

**CHARTER TOWNSHIP OF WILLIAMS
BOARD OF TRUSTEES
REGULAR MEETING – June 9, 2009**

The Board of Trustees of the Charter Township of Williams held a regular meeting on Tuesday June 9, 2009 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), Gower (Trustee), Plant (Trustee), Putt (Trustee), and Wasek (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

Representatives from Dow Corning were present to discuss the IFT applications.

IV. Changes to Agenda

Information on the Michigan State Police Post will be provided after the listed agenda items.

V. Consent Agenda

1. Approve the May 12, 2009 Board of Trustee Minutes as presented.
2. Approve the payment of bills as submitted.
3. Receive the May 2009 Revenue Report and May 2009 Expense Report as presented.
4. Receive the Supervisor's Update of Projects and Issues as presented.
5. Receive the List of Committee Reports, attached Exhibit F.
6. Approve the payment of expenses for appropriate township personnel to attend workshops within Michigan, listed in attached Exhibit G.
7. Receive the Miscellaneous Correspondence and Communication List, attached Exhibits H and I, respectively.

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

7 Ayes 0 Nays Motion carried.

VI. Regular Agenda

1. Dow Corning IFT Application, Corporate Labs, Case No. 09-01

An application for an Industrial Facilities Exemption Certificate was received from Dow Corning Corporation for DC3 Lab Upgrades, DC4 Lab Upgrades, and DC40 Lab Upgrades for their Corporate Site on Salzburg Road in Section 29 of the township.

The total project cost is \$4,786,200.00, all personal property, and a twelve-year exemption is being applied for.

The investment will add capabilities that will allow for research and development of new chemistries and applications using silicon and silicones. They also improve the safety of the employees and reduce the energy needs of the site.

The public hearing began at 7:04 p.m.

Paul Blanke, Kevin Willis and Barbara Herman were present from Dow Corning to answer questions and provide information on both applications.

Paul Blanke gave a brief synopsis of the project and answered questions from members of the board. He also stated the new and improved laboratory equipment can be moved from building to building, if necessary.

No members of the public were present to ask questions or comment on the requested IFT Certificate.

The public hearing concluded at 7:10 p.m.

09-06-039-D/I/P/T A motion was made by Putt and seconded by Plant to approve
===== the application of Dow Corning Corporation for an Industrial Facilities Exemption Certificate (IFT) for their corporate site, Case No. 99-01 with a total project cost of \$4,786,200.00 for 12 years, effective December 31, 2009 for the 2010 tax year on part of tax parcel 09-140-029-200-010-00, 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: Paige, Plant, Wasek, Charney, Hoverman, Putt, and Gower.

Nays: None. Motion carried.

2. Dow Corning IFT Application, AEM Site, Case No. 09-02

An application for an Industrial Facilities Exemption Certificate was received from Dow Corning Corporation for improvements to their Advanced Engineering Materials Site on Eleven Mile Road in Section 28 of the township. The total project cost is \$2,002,500.00; \$175,000.00 of real property improvements and \$1,827,500.00 of personal property, and a twelve-year exemption is being applied for.

A pole barn was constructed for additional storage in November 2008 \$ 50,000.00

An enclosure was constructed over a concrete pad to house empty totes \$125,000.00

Both areas also include personal property.

The public hearing began at 7:11 p.m.

Kevin Willis gave a brief synopsis of the project and answered questions from members of the board. He provided information on some of the personal property that includes a scanning microscope, additional venting, refurbishing of a very large mixer, and production equipment to improve safety and efficiency for the product line.

No members of the public were present to ask questions or comment on the requested IFT Certificate.

The public hearing concluded at 7:15 p.m.

09-06-040-D/I/P/T A motion was made by Plant and seconded by Putt to approve
===== the application of Dow Corning Corporation for an Industrial Facilities Exemption Certificate (IFT) for their Advanced Engineering Materials site, Case No. 99-02 with a total project cost of \$2,002,500.00 for 12 years, effective December 31, 2009 for the 2010 tax year on part of tax parcel 09-140-028-200-050-00 and 09-140-028-200-050-02, and to authorize the Clerk to sign the resolution, attached Exhibit D. 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: Plant, Wasek, Charney, Hoverman, Putt, Gower, and Paige.
Nays: None. Motion carried.

3. Eight Mile Road Bridge Replacement

The bridge on Eight Mile Road located approximately 200 feet north of Salzburg Road was posted with load limits about three years ago. Since Eight Mile is a local border road, costs for improvements are equally shared with Monitor Township. At the May 12, 2009 Township Board meeting, the board approved an agreement provided by the Bay County Road Commission (BCRC) to spend \$32,675.00 for replacing the deck on the bridge but utilizing the existing abutments.

Upon further inspection by the BCRC, it has been determined that the heavy spring rains have caused the abutments to be damaged beyond repair and replacement appears to be required. A new estimate has been prepared by the BCRC that includes installation of an 18 foot by 6 foot high box culvert. Our share of the project is now estimated at \$45,000.00. The project will be bid since the road commission does not have equipment to set the section of large box culvert.

The cost is significant, but it is hopeful that bid prices will be good. The road receives a fair amount of farm related traffic even though there are not a lot of homes on the dead end road.

09-06-041-A/B/M/R A motion was made by Plant and seconded by Wasek to
===== authorize the Supervisor and Clerk to execute an agreement with the Bay County Road Commission for bridge replacement on Eight Mile Road 200± north of Salzburg Road contingent upon approval by Monitor Township to equally share the cost of the project. 7 Ayes 0 Nays Motion carried.

4. Wilder Road Culvert Replacement

The Auburn Road Drain culvert under Wilder Road on the west side of Nine Mile Road has failed. The BCRC has closed the road to all traffic and blocked the road with guard rails. Wilder Road and Nine Mile Road are both local roads.

The Road Commission has a policy for local road drainage structure replacement as it relates to the Building Better Local Roads Agreements. If the culvert is larger than 36 inches in diameter, the township is required to pay for the structure, headwall materials, and asphalt, if necessary. The BCRC will be responsible for costs associated with backfill materials, labor, and AMZ road surface material, if needed.

The township's share is estimated at \$4,500.00 and the BCRC share is estimated at \$10,750.00 for replacement of the culvert which is sized at 38 feet of 103 inch by 71 inch polymer coated elliptical pipe.

09-06-042-A/B/R A motion was made by Plant and seconded by Putt to authorize the
===== Supervisor and Clerk to execute an agreement with the Bay County
Road Commission for the Wilder Road culvert replacement.
7 Ayes 0 Nays Motion carried.

5. TruGreen Park Proposal

TruGreen has been applying a combination fertilizer/broadleaf weed control in the township park, hall/office area, and fire department two times per year since 2002. There has been an ongoing infestation of grubs in the park but we have never treated the area as their proposal for one application was \$2,200.00. TruGreen is now proposing to treat the park with a liquid treatment containing merit for a fee of \$1,000.00. The product is safe for re entry as soon as it dries on the grass blades.

Other treatment options have been explored in the past and none allowed for a quick re entry at a reasonable cost. Auburn Fertilizer was recently contacted and to purchase a product and have our DPW personnel do the application is more costly than the TruGreen proposal of \$1,000.00.

T. Putt was asked by T. Paige to gather information on liquid application as opposed to granular application. T. Putt indicated that the liquid seems to be less effective as it tends to remain on the grass blades rather than being dispersed to the roots. He also inquired about the rate of application by TruGreen.

After a short discussion, all agreed that more information needs to be obtained, for example, what is the re entry time for a granular type application?

6. Painting Proposal

At the May 12th meeting, the township board approved L. Butzin Painting to paint the panel on the exterior of the hall where the exhaust fan duct was removed, the kitchen, and freezer door. The work is scheduled for July 24th, 25th, and 26th.

He was also asked to provide a quotation for painting the hall entrance, hall lobby, and hall restrooms. The total bid amount for completion of the above listed painting is \$2,350.00. The block walls will be painted with latex paint, however, the ceiling tile supports, and bathroom stall dividers will be painted with oil base.

Dale Dzurka and Jim Carlin will be painting the interior of the park restrooms.

09-06-043-B/H A motion was made by Wasek and seconded by Charney to accept
===== the bid of L. Butzin Painting to paint the hall entrance, hall lobby, hall restrooms and ceiling tile supports. Copies of liability insurance and proof of workers compensation insurance shall be submitted to the township prior to the start of any work.
7 Ayes 0 Nays Motion carried.

7. Charter Communications Ballots

Charter Communications filed for Chapter 11 bankruptcy on March 27, 2009 to reorganize its debt obligations. The township received notice of Charter's actions and T. Paige has been in contact with Jim Hammond, Township Attorney. A motion was approved by the Bankruptcy Court that allows Charter to pay franchise fees and property taxes in full. They are current with all township property taxes and franchise fees, as promised.

The township received two ballots regarding the bankruptcy that must be received by the securities voting agent by 5:00 p.m. on June 15, 2009. Two ballots were received since franchise fees are remitted for Charter Bay City, and Charter Midland feeds.

The ballots and other information were forwarded to J. Hammond for his review and comments. He recommends that the township board "Accept the Plan".

09-06-044-A/C A motion was made by Plant and seconded by Wasek to authorize
===== the Supervisor to execute the two Charter Communications ballots as "Accept the Plan" on behalf of the township per the recommendation of the township attorney.
7 Ayes 0 Nays Motion carried.

8. Township Trash Contract

The township's current five year trash, recycle, and yard waste collection agreement expires on October 31, 2009. Based on discussion at the May 12, 2009 township meeting, contact was made with Joe Denczek of Waste Management to see if common ground could be found for a contract extension. The consensus of the board on May 12th was that the current services of unlimited weekly trash collection, bi-weekly recycle collection, and weekly yard waste collection be continued and pursued for any future contract.

A. Charney, C. Hoverman, and T. Paige met with J. Denczek and Amy Tober, the new Saginaw District Manager for Waste Management, to discuss parameters the board discussed on May 12th.

The parameters are a 2010 rate of \$10.30 per month, a fuel surcharge beginning at \$2.75 per gallon adjusted monthly, a 2% annual increase, rolling the park dumpster into the contract (currently only the hall dumpster is included), parcel count and rate change effective January 1 of each year, and the contract extended through the end of 2014. J. Denczek felt that the parameters were workable except that a 3% annual increase was needed. Discussion followed questioning if we could get to a 2% annual increase with a 2010 rate of \$10.40. He indicated he would look at that and get back with T. Paige after reviewing Waste Management's pro-forma. The pro-forma indicated a 2.6% annual increase is required with a \$10.40 beginning rate for 2010.

Four rate structures were developed with different beginning 2010 rates and different annual percentage increases. The current rate is \$9.64 per parcel/per month. The current annual special assessment is \$115.00. It appears likely that Waste Management will seriously consider and likely approve two of the options that are as follows.

Option No. 1 is a 7% increase from the current rate. Year one of the contract begins at \$10.30/month or \$123.60/year with yearly increases of 2.8%. By year five, the monthly rate is \$11.50/month or \$138.00/year.

Option No. 2 is an 8% increase from the current rate. Year one of the contract begins at \$10.40/month or \$124.80/year with yearly increases of 2.4%. By year five, the monthly rate is \$11.44/month or \$137.28/year.

09-06-045-C/S/T/T/W A motion was made by Putt and seconded by Wasek to
===== pursue a five year and two month contact extension with
Waste Management for township wide trash, recycle, and yard waste collection using
Option No. 2 as the proposed rate structure, with yearly fees to change on January 1st of
each year.

7 Ayes 0 Nays Motion carried.

9. Auburn Cornfest Fireworks Permit

Wolverine Fireworks Display has requested a Fireworks Permit for the annual fireworks display at the Auburn Cornfest on July 16, 2009 (Rain Date July 17, 2009). 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.

09-06-046-A/F A motion was made by Plant and seconded by Hoverman to
===== authorize the Supervisor to sign and issue the Permit for Fireworks
Display to Wolverine Fireworks Display, Inc. for the Auburn Cornfest on July 16, 2009,
with a rain date of July 17, 2009.
7 Ayes 0 Nays Motion carried.

10. 2008 Audit Report

T. Paige briefly commented on the Management Discussion & Analysis section of the 2008 township audit.

06-09-047-A A motion was made by Putt and seconded by Plant to receive the
===== 2008 Audit as provided by Abraham & Gaffney, P.C.
7 Ayes 0 Nays Motion carried.

11. Michigan State Police Post Location

T. Paige provided a copy of a resolution passed earlier on this date by the Bay County Board of Commissioners. The resolution was passed unanimously (1 member was absent/excused) and supports construction of the Bay City State Police Post on Salzburg Road property in Section 29 of Williams Township.

A township resolution drafted by T. Paige was then provided for review, questions and/or comments. All present understand that funding has been committed for water and sanitary sewer extensions that will be required for the post to relocate on Salzburg Road.

09-06-048-B/M/M/S/W A motion was made by Putt and seconded by Hoverman to
===== adopt the Resolution supporting construction of the Bay
City State Police Post on the northeast corner of Salzburg Road and Flajole Road in
Section 29 of Williams Township, attached Exhibit F.
Ayes: Wasek, Charney, Hoverman, Putt, Gower, Paige, and Plant.
Nays: None. Motion carried.

VII. Unfinished Business

T. Paige provided a copy of correspondence from Bob Klemish, Township Zoning Administrator, regarding the Ordinance violation/complaints discussed at last months meeting.

R. Storey was hand delivered correspondence from Deputy Wolpert giving him until July 5th to clean up the blight in his yard.

No further action will be taken at this time against W. Butterfield as no laws have been broken. The four wheelers have remained on the homeowner's property and no correspondence has been received from the county prosecutor.

VIII. New Business

The July BCTOA meeting will be held in the township park. Reservations are due July 8th and assistance will be needed as we are the host township.

IX. Other Committee Reports

There is a special joint meeting next Wednesday June 17th with the city of Auburn and the Auburn-Williams Intergovernmental Advisory Committee. The committee will provide a summary of the report that has been compiled and distributed to members of the Auburn City Commission and the township Board of Trustees.

P. Wasek provided a Planning Commission meeting update.

J. Plant stated that the gun range improvements are nearly complete.

X. Adjournment

A motion was made by Hoverman and seconded by Gower to adjourn the meeting at 8:50 p.m.

7 Ayes 0 Nays Motion carried.

Williams Charter Township

Amy Charney, Clerk

Tom Paige, Supervisor