

CHARTER TOWNSHIP OF MONITOR  
REGULAR TOWNSHIP BOARD MEETING  
NOVEMBER 26, 2012

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

Members present: Brandt, Kowalski, Pike, Arnold, Kochany, Malkin, Miller  
Members absent: None

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.

Motion by Miller supported by Kochany to adopt the agenda as presented.  
Motion carried.

Motion by Miller supported by Pike to approve the minutes of the October 22, 2012 regular meeting with the typo corrections to pages 6 & 11.  
Motion carried.

Motion by Malkin supported by Miller to approve the minutes of the October 29, 2012 special budget workshop meeting as presented.  
Motion carried.

Motion by Pike supported by Kochany to approve the minutes of the November 13, 2012 special budget workshop meeting as presented.  
Motion carried.

Motion by Pike supported by Kochany to pay the bills in the amount of \$59,215.50 from General Fund.

Roll call vote:

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

No: None

Absent: None

Motion carried.

Motion by Kowalski supported by Malkin to receive the Treasurer's Report for October 2012.  
Motion carried.

The public hearing for the water detention special assessment roll in the vicinity of 3 Mile, Monitor & Wilder Roads opened at 7:10 p.m. and closed at 7:15 p.m.

Mr. Gregory Saxton from J.E. Johnson spoke in favor of the special assessment.

R-2012-019 Resolution Confirming Water Detention Special Assessment Roll

Motion by Kowalski supported by Miller to adopt Resolution R-2012-019, a resolution confirming the water detention special assessment roll as follows:

**RESOLUTION CONFIRMING SPECIAL ASSESSMENT ROLL TO  
PROVIDE FINANCING FOR THE MAINTENANCE OF A STORM  
WATER DETENTION AREA SERVICING PROPERTY LOCATED  
IN SECTION 12 OF THE TOWNSHIP**

**WHEREAS**, as a result of a Petition of property owners within the Special Assessment District described hereafter, the Monitor Township Board created a Special Assessment District by Resolution approved October 22, 2012, to fund certain storm drainage improvements within the district; and

**WHEREAS**, subject to the adoption of the Resolution Creating the Special Assessment District, pursuant to notice requirements as provided by Act 188 of 1954, as amended, the public was notified of the public hearing called to review and comment upon the proposed special assessment roll prepared by the Supervisor; and

**WHEREAS**, no written objections to the proposed roll having been filed with the Clerk;

**NOW THEREFORE BE IT RESOLVED** that the Special Assessment Roll as prepared by the Supervisor as it relates to this Special Assessment District is hereby approved.

**BE IT FURTHER RESOLVED** that the total assessment be initially established at \$600.00 for the first year and \$-0- each year thereafter until modified by the Monitor Township Board, and

**BE IT FURTHER RESOLVED** that this assessment shall be spread equally on the parcels included within the property legally described as:

Commencing at the Southwest corner, Section 12, T14N, R4E, thence N 0 deg 19 min 30 sec East 433.00 feet along the West Section line to the Point of Beginning; thence continuing N 0 deg 19 min 30 sec East 612.1 feet; thence N 89 deg 55 min 50 sec East 1322.67 feet; thence S 0 deg 31 min 05 sec West 288.57 feet along the West 1/8 line; thence N 89 deg 28 min 55 sec West 33 feet; thence S 20 deg 16 min 35 sec West 214.93 feet; thence S 45 deg 54 min 15 sec West 450.00 feet; thence S 0 deg 17 min 30 sec East 240.00 feet; thence S 89 deg 42 min 30 sec West 463.54 feet along the South Section line; thence N 0 deg 19 min 30 sec East 433.00 feet; thence S 89 deg 42 min 30 sec West 433.00 feet to the Point of Beginning,

and,

**BE IT FURTHER RESOLVED** that the initial assessment includes reimbursement to the Township in the amount of \$600.00 for its costs and legal expenses incurred in creating the Special Assessment District and shall commence beginning the December 1, 2013 tax roll.

**IT IS FURTHER RESOLVED** that the Clerk shall endorse the assessment roll with the date of the confirmation.

Roll call vote:

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

No: None

Absent: None

Motion carried.

Approval of Monitor Township DDA 2013 Budget

Mr. B. Bartlett, Chairman of the Monitor Township DDA, presented the DDA 2013 budget.

Mr. T. Keys from Bay Futures was also present. Mr. Bartlett explained two items added to the 2013 budget were the reinstatement of dues to Bay Futures and the road project to repave S.

Valley Center Drive.

Motion by Malkin supported by Miller to approve the Monitor Township DDA 2013 budget.

Roll call vote:

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

No: None

Absent: None

Motion carried.

The public hearing for the amendment to the township wide trash special assessment roll opened at 7:28 p.m. and closed at 7:30 p.m. No public were present to speak regarding the public hearing.

R-2012-020 Resolution Confirming Trash Special Assessment Roll

Motion by Kowalski supported by Kochany to adopt Resolution R-2012-020, a resolution confirming the trash special assessment roll as follows:

**RESOLUTION CONFIRMING AMENDMENT TO  
SPECIAL ASSESSMENT ROLL  
REGARDING TOWNSHIP WIDE TRASH PICK UP**

**WHEREAS**, at its regularly scheduled meeting of the Monitor Township Board held on the 24<sup>th</sup> day of August, 1998, a Resolution of Intent to Proceed After Public Hearing was adopted confirming the Township's intent to enter into a five year township wide trash pick-up contract with Waste Management of Michigan, Inc. subject to the creation of a Special Assessment District consisting of

**All residentially occupied parcels within the Township except for those in licensed mobile home parks, condominium projects and apartment complexes where trash hauling is already provided to all residents.**

And also subject to the approval of the Special Assessment Roll, and

**WHEREAS**, pursuant to proper notice as provided in Section 4(a) of Act 188 of 1954, a public hearing was held at a regular meeting of the Township Board held on the 28<sup>th</sup> day of September, 1998 at 7:00 p.m. to review the roll and to hear any objections to said roll; and

**WHEREAS**, the proposed special assessment roll was duly approved without objection at the close of the public hearing, and

**WHEREAS**, the Township has executed a Township Wide Residential Trash Removal Agreement (and four addendums thereto) to effectuate the trash pick-up program, and

**WHEREAS**, it has now become necessary to add sixteen (16) parcels and delete twelve (12) parcels from the special assessment roll as originally adopted, and

**WHEREAS**, this Board did on October 22, 2012, adopt a Resolution of Intent to Amend Special Assessment Roll which set a public hearing date for the consideration of the adoption of an amended special assessment roll and provided for proper notification of said hearing, and

**WHEREAS**, pursuant to proper notice as provided in Section 4(a) of Act 188 of 1954, a public hearing was held at a regular meeting of the Township Board held on the 26th day of November, 2012 at 7:00 p.m. to review the roll and to hear any objections to said roll;

**NOW THEREFORE BE IT RESOLVED**, that the amended special assessment roll as prepared by the Assessor and Clerk as it relates to the Township wide trash pick-up service initially being provided pursuant to a five (5) year agreement with Waste Management of Michigan, Inc., is hereby confirmed.

Roll call vote:

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

No: None

Absent: None

Motion carried.

R-2012-021 Resolution Approving IFT Application of Quantum Composites, Inc.

Mr. Wisdom Dzotsi (GM, Quantum Composites) and Mr. Gary Zellner (VP Quantum Composites) were present to answer any questions regarding the Quantum IFT application. Motion by Malkin supported by Pike to adopt Resolution R-2012-021, a resolution approving the IFT application submitted by Quantum Composites, Inc. for an eleven year IFT tax abatement as follows:

**RESOLUTION APPROVING THE APPLICATION OF  
QUANTUM COMPOSITES, INC. FOR AN INDUSTRIAL  
FACILITIES EXEMPTION CERTIFICATE**

**WHEREAS**, pursuant to 1974 PA 198, that being MCLA S 207.551 et seq., after a duly noticed public hearing, this Township Board, by Resolution previously established an Industrial Development District encompassing property now owned by Quantum Composites, Inc.; and

**WHEREAS**, Quantum Composites, Inc., thereafter on or about October 12, 2012, submitted an Application, for Industrial Facilities Exemption Certificate with the Monitor Township Clerk, who, upon receipt of said Application, sent written notices to the local

assessor and to the legislative bodies of each unit levying ad valorem taxes in Monitor Township, affording them an opportunity for a hearing at which representatives of Quantum Composites, Inc. would be present; and

**WHEREAS**, at a regular meeting of the Township Board held October 22, 2012, a Resolution Setting a Time to Consider the Application filed by Quantum Composites, Inc., which Resolution set November 26, 2012, as the date for consideration of said Application; and

**WHEREAS**, pursuant to the Resolution approved by the Township Board on November 26, 2012, representatives of the Applicant, Quantum Composites, Inc., the local assessor and representatives of the affected taxing units were afforded an opportunity to be heard.

**NOW THEREFORE, BE IT RESOLVED:**

1. That this Township Board finds:
  - a. That the application, relates to real property and the acquisition of equipment, and is situated in the Industrial Development District established in Monitor Township by the Monitor Township Board on the 27<sup>th</sup> day of July, 1981, by Resolution of the Township Board.
  - b. That the real property improvements and the acquisition of equipment is calculated to and will, at the time of issuance of the certificate, have the reasonable likelihood to retain employment in the Township of Monitor.
  - c. That the acquisition of equipment will not have the effect of transferring employment from elsewhere in Michigan to the Township of Monitor.
  - d. That the application applies to real and personal property.
  - e. That the aggregate SEV of real and personal property, exempt from ad valorem taxes within the Township of Monitor, after granting this certificate, will exceed five percent (5%) of an amount equal to the sum of SEV of the Township plus SEV of personal and real property thus exempted. However, the Township Board specifically finds that the granting of the exemption applied for will not substantially impede the operation of, or, impair the financial soundness of any affected local government or other taxing authority.
2. That the Application of Quantum Composites, Inc. for an Industrial Facilities Exemption Certificate with regard to real property and the acquisition of equipment described in its application and situated in the Industrial Development

District established previously by the Township Board be and hereby is approved for a period of eleven (11) years.

3. That the Township Board hereby approves the 2012 Industrial Facilities Exemption Certificate Agreement for Quantum Composites, Inc.
4. That the Township Board authorizes the Township Supervisor and Clerk to sign the 2012 Certificate Agreement for and on behalf of the Charter Township of Monitor.

Roll call vote:

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

No: None

Absent: None

Motion carried.

#### R-2012-022 Bauer Drain Maintenance Assessment Resolution

Mr. J. Rivet, Bay County Drain Commissioner, submitted a resolution for board review. Mr. Rivet would like to assess additional township at-large cost to do maintenance on two miles of the Bauer Drain. The total bid to do the work is \$20,528, with the township cost of \$1,847.52 to be spread over a two year time period beginning 2013.

Motion by Pike supported by Miller to adopt Resolution R-2012-022, a resolution authorizing the Bay County Drain Commissioner to expend money for the repair and maintenance of two miles of the Bauer Drain as follows:

#### RESOLUTION

**WHEREAS**, the Bay County Drain Commissioner has advised the Supervisor of the Township of Monitor that, pursuant to Section 196 of the Michigan Drain Code (MCL 280.196; MSA 11.1196), an inspection has been made of the Bauer Drain and it has been determined, as a result of the inspection, that certain maintenance must be performed upon the Drain; and,

**WHEREAS**, the Bay County Drain Commissioner has the authority to expend Five Thousand and no/100 (\$5,000.00) Dollars per mile in any one (1) year for the maintenance of the drain, and where it is estimated that expenditures in excess of Five Thousand and no/100 (\$5,000.00) Dollars per mile are necessary, those amounts may not be expended until approved by Resolution of the governing body of each township, city and village affected by more than twenty (20%) percent of the cost; and,

**WHEREAS**, the Bay County Drain Commissioner has advised the Supervisor for the Township of Monitor, that it will be necessary to expend funds in excess of Five Thousand and no/100 (\$5,000.00) dollars per mile for the maintenance of the Bauer Drain, and that the Township of Monitor is affected by more than twenty (20%) of the cost; and

**WHEREAS**, the Bay County Drain Commissioner estimates that the cost for the maintenance of the Bauer Drain, will be approximately

\$20,528.00 which constitutes \$5264.00 per mile in excess of the authorized Five Thousand and no/100 (\$5,000.00) per mile.

**Monitor Township's at large portion is 9% or approximately \$1847.52. The Monitor Township local assessment is approximately 70% of the total assessment. The Bay County Drain Commissioner will spread the assessment cost out over a two year period beginning next year (2013); the annual assessment will be \$923.76.**

**NOW, THEREFORE, IT IS HEREBY RESOLVED** by the Monitor Township Board, that pursuant to Section 196 of the Drain Code, the Bay County Drain Commissioner is authorized to expend money for the maintenance and repair of the Bauer Drain in excess of Five Thousand and no/100 (\$5,000.00) dollars per mile and, to the extent that the drain fund for the Drain contains insufficient funds for the payment of costs incurred for the maintenance or repair of the Drain, then the Bay County Drain Commissioner is authorized to levy a special assessment, as allowed by law.

Roll call vote:

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

No: None

Absent: None

Motion carried.

#### 2012 General Fund & 2012 Liquor Fund Budget Adjustments

Motion by Malkin supported by Kowalski to adjust the 2012 General Fund budget as follows:  
Increase Election expense accounts 191-704, \$1700; 191-727, \$3400; 191-900, \$1220; (=\$6320)  
Decrease Park expense accounts 751-801, \$2000; 751-920, \$2000; 751-980, \$2320 (= \$6320).  
Increase Planner Expense account 401-801, \$3325; Decrease Park expense account 751-958, \$3325.

Roll call vote:

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

No: None

Absent: None

Motion carried.

Motion by Miller supported by Kochany to adjust the 2012 Liquor Fund budget as follows:  
Increase revenue acct. 212-000-451 \$572.15; Decrease fund equity 212-000-345 \$400.45; and increase expense acct. 212-301-801 \$572.15 + \$400.45 (\$972.60).

Roll call vote:

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

No: None

Absent: None

Motion carried.

#### Deputy Clerk 2012 Vacation Request

The Deputy Clerk submitted a request dated November 15, 2012, for payment of two weeks of vacation time she will be unable to take before year-end 2012. Ferguson explained 2012 has been an exceptionally busy year for the Clerk's office (three elections in 2012 and 2011 audit

preparation) that prevented her from using this vacation time. Instead of losing the vacation time earned she is requesting payment so she can do the work needed to close out year-end and not have to take the vacation time in December.

Pike explained there may be a similar issue in the fire department because of coverage for the Chief this year, and whatever decision we make needs to be fair for all.

Motion by Arnold supported by Malkin that any employee who can demonstrate any extraordinary circumstances related to their job duties in 2012, can request payment of vacation time earned in lieu of rolling it over to the next calendar year or losing the vacation time earned. The board further approves the Deputy Clerk's request for payment of two weeks vacation time due to the fact the Clerk's office has had four elections in a year's time (November 2011 to November 2012) in addition to her regular duties and she was unable to take the vacation time.

Roll call vote:

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

No: None

Absent: None

Motion carried.

#### Hall Request to Annual Fire Department Christmas Party

Motion by Pike supported by Malkin to grant the Fire Department's request for use of the township hall on December 7, 2012 for their annual Christmas party; signed contract, all fees waived.

Roll call vote:

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

No: None

Absent: None

Motion carried.

#### SUPERVISOR'S REPORT

- Step 1, Hazardous Structure Abatement Process to 5110 Maplegrove  
Brandt reported the County has not taken action to correct the mold contamination at the Maplegrove site. The Supervisor has directed the building official to proceed with step 1 of the township hazardous structure abatement process.
- Review of DWS 3013 Proposed Budget  
Brandt supplied copies of the DWS 2013 budget for board review. There was discussion regarding items of concern that should be included in the township written response to the proposed budget.

The meeting adjourned at 8:45 p.m.

Cindy L. Kowalski, Clerk

Gary A. Brandt, Supervisor