

**CHARTER TOWNSHIP OF WILLIAMS
BOARD OF TRUSTEES
REGULAR MEETING – February 13, 2007**

The Board of Trustees of the Charter Township of Williams held a regular meeting on Tuesday February 13, 2007 at the Township Hall. The agenda is attached Exhibit A.

I. Call to Order & Roll Call

The meeting was called to order by Tom Paige, Supervisor at 7:00 p.m. Present: Paige (Supervisor), Hoverman (Treasurer), Charney (Clerk), Plant (Trustee), Putt (Trustee), Schrott (Trustee) and Wasek (Trustee).

Also present: Bob Klemish, Williams Township Zoning Administrator.
Others present are indicated on the sign in sheet, attached Exhibit B.

II. Pledge of Allegiance

The Pledge of Allegiance to the flag was said in unison.

III. Open to the Public

Todd Eckerd, 310 Francis Court, Auburn, had questions about ADM Edible Bean Specialties, LLC rezoning request.

T. Paige gave a brief overview of the Ordinance adoption process for a rezoning application.

IV. Changes to Agenda

There were questions regarding several items of correspondence.

V. Consent Agenda

1. Approve the January 9, 2007 Board of Trustee Minutes as presented.
2. Approve the payment of bills as submitted.
3. Receive the January 2007 Financial (cash) Report as presented.
4. Receive the January 2007 Revenue Report and January 2007 Expense Report as presented.
5. Receive the Supervisor's Update of Projects and Issues as presented.
6. Receive the List of Committee Reports, attached Exhibit H.
7. Approve the payment of expenses for appropriate township personnel to attend workshops within Michigan, listed in attached Exhibit I.
8. Receive the Miscellaneous Correspondence and Communication List, attached Exhibits J and K, respectively.

A motion was made by Plant and seconded by Hoverman to approve all items as listed on the Consent Agenda.

7 Ayes 0 Nays Motion carried.

VI. Regular Agenda

1. 2006 Building Department Report

Bob Klemish was present to review the building department report and answer questions regarding construction permits issued for the township and city of Auburn during 2006.

2. Transfer of Burial Rights

A request was received from Dominic Dzurka to transfer one burial space that he purchased in Pine Grove Cemetery to Catholic Family Services/Anthony Phillips.

02-07-005-B/C/P
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A motion was made by Putt and seconded by Plant to approve Deed No. 35 which transfers burial rights in Section A, Block 8, Lot 5, Space 2 in Pine Grove Cemetery from Dominic Dzurka, Grantor, to Catholic Family Services/Anthony Phillips, Grantee. Release form No. 17 has been executed and is on file in the clerk's office.

7 Ayes 0 Nays Motion carried.

3. Amended Sick Time Policy

The Sick Day Policy has been amended to reflect the change requested and discussed during the January 2007 meeting. It will now require hourly paid employees to work an average of at least 30 hours per week over a period of 48 weeks per year in order to earn sick days with pay at the employee's straight time rate.

02-07-006-P/S
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A motion was made by Schrott and seconded by Wasek to adopt the amended Sick Day Policy, attached Exhibit C.

Ayes: Paige, Plant, Hoverman, Charney, Wasek, Putt, and Schrott.

Nays: None.

Motion carried.

4. Amended Vacation Time Policy

The Vacation Time Policy has been amended to reflect the change requested and discussed during the January 2007 meeting. It will now require hourly paid employees to work an average of at least 30 hours per week over a period of 48 weeks per year in order to earn vacation leave with pay at the employee's straight time rate.

02-07-007-P/V
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A motion was made by Putt and seconded by Plant to adopt the amended Vacation Time Policy, attached Exhibit D.

Ayes: Plant, Hoverman, Charney, Wasek, Putt, Schrott, and Paige.

Nays: None.

Motion carried.

5. Township Employee Handbook

The Terms of Employment Policy was adopted on January 9, 2007 and all other policies to be included in the handbook have now been individually adopted. The handbook along with the acknowledgment, to be signed when received by the employee, must now be adopted in entirety.

02-07-008-E/P A motion was made by Schrott and seconded by Wasek to adopt the
===== Williams Township Employees' Handbook, including the
Acknowledgement page, attached Exhibit E.

Ayes: Hoverman, Charney, Wasek, Putt, Schrott, Paige, and Plant.

Nays: None.

Motion carried.

6. Proposed Ordinance No. 159

ADM Edible Bean Specialties, Inc. owns approximately 17.3± acres of land at 321 N. Auburn Street (Nine Mile Road). The property is located in the Northeast 1/4 of Section 23, south of North Union Road and north of the railroad tracks on the west side of the road. The eastern most 820± feet is zoned IND, Industrial and the western most 1,027± feet is zoned RE, Rural Estate.

ADM may want to construct bean storage silos somewhere on the parcel in the future. The rezoning application is for LI, Light Industrial zoning.

The Planning Commission conducted a public hearing on January 8, 2007 and a recommendation was made that the Township Board of Trustees rezone the western most 1,027± feet of the property to LI, Light Industrial, as storage completely enclosed within a silo is a permitted use in the LI District.

Dan Hensler, representing ADM was present and indicated that a Site Plan may be prepared and submitted for review by the planning commission in April, 2007.

02-07-009-O/P/Z A motion was made by Plant and seconded by Putt to accept
===== the recommendation of the township planning commission to introduce, waive reading, and authorize publication of proposed Ordinance No. 159, to rezone a parcel of land owned by ADM Edible Bean Specialties, Inc. from RE, Rural Estate to LI, Light Industrial.

Ayes: Charney, Wasek, Putt, Schrott, Paige, Plant, and Hoverman.

Nays: None.

Motion carried.

7. Amendment to Settlement Agreement

Dow Corning Corporation purchased land from John Rapanos in Section 29 of Williams Township on March 16, 2006. Some or all of that land is subject to a Settlement Agreement between John Rapanos and Williams Township dated September 21, 1988.

Attorney Jeffrey Dyer, representing Dow Corning, is requesting that Dow Corning be released from any obligations in the Settlement Agreement that they may have assumed with the purchase of this land. The original Agreement required the parties to use best efforts in good faith to provide public water and public sanitary sewer service to the lands identified in the Agreement. Both water and sanitary sewer were provided to the area in 2000.

Mr. Dyer's letter and the proposed amendment were forwarded to our attorney, Jim Hammond, for review. The review was to assure that the amendment does not negatively impact Williams Township, and does not impact a September 22, 1988 Hold Harmless Agreement pertaining to the former township landfill property also in section 29, and remaining in John Rapanos' ownership.

Dow Corning purchased all of the Rapanos property in Section 29 except for the former Township Landfill property (approximately 10 acres). J. Rapanos acquired the former Township Landfill property from Williams Township on September 22, 1988. A Hold Harmless Agreement favorable to Williams Township was executed with the sale of the landfill property and it pertains solely to the former Township Landfill Property.

02-07-010-A/D/H A motion was made by Charney and seconded by Wasek to approve
===== the Amendment to Settlement Agreement between Williams
Township and Dow Corning Corporation and to authorize the Supervisor to sign the
Agreement on behalf of the township.
7 Ayes 0 Nays Motion carried.

8. Quit Claim Deed, Outlot A of Carter Ridge Subdivision

Jim Hammond, Township Attorney, has prepared a deed to convey the 66' wide parcel of property, previously known as Outlot A of Carter Ridge Subdivision, upon which the connector road was constructed. With approval of this conveyance, Williams Township will no longer own property in Carter Ridge Subdivision.

The Bay County Road Commission has accepted this connector roadway and needs a right-of-way or ownership of the property to add the road to its local road inventory for PA51 funding.

02-07-011-A/B/Q A motion was made by Wasek and seconded by Putt to
===== authorize the Supervisor and Clerk to execute the Quit Claim Deed
prepared by the Township Attorney, that conveys ownership in the center 66' of Outlot A
of Carter Ridge Subdivision to the Bay County Road Commission.
7 Ayes 0 Nays Motion carried.

9. DWS Late Fee

Eugene Moyer, 4334 Flajole Road contacted Bay County Department of Water and Sewer regarding a late fee assessed on his 4th quarter water and sewer billing for 2006. He states he did not receive the initial billing and promptly paid the outstanding bill as soon as the first late notice was received. Our Ordinance provides for a 1% late charge on overdue water and sewer accounts and therefore the township board must authorize removal of the late charge. He is requesting a credit of the \$14.70 late charge.

02-07-012-B/F/W A motion was made by Charney and seconded by Hoverman to
===== authorize Bay County Department of Water and Sewer to credit the
account of Eugene Moyer, 4334 Flajole Road, \$14.70 for late charges assessed on the 4th
quarter 2006 water and sewer billing.
7 Ayes 0 Nays Motion carried.

10. DWS Late Fee

Philip Ouillette, 3421 Eleven Mile Road contacted Bay County Department of Water and Sewer regarding a late fee assessed on his 4th quarter water billing for 2006. He states he did not receive the initial billing and promptly paid the outstanding bill as soon as the first late notice was received. Our Ordinance provides for a 1% late charge on overdue water and sewer accounts and therefore the township board must authorize removal of the late charge. He is requesting a credit of the \$6.08 late charge.

02-07-013-B/F/W A motion was made by Putt and seconded by Wasek to authorize
===== Bay County Department of Water and Sewer to credit the account
of Philip Ouillette, 3421 Eleven Mile Road, \$6.08 for late charges assessed on the 4th
quarter 2006 water billing.
7 Ayes 0 Nays Motion carried.

11. Bay County DWS Tap Fee

The Bay County Department of Water and Sewer (BCDWS) charges a Tap Fee to make the actual connection from a Township Waterline to a residential or commercial customer's water service lead. The goal of this fee is to cover the expense of tapping a waterline, providing the required meter, and installing an outside reader pad. The same fee is charged for long or short taps so that a customer is not penalized for being on the opposite side of the road.

A review of tap fees was recently completed by BCDWS staff; costs have been impacted by the dramatic increase in the cost of copper, and fluctuating (usually increasing) fuel prices. The proposed tap fee for a 3/4 inch connection with 5/8 inch meter is \$1,205. The proposed tap fee for a 1inch connection with 3/4 inch meter is \$1,265. The new tap fees are to become effective on March 1, 2007. The current tap fee is \$1,040 for a 3/4 inch connection and \$1,075 for a 1inch connection and has been in effect since January 1, 2006.

BCDWS will be presenting the proposed tap fee increases to the Bay County Road Commission for approval in February. This is a fee that is now reviewed on an annual basis. The increased fee assures that new water customers are paying their fair share, and that existing customers are not subsidizing the connection of new customers.

02-07-014-B/F/T/W A motion was made by Hoverman and seconded by Plant to
===== approve the proposed tap fees as recommended by the Bay County
Department of Water and Sewer, effective March 1, 2007.
7 Ayes 0 Nays Motion carried.

12. Bay County DWS REU Adjustment

The Bay County Department of Water and Sewer (BCDWS) has completed the annual analysis of sanitary sewer usage based on actual water meter readings for non-residential sewer accounts. This analysis is used to calculate the internal REU (Residential Equivalent Unit) charge to Williams Township's Receiving Fund for processing wastewater at the West Bay County Wastewater Treatment Plant. Customers are charged for sewer usage based on the actual water meter readings.

This change will affect the internal charge for the treatment of sewage to Williams Township's Receiving Account. The change will not affect the amount a sewer customer is billed as sewer customers are billed for their sewer usage per the Township's Sewer Rate Ordinance at a rate of \$3.20 per CCF of water usage; therefore customer's bills take into account increases and decreases in use.

The overall affect of this REU adjustment will be to accurately allocate the cost of sewage treatment at the West Bay County Wastewater Treatment Plant to the individual units that send sewage to the plant. Williams Township's will be reduced by 66.56 REU's. An increase of 32.86 REU's was approved for 2006.

02-07-015-B/R/S A motion was made by Schrott and seconded by Plant to approve
===== the recommendation of the Bay County Department of Water and
Sewer to decrease the total REU's charged to Williams Township by 66.56, effective with
the 2nd quarter billing of 2007.
7 Ayes 0 Nays Motion carried.

13. Hall Tables

Information and pricing for replacement of eight foot folding tables for the township hall has been obtained from Mity-Lite, Inc. and KI brand tables. The Mity-Lite table (12 year warranty) is comparable to the KI DuraLite table (10 year warranty), both with ABS plastic tops. The KI Heritage table is a laminate top, honeycomb core table (5 year warranty), and the KI ValueLite table is a blow-molded, polyethylene table (10 year warranty).

Mity-Lite appears to provide a good, sturdy, and reliable table. The Mity-Lite tables have a hardwood internal frame, yet they are lightweight. The legs are fastened securely to the hardwood frame with bolts and T-nut type fasteners. The folding legs are gusseted where the uprights join the lower leg rather than just being butt welded. The Mity-Lite tables have a 12 year warranty on parts and labor.

The Auburn-Williams Fire Department, Auburn K of C Council 3590, and Monitor Township have all purchased Mity-Lite tables over the past few years and all are satisfied with them. Monitor Township uses the Mity-Lite tables in their hall with them being set up and taken down with each rental; they are holding up well after 7 – 8 years. K of C custodian Gerald Kalinowski is very satisfied with these tables, and in fact would like to order another one.

Mike Snyder, AWFDFire Chief, is satisfied with the Mity-Lite’s table’s performance, and may order another table or two with our order should we decide to purchase from Mity-Lite.

T. Paige recommended, based on specifications, and current owner reviews, that we purchase 12 Mity-Lite eight foot folding tables at a cost of \$201 each, and 1 four foot table at \$157.70 or \$2,569.70 total. Delivery is freight free for orders over 12 tables and can be expected in 4 to 5 weeks.

These tables will be utilized daily for the Senior Dining program, as tables for election workers, and of course will be available to all hall rentals. Twelve old tables will be placed for sale during Auburn Treasure Hunt Days with other old and surplus township equipment.

02-07-016-H/P/T A motion was made by Plant and seconded by Putt to purchase
===== twelve 30” X 96” tables at a cost of \$201 each and one 30” X 48”
table at a cost of \$157.70 from Mity-Lite, Inc.
7 Ayes 0 Nays Motion carried.

14. Board of Review Resolution No. 1

T. Paige and N. Adams recently attended a MTA sponsored workshop for Board of Review members. An update was given on Public Act 194 of 2003 that allows the local governing authority to pass a resolution to schedule alternate meeting dates that may be necessary due to member scheduling conflicts. The alternate March starting dates shall be the Tuesday or Wednesday following the second Monday of March.

02-07-017-B/M A motion was made by Wasek and seconded by Putt to adopt the
===== resolution authorizing the use of alternate March meeting dates by
the township Board of Review for 2007 and subsequent years in accordance with Public Act 194 of 2003, attached Exhibit F.
7 Ayes 0 Nays Motion carried.

15. Board of Review Resolution No. 2

Public Act of 194 of 2003 also amended the law to allow a resident taxpayer to file a protest before the board of review by letter without making a personal appearance. Prior to the adoption of P.A. 194, the law only allowed a non resident taxpayer the ability to file a written protest by letter.

02-07-018-B/M A motion was made by Putt and seconded by Hoverman to adopt
===== the resolution that allows township resident taxpayers to file a
written protest to the township Board of Review without appearing personally for 2007 and subsequent years in accordance with Public Act 194 of 2003, attached Exhibit G.
7 Ayes 0 Nays Motion carried.

16. Township Website

The township website was initially developed by Patti Shorkey, former deputy clerk. Around 2004, it was upgraded to allow for easier addition of documents and maintained by Jeremy Smith, a contract person affiliated with Paul Benkert, our computer technician. P. Benkert no longer contracts with J. Smith for website development.

The website is again at a point of needing to be upgraded as problems are encountered when attempting to add new content and documents. Response time to remediate the problems has been slow. New packages are available to make adding content to the website more user friendly.

The Land Information Access Association, an MTA endorsed website provider, made a presentation on their Community Center Web Site development during the April 2006 BCTOA Quarterly Dinner. The cost is \$2,250 for the first year and \$30 per month in future years for the hosting fee (one month free if paid annually). There is also the option to upgrade to newer versions of hosting software as they become available for about \$200 per upgrade. Normal maintenance and support is included in the hosting fee.

02-07-019-A/W A motion was made by Putt and seconded by Charney to authorize
===== the Supervisor to execute an Agreement with a qualified provider
for township website software and hosting in an amount not to exceed \$2,500.
7 Ayes 0 Nays Motion carried.

17. Township Gardener

The Township Gardener is a seasonal, temporary, part time, at will employment position that is responsible for planting and maintaining designated flowerbeds, flowerpots, and other areas on township property. The season for this position begins about May 1 and ends about October 15 each year per the Township Board approved job description.

LuAnn LeVasseur, 3656 S. Seven Mile Road, Bay City (Monitor Township), responded to an article in the Township Newsletter seeking persons interested in the Township Gardener position. LuAnn submitted an employment application along with certificates of recognition and photographs for flower gardens and displays that she has completed. She is a Michigan State University Advanced Master Gardener, and is in charge of the gardens and flowers at Valley Plaza Resort in Midland. She also was involved as a Bay County Master Gardener Volunteer in restoring the flowerbeds at the Linwood Rest Stop on northbound I-75.

Her application and photographs are on file at the township office, and are available for review. T. Paige indicated he would like to offer her the position of Township Gardener at a pay rate of \$8.50 per hour, subject to her acceptance of the job description.

02-07-020-P/P A motion was made by Putt and seconded by Plant to authorize the
===== Supervisor to hire LuAnn LeVasseur as a seasonal part time
gardener at a pay rate as discussed, upon her review and acceptance of the approved job
description.
7 Ayes 0 Nays Motion carried.

VII. Unfinished Business

The MDOC Community Works Agreement was once again discussed as Sgt. Michalski has indicated to T. Paige that a decision must be made as to whether or not we want to contract for a work crew from the Tuscola Residential Re-Entry Facility in Caro.

A proposal from Village Green provides weed, brush, and cattail control at a rate of \$.90 per gallon, or \$1.299 per gallon in sensitive areas. Village Green estimates that it could require up to 500 gallons of material per mile per side to treat a ditch. That rate would cost \$900 per mile to treat both sides of a road with continuous ditches. This application rate seems excessive although there are some ditches with very thick cattail infestations in the township. The proposed herbicides are not restricted use pesticides.

The Bay County Road Commission has quoted a rate of \$125 per hour to cut ditches with their tractor and boom arm cutter. At that rate, a 40 hour week would cost \$5,000.

Sgt. Michalski indicated that the agreement could be modified to provide a crew for one day per week rather than two days per week.

Discussion followed as to the pros and cons of having a work crew. It was agreed that with the ditches full of snow, it would be very difficult to complete any brushing and therefore, it is not a cost effective program during the winter months if ditching cannot be done.

02-07-021-A/M A motion was made by Putt and seconded by Hoverman to not
===== sign an Agreement with the MI Department of Corrections for a
work crew from Tuscola Residential Re-Entry Facility.
7 Ayes 0 Nays Motion carried.

VIII. New Business

P. Wasek provided a Planning Commission Meeting update.

ITC found a more compatible site for their business in Kawkawlin Township and will not be moving to the former Dobson Moving and Storage property.

P. Wasek would like “No Parking” signs installed on the front of Ashley Automotive’s building.

The city landfill in Midland has had a noxious odor lately.

IX. Adjournment

A motion was made by Plant and seconded by Hoverman to adjourn the meeting at 9:00 p.m.

7 Ayes 0 Nays Motion carried.

Williams Charter Township

Amy Charney, Clerk

Tom Paige, Supervisor