the trail has been graded, next will be aggregate and then asphalt.
- White River Light Station – Curator McDonnell reported total proceeds of \$1734.36 from opening day May 28, 2011 to June 20, 2011. Things are moving forward with Sable Point.

### OLD BUSINESS –

1. Ordinance Enforcement – Supervisor St. Amour stated that:

1490 W. Duck – has until August 1, 2011 to finish siding or will be jailed.

3350 Bard Road – upon inspection property is found to be clear at this time.

4540 Weber Road – a continuation of condemnation hearing is scheduled for July 1, 2011.

4965 Duck Lake Road – owner has been ticketed for junk.

3043 Worden Road – junk cars, has been given until the end of June 2011 to remove.

Multiple Worden St. Properties – junk, has been given until the end of June 2011 to clean up.

4427 McMillan – fallen barn, it is being removed, has until the end of June 2011.

2737 Scenic Drive – Supervisor St. Amour continues to be a liaison between Fruitland Township & WLFA for the property owner at 2737 Scenic Drive for a structure being considered “condemnable” or “potential training” site for WLFA. Supervisor St. Amour stated that by year end the structure needs to be removed by either condemnation process or removal by owner with WLFA assistance.

2596 Lakewood – exceeds limit of dogs allowed, has been given until the end of June 2011 to be compliant.

4656 Lorenson – turkeys are domestic, has goat and chickens, unable to reach owners, referring to PINS Officer for free ranging chickens.

### NEW BUSINESS –

1. WRLS – Sable Point Lighthouse Keeper's Association –

Motion by Supervisor St. Amour, second from Trustee Binns, **ADOPTED**, to authorize the Concession Agreement between Fruitland Township and Sable Point Lighthouse Keepers Association to operate a museum gift shop on a portion of the White River Light Station located at 6199 Murray Road. This agreement shall terminate May 31, 2012 unless otherwise extended by the parties by written agreement.

*Upon Voice Vote:* **5 AYES, 1 NAY (Trustee Bole) 1 ABSENT**

**DISCUSSION**

Trustee Deur has concerns of the Personal Property and Insurance parts of this Concession Agreement. Supervisor St. Amour explains that the parts of the Concession Agreement will be reviewed by the Insurance Company.

2. Attorney Counsel –

Motion by Treasurer Wilks, second by Trustee Bard, **ADOPTED**, to authorize the Supervisor to contract with Even & Franks, PLLC per their quote for the remainder of fiscal year 2011-12 for attorney counsel.

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

3. Land Conservancy – Supervisor St. Amour has given dates for tour and has not heard back.

4. Insurance Quotes –

Motion by Trustee Binns, second from Trustee Bard, **ADOPTED**, to authorize Supervisor St. Amour to contract with Western Insurance Agency for liability insurance coverage at a premium not to exceed \$12,698.00.

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

5. Tire Disposal –

Motion by Trustee Bard, second from Trustee Deur, **ADOPTED**, to authorize Supervisor St. Amour to contract with Re-Tec Management Service for a covered storage container and disposal of tires collected at the Ecology Station. The costs involved for the service will be \$40.00 monthly container rental fee, removal of tires with or without rims – passenger \$2.50 each, truck \$10.00 each and tractor \$20.00 each.

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

6. Resolution 2011-12 – Duplicate Bill Fee & 3% Penalty on Tax Collection

Motion by Treasurer Wilks, second by Trustee Binns, **ADOPTED**, Resolution 2011-12 to approve the imposition of a late penalty charge equal to 3% of the tax paid after February 14 and before March 1 for 2011 or any year thereafter and duplicate bill fee of \$1.00 to mortgage companies.

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

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7. Resolution 2011-13 – Fruitland Township Fee Schedule

Motion by Treasurer Wilks, second by Trustee Bole, **ADOPTED**, Resolution 2011-13 to amend the Fee and Escrow Deposit Schedule.

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

8. Michigan Township Association – 2011-12 Dues

Motion by Trustee Binns, second from Trustee Deur, **ADOPTED**, to accept renewing the Michigan Township Association annual dues for July 1, 2011 through June 30, 2012 at a rate of \$4,292.89.

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

9. 2<sup>nd</sup> Brine Request –

Motion by Trustee Bard, second from Trustee Deur, **ADOPTED**, to authorize Supervisor St. Amour to contract with Muskegon County Road Commission to apply a second brining application for summer 2011 at the 26% calcium chloride rate of \$.253 per gallon.

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

10. Community Building – Gutters

Motion by Trustee Deur, second from Trustee Bole, **ADOPTED**, to authorize Supervisor St. Amour to contract with Affordable Gutters, Inc. to install gutters, screens and downspouts at the Community Building, 6227 South Shore Drive at a cost not to exceed \$1057.00.

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

11. Payroll Vendor

Motion by Treasurer Wilks, second from Trustee Binns, **ADOPTED**, to authorize the Clerk and Treasurer to contract with PayChex to perform payroll functions for Fruitland Township.

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

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12. Sewer System Ordinance

**DISCUSSION**

No action taken on the proposed language. Attorney Eklund advised an ordinance would not be necessary if the proposed project is not done. Consensus was to wait until we know the project is going forth.

13. Ecology Station Compactor concrete slab

Motion by Supervisor St. Amour, second from Treasurer Wilks, **ADOPTED**, to authorize the Supervisor to contract with a vendor to replace the compactor slab at the Ecology Station at a cost not to exceed \$4000.00.

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

14. Duck Lake Road Reduce Speed Limit Request

Supervisor St. Amour advised an Engineering Study will be discussed at the Muskegon County Road Commission (MCRC) July 13, 2011 meeting.

15. Montague-Whitehall Rotary Club Fireworks Sponsorship Request

Motion by Trustee Binns, second from Trustee Bole, **ADOPTED**, to authorize the Clerk to send payment to the Montague-Whitehall Rotary Club in the amount of \$100.00 as sponsorship of the 2011 4<sup>th</sup> of July Fireworks.

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

Consensus was to allow the White Lake Historical Society to use artifacts from the White River Light Station as requested as long as they are covered by either the township insurance or theirs.

Motion by Supervisor St. Amour, second from Trustee Deur, **ADOPTED**, to allow the White Lake Historical Society to use the following artifacts (steering oar, sign board and two (2) small pictures) from the White River Light Station as long as they are covered by either our insurance or theirs.

16. Board Comments –

Treasurer Wilks stated we have received \$1000.00 as down payment on Forest Contract.

**ADJOURNMENT –**

Motion by Treasurer Wilks, second by Trustee Bard, **ADOPTED**, to adjourn the June 20, 2011 Regular Meeting of the Township of Fruitland at 8:55 PM.

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



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Respectfully Submitted,  
Sally Dion, Deputy Clerk  
Township of Fruitland