

**CHARTER TOWNSHIP OF WILLIAMS**  
**BOARD OF TRUSTEES**  
**Regular Meeting – June 14, 2011**

The Board of Trustees of the Charter Township of Williams held a regular meeting on Tuesday June 14, 2011 at the Township Hall. The agenda is attached Exhibit A.

**I. Call to Order & Roll Call**

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

John Janes and Thalia Moore, 2225 W. N. Union Road, thanked P. Wasek and John Billette for all the assistance they provided with their recent inquiry about installation of sanitary sewer to their home that is located between Carter Road and Flajole Road. The current line ends two houses to the west of them and they would be very interested in obtaining sewer if and when the township pursues an extension. There are eleven potential houses between their home and Carter Road.

Tom Webb provided a brief overview of contamination that has occurred on property he owns on Flajole Road between Fisher Road and the power lines. The parcel is adjacent to a Dow Chemical parcel that has been tested by the DEQ and determined to have a leak of 250,000 gallons. He received correspondence indicating that his property has elevated chloride concentrations that he attributes to historical brine spills by Dow Chemical. The DEQ states it is Dow Chemical's responsibility to remediate the parcels but nothing has been accomplished as of this date. He has obtained the services of an attorney that has contacted the Dow Chemical attorney.

He wants to develop the parcel and is afraid that Dow Chemical would like to ignore the problem and let the property remain vacant. He stated that he may request establishment of a Brownfield District at a later date. P. Wasek added that the Board is not familiar with the process or requirements that must be met.

**IV. Changes to Agenda**

There were no changes to the agenda.

P. Wasek stated that the warning siren will be located in the road right of way by Pine Grove Cemetery. An additional controller will be added, at no cost to the township, which will allow activation by either Midland County or Bay County.

**V. Consent Agenda**

1. Approve the May 10, 2011 Board of Trustee Minutes as presented.
2. Approve the payment of bills as submitted, and the monthly health insurance billing.
3. Receive the May 2011 Financial (cash) Report as presented.
4. Receive the May 2011 Revenue Report and May 2011 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 E.
7. Approve the payment of expenses for appropriate township personnel to attend workshops within Michigan, listed in attached Exhibit F.
8. Receive the Miscellaneous Correspondence and Communication List, attached Exhibits G and H, respectively.

A motion was made by Paige 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. Dow Corning IFT Application, Auburn Site, Case No. 11-01**

An amended application for an Industrial Facilities Exemption Certificate was received from Dow Corning Corporation on May 17, 2011 for improvements to their Auburn Site on Eleven Mile Road in Section 28 of the township. The total project cost is now \$21,998,164.00; \$19,308,164.00 is personal property, and \$2,690,000.00 is real property. A twelve-year exemption is being applied for.

The public hearing began at 7:30 p.m.

Doug Andrejewski, Auburn Site Engineering & Services Manager was present to explain the IFT application and answer questions from those in attendance. He provided a summary of the projects that include lab, safety, quality, and infrastructure improvements to the Auburn Site.

The public hearing concluded at 7:40 p.m.

**06-11-025-D/I/P/T** A motion was made by Paige and seconded by Putt to  
===== approve the application of Dow Corning Corporation for an Industrial Facilities Exemption Certificate (IFT) for their Auburn Site, Case No. 11-01 with a total project cost of \$21,998,164.00 for 12 years, effective December 31, 2011 for the 2012 tax year on part of tax parcels 09-140-028-200-050-02 and 09-140-028-400-050-00, and to authorize the Clerk to sign the resolution, attached Exhibit C. The parties are in agreement that all costs incurred by the township to process the Industrial Facilities Exemption Certificate shall be reimbursed by Dow Corning.

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

Nays: None.

Excused: Plant. Motion carried.

**2. Arnold Assessing Inc.**

Paul Arnold, Williams Township Assessor, was present to discuss the State Tax Commission's recommendation that assessors begin a 20% reassessment of property over the next five years. He is requesting that the township begin this five year reappraisal program, starting July 1<sup>st</sup>. 20% of the township parcels will receive a site visit each year until all parcels have been reevaluated. Year number one will begin with an update of agricultural parcels with soil types, tile, outbuildings and residential building improvements. New additions will then be added to the assessment roll each year and deletions will be removed.

The Agreement between Williams Township and Arnold Assessing Inc. has been revised to reflect a three year agreement rather than a one year agreement to begin July 1, 2011 and continue through June 30, 2014. Members of the Board were provided a copy for review. P. Arnold is asking that he be compensated an additional \$300.00 per month for the next three years. He realizes the reappraisal of all parcels will not be complete after the three years but suggested that the Agreement may need to be amended at that time. He is currently compensated \$40,600.00 per year and is paid twelve times per year with the monthly payment of bills.

**06-11-026-A/A** A motion was made by Putt and seconded by Charney to authorize  
===== the Clerk to sign the Agreement between Arnold Assessing Inc.  
and Williams Township for a three year time period beginning July 1, 2011 and  
continuing through June 30, 2014.

Ayes: Charney, Paige, Putt, Gower, Wasek, and Hoverman.  
Nays: None.  
Excused: Plant. Motion carried.

**3. Bay County Road Commission Resolution**

On May 4, 2011 the Board of Bay County Road Commissioners unanimously adopted a resolution that as the designated county agency for the Bay County Department of Water and Sewer, they support the continued efforts between Bay County DWS, Hampton Township, the city of Essexville, and the city of Bay City to identify the best water filtration option available for the Bay County/Bay City community utilizing the Saginaw Midland Municipal Water Supply Corporation raw water supply.

A resolution has been provided for consideration by our township Board of Trustees supporting and endorsing the efforts of the Board of Bay County Road Commissioners and the Bay County Department of Water and Sewer to provide high quality water at stable rates in the most cost effective manner and to connect to the Saginaw/Midland Municipal Water Supply Corporation raw water supply.

**06-11-027-B/B/W** A motion was made by Charney and seconded by Putt to endorse  
===== the Resolution of the Board of Bay County Road Commissioners  
adopted on May 4, 2011, attached Exhibit D.

Ayes: Paige, Putt, Gower, Wasek, Hoverman and Charney.  
Nays: None.  
Excused: Plant. Motion carried.

**4. Dingman Drain Culvert Failure**

The Dingman Drain crosses Flajole Road approximately ¼ mile north of Wheeler Road. Earlier this spring it appeared that the sidewalls were caving in. After inspection by the Bay County Road Commission and the Bay County Drain Commission, it was determined that the cross tube must be replaced this year with a single 95 inch elliptical shaped tube, approximately 55 feet in length, with beveled ends and heavy rip-rap.

The Bay County Road Commission estimates the total replacement cost at \$25,900.00. The township share is estimated at \$8,130.00, or 1/3 the total cost.

**06-11-028-A/B/D** A motion was made by Gower and seconded by Hoverman  
===== to authorize the Clerk and Supervisor to sign an Agreement with the  
Bay County Road Commission to replace the Dingman Drain culvert under Flajole Road,  
just north of Wheeler Road. It is understood the township share of the project cost is  
estimated at \$8,130.00.

6 Ayes 0 Nays Excused: Plant. Motion carried.

**5. Auburn Cornfest Fireworks Permit**

Wolverine Fireworks Display has requested a Fireworks Permit for the annual fireworks display at the Auburn Cornfest on July 7, 2011 (Rain Date July 8, 2011). The township has approved this permit in the past.

Following are requirements that Wolverine Fireworks, Inc. must meet:

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

Wolverine Fireworks have complied with all of the above requirements.

**06-11-029-A/F** A motion was made by Putt and seconded by Paige to  
===== authorize the Supervisor to sign and issue the Permit for Fireworks  
Display to Wolverine Fireworks Display, Inc. for the Auburn Cornfest on July 7, 2011,  
with a rain date of July 8, 2011.

6 Ayes 0 Nays Excused: Plant. Motion carried.

**6. Flag Pole Landscaping**

Board members were provided a sketch drawing made by Lu Ann LeVasseur for proposed landscaping around the new township park flag pole (installed in 2010). The plan includes mostly perennial plantings inside a star shape constructed with landscaping pavers. B. Wegener has offered to assist with the project.

**7. Ordinance No. 174**

The ordinance rezones a 7.18 acre parcel in Section 23 owned by Steven Clark from IND, Industrial to LI, Light Industrial. The parcel is located on the east side of Garfield Road, south of North Union Road and is land use designated as Light Industrial in the Township General Development Plan. The proposed ordinance was introduced during the May 10, 2011 Board of Trustees meeting and was subsequently published in The Bay City Democrat.

**06-11-030-O/Z**      A motion was made by Paige and seconded by Charney to waive  
===== reading, adopt, and authorize publication of Ordinance No. 174, to  
rezone a 7.18 acre parcel of land in Section 23 from IND, Industrial to LI, Light  
Industrial.

Ayes:            Putt, Gower, Wasek, Hoverman, Charney, and Paige.  
Nays:            None.  
Excused:        Plant.    Motion carried.

**8. Proposed Ordinance No. 175**

On June 6, 2011, the township planning commission conducted a public hearing to consider the rezoning request of Tom Vanderkelen to rezone from IND, Industrial and RE, Rural Estate to C-2, General Business District, the easternmost 35± acres of the 44 acres of land he owns on the south side of North Union Road east of the U.S. 10 right-of-way in section 19 of the township. The property is currently vacant. He wants to lease the site for use as a paint ball field.

After a brief discussion, the planning commission voted to recommend that the township board of trustees rezone the parcel to C-2, General Business District.

**06-11-031-O/P/Z**      A motion was made by Paige and seconded by Gower to accept  
===== the recommendation of the township planning commission to waive  
reading, introduce, and authorize publication of proposed Ordinance No. 175, to rezone a  
35± acre parcel in Section 19 from IND, Industrial and RE, Rural Estate, to C-2, General  
Business District.

Ayes:            Gower, Wasek, Hoverman, Charney, Paige, and Putt.  
Nays:            None.  
Excused:        Plant.    Motion carried.

**9. Water Tank Maintenance Contract**

Since November 2010, water tank maintenance has been discussed several times. Multiple options have been discussed for the Eleven Mile Road 500,000 gallon water tank.

- The township can pursue a contract with an engineering company specializing in water tank repair and maintenance, such as Nelson Tank & Engineering or Dixon Engineering, or another company. With this option a subcontractor is hired by the engineering firm to perform the actual maintenance and painting.
- The township can pursue a contract with a firm such as Utility Service Co., Inc. where the engineering, maintenance, and painting will be completed by their company.
- Wait until 2012, with the probability of increased costs.

Nelson Tank Engineering provided an estimate in 2010 for maintenance to be completed during 2011. Their total cost estimate did not include normal engineering costs and was \$323,800.00. The tank will require lead paint abatement.

Utility Service Co., Inc. has provided a contract for maintenance of the water tank. The contract has been reviewed by Jim Hammond, Township Attorney.

Different payment options are available through Utility Service Co., Inc. for the exterior lead abatement renovation, interior dry renovation, interior wet renovation and repairs prior to the end of Contract Year 1. The first three annual fees shall be \$133,683.00. The annual fee for year four, five and six shall be \$23,295.00 per contract year. Contract year seven and each third anniversary thereafter, the annual fee shall be adjusted to reflect the current cost of service. The adjustment of the annual fee shall be limited to a maximum of 5% per annum. No interest is charged for either payment option. During year ten, there is a 100% exterior and interior renovation with necessary repairs. This work would be completed during 2020.

A second payment option is also available. The first four annual fees shall be \$106,086.00. The annual fee for year five, six, and seven shall be \$24,116.00 per contract year. Contract year eight, nine, and ten amounts shall be based on a 3.65% rate of inflation which has been used by the Company for the past fifteen years. During year ten, there is a 100% exterior and interior renovation with necessary repairs. This work would be completed during 2020.

Engineering and inspection services needed to maintain and repair the tank and tower during the term of the Contract are included. The Company will annually inspect and service the tank. Biennially, beginning with the first washout/inspection, the tank will be completely drained and cleaned. After cleaning, the interior will be thoroughly inspected and disinfected. It will then be fresh water rinsed.

The Bay County Department of Water and Sewer shall act as the township's agent and will sign the actual contract after it is slightly changed to reflect the payment option chosen by the township. J. Hammond will once again be asked to review the final contract prior to forwarding to Bay County DWS.

**06-11-032-C/U/W** A motion was made by Hoverman and seconded by Putt to  
===== authorize Bay County DWS to sign a contract with Utility Service Co., Inc. for renovation and maintenance of the water storage tank on Eleven Mile Road as the agent for Williams Township. A four year pay amount of \$106,086.00 on the initial renovation shall be included in the contract. The township attorney shall review the contract prior to signature by Bay County DWS.

Ayes: Wasek, Hoverman, Charney, Paige, Putt, and Gower.  
Nays: None.  
Excused: Plant. Motion carried.

**10. Special Consideration, Hall**

Correspondence was received from Mallory Jacobs, a Zumba instructor, who is requesting use of the township hall for Zumba dance fitness classes. She is requesting use of the hall on Tuesday and Thursday from 6:00 p.m. to 7:00 p.m. Participants will be charged \$5.00 per class and she would pay the township \$1.00 per participant.

A brief discussion followed with questions about a contract, sign in sheet, insurance, etc.

**06-11-033-H** A motion was made by Putt and seconded by Hoverman to  
===== rent the township hall to Mallory Jacobs on Tuesday's and Thursday's from 6:00 p.m. to 7:00 p.m. for Zumba dance fitness classes for a trial period of twelve weeks. One dollar per participant shall be collected for rent of the hall. Proof of liability insurance shall be provided to the Treasurer's office prior to the start of classes.  
6 Ayes 0 Nays Excused: Plant. Motion carried.

**11. 2010 Township Audit**

P. Wasek asked if Trustees had questions regarding the 2010 audit. Several comments were made.

**06-11-034-A** A motion was made by Paige and seconded by Putt to receive the  
===== 2010 Audit as provided by Abraham & Gaffney, P.C.  
6 Ayes 0 Nays Excused: Plant. Motion carried.

**VII. Unfinished Business**

The State Police Post was briefly discussed. It is hopeful that construction may begin in July.

**VIII. New Business**

P. Wasek received a request from the Auburn Veteran's Memorial Group to use the detached garage next to the fire department for storage of the float they are working on for the Cornfest parade. The Memorial in the Auburn city park will be dedicated immediately after the parade. All agreed to allow use of the garage until the parade is over.

**IX. Other Committee Reports**

T. Paige provided an update on the June 6<sup>th</sup> planning commission meeting. Construction of a storage building in Oakside Mobile Home Park and the inadequate water supply in case of a fire were mentioned. The applicant must return to the July meeting with additional information in order for commissioners to approve the site plan and construction.

T. Putt gave P. Wasek information regarding a violation of the blight ordinance on Salzburg Road.

**X. Adjournment**

A motion was made by Hoverman and seconded by Gower to adjourn the meeting at 9:30 p.m.

6 Ayes 0 Nays Excused: Plant. Motion carried.

**Williams Charter Township**

Amy Charney, Clerk

Paul Wasek, Supervisor