

**CHARTER TOWNSHIP OF WILLIAMS
BOARD OF TRUSTEES
REGULAR MEETING – October 12, 2010**

The Board of Trustees of the Charter Township of Williams held a regular meeting on Tuesday October 12, 2010 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), Charney (Clerk), Paige (Trustee), Plant (Trustee), and Putt (Trustee). Absent: Hoverman (Treasurer) and Gower (Trustee).

C. Hoverman was attending the Michigan Municipal Treasurer's Association Conference at Crystal Mountain.

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

No one spoke at this time.

IV. Changes to Agenda

There were no changes to the agenda.

V. Consent Agenda

1. Approve the September 28, 2010 Board of Trustee Minutes as presented.
2. Approve the payment of bills as submitted.
3. Receive the September 2010 Financial (cash) Report as presented.
4. Receive the September 2010 Revenue Report and September 2010 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 F.
7. Approve the payment of expenses for appropriate township personnel to attend workshops within Michigan, listed in attached Exhibit G.
8. Receive the Miscellaneous Correspondence and Communication List, attached Exhibits H and I, respectively.

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

5 Ayes 0 Nays Absent: Hoverman and Gower. Motion carried.

VI. Regular Agenda

1. Air Advantage

P. Wasek received correspondence from Air Advantage, an internet provider that is interested in installing wireless broadband transmission equipment on our water tower. They currently lease space from about 65 locations, including municipalities, grain facilities, communication tower companies and other locations in Huron, Tuscola, Sanilac, Lapeer, St. Clair, and Saginaw counties.

Correspondence further indicated that the company typically pays from \$0 to \$300 per month to the tower owner, depending on the level of service that is provided to the owner.

Scott Zimmer, owner of Air Advantage, was present to provide additional information and answer questions from members of the board. His company was awarded 64 million dollars from the Federal government to bring broadband wireless internet to rural America. Their equipment will typically transfer a signal five to eight miles with an average customer base of 70 households. They would prefer a three year contract with a one year renewable clause.

P. Wasek thanked S. Zimmer for attending the meeting and told him the board would further discuss placement of their equipment on the water tower.

2. Zoning Board of Appeals Appointment

The Township Board appoints members to the Williams Township Zoning Board of Appeals for three-year terms. The term of Joel Johansson expires on December 31, 2010. The Zoning Board of Appeals did not meet during 2009 and has not met this year; however, Joel is willing to be re appointed.

10-10-060-A/Z A motion was made by Putt and seconded by Paige to
===== accept the Supervisor's recommendation to appoint Joel Johansson as a member of the township Zoning Board of Appeals for a three year term beginning January 1, 2011 and ending December 31, 2013. All appointees shall serve at the pleasure of the township board.

5 Ayes 0 Nays Absent: Hoverman and Gower. Motion carried.

3. Planning Commission Appointment

The Township Board appoints members to the Williams Township Planning Commission for three-year terms. The terms of Douglas Putt and Jamie Hurt expire on December 31, 2010. Both are willing to be reappointed to a term beginning January 1, 2011 and continuing through December 31, 2013.

10-10-061-A/P A motion was made by Paige and seconded by Charney to
===== accept the Supervisor's recommendation to appoint Douglas Putt as
a member of the township Planning Commission for a three year term to begin January 1,
2011 and continuing through December 31, 2013. All appointees shall serve at the
pleasure of the township board.
5 Ayes 0 Nays Absent: Hoverman and Gower. Motion carried.

10-10-062-A/P A motion was made by Plant and seconded by Putt to
===== accept the Supervisor's recommendation to appoint Jamie Hurt as a
member of the township Planning Commission for a three year term to begin January 1,
2011 and continuing through December 31, 2013. All appointees shall serve at the
pleasure of the township board.
5 Ayes 0 Nays Excused: Hoverman and Gower. Motion carried.

4. Board of Review Appointments

Williams Township Board of Review members are appointed to two year terms, with the term beginning on January 1 of odd numbered years.

The terms of current Board of Review members expire on December 31, 2010. The current members are Jerry Andrus, Norm Adams, and Don Rueger. In addition, Jackie Gay and Edd Putt serve as alternate members, and all have served the residents of Williams Township well. J. Andrus, N. Adams and D. Rueger have indicated they will continue to serve on the Board of Review, if re appointed. J. Gay has also agreed to serve another term as an alternate member. Edd Putt is unable to continue serving as an alternate member as he plans to move to Midland County early next year.

10-10-063-A/B A motion was made by Paige and seconded by Putt to accept
===== the Supervisor's recommendation to appoint Jerry Andrus as a
member of the township Board of Review for a two year term beginning January 1, 2011
and ending December 31, 2012. All appointees shall serve at the pleasure of the township
board.
5 Ayes 0 Nays Absent: Hoverman and Gower. Motion carried.

10-10-064-A/B A motion was made by Plant and seconded by Putt to accept
===== the Supervisor's recommendation to appoint Norm Adams as a
member of the township Board of Review for a two year term beginning January 1, 2011
and ending December 31, 2012. All appointees shall serve at the pleasure of the township
board.
5 Ayes 0 Nays Absent: Hoverman and Gower. Motion carried.

10-10-065-A/B A motion was made by Putt and seconded by Charney to
===== accept the Supervisor's recommendation to appoint Don Rueger as
a member of the township Board of Review for a two year term beginning January 1, 2011
and ending December 31, 2012. All appointees shall serve at the pleasure of the township
board. 5 Ayes 0 Nays Absent: Hoverman and Gower. Motion carried.

10-10-066-A/B A motion was made by Paige and seconded by Charney to
===== accept the Supervisor's recommendation to appoint Jackie Gay as
an alternate member of the township Board of Review for a two year term beginning
January 1, 2011 and ending December 31, 2012. All appointees shall serve at the pleasure
of the township board.

5 Ayes 0 Nays Absent: Hoverman and Gower. Motion carried.

P. Wasek urged board members to contact him if they have another alternate member suggestion.

5. Sewer Rate Ordinance, No. 56-I

After numerous changes and revisions, Bill Darbee has completed the Regional Wastewater System Rate Ordinance that repeals existing ordinances 56 and 56-A through and including 56-H. It enacts a new ordinance regulating connection to and use of the Bay County West Side Regional Sewage Disposal System. It provides for charges for the use thereof and provides penalties for violation thereof and provides for other matters relative to use of the sewage system. The Ordinance shall be known as the Charter Township of Williams Sewer Rate Ordinance and was also extensively reviewed by Tom Paige and Cheryl Fechter at Bay County Department of Water and Sewer.

It changes the township connection charge from \$4,000.00 and \$2,000.00 to a fee of \$3,600.00 multiplied by the Residential Equivalent Unit (REU) of the User.

10-10-067-B/F/O/S A motion was made by Plant and seconded by Putt to waive
===== reading, introduce and authorize publication of Ordinance No. 56-I,
the Williams Township Sewer Rate Ordinance.

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

Nays: None.

Absent: Hoverman and Gower.

Motion carried.

6. METRO Act Public Right-of-Way Permit

Correspondence was received from Merit Network, Inc. requesting a METRO Act Right-of Way Permit. A one time \$500.00 application fee, as required by the state's METRO Act (PA48 of 2002) was received. The local municipality has 45 days after receiving an application and permit fee to approve or deny the application. The Act provides that a permit shall not be unreasonably denied.

The METRO Act is overseen by the Michigan Public Service Commission (MPSC) and generic application forms and generic permit forms are provided by the state at the MPSC website. Merit Network, Inc. supplied both of the generic forms to our township.

Correspondence included with the Merit Network, Inc. application states that they were awarded a 33 million dollar infrastructure grant from the federal government with an additional 8.3 million dollar matching grant to build a 955 mile advanced fiber-optic network through 32 counties in Michigan's Lower Peninsula. The project is funded by the American Recovery and Reinvestment Act and will support the deployment of broadband infrastructure in unserved and underserved areas, enhance and expand public computers, and encourage sustainable adoption of broadband service in our area.

A map included with the application shows aerial fiber along US10 and M47, N. Union Road and Midland Road. It also shows small areas of underground fiber on N. Union Road.

Jim Hammond, Township Attorney reviewed the application and permit form and assisted with obtaining the \$500 permit fee. The application fee was received September 22, 2010.

10-10-068-M/M/T A motion was made by Plant and seconded by Putt to authorize the township Supervisor to sign the METRO Act Permit Bilateral Form for a Right-of-Way Telecommunications Permit as submitted by Merit Network, Inc.
=====

5 Ayes 0 Nays Absent: Hoverman and Gower. Motion carried.

7. PA116 Applications, Warmbier

Three applications for enrollment of property into the State of Michigan Farmland and Open Space Program, PA116, were received from William and Mary Ellen Warmbier. The three parcels are located in the following areas of the township:

- 49 acres in Section 27
- 40 acres in Section 36
- 40 acres in Section 16

Positive comments were received from the Bay County Soil Conservation District. The applications were listed on the city of Auburn's consent agenda for approval as well, and approved on October 4th.

The applications cannot be forwarded to Bay County for comments until after approved by the township.

10-10-069-F A motion was made by Putt and seconded by Plant to accept the recommendation of the Bay County Soil Conservation District and the city of Auburn to approve the PA116 application of William and Mary Ellen Warmbier for enrollment of 49 acres of land in Section 27 into the State of Michigan's Farmland and Open Space Preservation Program, attached Exhibit C.

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

10-10-070-F A motion was made by Plant and seconded by Paige to accept the
===== recommendation of the Bay County Soil Conservation District and the city
of Auburn to approve the PA116 application of William and Mary Ellen Warmbier for
enrollment of 40 acres of land in Section 36 into the State of Michigan's Farmland and
Open Space Preservation Program, attached Exhibit D.

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

Nays: None.

Absent: Hoverman and Gower.

Motion carried.

10-10-071-F A motion was made by Paige and seconded by Charney to accept the
===== recommendation of the Bay County Soil Conservation District and the city
of Auburn to approve the PA116 application of William and Mary Ellen Warmbier for
enrollment of 40 acres of land in Section 16 into the State of Michigan's Farmland and
Open Space Preservation Program, attached Exhibit E.

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

Nays: None.

Absent: Hoverman and Gower.

Motion carried.

8. Bulk Water Station Demolition

After the bid for demolition of the house located at 1100 W. Midland Road was awarded to Rohde Brothers Excavating, Inc., P. Wasek inquired about removal of the Bulk Water Station building and cement slab. Richard Rohde proposed a fee of \$1200 to remove both the building and cement slab.

A brief discussion followed. It was agreed that prior to removal of the building, the coin box, backflow valve, and any other salvageable material should be removed.

10-10-072-B/B/D A motion was made by Plant and seconded by Putt to authorize the
===== Supervisor to execute a change order with Rohde Brothers
Excavating, Inc. and demolish and remove the Bulk Water Station and cement pad for the
above agreed upon price. It is understood that a demolition permit will be obtained from
the building department and that a copy of workers compensation insurance and liability
insurance shall be provided to the township prior to the start of any work.

5 Ayes 0 Nays Absent: Hoverman and Gower. Motion carried.

9. Bay County Library Millage Renewal

P. Wasek was contacted by the Bay County Library System asking if our Board of Trustees would support their millage renewal question on the November 2nd ballot.

It was agreed that we typically do not vote to support political questions or millage proposals. A brief discussion followed.

10-10-073-B/M A motion was made by Charney and seconded by Putt to support
===== the efforts of the Bay County Library System to pass their renewal
ballot proposal on November 2, 2010.
5 Ayes 0 Nays Absent: Hoverman and Gower. Motion carried.

VII. Unfinished Business

The house demolition should begin within the next week.

VIII. New Business

J. Plant shared several drainage issues on Eleven Mile Road with P. Wasek.

IX. Other Committee Reports

T. Paige provided an update on Chad Kloha's PUD project on Garfield Road. An updated plan has not yet been received.

X. Adjournment

A motion was made by Putt and seconded by Plant to adjourn the meeting at 8:45 p.m.
5 Ayes 0 Nays Absent: Hoverman and Gower. Motion carried.

Williams Charter Township

Amy Charney, Clerk

Paul Wasek, Supervisor