

**FRUITLAND TOWNSHIP BOARD
WORK SESSION
OCTOBER 13, 2009
MINUTES**

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

ALSO PRESENT: Attorney Eklund and (1) interested party.

CALL TO ORDER: Supervisor St. Amour called the Tuesday, October 13, 2009 Work Session of the Township of Fruitland Board to order at 4:00 PM.

AGENDA: Accept or amend the Tuesday, October 13, 2009 Agenda. Supervisor St. Amour asked the Board to amend the following on the agenda: add under New Business 6.5 Artifact.

Motion by Trustee Deur, second by Trustee Bard, ***ADOPTED***, to accept the October 13, 2009 Work Session Agenda.

Upon Voice Vote: **7AYES**

PUBLIC COMMENT: There was no public comment.

ANNOUNCEMENT:

Supervisor St. Amour stated that he sent a third letter out to the property owners of Nord Road inquiring if other arrangements have been made for the maintenance of the road as no correspondence has been received back from them to date. Supervisor St. Amour also stated that the CPI for Muskegon County has been decreased. Fruitland Township will receive approximately \$750.00 less revenue due to this decrease. The November work session will be rescheduled to Monday, November 9, 2009 at 4:00 PM due to conflicts of several board members.

OLD BUSINESS:

1. 1562 Duck Lake Road – Supervisor St. Amour stated that action by this Board needs to be taken. Consensus of the Board directed Supervisor St. Amour to write a letter to the property owners informing them to sign a restrictive covenant to combine properties with 18 months to decide what they would like to do with the garage and property. The property owners will have 30 days to sign the covenant. If there is no signed covenant, then Attorney Eklund will write a letter informing them of Fruitland Township's intent to proceed with legal action.

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2. 5623 Murray Road – Trustee Bole reported that the ZBA hearing was held on Monday, October 13, 2009 and that two of the nine items have affirmed the Zoning Administrator’s decision. The hearing will reconvene Wednesday, October 14, 2009 at 7:00 PM due to time constraints on Monday night.
3. Fruitland Township Representation (Joint Planning Commission/West Michigan Shoreline Regional Development Commission) – Trustee Deur stated that he and Supervisor St. Amour attended the last meeting of the JPC. Based on conversations from that meeting, an October 28, 2009 meeting has been scheduled to discuss potential language changes to the Act 226 legal framework for the JPC.
4. Road Improvements (MCRC Strategy) – Supervisor St. Amour stated that Trustee Deur and he have been meeting with the Muskegon County Road Commission to discuss a potential joint agreement to coordinate road improvements by scheduling services and quoting repairs with other projects in Muskegon County. This would potentially allow Fruitland Township to get more service for less money. Open issues include whether to fund this over two years, or whether it might be better to fund more projects in one year to avoid price escalations.
5. 2745 Lorenson Road – Supervisor St. Amour stated that an October 28, 2009 court date is scheduled. Supervisor St. Amour stated that it appears that the owners of this property are running a business from this address.
6. McMillan Road End – Supervisor St. Amour stated that one quote for the stairway/deck has been received. He spoke with Al VandeVusse who is working on getting an additional quote. Attorney Eklund reported that the court case regarding a road end on Lake Michigan in Allegan County should be decided within six months. The Citizen’s Advisory McMillan Road End Committee would like some direction from the Township Board. The Board directed Supervisor St. Amour to ask the committee members to start raising funds. Supervisor St. Amour stated that the Scenic Drive Preservation Group may have an interest in helping raise funds. The Board agreed to help cover some of the costs incurred in the fund raising. Clerk Rillema stated that there is \$210.00 budgeted in part-time wages under the McMillan Road End Department (101-747-707.000) that is available to be recategorized to cover potential costs.
7. 3350 Bard Road – Attorney Eklund stated that the court date is scheduled for December 2, 2009 at 9:00 AM. Attorney Eklund questioned if the house at this property should be considered a dangerous building. Consensus of the Board directed Supervisor St. Amour to ask the Building Official to inspect the house.
8. Community Building (Ramp) – Supervisor St. Amour reported that he received news that the drawings did not meet ADA requirements. He has received new drawings from the

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- architect and quotes from DeRose Builders for the additional widening of the ramp, railing on stairs and coefficient of friction to meet ADA requirements in the amount of \$1200.00 for the widening of the ramp and railing and \$500.00 for the coefficient of friction. He was disappointed that the architect did not draw the plans correctly the first time. Trustee Binns suggested having the project rebid with the updated specs. Supervisor St. Amour will oversee this project.
9. White Lake Fire Authority (Dry Hydrants/Cistern/Lease) – Supervisor St. Amour reported that the Fire Authority has not heard any information on the hydrant grant and the cistern is still in talks. The Board passed a motion at last month’s meeting regarding a change to the lease for the Duck Lake Fire Station #2. Supervisor St. Amour stated that he thinks it needs clarification regarding the square foot at \$2.23 per square foot compensation. It should state that the new rate per square footage is effective starting at the current lease amount paid. Clerk Rillema will work with Attorney Eklund to clean up the language and prepare a motion for Monday’s Regular Meeting.
 10. Parks and Recreation (Master Plan/Budget Amendments) – Supervisor St. Amour and Trustee Deur have reviewed the comments regarding the Parks & Rec Master Plan and will have a copy ready for the Board’s review for Monday’s Regular Meeting. He tasked Trustee Binns again to obtain a few meeting dates so the Board of Trustees and the Parks & Rec Board can schedule a joint meeting. At the joint meeting, budget amendments will be discussed.
 11. Ordinance Enforcer – Supervisor St. Amour has interviewed the candidate that the interview committee of Trustee Deur, Clerk Rillema and Treasurer Hepler presented as their top candidate. A background check has been completed. Supervisor St. Amour tasked Treasurer Hepler to schedule a physical and drug test for the candidate.
 12. RAP Amendment for Muskegon Chemical Superfund Site – Trustee Deur stated that because there was a plan for natural remediation at this location, he felt it could be removed from the agenda. If any further action occurs at this site, he will keep the Board abreast of the happenings.
 13. 5601 South Shore Drive – Attorney Eklund asked that this item be changed to 5617 South Shore as his case has been closed. He stated that the property owner of 5617 South Shore which was involved in his case plead guilty in the case involving the dog shooting and will be sentenced on November 2, 2009. The property owner at 5617 South Shore is also being sentenced for a drug related case on October 15, 2009 @ 8:30 AM. It was brought to Supervisor St. Amour’s attention that over the last several weekends, firearm shots have come from 5617 South Shore Drive at random times. Supervisor St. Amour was tasked to investigate with the Muskegon Sherriff’s Department if State Law prohibits firearm discharge within close proximity of other homes.

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14. State Shared Revenue – Treasurer Hepler reported that information received shows that Fruitland Township will receive an additional cut of approximately 4.1% in its state shared revenue. This amounts to approximately \$14,232.00 less in revenue. Supervisor St. Amour stated that when reviewing the budget later in the agenda, budget amendments will be suggested.
15. 6106-245-003-0003-00 (6168 & 6188 Murray Road) Condemnation Hearing – Supervisor St. Amour stated that the first hearing was held on October 8, 2009 and the next meeting is scheduled for November 12, 2009 at which time the bank who currently owns these two properties has the opportunity to submit plans to remedy the repairs if they wish to not have these properties condemned.

NEW BUSINESS:

1. Bard Road Culvert – Supervisor St. Amour stated that he had received verbal okay authorizing the repair of the culvert on Bard Road at a cost of approximately \$567.00 from the Muskegon County Road Commission. Repair has been completed. A motion will be prepared for Monday's Regular Meeting.
2. Township Property (Hunting) – Supervisor St. Amour had been asked if there was hunting allowed on township property by a resident. He responded by saying “no” remembering the ordinance stating no hunting allowed at Nestrom Park. Although after reviewing the ordinance it does not state that there is no hunting permitted on any other township property. Discussion amongst the Board members resulted in not promoting hunting at this time.
3. Fruitland Township Cemetery (Veteran Flag Placement & Removal) – Clerk Rillema referred to the letter received from Tom Clock of Clock Funeral Home stating his disappointment in the quick removal of gravesite flags after Memorial Day and concern of veteran graves recently buried being overlooked when flags were placed. Clerk Rillema and Deputy Clerk Garvey spoke with the Montague VFW and were forwarded to the Whitehall American Legion for help with the placement of flags. Clerk Rillema provided the volunteers of the American Legion with a listing of over 150 veteran gravesites and provided the flags. One week after Memorial Day, Deputy Clerk Garvey and Clerk Rillema removed the flags from the gravesites for ease of maintenance which is typical at many cemeteries. Clerk Rillema felt that Fruitland Township's veteran gravesites were honored and not forgotten and had a flag on Memorial Day.
4. Adopt-A-Road Program – Supervisor St. Amour stated that he received correspondence from a resident inquiring about the Adopt-A-Road program. The township would be responsible with purchasing signage (approximately \$75.00 per sign) and providing vests

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and garbage bags. He will solicit interest in the e-news and ask the Muskegon Chronicle and White Lake Beacon to make mention in an upcoming article.

6. Planning Commission (Fire Code) – Trustee Deur stated that at the last Planning Commission meeting they approved a private street for Marcus Dunes. Discussion at that meeting with Fire Marshall Novak resulted in researching information regarding the 2003 International Fire Code which was adopted by the Board of Trustees in 2005. Currently our zoning ordinance does not comply with the 2003 Fire Code for cul-de-sac size. A special meeting with Planning Chairperson Kooistra, Attorney Eklund, Fire Marshall Novak, Attorney Hermanson, Zoning Administrator Sandel, Zoning Coordinator Garvey and Supervisor St. Amour will take place on Thursday, October 15, 2009 at 4:00 PM to discuss the non-compliance of our current ordinance and whether Fruitland Township has any liability by not conforming to the 2003 International Fire Code and if there is any additional language to be adopted by the Board of Trustees for this non-compliance to the fire code.

Supervisor St. Amour asked for a brief recess at 5:40 PM.

Motion by Clerk Rillema, second by Supervisor St. Amour, **ADOPTED**, to suspend the work session for a brief recess.

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

Motion by Trustee Binns, second by Trustee Bard, **ADOPTED**, to reconvene the work session at 5:45 PM.

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

- 6.5 Artifact – Supervisor St. Amour reported that a resident was willing to donate a large piece of driftwood that he found near Duck Lake to the Township. Discussion amongst the Board resulted in offering it to the Parks & Recreation Commission.
5. Budget Review – Supervisor St. Amour discussed each department and Clerk Rillema and Treasurer Hepler provided information for account numbers and dollar amounts in question. Supervisor St. Amour stated that Clerk Rillema and Treasurer Hepler will prepare a list of budget amendments to review at the November Work Session. It appears that our budget is on target due to the efforts this board made preparing and adopting the budget for 2009-2010.
7. Board Comments –
 - Trustee Binns inquired if Supervisor St. Amour as Ordinance Enforcer has visited the property at White Lake Drive and Zellar Road. It appears that more items are being located at this site. Supervisor St. Amour stated that he had not been there recently but it would be looked at once the new Ordinance Enforcer is hired.

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- Trustee Bard inquired about the property at White Lake Drive and Simonelli Road. It appears that a small business may be operating from this location and there are many items in the yard.
- Trustee Deur mentioned that another jurisdiction is involved in United Way and we may be approached to have our employees/officials contribute. Trustee Deur also provided information received from John Warner of the Muskegon County Public Works regarding our wastewater treatment plan recently completed by Prein & Newhof. Mr. Warner's recommendation is that the Board of Trustees accepts the report completed in August 2009 by Prein & Newhof and keep on file as it will be mentioned in the Master Plan of Fruitland Township.
- Clerk Rillema reported that the server approved for purchase is on back order but is expected to be installed late October. Clerk Rillema received a listing from the White Lake Senior Center showing contributions from other jurisdictions for the past four years. This will be looked at during 2010-11 budget discussions. She also received information that a new Clean Indoor Air Regulation takes effect on November 9, 2009 in Muskegon County. All public and private worksites open to the public must adopt a smoke-free workplace according to this regulation. She will obtain language for Monday's Regular Meeting. She also received the billing from Muskegon Area First for the 2009-10 contribution in the amount of \$2090.00. Clerk Rillema has been frustrated with the payroll vendor Fruitland Township currently is using. She has been working with them since December to correct UIA forms with the State of Michigan which have been incorrectly filed since 3rd quarter 2007. With their inability and lack of timeliness, she completed all filings with the State of Michigan and spoke with ADP. They will not be charging Fruitland Township the processing fee for payroll for the remainder of 2009. This will be a cost savings of approximately \$400.00 to Fruitland Township. She would recommend finding another payroll vendor either at the end of a quarter or at fiscal year end.

ADJOURNMENT - Motion by Treasurer Hepler, second by Trustee Bard, ***ADOPTED***, to adjourn the Tuesday, October 13, 2009 Work Session of the Township of Fruitland at 6:45 PM.

Upon Voice Vote: 7AYES

Respectfully submitted,

Karolyn Rillema, Clerk
Township of Fruitland