

**CHARTER TOWNSHIP OF WILLIAMS
BOARD OF TRUSTEES
REGULAR MEETING – March 14, 2006**

The Board of Trustees of the Charter Township of Williams held a regular meeting on Tuesday March 14, 2006 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), Putt (Trustee), Schrott (Trustee) and Wasek (Trustee).

Excused: Plant (Trustee).

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

Tom Smith, 2330 W. North Union Road, was present to participate in the discussion of Agenda Item No. 1, the North Union Road chip seal project.

IV. Changes to Agenda

There were no changes to the agenda.

V. Consent Agenda

1. Approve the February 14, 2006 Board of Trustee Minutes as presented.
2. Approve the payment of bills as submitted.
3. Receive the February 2006 Financial (cash) Report as presented.
4. Receive the February 2006 Revenue Report and 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 D.
7. Approve the payment of expenses for appropriate township personnel to attend workshops within Michigan, listed in attached Exhibit E.
8. Receive the Miscellaneous Correspondence and Communication List, attached Exhibits F and G, respectively.

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

6 Ayes 0 Nays Excused: Plant Motion carried.

VI. Regular Agenda

1. North Union Road Chip Seal Project Update

The cost difference to complete North Union Road and Eleven Mile Road as Chip Seal roads as planned versus asphalt roads was discussed.

The estimate to finish North Union Road with bituminous paving is \$139,073.02.

- Balance reserved for current chip seal project is \$75,803.79; changing to bituminous is \$63,268.23 more than chip seal with the entire \$139,073.02 due on 12/15/2006. The \$75,803.79 for chip seal will be paid in installments on 12/15/2006 and 12/15/2007.

The estimate to finish Eleven Mile Road with bituminous paving is \$142,137.93.

- Balance reserved for current chip seal project is \$40,793.56; changing to bituminous is \$101,344.37 more than chip seal with the entire \$142,137.93 due on 12/15/2006. The \$40,793.93 for chip seal will be paid in installments on 12/15/2006 and 12/15/2007.

$\$63,268.23 + \$101,344.37 = \$164,612.60$ additional funding needed and due 12/15/2006 to convert to bituminous paving.

Board members agreed that due to excessive costs, both projects will be completed as originally proposed with chip seal as opposed to asphalt.

Tom Smith added that the additional cost to asphalt North Union Road was worth the price as fewer repairs will be required over a long period of time.

Extra voted millage for road repairs was discussed as were local millage rates.

2. Five Year Road Plan

The Bay County Road Commission requests that each township prepare a Five-Year Road Plan and update it as changes are made. The plan was last updated in 2004. The plan is attached as Exhibit C and shows potential road improvement projects through 2010. Projects for 2006 through 2008 remain the same and new projects have been added for 2009 and 2010. The draft plan is for review at this time, and will be discussed and perhaps finalized at the April 11, 2006 Board Meeting. It can then be submitted to the BCRC as Williams Township's Five-Year Road Plan.

The following are factors that were considered in developing this plan:

- Estimates are plugged in to 2006 for adding gravel to Chip Road, between Flajole and Bay-Mid Co. Line, and Saunders Road, south from Salzburg Road. These gravel roads have deteriorated and need gravel added now.
- Chip seal projects are estimated at \$75,000 per mile (formerly \$70,000) where no previous estimate has been requested.
- Previous asphalt estimates are increased by 25%.

- Asphalt projects are estimated at \$150,000 per mile where no previous estimate has been requested.
- It is assumed that the BCRC Building Better Roads will continue to provide \$20,000 per year.
- It is assumed that the township will continue to allocate at least one mill of property tax levy per year for road improvement projects.
- Maintenance seals should be applied to chip seal roads to extend their life and will need to be added to the plan as needed; approximately \$9,000 per mile.
- Crack sealing should be done to extend the life of roads that have been asphalted in the last few years.
- Eleven Mile Road, between Wheeler Road and Wilder Road, will need to be monitored and the plan may need to be modified if warranted due to higher traffic volumes on Eleven Mile Road than other proposed chip seal roads.

The plan can and should be amended as conditions change, and should be reviewed at least annually. This is not a commitment to the BCRC that Williams Township will complete these projects as listed as many factors can affect this list including available funding. The Board must also approve any and all project agreements.

3. Transfer of Burial Rights

A request was received from Geraldine Sampier to transfer four burial spaces that she purchased in Pine Grove Cemetery to her nephew and his wife, Maynard and Lisa Hyer.

03-06-011-B/C/P A motion was made by Wasek and seconded by Putt to approve
===== Deed No. 31 which transfers burial rights in Section A, Block 20, Lot 2, Spaces 3, 4 and 5 and Section A, Block 20, Lot 3, Space 1 in Pine Grove Cemetery from Geraldine Sampier, Grantor, to Maynard and Lisa Hyer, Grantees. Release form No. 13 has been completed and is on file in the clerk's office.
6 Ayes 0 Nays Excused: Plant Motion carried.

4. Transfer of Burial Rights

The clerk's office was recently contacted by Barry Campbell regarding a cemetery space in Pine Grove Cemetery. His first wife passed away in 1983 and was subsequently buried in one of two spaces purchased by Mr. Campbell. He has since remarried and relocated to Lake County south of Cadillac. He intends to be buried in the Cadillac area as do his children and he has purchased 16 spaces from a Cadillac area cemetery. He inquired as to whether or not the township would buy back the remaining space in Pine Grove. Our policy is to not repurchase cemetery spaces but he was informed that Don Dzurka may be willing to try and sell the one burial space but that it could take an undetermined amount of time. After contacting Mr. Dzurka, an agreement was reached that Mr. Dzurka would purchase the lot directly from Mr. Campbell for \$100. Mr. Dzurka will then attempt to sell the single burial space at a later date.

Completion of a new release form will be required at the time of sale by Mr. Dzurka and the new purchaser will then receive a deed, requiring two sets of release forms and deeds for the resale of one burial space.

03-06-012-B/C/P A motion was made by Putt and seconded by Schrott to approve
===== Deed No. 32 which transfers burial rights in Section A, Block 8, Lot 5, Space 2 in Pine Grove Cemetery from Barry Campbell, Grantor, to Dominic Dzurka, Grantee. Release form No. 14 will be completed by the Grantor prior to the final preparation of the deed and will be on file in the clerk's office.
6 Ayes 0 Nays Excused: Plant Motion carried.

Discussion followed as to whether or not the township should adopt a policy to repurchase cemetery burial spaces. It was agreed that it will be further discussed in the fall during the 2007 budget adoption process.

5. Ordinance No. 54-C

This ordinance repeals existing Ordinance No. 54, 54-A and 54-B, the Wastewater System Use Ordinance, as amended and enacts a new ordinance regulating connection to and use of the Bay County West Side Regional Sewage Disposal System and is titled 2006 Bay County West Side Regional Sewage Disposal System Use Ordinance for Williams Charter Township. The purpose and objectives of the Ordinance are:

- To establish standards, rules and regulations with respect to the use of the West Bay County Regional Wastewater System ("POTW" or Publicly Owned Treatment Works);
- To prevent the discharge of pollutants into the POTW that do not meet applicable pretreatment standards and requirements; that would interfere with the operation of the POTW; that would pass through the POTW into the receiving waters or atmosphere; that would inhibit or disrupt the POTW's processing, use, or disposal of sludge; that would cause health or safety problems for any person working on the POTW; or that would result in a violation of the POTW's NPDES permit or of other applicable laws and regulations;
- To improve and maximize the opportunity to recycle and reclaim wastewaters and sludges from the system;
- To regulate the discharge of wastewater to the POTW and to enforce the requirements of this Ordinance through the issuance of permits and through other means as provided by this Ordinance;
- To authorize and require all inspection, monitoring, reporting and enforcement activities as necessary to insure compliance with applicable pretreatment standards and requirements and other applicable laws and regulations; and
- To provide for equitable distribution of the costs of wastewater system within the Local Unit.

03-06-013-B/O/S A motion was made by Wasek and seconded by Putt to waive
===== reading, introduce and authorize publication of the Public Notice in
The Bay City Democrat for Ordinance No. 54-C, the township Sewer Use Ordinance. A complete copy of the proposed Ordinance shall be posted in the clerk's office and on the township website.

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

Nays: None.

Excused: Plant Motion carried.

6. Ordinance No. 156

Ordinance No. 156 amends Williams Township Ordinance No. 33, as amended, the Township Zoning Ordinance, in the following ways: by changing Sections 3.07.11, 3.14 and Parts 1. and 2. of Subsection A. of Section 3.21 to recognize light industrial uses; by changing Part 1. of Subsection C. of Section 3.21 to require submission of written evidence of the right to use a proposed site as part of the site plan review application process; by changing Part 4. of Subsection C. of Section 3.21 by adding Subparts f. through s. to provide additional types of site plan approval requirements; by changing Sections 3.25, 3.27 and 4.01 to recognize the LI Light Industrial District; by changing Chapter VI to add Section 6.04.01 creating a LI Light Industrial District; by changing Table 8 by adding LI Light Industrial District permitted and allowed uses; by changing Table 9 by adding LI Light Industrial District setback, area, width and height regulations; by changing Table 10 by revising Approval Standard 7 to prohibit uses from adversely affecting nearby residential properties; by changing Table 10 by adding Approval Standard 12 which applies exclusively to LI Light Industrial District permitted and allowed uses; by changing Table 10 by adding Approval Standard 13 to regulate heliports; by changing Section 7.01 to recognize the LI Light Industrial District; by changing Subsection D. of Sections 10.06 and 10.07 to except from the 10 feet minimum ground clearance requirement for free-standing signs those signs located within 20 feet of a building; by adding Section 10.07.01 to Chapter X to provide regulations for signs in the LI Light Industrial District; and, by changing Subsection D. of Section 10.08 to except from the 10 feet minimum ground clearance requirement for free-standing signs those signs located within 20 feet of a building.

The proposed Ordinance was introduced on February 14th and was subsequently published in The Bay City Democrat.

03-06-014-O/Z A motion was made by Putt and seconded by Wasek to waive
===== reading, adopt and authorize publication of Ordinance No. 156, an amendment to the township Zoning Ordinance, Williams Township Ordinance No. 33, as amended.

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

Nays: None.

Excused: Plant Motion carried.

7. Ordinance No. 113-E

Ordinance No. 113-E amends the Williams Township Group Insurance Plans Ordinance, Ordinance No. 113, as amended. It increases from 24 to 30 the number of hours an employee must regularly be scheduled to work in order to qualify for township sponsored group insurance benefits. It also reduces the township's share of the annual premium for such insurance from 90% to 85% and increases the eligible elected officials' and employees' share of such annual premium to 15%.

03-06-015-I/O/P A motion was made by Putt and seconded by Schrott to waive
===== reading, adopt and authorize publication of Ordinance No. 113-E,
as amended, the Williams Township Group Insurance Plans Ordinance.
Ayes: Charney, Wasek, Putt, Schrott, Paige and Hoverman.
Nays: None.
Excused: Plant Motion carried.

8. Bay County Division on Aging Meal Site Agreement

Received from Bay County Division on Aging a proposed two-year renewal agreement for the Senior Dining Center. The previous two-year agreement with Bay County expired on December 31, 2005. A two year renewal agreement is again being proposed by Bay County. The township's reimbursement rate for calendar year 2006 will be \$446.00 per month (3.6% increase from \$415.00 in 2005 plus a \$16/month one time adjustment) with the rate for 2007 to be adjusted as determined by the consumer price index (inflation factor) from June 30, 2005 through June 30, 2006.

03-06-016-A/B/H A motion was made by Charney and seconded by Hoverman to
===== authorize the Supervisor to execute the Bay County Division on
Aging Site Agreement for calendar years 2006 and 2007.
6 Ayes 0 Nays Excused: Plant Motion carried.

9. Fireworks Request for Permit

Wolverine Fireworks has requested approval for a fireworks display at Tri-City Motor Speedway on May 13, 2006. The display is intended to be a demonstration display for potential customers. Wolverine has held this same program the past few years at the Speedway. They are again requesting the same arrangement for emergency coverage with the Auburn/Williams Fire Department, and no ambulance will be required on-site.

Following are requirements that Wolverine must comply with:

1. Submit a *Fireworks Application* form (per the Township's insurance carrier).
2. Submit a *FM51 Application For Fireworks Display Permit* form (per Michigan State Police Fire Marshall Division).
3. Provide a valid *Certificate of Insurance* naming the *Charter Township of Williams* and the *Auburn/Williams Fire Department* as Additional Insureds.
4. Comply with NFPA Standards 1123, 1124, and 1126.
5. Make arrangements with the Auburn/Williams Fire Department to be on-site.

Wolverine Fireworks has complied with all of the above requirements.

03-06-017-A/F/I A motion was made by Wasek and seconded by Putt to
===== authorize the Supervisor to issue a fireworks permit to Wolverine
Fireworks for a display at Tri-City Motor Speedway on May 13, 2006.
6 Ayes 0 Nays Excused: Plant Motion carried.

10. 2005 Tax Collection Summary

C. Hoverman distributed reports detailing the 2005 Summer Property Tax Collection and 2005 Winter Property Tax Collection along with Board of Review changes.

03-06-018-P/T A motion was made by Paige and seconded by Wasek to receive
===== the 2005 property tax collection summary report.
6 Ayes 0 Nays Excused: Plant Motion carried.

11. 2006 Investments

C. Hoverman provided a listing of 2006 Investments with a breakdown of banks and amounts invested from the various township funds.

03-06-019-I A motion was made by Paige and seconded by Putt to receive the 2006
===== Investments Report.
6 Ayes 0 Nays Excused: Plant Motion carried.

12. State Revenue Sharing

C. Hoverman provided a report detailing the amount of revenue sharing received by the township for the 2005 calendar year. Information was also included for calendar years 2001 through the present.

13. Lawn Care Proposal

Received from Brian Pitts, TruGreen ChemLawn a proposal for 2006, 2007, and 2008 to provide a spring and fall application of fertilizer and weed control to the township park, the lawn areas around the hall, offices, and fire department. TruGreen ChemLawn has provided this service to the township since 2002 and has done an excellent job. The proposed renewal cost is \$1,240 per application, the same price paid the past 3 years. TruGreen ChemLawn does offer a 5% discount for pre-payment, however, the bill has not been prepaid in the past to assure the service is performed to the township's satisfaction.

The terms and conditions in the contract with TruGreen ChemLawn include the following clause, "Notwithstanding anything to the contrary herein, either party reserves the right to terminate this agreement for cause, convenience or any reason whatsoever by providing thirty (30) days written notice." The township could enter into a 3-year agreement, lock in the contract price for these 3 years, and still terminate the contract with 30 days notice if service is not satisfactory, or funding sources are cut.

Costs for only the material to have Jim Carlin or Dale Dzurka apply the broadleaf control product and the same amount of dry nitrogen fertilizer as opposed to liquid fertilizer were also calculated.

Assuming 16 acres are treated, (total property area is 22.29 acres) the material cost is \$960.00 per application (no labor, equipment or certification costs included). TruGreen ChemLawn's quote is \$1,240 per application for materials and labor, a complete package. The difference is \$280 per application, or \$560 per year.

Following are other factors:

- TruGreen ChemLawn schedules the applications very early in the morning, usually around 4:00 a.m. so that the park does not have to be closed. They treat the park first, and then treat the hall and fire department property.
- Spring time is very busy for Jim Carlin and Dale Dzurka. Spring brings green grass to the park, water tower, Zielinski detention pond, and water pump station at Salzburg Road and Nine Mile Road. The park's ball fields are being used every day and need to be floated, as well as maintaining the soccer field. Also, detention ponds need to be treated to control algae growth.
- Residents request the wood chipping service quite a bit in the spring while cleaning up their property. This spring will be no exception, especially after the ice storm.
- While fall is not quite as hectic as spring, normal DPW activities in the fall now include flushing the nearly 400 fire hydrants located in the township.

03-06-020-A/P/T A motion was made by Schrott and seconded by Charney to
===== authorize the Supervisor to execute a three year Agreement with
TruGreen ChemLawn for 2006, 2007 and 2008 for a spring and fall application of
fertilizer and broadleaf weed control at a cost of \$1240 per application.
5 Ayes 1 Nays Excused: Plant Motion carried.

14. Michigan State Police Speed Limit Study

Spl./Lt. Gary Megge, Michigan State Police (MSP) Traffic Safety Division, presented a program regarding how speed limits are established on February 15, 2006 at the Bay County Road Commission. The program was helpful in understanding many factors that are considered when establishing a speed limit and each governmental entities role in that process.

The Michigan State Police (MSP) Traffic Safety Division is doing a review of Traffic Control Orders (TCO's) that are at least 10 years old. Areas in Williams Township that have been identified by the MSP for further study are Flajole Road, from Fisher Road to Wilder Road (currently posted 25 MPH), and Nine Mile Road, from US-10 to Salzburg Road (currently posted 45 MPH).

Under recent legislation, the MSP, County Road Commission, and Township all need to agree to change a speed limit. A township is automatically included in the process unless it opts out, which then leaves the decision up to the MSP and County Road Commission.

The Williams Township Board would need to send a notice to the MSP and Bay County Road Commission if the township desires to opt out.

In discussing this issue with the BCRC since the February 15th program, the process would be as follows. First, the MSP, BCRC, and Township (most likely represented by the Supervisor) will meet to discuss identified areas for further study, and identify factors that may be relevant. If a change in speed is contemplated, a formal speed and engineering study should be completed (unless the need to change is extremely obvious). During this time, the township should identify local factors that affect an area being studied (narrow shoulders, deep ditches) and submit a memo to the MSP and BCRC.

Next, the three parties would meet again to analyze the results of the study and if warranted, recommend a change in speed limit to the MSP, BCRC Board, and the Williams Township Board. Finally, the MSP, BCRC, and Williams Township would execute the appropriate TCO. Please note that current practice is that TCO's are approved by majority vote of the three members of BCRC Board to be executed, and it seems, would also need to be approved by majority vote of the full Williams Township Board to be executed.

After discussing the process, all agreed the Supervisor should be involved. T. Paige will meet with the MSP and BCRC to review the identified areas in the township where the speed limits may need to be changed and will report back to the Board with additional information.

15. Current and Future Waterline Extensions

An 8-inch waterline will be installed on Townline Road from Eleven Mile Road to Carter Road by Beaver Township in 2006. The township's waterline system now extends to a large percentage of township residents and businesses.

The Waterline Extension fund balance is \$395,156.19 as of March 1, 2006. The 1 mill contribution of \$169,000 from the General Fund will bring the Waterline Extension Fund balance to approximately \$564,156.19. Outstanding obligations include \$17,664 to Keyes Trenching for the 2005 waterline extension project and Northridge Drive loop, and an estimated \$75,000 set aside for the township's share of the Townline Road extension by Beaver Township. Payments of approximately \$113,000.00 are due during 2006 for the 2001 Independent Bank installment loan and the 1990 bonds payable to DWS.

The Bay County Department of Water and Sewer is encouraging the connection of the Garfield Road waterlines that currently dead end on each side of US-10. This loop would substantially improve the system's integrity. Civil Engineering Consultants estimated the Garfield Road connecting loop at \$100,000.00. In addition to serving more customers, a loop on Wheeler Road from Flajole Road to the Bay-Mid County Line would improve the integrity of the township's waterline network much like the Garfield Road loop.

Before finalizing a project for 2006, it was suggested and agreed upon that the residents and property owners in the following areas be surveyed to find out their interest in connecting to a new waterline:

- Wheeler Road, from Flajole Road to Bay-Mid County Line Road (4 existing potential connections) (old estimate \$141,400).
- Flajole Road, from Wheeler Road to Wilder Road (12 existing potential connections) (old estimate \$132,800).
- Carter Road, from Wheeler Road to Wilder Road (6 existing potential connections).
- Carter Road, from Wilder Road to North Union Road (4 existing potential connections).

When survey results are available, the Township Board can then finalize waterline extension projects for 2006.

16. Northridge Drive Connector Road

Sealed bids for the Northridge Drive connector road were opened and read publicly at 10:00 a.m. on Tuesday, March 7, 2006 at the Township Offices by John Billette, Civil Engineering Consultants, and Tom Paige, Township Supervisor. Please note that eight companies picked up bid packages and four companies submitted bids.

| | |
|------------------|---------------|
| Rohde Brothers | \$51,093.50 |
| Meylan | \$53,966.21 |
| Shaw Contracting | \$\$49,185.00 |
| Rehmus | \$57,030.00 |

The bids submitted are higher than anticipated.

John Billette was present to discuss other options to complete the relatively short connector road.

One suggestion was to be our own general contractor and solicit quotes on different parts of the project separately such as storm sewer and catch basin installation, earthwork and roadbed preparation, curb and gutter and bituminous paving. The engineering fees would be higher as it would significantly increase the amount of time needed for inspections to ensure that each contractor was completing their portion of the project as specified in the bid.

J. Billette also distributed a change order bid submitted by Keyes Trenching for completion of the connecting roadway. Their bid to complete the road is \$36,875.00.

Discussion followed.

03-06-021-B/N/R A motion was made by Wasek and seconded by Hoverman to reject
===== all bids opened on March 7, 2006 for the Northridge Drive
connector road due to the excessive cost.
6 Ayes 0 Nays Excused: Plant Motion carried.

03-06-022-B/N/R A motion was made by Putt and seconded by Schrott to recommend
===== that the Bay County Road Commission authorize a change order
from Keyes Trenching for completion of the Northridge Drive connector road.
6 Ayes 0 Nays Excused: Plant Motion carried.

VII. Unfinished Business

There was no unfinished business.

VIII. New Business

T. Paige suggested a joint meeting with the Township Board, Planning Commission and Zoning Board of Appeals to discuss the following:

- Conditional Use Zoning
- Bay City Public Schools Finance and Budget Issues Presentation by Carolyn Wierda, Superintendent and Doug Newcombe, Finance Director.
- Youth Leadership Bay County “Fisherville Area Visioning Presentation” by Adam McFarland, Stephanie Bowker, Tamara Sheahan and Adam Whiteside (area High School Juniors) with guidance from Bob Moyer and Shannon Braun.

It was agreed to hold the meeting on Wednesday April 12, 2006 at 6:00 p.m.

The Zoning Board of Appeals meeting scheduled for April 6, 2006 was discussed. Jerry Schrott will be unable to attend the meeting.

03-06-023-A/Z A motion was made by Paige and seconded by Wasek to appoint
===== Tom Putt as an alternate member to the Zoning Board of Appeals
when Trustee Schrott is unable to attend the meetings.
6 Ayes 0 Nays Excused: Plant Motion carried.

IX. Adjournment

A motion was made by Hoverman and seconded by Schrott to adjourn the meeting at 9:15 p.m.
6 Ayes 0 Nays Excused: Plant Motion carried.

Williams Charter Township

Amy Charney, Clerk

Tom Paige, Supervisor