

**FRUITLAND TOWNSHIP BOARD
WORK SESSION
MAY 10, 2010
MINUTES**

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

ALSO PRESENT: Attorney Eklund and (4) four interested parties.

CALL TO ORDER: Supervisor St. Amour called the Monday, May 10, 2010 Work Session of the Township of Fruitland Board to order at 10:06 AM at the township hall.

AGENDA: Accept or amend the Monday, May 10, 2010 Agenda.

Motion by Trustee Bard, second by Trustee Deur, ***ADOPTED***, to accept the May 10, 2010 Work Session Agenda.

Upon Voice Vote: **7 AYES**

PUBLIC COMMENT: There was no public comment.

SPECIAL GUEST: Steve Nagengast of the Citizen's Advisory Residential Rental Committee (CARRC) gave a presentation of the committee's finding and recommendations. The CARRC recommends that rental home inspections be performed based upon a complaint, the Building Official, or anyone else designated by Fruitland Township, be authorized to inspect the rental home premises to determine compliance with ordinances upon reasonable prior notice to the owner or tenant, purchase and adopt the International Property Maintenance Code 2009, have regulations specifically for the tenants and not just the landlord and issue civil fines to any person, firm, association, partnership, corporation or government entity who violates any of the provisions of the ordinance. The CARRC did not wish to regulate the number of occupants living in a residential rental home at this time. Vicki Webster of the Muskegon County Health Department also was in attendance and showed her support for the recommendations for the health and safety of our community. Clarification was requested from the Muskegon County Health Department of when a complaint is received, which governmental agency should be contacted or has authority to enforce. Ms. Webster will send information to Supervisor St. Amour. Supervisor St. Amour and the Board of Trustees thanked Steven Nagengast and his committee for all the research and time and will discuss the recommendations at the June work session.

OLD BUSINESS:

1. 1562 Duck Lake Road – Supervisor St. Amour stated that he did not follow through with closing out the condemnation process due to the fact that if the building was found not condemnable it would still be an ordinance violation. The Board by straw vote would like Attorney Eklund to start court proceedings on this matter.

FRUITLAND TOWNSHIP MAY 10, 2010 WORK SESSION MINUTES

2. 5623 Murray Road – Supervisor St. Amour stated that the ruling from 14th Circuit Court Judge Hicks affirmed all of the ZBA’s decisions.
3. 2745 Lorenson Road – Supervisor St. Amour stated the property is nearly cleaned up and almost all the equipment has been hauled off site. He feels that this property will be able to be delisted. Attorney Eklund was tasked to research if the permanent injunction will be valid now that the property has changed ownership on our records.
4. 3350 Bard Road –Supervisor St. Amour stated that it appears that not a significant amount of cleanup has been accomplished. The scheduled court date with Judge Ladas-Hoopes is on June 8, 2010.
5. Condemnation Hearings – Supervisor St. Amour stated that the 6168 & 6188 Murray Road hearings are scheduled for May 11, 2010, Nord Road has been issued repair/demolition permits, the garage on Scenic Drive has been demolished, the house on Scenic Drive hearing is scheduled for July 2010 and the Building Hearing Officer position remains open for replacement.
6. Township Property – Supervisor St. Amour met with Dave Wilson who was recommended by Jeff Auch of the Soil Conservation District. A quote is forthcoming.
7. Community Building Drain – Supervisor St. Amour stated that the drain is not fully repaired but will seek the help of the Drain Commissioner once appointed.
8. D³ Day – Supervisor St. Amour provided a copy of the draft postcard which will be mailed to residents/property owners. Discount Dump Day will replace the free dump day of the past and will be limited to one load any size for \$5.00. Length of time was discussed and approved from June 2, 2010 through June 30, 2010. Tires will be accepted but will be assessed a charge that is consistent with Dalton Township. A final draft of the postcard will be presented at the Monday Regular meeting.

NEW BUSINESS:

1. Road Ends – Attorney Eklund stated that he has left a message with Attorney Clifford Bloom to review the state statute 41.429 language for acquisition, maintenance, etc., of wharves, piers, docks and launch places. Attorney Eklund will advise the Board of his conversation with Attorney Bloom. At this time, no dock will be placed at the Scenic Drive Road End until Attorney Eklund reports back. Supervisor St. Amour has contacted the MCRC and Mr. Hulka was not aware of this statute.
2. Candidate Forum – Supervisor St. Amour and Treasurer Wilks attended a forum at the Muskegon County Chamber of Commerce. Supervisor St. Amour would like to possibly host a forum but will investigate candidate’s willingness and timing of such.
3. Boy Scout Project – Treasurer Wilks received a suggestion from Clerk Rillema for a project of building shelves in the basement. Treasurer Hepler emailed the contact and is awaiting a response back.

FRUITLAND TOWNSHIP MAY 10, 2010 WORK SESSION MINUTES

4. Fruitland Township Parking Lot Quote – Supervisor St. Amour stated that this is a placeholder awaiting future road work in the area.
5. Work Session Schedule – Trustee Bard stated that if the Board of Trustees wanted to change their work session schedule back to Tuesday she would be available now due to a change in her personal schedule. All other members of the Board of Trustees were fine with the current Monday work session schedule that was approved on March 31, 2010.
6. Oxy Chemical Proposal – Trustee Deur stated that the White Lake Public Advisory Committee has taken their position to have consideration by the EPA of a number of more cost-effective environmental projects for significant and measurable benefits to the White Lake Area. Trustee Deur stated that he would possibly be taking a position but would do so as a citizen. He encouraged others on the Board of Trustees if so inclined to write a letter to the EPA.
7. Public Comment – Trustee Bard had inquired if it was legal to allow only residents time to speak during public comment and not non-residents. Clerk Rillema reported that under the Open Meeting Act that individuals, both residents and non-residents, are permitted to address a meeting of a township public body and must be afforded an opportunity for public comment.
8. Parcel Unpaid Taxes – Treasurer Wilks stated that parcel #06-404-006-0021-00 was available for purchase after April 1, 2010 by foreclosure of unpaid 2007 taxes. This property is not adjacent to any other property owned by Fruitland Township at this time and there was not interest in purchasing at this time.
9. Citizen's Advisory Committees – OMA/Personal Email Accounts – Attorney Eklund stated that our citizen advisory committees should comply with OMA and FOIA to avoid possible litigation.
10. Revenue Sharing – Treasurer Wilks provided a Department of Treasury Fiscal Year 2010-11 Revenue Sharing document. Treasurer Wilks will verify that the amounts shown are estimated payments that will be payable to Fruitland Township.
11. Fred Meijer Berry Junction Rail Trail – 5K Fun Walk – Supervisor St. Amour reported that a 5K Fun Walk Fundraiser will be held on June 12, 2010 to raise money for the rail trail. A \$7000.00 grant was awarded to offset future maintenance of the rail trail. Supervisor St. Amour stated that final designs are at the engineers and being redesigned.
12. Sheltering Way – Supervisor St. Amour provided a copy of the letter to be sent to developer Jerry Henning providing Fruitland Townships point of view and the White Lake Fire Authority/2003 International Fire Code's criteria regarding the cul-de-sac, road grade and width of driveway. Attorney Eklund looked over the letter and authorized Supervisor St. Amour to send.

FRUITLAND TOWNSHIP MAY 10, 2010 WORK SESSION MINUTES

13. Internship Request – Supervisor St. Amour received a request for an intern at Fruitland Township from Wesley Davis. At this time, no money has been budgeted for an internship, so Supervisor St. Amour will write a thank you letter for his interest.
14. My Pro Audit – Clerk Rillema received information from My Pro Audit requesting to review our utility bills for accuracy. If any overcharges/mistakes are found, a refund will be requested and split 50/50 with My Pro Audit. If no overcharges/mistakes are found, there is no charge. A letter of recommendation from Bear Lake Township was also included with their request. The Board of Trustees okayed Clerk Rillema to have our utility bills examined by My Pro Audit.
15. Board Comments – Supervisor St. Amour stated that he received an email from Ken Hulka of the MCRC stating that the bid for Scenic Drive work was received and is under estimate by 7%. Supervisor St. Amour received an email from Steve Coverly of the Duck Creek Watershed inviting all and/or someone from the Board of Trustees to attend their meeting for input on the management plan they are working on. Attorney Eklund was asked to complete the contract for our Assessor. Rod Siegel has been employed through Laketon Township for our Building Official/Inspector services for a 90 day trial period. The Citizen’s Advisory Law Enforcement Committee has met to discuss civil infractions and will be making a recommendation at the June work session. Trustee Deur stated that several of our regulatory ordinances reference civil infractions. Supervisor St. Amour stated that the Citizen’s Advisory Regulatory Ordinance Committee will be addressing those ordinances. Supervisor St. Amour stated that a resident not located on Duck Lake was approached by another resident to put a dock in at Marcus Park. Clerk Rillema stated that she and Deputy Garvey would be attending an election class to learn more about the electronic poll book on Wednesday, May 26, 2010 which will be used for the August Primary and November General Election. Trustee Binns asked Supervisor St. Amour if as ordinance enforcer he had visited the property at White Lake Drive/Zellar Road and Clerk Rillema asked he would visit the property at 5162 South Shore Drive as it appears to have a large amount of clutter/trash visible. Trustee Deur wanted it on record that Fruitland Township should increase its liability insurance and was disappointed that there was no support at the last meeting to increase.

ADJOURNMENT:

Motion by Trustee Bard, second by Trustee Bole, ***ADOPTED***, to adjourn the Monday, May 10, 2010 Work Session of the Township of Fruitland at 12:10 PM.

Upon Voice Vote: 7 AYES

Respectfully Submitted,

Karolyn Rillema, Clerk
Township of Fruitland