

Shoreline Victorian Ladies Society  
Established 1994



Cordially invites you to celebrate our

**15th Anniversary**

**Victorian Celebration 2009**

**Saturday, June 20**

**11 am to 3 pm**

**Bright Mansion and Monet Gardens**  
Downtown Muskegon, Corner of Clay and Fifth

Please join us for tea and ice cream  
Tour the Bright Mansion  
Demonstrations of Victorian era crafts  
Carriage rides – Musical guests

\$5.00 Adults, \$3.00 Children under 12

For additional information call  
Karin Carlson 231-788-3050



## Pulling My Boots Off

News & Commentary  
by Eric Wiggin

### Farmer Bagley meets the MCRC: The Whitlow banquet 'private road' forum

[Private 1. a: intended for or restricted to the use of a particular person, group, or class. (Merriam-Webster's Collegiate Dictionary, Tenth Edition)]

No farmer's shotguns were brandished at the March 30 public meeting to discuss "private" road maintenance. But two residents did suggest armed resistance during this session in which more than 100 taxpayers gathered in Whitlow's banquet hall. Others mentioned setting up a gate and "guard shack," or accused Fruitport Township Supervisor Brian Werschem and his board of "immoral" actions in their use of road funds. We elected you "to represent us," Mr. Werschem, but "you're my enemy now," said one taxpayer.

The verbal lead-slinging was clearly two-directional, however. Township attorney Ron Boltze accused previous Fruitport administrations of making "illegal decisions" to maintain township roads not accepted into the county system.

And Supervisor Werschem pulled his squirt gun to opine that "we'd have to plow everybody's driveway" also, if we continue to plow these "private" roads.

At the core of the issue, it seems, is the state of Michigan's redefining the word *private* (Webster notwithstanding) to apply to all public ways which county officials choose not to maintain. The dog became the cat because the state legislature declared it a "cat" in 1959.

Ken Hulka, MCRC's managing director, offered the sometimes angry assembly some "history." In 1931," he said, "the state legislature's McNitt Act required all Michigan townships to turn all roads over to the counties. Townships were given until 1936 to comply." Hulka further stated that about 1,120 "private" roads were not accepted. He also said that "Fruitport's records don't show these roads in existence before 1931."

So Supervisor Werschem became conciliatory. If it "could be proven that a (Fruitport) road existed before 1931," the MCRC might "take another look at it," he said.

Supervisor Werschem doesn't speak for Hulka's MCRC, however, as he himself several times affirmed.

Further, among those gathered at Whitlow's were citizens with paperwork proving that several of these public right-of-way streets ("private roads," remember?) did in fact exist prior to 1931. Some folks had deeds showing two-rod public "dedicated" rights of way past their homes before 1931. One person read deeds from DeBaker Street listing it as a *public* ROW in 1909, and again in 1928.

So Township Trustee Chuck Whitlow stepped around the table for dignitaries and joined the audience. Whitlow, who has himself fought several battles with the MCRC with varied results, then asked Hulka if the MCRC would accept these Fruitport "private" roads into their care "if they were brought up to county specs — (four rods wide) "and blacktopped, would the county accept them?"

Hulka grinned. "They might."  
Supervisor Werschem then pressed Hulka, "Is there any chance that (a "private" road) wouldn't be accepted (by the MCRC) as a public road?"

Hulka agreed that his county board would accept such a street.

Several thorny issues remain, however. DeBaker and several other streets are clearly known to exist prior to the 1931-1936 McNitt Act window during which Muskegon County was taking over township roads. Yet Hulka adamantly opposes accepting these streets by 1936 standards. Though old laws since 1909 have required roads to be four rods wide (some of these may have existed before 1909, but legal proof could be difficult), asphalt surfacing is a more recent requirement. Many Muskegon County roads currently in the system have no asphalt. Some lack even a decent gravel base.

Detractors to county maintenance tend to blame former Supervisor Ron Cooper for setting a precedent of township maintenance. But County Commissioner Marv Engle told the group that "The township used to plow and grade some of these roads in the 1980s when my father (Ed Engle) was supervisor." Dalton Township, like Fruitport, has been maintaining roads that the county deems "private." Too, in early April, Muskegon Township won a \$65,000 settlement per year for three years from the MCRC for maintaining some of its own roads. The suit, filed in 2008, seems to involve only four-rod roads, however. Though a *Muskegon Chronicle* article asserts that the county "owns" these roads, they were, in fact, seized by state mandate without the county's having to pay for them.

White Street's "private" section is frequently treated as county property by the MCRC. The 600-pound gorilla often sends its trucks through the "private" section, to save having to backtrack. When the MCRC repaved Black Creek Road, police detoured public traffic down this quiet "private" lane, witnesses told Hulka and Werschem. White's "private" section also has city water and mail delivery. And in 1997, a petition to pave White was never acted on.

Spruce Street was built in 1972, possibly to MCRC's standards. Yet Hulka's commission has refused to maintain it.

Fruitport Township Attorney Ron Boltze conjectured publicly that residents of White could "set up a guard shack" to keep the public out. Are we paying taxes to hear such an uninformed opinion from a lawyer on our township's payroll? White, and the other streets involved, are public rights of way. Ironically, only public officials can legally barricade these streets, and that only in emergencies.

The March 30 session ended with Superintendent Werschem offering a stack of Special Assessment District (SAD) petitions to residents who wish to have their streets kept plowed and patched. If a majority on these streets sign, the township will either hire a private contractor for these services, or pay the MCRC to do so. Householders will be charged by the foot of road frontage, though concessions may be made for vacant land.

Werschem announced at the April 13 Fruitport Township Board meeting that 100 percent of DeBaker's home owners have signed a SAD petition. The DeVowe petition "is completely signed" also, he said. He expects that most others will choose to do so, with at least 51 percent signing.

To date, only the residents of Spruce Street plan to go the whole route — widen to four rods (66 feet) and pave — so the county will probably accept it. In the long haul, this should prove less expensive for Spruce Street than a SAD. Werschem warned, however, that the MCRC still could refuse to accept Spruce into its system.

And there's the rub. After hours of research, this writer has concluded that in Michigan, at least, no government body can be required to furnish a road past your door — no matter how many taxpayers live on your byway. Lincoln, in 1865, spoke of a "government...for the people." What were Michigan's township officials thinking, 1931-1936, when they rolled over like road kill possums and signed off road maintenance to county officials? Chuck Whitlow's advice should be well heeded: if you wish to pay someone to pave your street, hire a *private* contractor. Whitlow's observation is supported by Governor John Engler's 1997 *Build Michigan II* report: "Maintenance...will be competitively bid out, reducing costs and improving service." Probably the only way this could occur on all our roads and streets is for Fruitport to incorporate as a city. •

### Do we really want to vacate the village?

by Jerry Alger

I'll have to admit that at one point I was for vacating the village. I know that some residents resent paying village taxes. But all you have to do is read the many write-ups in the local papers to realize we have a good thing going in the village. The street department is on top of things as evidenced by the many compliments that were received this winter on the snow plowing.

The street department continues to improve. Usually, if you spot a pot hole and you notify the DPW (865-3577), it can be taken care of in 24 hours. Immediate attention is given to any concern when it comes to our roads. Your concerns do not fall on deaf ears. And you do not have to gather your neighbors and come to a village meeting just to be heard.

I'll admit that we are not perfect, and things happen that we do not notice. That's where our residents can help. Call the DPW when things don't seem right. Don't be afraid to let us know of your concern.

Please do not confuse the township government with the village government. There is a big difference between them. Roads are only one of the differences. Village residents continue to have a debt-free government through good stewardship by the council members.

Fruitport Village makes wise use of community service workers. We find out their skills and talents and direct their efforts in that direction. At any one time you may find them painting equipment, picking up litter along the streets, raking a park, cleaning out ditches, waxing our trucks, sweeping floors, and washing windows at our DPW building.

Every year, we identify and cut dangerous limbs. The bike paths are swept often. Bathrooms in Pomona Park are cleaned each weekend. Fresh bark is placed in and around our parks. Ditches are maintained so the water flows. Our equipment is kept in tip-top shape. We are on top of things.

Our parks are maintained to the highest standards of any around. Many volunteers work to keep our parks nice. Countless donations have been made to enhance our parks.

Over the last few years, there has been a noticeable improvement in the looks of the village. People are noticing this more and more. People are stepping forward to help. With the Adopt-A-Truck, more yards are being raked and leaves hauled away. (This service is done free of charge for village residents.)

When it comes to garbage service, the village can take pride in the excellent service provided at a very reasonable fee. Included in the garbage service are two clean up weeks. And a call to RMS about a larger than normal item means they are prepared to pick it up with your normal weekly service.

We will continue to repave roads, also. We budget repaving so we do not have to borrow money.

So, if vacating is on your mind, please pay attention to the struggles Fruitport Township and Muskegon County are having. Take pride in the fact that Fruitport Village is debt-free and continuing to operate as normal.

When you see a council member, thank them for a job well done. And if you have concerns, please mention them to a council member so they can be addressed and resolved.

Enjoy your community and help continue to improve it. •

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## FOOTBALL & CHEERLEADING!!!

*It's time to start thinking about it!*

**Beach Football Club will be having sign-ups for the 2009 season on the following dates:**

Wed.	June 17	6-8pm	Pine Park
Sat.	June 20	2-4pm	MC Sports
Wed.	July 8	6-8pm	Pine Park
Sat.	July 11	2-4pm	Pine Park
Wed.	July 15	6-8pm	MC Sports
Sat.	July 18	2-4pm	Pine Park

**Cost is \$30.00 for one and \$55.00 for a family. The club supplies uniforms, practice pants and pads. (Bring birth certificates)**



**Fruitport Lions Club  
Old Fashioned Days**



## Community Pig Roast

**Sunday, May 24, 2009**

at Pomona Park in Fruitport

**Noon to 6:00pm**

(or until pork runs out)

**\$7 - Adults, \$4 - 12 & under**

Sponsored by:

**Fruitport Orchard Market  
Shelby State Bank  
Drummond Meat Processing  
- Ravenna**