

**FRUITLAND TOWNSHIP BOARD  
REGULAR MEETING  
JULY 20, 2015  
MINUTES**

**PRESENT** – Trustee Bard, Trustee Deur, Trustee Rissi, Clerk Rillema, Treasurer Beegle, Trustee Hampel, Supervisor St. Amour

**ALSO PRESENT** – (8) eight interested parties.

**CALL TO ORDER** – Supervisor St. Amour called the Monday, July 20, 2015 Regular Meeting to order at 5:00 PM. The pledge of allegiance and a moment of silence was observed for those less fortunate.

**AGENDA** – Supervisor St. Amour asked to amend the agenda by adding under New Business #12.5 – FOIA Appeals.

Motion by Trustee Rissi, second by Trustee Deur, **ADOPTED**, to accept the amended July 20, 2015 Regular Township Board Meeting Agenda.

*Upon Voice Vote:* **7 AYES – motion carried**

**PUBLIC COMMENT** –

- 1) Jan Topping, 4489 S. Shore Drive – Stated that an illegal split of a subdivision lot occurred and is now for sale. The township board denied the split but action was taken by the owner at the County level years ago to split. Asked the board to look into it. Supervisor St. Amour stated that it will be talked about later on the agenda under New Business #11.

**MINUTES** –

Motion by Clerk Rillema, second by Trustee Bard, **ADOPTED**, to accept the June 8, 2015 Work Session Minutes, June 15, 2015 Regular Meeting Minutes and June 22, 2015 Special Meeting Minutes.

*Upon Voice Vote:* **7 AYES – motion carried**

**RECEIPTS & DISBURSEMENTS** –

Motion by Treasurer Beegle, second by Trustee Deur, **ADOPTED**, to accept the Receipts of \$140,179.00 and Bank Balance and Certificate of Deposits of \$1,270,535.53 for the period of June 1, 2015 through June 30, 2015 as reported by Melissa Beegle, Fruitland Township Treasurer and approve General Fund 101 Disbursements in the amount of \$52,967.44, Metro Authority Fund 140 Disbursements in the amount of \$6,720.00 and WRLS Preservation & Maintenance Fund 170 in the amount of \$427.49

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for the period of June 1, 2015 through June 30, 2015 as reported by Karolyn Rillema, Fruitland Township Clerk.

*Upon Voice Vote: 7 AYES – motion carried*

**ANNOUNCEMENTS/COMMUNICATIONS** – Supervisor St. Amour announced that 998 of the 3150 tires collected at the five township tire event were from Fruitland Township. The Anderson Woods Nature Preserve Dedication is scheduled for Sunday, August 9, 2015 at 1:30 PM. Muskegon Charter Township lost in its attempt to get summary judgement in the Water Policy Board lawsuit. The retirement gathering for Don Sandel is scheduled for July 29, 2015 here at the township hall from 3:00 PM – 4:00 PM. A letter from the Muskegon Community Foundation was received stating that \$808.00 is available for split between White River Township and Fruitland Township for the Porter-Smith Life Ring Fund. Supervisor St. Amour will contact White River Township to state interest in receiving our funds. Supervisor St. Amour stated that the work okayed by the board at the White River Light Station to replace the catch basin has not been completed. The following motion was adopted.

Motion by Supervisor St. Amour, second by Trustee Bard, **ADOPTED**, to authorize Supervisor St. Amour to grant work to the second quote not to exceed \$2600.00 to replace the catch basin at the White River Light Station.

*Roll Call Vote:* Trustee Bard **AYE**, Trustee Deur **AYE**, Trustee Rissi **AYE**, Clerk Rillema **AYE**, Treasurer Beegle **AYE**, Trustee Hampel **AYE**, Supervisor St. Amour **AYE** – **motion carried**

## COMMITTEE/BOARD UPDATES –

- Zoning Board of Appeals – Clerk Rillema stated that the Zoning Board of Appeals met on June 8, 2015 and held election of officers - John Warner to serve as Chairperson, Eileen Stoffan to serve as Vice Chairperson and Judy Marcinkowski to serve as secretary. Two appeal hearings were held at this meeting. The first applicant Midwest V. LLC (61-06-101-100-0002-03) Whitehall road (vacant) requested a variance to allow the loading space for the proposed Dollar General to be in the side yard instead of the rear yard. It passed to grant the variance 5-0. The second applicant Gregory C. Tyler (61-06-125-300-0002-00) 1943 W. Tyler Road requested to construct a 4,800 square foot Accessory Building to be used for the storage of agricultural equipment and personal items. The proposed building exceeded the maximum footprint size and is closer to the side yard setback than allowed. It failed to grant the variance 3-2.
- White Lake Fire Authority – Treasurer Beegle reported that the Authority met on July 15, 2015. Chief Holman said calls were up for the year. The International Fire Code 2012 has been approved by both Whitehall and Fruitland Townships. It is on the agenda for the City of Whitehall this month. The Authority will be working with Frank Hollister to relocate the dry hydrant piping on his property to the nearby dock road parcel.

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- White Lake Ambulance Authority – Supervisor St. Amour stated that the ex-directors unemployment was granted by the judge. In reviewing the case, it appears that the ex-director was told by several board members of the WLAA to not report the lack of funds which is disturbing. The 29<sup>th</sup> of July is the last meeting our representative will be attending as a board member. Information forthcoming is that a millage increase will be proposed at the meeting for the six remaining municipalities.
- Duck Creek Watershed – Trustee Hampel stated she was unable to attend the last meeting last Tuesday, July 14, 2015. She read from their minutes though that lake & creek sampling continues. The by-laws will be reviewed for amendments and an upcoming meeting with members of the Michigan's Adventure to discuss strategy for water runoff into the creek.

### OLD BUSINESS –

1. Building Permit/Cancellation/Refund Policy – Resolution 2015-19

Motion by Clerk Rillema, second by Trustee Deur, **ADOPTED**, Resolution 2015-19 Building, Electrical, Plumbing and Mechanical Work Permit Cancellation/Refund Policy.

*Roll Call Vote:* Trustee Bard **AYE**, Trustee Deur **AYE**, Trustee Rissi **AYE**, Clerk Rillema **AYE**, Treasurer Beegle **AYE**, Trustee Hampel **AYE**, Supervisor St. Amour **AYE** – **motion carried**

2. Zellar Road Quote – Supervisor St. Amour stated that he has invited Paul Bowman of the MCRC to attend our next work session to answer questions and speak to us about the quote received for the Zellar road project.
3. Lamos Road End/Partridge Drain/Dock Road/Mason Drain/Saxe Drain – Supervisor St. Amour stated that Zoning Administrator Sandel and Attorney Even continue to research the ownership of the road ends. No new information from the Drain Commissioner continues on drains at this point. Supervisor St. Amour stated that he received a copy of a letter from Moorland Township Supervisor regarding a drain in their township to the Drain Commissioner regarding frustration which he will email to all to read.

### NEW BUSINESS -

1. 1<sup>st</sup> Quarter 2015-16 Budget Amendments –

Motion by Clerk Rillema, second by Trustee Bard, **ADOPTED**, to authorize Clerk Rillema to make the 1<sup>st</sup> Quarter 2015-16 Budget Amendments as presented.

*Roll Call Vote:* Trustee Hampel **AYE**, Treasurer Beegle **AYE**, Clerk Rillema **AYE**, Trustee Rissi **AYE**, Trustee Deur **AYE**, Trustee Bard **AYE**, Supervisor St. Amour **AYE** – **motion carried**

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2. Updated Zoning Map –

Motion by Clerk Rillema, second by Trustee Rissi, **ADOPTED**, to authorize Clerk Rillema to sign and place on file the updated Fruitland Township Zoning Map dated July 20, 2015.

*Upon Voice Vote:* **7 AYES – motion carried**

3. Appointment of Ordinance Enforcement Officers – Resolution 2012-21 (amended)

Motion by Trustee Bard, second by Trustee Deur, **AMENDED**, Resolution 2012-21 Appointment of Ordinance Enforcement Officers and Ordinance Enforcement Bureau Clerk to add the Ordinance Enforcer as one of the authorized Enforcement Officers.

*Roll Call Vote:* Trustee Bard **AYE**, Trustee Deur **AYE**, Trustee Rissi **AYE**, Clerk Rillema **AYE**, Treasurer Beegle **AYE**, Trustee Hampel **AYE**, Supervisor St. Amour **AYE** – **motion carried**

4. Chef Container/SWS – Supervisor St. Amour stated that Attorney Even is writing a letter on the township's behalf to Chef Container regarding the breach in contract terms. SWS is currently hauling the garbage for Chef and is requesting a \$10.00/tub increase in cost. Supervisor St. Amour will keep the board abreast of information as it is known.

5. CAC Quality of Life Millage Ideas –

Motion by Supervisor St. Amour, second by Trustee Bard, **ADOPTED**, to authorize Supervisor St. Amour to set up a Citizen's Advisory Committee for Quality of Life Millage Ideas with Val Rissi being the chair of this committee.

*Upon Voice Vote:* **7 AYES – motion carried**

6. WRLS Friend Garage Improvement – Building Official Hall has written correspondence to SPLKA regarding necessary improvements needed to the garage before any construction could occur.

7. Letter to Residents – Supervisor St. Amour straw polled the board and the majority favored waiting until after the WLAA meeting next Wednesday to send out correspondence to all residents/parcel owners regarding our decision to withdraw from the WLAA service and contract with ProMed. Correspondence will be gathered and reviewed by Attorney Even to be sent late next week.

8. ISO Rating – Supervisor St. Amour stated that after having a conversation with White Lake Fire Authority Chief Holman and Building Official Hall, that the International Fire Code is restructuring language and at this time the building code was addressed. Both Chief Holman and Building Official Hall will keep the board abreast of any changes to our rating.

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9. Meeting Schedule – Resolution 2015-08

Motion by Clerk Rillema, second by Trustee Rissi, **AMENDED**, Resolution 2015-08 to change the meeting night of the Planning Commission for the remainder of Fiscal Year 2015-16.

*Roll Call Vote:* Trustee Hampel **AYE**, Treasurer Beegle **AYE**, Clerk Rillema **AYE**, Trustee Rissi **AYE**, Trustee Deur **AYE**, Trustee Bard **AYE**, Supervisor St. Amour **AYE** – **motion carried**

10. Zellar Road Clean Up – White Lake Drive to Michillinda Rd – Supervisor St. Amour will speak with Paul Bouman when he is here at the August Work Session regarding whether or not this program still exists before contacting Mr. Hyatt.
11. Darva Boot Illegal Subdivision Split – Supervisor St. Amour and Clerk Rillema stated that an illegal split of a subdivision occurred after the township board denied in 1989. Zoning Administrator Sandel was contacted by Mr. and Mrs. Topping stating that the lot is now for sale. Attorney Even will be contacted to understand what the steps are necessary going forward.
12. Second Brining – Supervisor St. Amour stated that he has driven several roads that were brined and doesn't feel they require additional brining at this time due to the rainfall that has been occurring keeping the dust at bay. The resident on Simonelli Road interested in paying for a second brine from White Lake Drive to Lakewood Road will be contacted that the cost for the brining will be \$500.00 with no cost from the MCRC for prepping the road. It will need to be prepaid before brining will be done.

12.5 FOIA Appeals –

Motion by Trustee Bard, second by Supervisor St. Amour, **ADOPTED**, to deny Mr. Kruse of his FOIA appeals dated July 16, 2015 and duplicate appeal dated July 17, 2015 stating that his request was not a FOIA request. Per the Freedom of Information Act 442 of 1976, Section 15.232 Definitions (i) “written request” means a writing that asks for information and includes a writing transmitted by facsimile, electronic mail, or other electronic means. His letter to Assessor Bowen is in writing form requesting a copy of information and was treated as a FOIA request.  
*Upon Voice Vote:* **7 AYES - motion carried**

Motion by Trustee Bard, second by Supervisor St. Amour, **ADOPTED**, to deny Mr. Kruse of his FOIA appeal stating that the letter dated July 1 informing him that his affidavit was defective was a motive to deny his eight requests. The Freedom of Information amendments effective July 1, 2015 states that an individual is indigent and receiving specific public assistance or, if not receiving public assistance, stating facts showing inability to pay the cost because of indigency. Mr. Kruse's affidavit is

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defective because it does not state specific public assistance or set forth facts stating his inability to pay because of indigency.

*Upon Voice Vote: 7 AYES – motion carried*

13. Board Comments – Clerk Rillema stated that she received the White Lake Senior Center June Board minutes and Directors Report and will place on file. She also stated that counter traffic for issuing ballots for the August 4, 2015 election is slow. Treasurer Beegle reported that all 2014 Personal Property Taxes have been collected. Trustee Hampel encouraged all to take the Parks & Recreation Commission Survey which is now available on line or pick up a hard copy in the township office. Trustee Deur spoke with Duke Yeager regarding the permit for the construction of the cell tower. At this time, no contractor has been awarded and the permit is held up until such is determined.

**ADJOURNMENT –**

Motion by Trustee Bard, second by Treasurer Beegle, **ADOPTED**, to adjourn the July 20, 2015 Regular Meeting of the Township of Fruitland at 6:05 PM.

*Upon Voice Vote: 7 AYES – motion carried*

Respectfully Submitted,

Karolyn Rillema, Clerk  
Township of Fruitland

