

CHARTER TOWNSHIP OF MONITOR
REGULAR TOWNSHIP BOARD MEETING
JULY 25, 2011

The Supervisor called the meeting to order at 7:00 p.m.

Members present: Brandt, Kowalski, Pike, Arnold, Kochany, Malkin
Members absent: Miller
Also present: R. Austin, Township Attorney, D. Scherzer, Township Engineer

The Pledge of Allegiance was recited by all present.

Public Input opened at 7:01 p.m. No public present wished to speak and public input was closed.

The Supervisor reported he received a request from DDA Chairman B. Bartlett to table consideration of the proposed DDA development agreement to the next regular meeting. Motion by Pike supported by Malkin to adopt the agenda with the deletion of consideration of the proposed DDA Development Agreement as requested by the DDA.
Motion carried.

Motion by Kochany supported by Malkin to approve the minutes of the July 11, 2011 regular meeting as presented.
Motion carried.

Motion by Kowalski supported by Kochany to pay the bills in the amount of \$39,288.93 from General Fund.

Roll call vote:

Yes: Brandt, Kowalski, Pike, Arnold, Kochany, Malkin

No: None

Absent: Miller

Motion carried.

Motion by Kowalski supported by Arnold to receive the Treasurer's Report for June 2011.
Motion carried.

Appeal Public Hearing of Fabiano Brothers, Inc. of REU Determination and Connection Fee

No one was present at 7:10 p.m. to represent Fabiano Brothers concerning their REU appeal. It was the consensus of the board to proceed with the other agenda items.

Public Hearing of Intent to Reaffirm Creation of SA District of Kawkawlin River Weeds

The public hearing of intent to reaffirm the creation of the Kawkawlin River Weed special assessment district opened at 7:11 p.m. The purpose of this hearing was to allow residents currently in the assessment district the opportunity to respond to the request submitted by the Kawkawlin River Watershed Property Owners Association to extend the special assessment an additional 5 years.

No public or property owners were present.

The public hearing closed at 7:15 p.m.

R-2011-010 Resolution to Adopt Poverty Exemption Income Guidelines And Asset Test
Motion by Kowalski supported by Malkin to adopt resolution R-2011-010, as follows:

RESOLUTION TO ADOPT POVERTY EXEMPTION INCOME GUIDELINES AND ASSET TEST

WHEREAS, the homestead of persons who, in the judgment of the supervisor and board of review, by reason of poverty, are unable to contribute to the public charges is eligible for exemption in whole or part from taxation under the General Property Tax Act; and

WHEREAS, the township board is required by Section 7u of the General Property Tax Act, Public Act 206 of 1893 (MCL 211.7u), to adopt guidelines for poverty exemptions;

NOW, THEREFORE, BE IT HEREBY RESOLVED, pursuant to MCL 211.7u, that Monitor Charter Township, Bay County, adopts the following guidelines for the supervisor and board of review to implement.

The guidelines shall include but not be limited to the specific income and asset levels of the claimant and all persons residing in the household, including any property tax credit returns, filed in the current or immediately preceding year.

To be eligible, a person shall do all the following on an annual basis:

- 1) Be an owner of and occupy as a principle residence the property for which an exemption is requested.
- 2) File a claim with the supervisor or board of review, accompanied by federal and state income tax returns for all persons residing in the homestead, including any property tax credit returns filed in the immediately preceding year or in the current year.
- 3) Produce a valid drivers' license or other form of identification if requested.
- 4) Produce a deed, land contract, or other evidence of ownership of the property for which an exemption is requested if requested.
- 5) Meet the federal poverty income guidelines as defined and determined annually by the United States Office of Management and Budget.
- 6) Meet additional eligibility requirements as determined by the township board of review, including the requirement that all claimants complete the Monitor Township Poverty Exemption Application/Asset Test and calculations determined by the

poverty exemption taxable value worksheet as implemented, revised, and/or amended by the board of review.

BE IT ALSO RESOLVED that the board of review shall follow the above stated policy and federal guidelines in granting or denying an exemption, unless the board of review determines there are substantial and compelling reasons why there should be a deviation from the policy and federal guidelines and these are communicated in writing to the claimant.

Roll call vote:

Yes: Brandt, Kowalski, Pike, Arnold, Kochany, Malkin

No: None

Absent: Miller

Motion carried.

Retirement of 2" Water Main on Midland Road East of Baxman Road and Reconnection to Bangor Monitor Waterline

The Supervisor received correspondence from DWS Director T. Paige that there are five (5) homes on the south side of Midland Rd. east of Baxman Rd. that are connected to an old 2ö water main. This 2ö water line runs under Midland Rd. and connects to another water main on the north side of Midland Rd. The homes affected are numbers 2758, 2762, 2778, 2788 and 2810 and are Monitor 2 customers. Paige suggests with the current construction on Midland Rd this is a perfect time to discontinue the old 2ö line and reconnect the 5 homes to the Bangor-Monitor water main. Paige contacted Bangor Monitor on our behalf and reported Bangor-Monitor does not object as long as there is no cost to them and that Monitor 2 remains responsible for these 5 connections.

Motion by Pike supported by Malkin to accept the DWS estimate of \$1,075 per connection (\$5,375 total) to disconnect 5 properties on Midland Rd. from the current two inch waterline and reconnect the homes to the Bangor/Monitor waterline on Midland Rd. These connections will remain Monitor 2 water customers.

Roll call vote:

Yes: Brandt, Kowalski, Pike, Arnold, Kochany, Malkin

No: None

Absent: Miller

Motion carried.

Appeal Public Hearing ó Fabiano Brothers, Inc. ó REU Determination and Connection Fee

No one was present at 7:25 p.m. to represent Fabiano Brothers concerning their appeal regarding the REU determination calculated by Spicer for the new 87,246 sq. ft. warehouse area they will be constructing. The board considered the June 30, 2011 appeal request letter submitted by J. Fabiano, the supporting letter and back-up documentation from S.M. Wilson & Co. dated May 26, 2011, as well as the REU calculation submitted by Spicer Group dated May 12, 2011. Arnold stated the initial REU connection determination is used for the first year billing after which the REU rate is based upon actual usage.

Kowalski stated the township engineer made the REU determination using the .2/1,000 sq. ft. calculation based upon the warehouse classification in the Sewer Ordinance No. 56 Table of Unit

Factors. This Table of Unit Factors has been used to determine the initial REUø for all similar uses in the township and has been used to determine the sewer connection fee for similar commercial and industrial addition/expansion connections to the township sanitary sewer for the last 15 years or more. There is no basis for the board to use a different rate methodology based upon the number of drainage fixture units for the Fabiano warehouse when the Table of Unit Factors has been used for all other warehouses in the township.

Motion by Arnold supported by Malkin to deny the appeal submitted by Fabiano Brothers, Inc concerning the REU determination and connection fee for the building expansion.

Roll call vote:

Yes: Brandt, Kowalski, Pike, Arnold, Kochany, Malkin

No: None

Absent: Miller

Motion carried.

SUPERVISORøS REPORT

Brandt stated an article had been placed in the newsletter at the request of the board, requesting public comment concerning whether the township should install two emergency sirens. Of the eleven responses received to date, all have been in favor of the emergency sirens with no negative responses. Brandt will contact the County Emergency Management Director and work with him concerning the cost and optimal placement of the sirens and bring the information back to the board at a future meeting.

Brandt requested all board members to complete sometime this week, the Utility Authority for Water and Sewer Systems questionnaire he supplied in the board packet.

The meeting adjourned at 7:50 p.m.

Cindy L. Kowalski, Clerk

Gary A. Brandt, Supervisor