

**CHARTER TOWNSHIP OF WILLIAMS
BOARD OF TRUSTEES
REGULAR MEETING – June 13, 2006**

The Board of Trustees of the Charter Township of Williams held a regular meeting on Tuesday January 13, 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

Debi Cox, 4664 Flajole Road, stated the property at 4716 Flajole Road has greatly improved.

IV. Changes to Agenda

There were no changes to the Agenda.

V. Consent Agenda

1. Approve the May 9, 2006 Board of Trustee Minutes as presented.
2. Approve the payment of bills as submitted.
3. Receive the May 2006 Financial (cash) Report as presented.
4. Receive the May 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 Wasek 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. Transfer of Burial Rights

A request was received from Miles and Irene Pike to transfer two burial spaces that they purchased in Pine Grove Cemetery to their daughter, Pamela Pike.

06-06-041-B/C/P A motion was made by Hoverman and seconded by Wasek to
===== approve Deed No. 33 which transfers burial rights in Lot 313,
Spaces 3 and 4 in Pine Grove Cemetery from Miles and Irene Pike, Grantors, to Pamela
Pike, Grantee. Release form No. 15 has been completed and is on file in the clerk's
office.

6 Ayes 0 Nays Excused: Plant Motion carried.

2. Social Security Number Policy

The proposed Williams Township Social Security Number Privacy Policy complies with the new *Michigan Social Security Number Privacy Act*. The Act requires the Township to create a privacy policy for social security numbers that does the following:

- Insures the confidentiality of social security numbers
- Prohibits unlawful disclosure of social security numbers
- Limits access to social security numbers
- Provides for disposal of documents containing social security numbers
- and-
- Establishes penalties for violation of the policy

After the policy is adopted by a resolution, it will be included in the new *Employees' Handbook* which will be considered during the July Board of Trustees meeting.

06-06-042-E/S/P A motion was made by Putt and seconded by Hoverman to adopt
===== the Williams Township Social Security Number Privacy Policy to
comply with the Michigan Social Security Number Privacy Act. The policy will be
included in the new *Employee Handbook*, when approved and adopted.

6 Ayes 0 Nays Excused: Plant Motion carried.

3. Ordinance No. 48-D

Ordinance No. 48-D amends Williams Township Ordinance No. 48, the Subdivision Ordinance. Most of the changes are intended to make the ordinance conform to last years changes to the State *Land Division Act*.

Major changes to the Ordinance are as follows:

- It provides a schedule of plat review fees as required by the *Land Division Act* changes; \$500.00 plus \$10.00 per lot for each lot over 10 for tentative and final preliminary plat reviews; \$250.00 plus \$10.00 for each lot over 10 for final plat reviews; there is no fee requirement for a concept plan review or a pre-preliminary plat review.
- It requires a subdivider to submit 10 copies of a pre-preliminary plat along with the required fee at least 30 days before the Planning Commission hearing.
- To be entitled to final preliminary plat review, the subdivider must provide a list of all required reviewing authorities certifying that the list shows all of them, the actual written approvals. 10 copies of the final preliminary plat must be provided along with the required fee.

- For final plat review, a subdivider must submit a written request for approval, the filing and recording fee as required by the State and the required township plat review fee as well as copies of the mylars and all other submissions.
- It authorizes the Planning Commission to waive the stub street requirement in certain instances and allows the use of outlots at the ends of streets where a future extension is planned (formerly, only temporary cul-de-sacs were allowed).
- It changes the notice requirement for a variance hearing so that it is the same as that for tentative preliminary plat approval.

06-06-043-O/S A motion was made by Wasek and seconded by Putt to waive
===== reading, adopt, and authorize publication of Ordinance No. 48-D,
an amendment to Williams Township Subdivision Ordinance.

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

Nays: None.

Excused: Plant.

Motion carried.

4. Bay County Emerald Ash Borer (EAB) Plan of Action

Alicia Wallace, Coordinator for Bay County Gypsy Moth Suppression Program, was present to provide information on the *Draft Plan of Action* for the proposed program actions that will be undertaken by the Bay County Gypsy Moth Suppression Program with regard to the Emerald Ash Borer (EAB), even though the EAB has not been found in Bay County. In 2004, voters in Bay County approved the renewal of the Gypsy Moth Millage with the inclusive language of “other invasive, non-native pests”, such as the EAB.

The County plans to prepare Bay County for the eventual arrival of the Emerald Ash Borer and to work cooperatively with the Michigan Department of Agriculture and other agencies to suppress the spread of the pest by monitoring ash trees. Millage funds will be used as they are with the Gypsy Moth Program.

5. MSP Recommended Speed Limit Adjustments

Sgt. Kellee Robinson, Michigan State Police (MSP) Traffic Services Unit, has completed a review of Traffic Control Orders (TCO’s) in Williams Township that are around 10 years old. TCO’s are reviewed about every 10 years to account for changing traffic conditions. Sgt. Robinson was present to discuss TCO’s and answer questions from those present.

Two roads were identified for further review due to currently posted speed limits. The identified roads are Flajole Road, from Fisher Road to Wilder Road (currently posted 25 MPH), and Nine Mile Road, from Fisher Road to Salzburg Road (currently posted 45 MPH).

Flajole Road, Fisher Road to Wilder Road

Flajole Road, from Fisher Road to Wilder Road, was reviewed. MSP records indicate that TCO #S-09-357-64 set the speed limit at 40 MPH. This TCO was reviewed periodically, with the last previous review in November of 1995 stating that a change to the 40 MPH speed limit was not warranted. However, you will note that this section of roadway is currently posted with 25 MPH speed limit signs.

The 25 MPH speed limit signs were posted by action of the Bay County Road Commission (BCRC) in September of 1996, along with the installation of 4 way stop signs at the intersection of Flajole Road and North Union Road. The BCRC posted the 25 MPH speed limit signs due to a petition submitted by residents in that area. In October of 1996, another resident petition was submitted protesting the 25 MPH speed limit as being unfair. No action was taken on the 2nd petition at that time.

During the MSP's recent review (November 2005), they observed 25 MPH speed limit signs posted on Flajole Road. The MSP's position is that the MSP needed to approve a rescission of the 40 MPH TCO for the 25 MPH speed limit to take effect. The MSP states that the 40 MPH TCO was not rescinded and remains in effect. The MSP is not inclined to rescind the 40 MPH TCO due to the results of previous studies along with the current review of Flajole Road supporting a 40 MPH speed limit.

Jim Lillo, BCRC, and T. Paige further researched the matter for clarification. Initial indications were that the BCRC certainly had the authority to post speed limits of 25 MPH in residential districts without the need for an engineering and traffic investigation (MCL257.628 (4) & MCL 257.627 (2)(a)). Residential districts are currently defined as a "county highway of not less than one mile with residential lots with road frontage of 300 feet or less along either side of the highway for the length of that part of the highway that is under review..." (MCL257.628 (4)).

Spl/Lt. Gary Megge, MSP Special Operations Division, states that the TCO has priority over a local road commission action. David Bertram, Michigan Townships Association Legislative Liaison/Team Leader, supports the MSP position, and MTA legal counsel has not found anything to the contrary at this time.

The MSP is requesting that proper speed limit signs, 40 MPH, be posted on Flajole Road from Fisher Road to Wilder Road. Reasons for posting at 40 MPH include:

1. The MSP, MTA, and Township Attorney (verbally), indicate that a TCO takes precedence over a County Road Commission Resolution.
2. A 40 MPH speed limit is supported by engineering and traffic investigation studies.
3. A 40 MPH speed limit is enforceable.
4. The currently posted 25 MPH speed limit may promote a false sense of security, especially since the vast majority of motorists exceed that limit.

5. The currently posted 25 MPH speed limit could easily be considered a “speed trap.”
6. Public Act 85 of 2006, effective November 9, 2006, repeals the provision of law upon which the BCRC 25 MPH resolution was based. PA 85 of 2006 substantially amends how speed limits are established in certain zones including residential areas like Flajole Road.

06-06-044-F/M/R/T A motion was made by Wasek and seconded by Putt to accept the recommendation of the Michigan State Police, and authorize the Supervisor to endorse a Traffic Control Order for the 40 MPH speed limit on Flajole Road from Fisher Road to Wilder Road.
6 Ayes 0 Nays Excused: Plant Motion carried.

Nine Mile Road, Fisher Road to Salzburg Road

The current speed limit of 45 MPH on Nine Mile Road, from Fisher Road to Salzburg Road, was also recently reviewed by the MSP.

The MSP report recommends the removal of the 45 MPH speed limit. The 85th percentile was determined to be 55 MPH, and the 50th percentile was 51 MPH. Enforceable speed limits are based on the 85th percentile. Removing the 45 MPH speed limit signs would establish a 55 MPH speed limit by law. The lawful speed limit on an un-posted local road is 55 MPH.

The MSP report indicates that the majority of motorists currently travel at speeds ranging from 45 MPH to 55 MPH. Nine motorists were clocked at speeds from 56 to 66 MPH during the study, and these are the motorists that law enforcement efforts should target.

06-06-045-M/N/R/T A motion was made by Putt and seconded by Hoverman to accept the recommendation of the Michigan State Police and authorize the Supervisor to endorse the rescission of Traffic Control Order S 09-180-67, thereby repealing the current 45 MPH speed limit on Nine Mile Road between Fisher Road and Salzburg Road.
6 Ayes 0 Nays Excused: Plant Motion carried.

6. Blight Complaint

The township continues to receive complaints regarding uncut grass, junk around the yard and house, and the general blighted condition of the property located at 4716 Flajole Road. The residence, in an R-1 Low Density Single Family Residential District, is owned by Paul and Susan Cordeiro.

The Zoning Administrator, Bob Klemish, has received several complaints over a period of several years. The township has tried to be patient with this situation and has strongly encouraged compliance through visits by Bob Klemish, and Deputy Jeff Wolpert. Usually substantial progress is made, and then the problems begin again.

Bob Klemish was present to provide additional information and answer questions from those present. He requested the Township Board to authorize the Township Attorney to notify the owners of violations of Township Ordinances, and to file suit if the property remains out of compliance. He also stated the property owner has made significant improvement recently to clean up the debris around the outside of the house.

Mrs. Cordeiro was also present and stated she would continue to make the necessary improvements to comply with the Zoning Ordinance requirements.

06-06-046-B/Z A motion was made by Putt and seconded by Hoverman to review
===== the status of the property located at 4716 Flajole Road during the
July 11, 2006 Board of Trustees meeting. No action will be taken at this time.
6 Ayes 0 Nays Excused: Plant Motion carried.

7. Fireworks Permit for Auburn Cornfest

Wolverine Fireworks Display, on behalf of Auburn Improvement & Management, Inc. (A.I.M.) has requested a Fireworks Permit for the annual fireworks display during the Auburn Cornfest on Thursday July 13, 2006 (rain date July 14, 2006). The township has approved the permit in prior years.

The following are requirements that A.I.M. must comply with:

- Submit a FM51 *Application For Fireworks Display Permit* form (per the Michigan State Police Fire Marshall Division).
- Fireworks activities will comply with NFPA Standards 1123, 1124, and 1126.
- Provide a valid *Certificate of Insurance* naming the *Charter Township of Williams* and the *Auburn/Williams Fire Department* as Additional Insureds.
- Arrange for an ambulance and the Auburn/Williams Fire Department to be on site.

A.I.M. and Wolverine Fireworks have complied with requirements 1, 2, and 3 and will make arrangements for an ambulance and with the A/W Fire Department to be on site during the fireworks display.

06-06-047-F/I/P A motion was made by Wasek and seconded by Schrott to authorize
===== the Supervisor to sign and issue the Permit for a Fireworks Display
to Auburn Improvement Management, Inc. upon notification of the Auburn/Williams Fire
Department.
6 Ayes 0 Nays Excused: Plant Motion carried.

8. Permit for Fireworks Display

Larry Campau, 384 W. Wheeler Road, has applied for a Fireworks Permit to have Wolverine Fireworks shoot a fireworks display for a graduation party at his home on July 8, 2006. T. Paige consulted with the AWFDF Fire Chief on the permit request for input.

The following are requirements that must be complied with:

- Submit a FM51 *Application For Fireworks Display Permit* form (per Michigan State Police Fire Marshall Division).
- Provide a valid *Certificate of Insurance* naming the *Charter Township of Williams* and the *Auburn/Williams Fire Department* as Additional Insureds.
- Comply with NFPA Standards 1123, 1124, and 1126.
- Other provisions per township review.

Mr. Campau and Wolverine Fireworks have submitted numbers 1 and 2 above, will comply with number 3 as a condition of permit approval, and must satisfy any other requirements that the township deems necessary before a Permit can be issued.

The Campau's own about 27.5 acres where the fireworks display will be fired. The diagram submitted appears to be consistent with NFPA1123 minimum perimeter and display requirements. The farm field where the display will be fired is an alfalfa field that currently has the first cutting of hay cut. The alfalfa should be re-growing and green by the time of the fireworks display. However, a condition of approval should include an inspection and approval of the site within 24 hours of the display to assess the safety and fire hazard potential of the display, firing, and fallout zones. Wolverine states that they often times water the firing and fallout zones if necessary.

06-06-048-F/I/P A motion was made by Putt and seconded by Hoverman to authorize the Supervisor to sign and issue a Permit for Fireworks Display to Larry Campau for July 8, 2006, with the following conditions:

- The display must comply with NFPA Standards 1123, 1124, and 1126.
- No unauthorized persons are allowed in the discharge area while under the influence of alcohol, narcotics, or medication that could adversely affect judgment, mobility, or stability.
- The Auburn/Williams Fire Chief, or designee, must review the condition of vegetation at the site within 24 hours preceding the fireworks display.

6 Ayes 0 Nays Excused: Plant Motion carried.

9. Five Year Road Improvement Plan

T. Paige reviewed the Five-Year Road Improvement Plan again with the Bay County Road Commission (BCRC) due to several factors. Consideration included how the roads weathered the latest spring thaws, the current condition of the roads, 2006 funds budgeted, 2005 Audit results, and the need to execute agreements for chip seal projects to begin this year. Due to these factors, a modified plan was developed for the Board's consideration and attached as Exhibit C.

The following are modifications from the previously approved plan:

- Wilder Road chip seal, Garfield Road to Carter Road, moved to 2006 from 2007.
- Wilder Road chip seal, 8 Mile Road to Garfield Road, moved to 2007 from 2009.

- Myra-Lee asphalt moved to 2007 due to center drain replacement (from 2006).
- Flajole Road chip seal, Salzburg Road to Hotchkiss Road, moved to 2008 from 2009.
- Flajole Road chip seal, Wheeler Road to Wilder Road, moved to 2009 from 2006.
- North Union Road chip seal, Garfield Road to Eleven Mile Road, moved to 2009 from 2007.
- Wilder Road chip seal, Carter Road to Flajole Road, moved to 2009 from 2008.

The following projects remain the same:

- Kiesel Road chip seal, Flajole Road to Rockwell Road, in 2006.
- Chip Road gravel, Flajole Road to Bay-Mid Co. Line Road, in 2006.
- Saunders Road gravel, south from Salzburg Road, in 2006.
- Garfield Subdivision asphalt, in 2008.
- Wilder Road chip seal, Flajole Road to Rockwell Road, in 2009.
- All 2010 projects.

The following is information that has been updated in developing this plan:

- Actual estimates are included for 2006 Chip Road gravel, Flajole Road to Bay-Mid Co. Line, and Saunders Road gravel, south from Salzburg Road. These gravel roads have deteriorated and need gravel added now. The BCRC is now offering a 3 year repayment period (formerly 1 year).
- Actual estimates are included in for chip seal projects now projected for 2006 and 2007.
- Previous asphalt estimates are increased by 25%.
 - The actual 2006 estimate cost is now shown for Myra-Lee.
- It is assumed that the BCRC Building Better Roads will continue to provide \$20,000 per year.
- 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.

If acceptable, the plan will be submitted to the BCRC as Williams Township's Five-Year Road Plan. It is a working document that will be reviewed regularly and can and should be amended if road conditions change.

06-06-049-B/R

===== A motion was made by Putt and seconded by Wasek to approve the five year road plan as proposed by the Supervisor for submittal to the Bay County Road Commission.

6 Ayes 0 Nays Excused: Plant Motion carried.

10. 2006 Road Improvement Projects

Estimates were provided by the Bay County Road Commission to chip seal the following roads. If approved, the Road Commission will provide Project Agreements for the Supervisor and Clerk to execute.

Kiesel Road, between Flajole Road and Rockwell Road: The estimate of \$63,683.39 is for crushing and shaping, adding 2" of aggregate in 2006, placing a double chip seal in 2007, and placing a third chip seal in 2008. Estimated payments are \$25,474 due December 15, 2006, \$19,105 due December 15, 2007, and \$19,109 due December 15, 2008.

Wilder Road, between Garfield Road and Carter Road: The estimate of \$170,386.45 is for crushing and shaping, adding 4" of aggregate in 2006, placing a double chip seal in 2007, and placing a third chip seal in 2008. The \$20,000.00 Building Better Local Roads money will be used to defray the cost of this project leaving estimated total payments of \$150,386.45. Estimated payments are \$60,155 due December 15, 2006, \$45,116 due December 15, 2007, and \$45,116 due December 15, 2008.

4" of aggregate is required for Wilder Road as compared to the usual 2" or 3" required on most other roads for chip seal.

06-06-050-A/B/R A motion was made by Wasek and seconded by Putt to accept the
===== estimates for chip seal projects to begin in 2006 and authorize the Supervisor and Clerk to execute Project Agreements for Kiesel Road (between Flajole Road and Rockwell Road) and Wilder Road (between Garfield Road and Carter Road) with the Bay County Road Commission.

6 Ayes 0 Nays Excused: Plant Motion carried.

11. Additional 2006 Road Improvement Projects

Estimates were provided by the Bay County Road Commission to apply aggregate to Chip Road and Saunders Road.

Chip Road, between Flajole Road and Bay-Mid County Line Road: The estimate is for adding 6" of aggregate from the Bay-Mid County Line Road easterly 1,200 feet (to the Jenkins farm), and 4" from that point easterly to Flajole Road. This proposal will provide 4" of aggregate to the entire mile of road, with an additional 2" on the western 1,200 feet. The extra 2", for a 6" total, is being proposed to provide a better base for the milk trucks that serve the Jenkins farm year around. The total estimate is \$42,106.93. Estimated payments are \$16,843 due December 15, 2006, \$12,632 due December 15, 2007, and \$12,632 due December 15, 2008.

Saunders Road, south from Salzburg Road approximately ¼ mile: The estimate is for adding 4" of aggregate to Saunders Road. Additionally, the BCRC, with road maintenance funds, will be excavating and adding stone and gravel to improve an identified area that needs extra road base work.

The total project cost is estimated at \$10, 435.04. Estimated payments are \$4,175 due December 15, 2006, \$3,130 due December 15, 2007, and \$3,130 due December 15, 2008.

06-06-051-A/B/R A motion was made by Putt and seconded by Wasek to accept the
estimates for application of aggregate to Chip Road between Flajole
Road and Bay-Mid County Line Road and Saunders Road; the Supervisor and Clerk are
authorized to execute Project Agreements with the Bay County Road Commission.
6 Ayes 0 Nays Excused: Plant Motion carried.

12. Myra Lee Center Drain Replacement

An estimate in the amount of \$24,643.00 was received from the Bay County Road Commission to replace the center drain (underdrain) beneath Myra Lee Street. The BCRC states that this project needs to be paid for in the year it is completed, as it is not eligible for extended payments.

The current underdrain beneath Myra Lee Street has collapsed and failed, and needs to be replaced before the street can be paved. This underdrain runs lengthways beneath the center of the road and is designed to provide subsurface drainage.

Discussion followed.

06-06-052-A/B/D/R A motion was made by Putt and seconded by Hoverman
to authorize the Bay County Road Commission to replace
the underdrain that runs beneath Myra Lee from Midland Road to the north; and to
authorize the Supervisor and Clerk to execute the Project Agreement.
6 Ayes 0 Nays Excused: Plant Motion carried.

13. Proposed RFP for Exterior Painting

Painting the exterior of the Township Hall and Office Building has been discussed as a needed capital improvement during past budgeting sessions.

A draft *Request for Proposals for Exterior Painting of Township Hall and Offices* was reviewed and considered. After a short discussion, it was decided to include the DPW building in the RFP. The RFP will be sent to area painting contractors, and an advertisement will be placed in the Bay City Times, Midland Daily News, and possibly the Saginaw News.

Proposals will be due June 29, 2006 and available for consideration at the July 11, 2006 Township Board Meeting with a recommendation provided at that time.

06-06-053-B/H A motion was made by Charney and seconded by Hoverman to
approve the RFP for exterior painting of the Township Hall, Office,
and DPW building as proposed by the Supervisor.
6 Ayes 0 Nays Excused: Plant Motion carried.

14. Proposed RFP for Concrete Replacement at Park Entrance

The entrance to the Township Park needs to be improved. A concrete pad should be placed across the full width of the entrance to provide a smooth transition from the parking lot to the inside of the park. In addition, the gates have been repaired several times and continue to sag due to leaning support posts, and park entrants that jump the gates. The gates and fencing in the entrance area are proposed to be replaced in a slightly different configuration by moving the walk through entrance about 4-1/2' closer to the gates.

A draft *Request for Proposals for Park Entrance Concrete Pad with Entrance Fencing and Gates* was attached for review and consideration. The RFP will be sent to area contractors, and an advertisement can be placed in the Bay City Times and Midland Daily News.

Proposals will be due June 29, 2006 and available for consideration at the July 11, 2006 Township Board Meeting with a recommendation provided at that time.

06-06-054-B/P

=====

A motion was made by Wasek and seconded by Schrott to approve the RFP for a park entrance concrete slab with new entrance gates and fencing.

6 Ayes 0 Nays Excused: Plant Motion carried.

VII. Unfinished Business

There was no unfinished business.

VIII. New Business

The street sign at Carter Road and Salzburg Road is missing again.

J. Schrott gave a short report on a recent Auburn/Williams Fire District Board meeting. The township contribution is expected to be \$143,500.00 for 2007; approximately \$5,000.00 more than the current contribution.

IX. Adjournment

A motion was made by Putt and seconded by Hoverman to adjourn the meeting at 9:40 p.m.

6 Ayes 0 Nays Excused: Plant Motion carried.

Williams Charter Township

Amy Charney, Clerk

Tom Paige, Supervisor