

**CHARTER TOWNSHIP OF FENTON BOARD OF TRUSTEES  
MINUTES FOR REGULAR MEETING OF SEPTEMBER 17, 2001**

**FENTON TOWNSHIP CIVIC COMMUNITY CENTER  
12060 MANTAWAUKA DRIVE, FENTON, MICHIGAN**

Supervisor Gabrielson called the meeting to order at 7:30 p.m.

Present: Gabrielson, Mueller, Garfield, Krug, McKenna, Rowe, Office Manager Broecker and Attorney Cooley

Absent: Mathis

**PLEDGE OF ALLEGIANCE:**

Supervisor Gabrielson led the pledge of allegiance to the flag. All in attendance observed a moment of silence to honor the victims of the terrorist attacks on our nation last week.

**APPROVAL OF AGENDA:**

Motion to approve the 9/17/01 Fenton Township Board Meeting agenda as presented.

Motion by: Krug

Seconded: Rowe

Ayes: All Present

Nays: None

Absent: Mathis

Motion carried. The agenda is approved.

**MEETING MINUTES:**

The minutes of the 9/4/01 regular meeting and the 9/10/01 workshop meeting stand approved as presented.

**EXPENDITURES:**

Motion to approve invoices for payment as presented.

Motion by: McKenna

Seconded: Garfield

Ayes: Gabrielson, Mueller, Garfield, Krug, McKenna, Rowe

Nays: None

Absent: Mathis

Motion carried.

**PUBLIC HEARINGS:**

**Pine Lake Improvement Special Assessment District/2nd Hearing**

Supervisor reviewed the proposed special assessment district for a five-year weed control project on Pine Lake.

Public Comment:

Edward Farrell, 4462 Eleanor Drive

Mr. Farrell stated that he is not opposed to the assessment, but believes that assessing the costs on a lineal frontage basis would be more equitable than the proposed per-parcel basis. He also stated that some of the weed problems are caused by use of fertilizers on lakefront properties. Office Manager Broecker clarified that the per-parcel or "pro-rata"

**CHARTER TOWNSHIP OF FENTON BOARD OF TRUSTEES  
MINUTES FOR REGULAR MEETING OF SEPTEMBER 17, 2001**

assessment method was a part of the petition language and, therefore, is the basis for this assessment. Regarding the fertilizer issue, Supervisor Gabrielson stated that the township's ordinance prohibits the use of fertilizer within 50 feet of lakes (25 feet for commercial applicators). Any violators should be reported to the township.

Mike Smith, 15495 Whitaker Road

Mr. Smith supports the proposed assessment. He also added that the weed treatments are only to eradicate non-native plants, specifically milfoil. He agreed that part of the problem is due to the improper use of fertilizers.

There was no further discussion. Clerk Mueller presented the following resolution:

**RESOLUTION NO. 2001-32**

*WHEREAS, the township board of the Charter Township of Fenton, Genesee County, Michigan, after due and legal notice, has conducted a public hearing upon a proposed assessment roll prepared by the supervisor and assessing officer of the Township for the purpose of defraying the costs of the weed eradication/control project proposed to be initiated within the Pine Lake Improvement Special Assessment District as shown on the plans and specification for such project, and*

*WHEREAS, such public hearing was preceded by proper notice in a newspaper of general circulation in the Township, and by First Class Mail notice to each property owner of record within said district and upon said assessment roll, and*

*WHEREAS, all present at said public hearing were given the opportunity to be heard in the matter, and*

*WHEREAS, written objections were received to said roll and levy, and*

*WHEREAS, a record of those present to protest, and of written protests submitted at or before the public hearing was made a part of the minutes of the hearing, and*

*AND WHEREAS, the verbal comments received and information provided indicated the reasonableness of the following amendments to said assessment roll:  
Removal of parcel 06-28-551-017 (inactive parcel).  
Revised per parcel assessment is \$88.75 per year.  
and,*

*WHEREAS, the Township Board has duly inspected the proposed assessment roll and considered all comments and proposed amendments thereto and has found the proposed assessment roll, as submitted, to be correct, just and reasonable;*

*THEREFORE BE IT RESOLVED, that the assessment roll submitted by the supervisor and assessing officer of the Township shall hereafter be designated as Fenton Township Special Assessment Roll No. 2001-3 and shall hereby be confirmed as the assessment roll for the Pine Lake Improvement Special Assessment District.*

**CHARTER TOWNSHIP OF FENTON BOARD OF TRUSTEES  
MINUTES FOR REGULAR MEETING OF SEPTEMBER 17, 2001**

*BE IT FURTHER RESOLVED, that the assessments in said Fenton Township Special Assessment Roll No. 2001-3 shall be divided into five annual installments with the first installment due on or before December 1, 2001 and the following installments to be due on or before the first day of December of the years 2002 through 2005 inclusive.*

*BE IT FURTHER RESOLVED, that future due installments of an assessment against any parcel of land may be paid to the Township Treasurer at any time in full. If any installment of a special assessment is not paid when due, then the installment shall be considered to be delinquent and there shall be collected a penalty at the rate of 1% for each month, or fraction of a month, that the installment remains unpaid before being reported to the Township Board for reassessment upon the Township tax roll, in accordance with Michigan P.A. 188 of 1954, as amended.*

*BE IT FURTHER RESOLVED, that the assessments made in said special assessment roll are hereby ordered and directed to be collected by the Township Treasurer, and the Township Clerk shall deliver said special assessment roll to said Treasurer with his warrant attached, commanding the Treasurer to collect such assessments in accordance with the direction of the Township Board and said P.A. 188 of 1954.*

*BE IT FURTHER RESOLVED, that all resolutions and parts of resolutions insofar as they conflict with the provisions of this resolution be and the same are hereby rescinded.*

Motion to adopt Resolution No. 2001-32 as presented.

Motion by: Mueller

Seconded: Garfield

Ayes: Gabrielson, Mueller, Garfield, Krug, McKenna, Rowe

Nays: None

Absent: Mathis

Motion carried. Resolution declared adopted.

*Crystal Cove Court Road Maintenance Special Assessment District/2nd Hearing*  
Supervisor Gabrielson reviewed the proposed special assessment district for the maintenance Crystal Cove Court, a private street. There was no public comment. Clerk Mueller presented the following resolution:

**RESOLUTION NO 2001-33**

*WHEREAS, the township board of the Charter Township of Fenton, Genesee County, Michigan, after due and legal notice, has conducted a public hearing upon a proposed assessment roll prepared by the supervisor and assessing officer of the Township for the purpose of defraying the costs of the road maintenance project proposed to be initiated within the Crystal Cove Court Road Maintenance Special Assessment District as shown on the plans and specification for such project;*

**CHARTER TOWNSHIP OF FENTON BOARD OF TRUSTEES  
MINUTES FOR REGULAR MEETING OF SEPTEMBER 17, 2001**

*AND WHEREAS, such public hearing was preceded by proper notice in a newspaper of general circulation in the Township, and by First Class Mail notice to each property owner of record within said district and upon said assessment roll;*

*AND WHEREAS, all present at said public hearing were given the opportunity to be heard in the matter;*

*AND WHEREAS, no written objections were received to said roll and levy;*

*AND WHEREAS, a record of those present to protest, and of written protests submitted at or before the public hearing was made a part of the minutes of the hearing;*

*AND WHEREAS, the Township Board has duly inspected the proposed assessment roll and considered all comments and proposed amendments thereto and has found the proposed assessment roll, as submitted, to be correct, just and reasonable;*

*THEREFORE BE IT RESOLVED, that the assessment roll submitted by the supervisor and assessing officer of the Township, shall hereafter be designated as the Fenton Township Special Assessment Roll No. 2001-4 and shall hereby be confirmed as the assessment roll for the Crystal Cove Court Road Maintenance Special Assessment District.*

*BE IT FURTHER RESOLVED, that the assessments in said Fenton Township Crystal Cove Court Road Maintenance Special Assessment Roll shall be assessed annually with the first payment due and payable on December 1, 2001 and the following payments to be due and payable on the first day of December of each year thereafter. The amount of each payment may be adjusted on an annual basis, relative to changes in the actual cost of road maintenance.*

*BE IT FURTHER RESOLVED, that if any installment of a special assessment is not paid when due, then the installment shall be considered to be delinquent and there shall be collected a penalty at the rate of 1% for each month, or fraction of a month, that the installment remains unpaid before being reported to the Township Board for reassessment upon the Township tax roll, in accordance with Michigan P.A. 188 of 1954, as amended.*

*BE IT FURTHER RESOLVED, that the assessments made in said special assessment roll are hereby ordered and directed to be collected by the Township Treasurer, and the Township Clerk shall deliver said special assessment roll to said Treasurer with his warrant attached, commanding the Treasurer to collect such assessments in accordance with the direction of the Township Board and said P.A. 188 of 1954.*

*BE IT FURTHER RESOLVED, that all resolutions and parts of resolutions insofar as they conflict with the provisions of this resolution be and the same are hereby rescinded.*

**CHARTER TOWNSHIP OF FENTON BOARD OF TRUSTEES  
MINUTES FOR REGULAR MEETING OF SEPTEMBER 17, 2001**

Motion to adopt Resolution No. 2001-33 as presented.

Motion by: Mueller

Seconded: McKenna

Ayes: Gabrielson, Mueller, Garfield, Krug, McKenna, Rowe

Nays: None

Absent: Mathis

Motion carried. Resolution declared adopted.

**Fenton Township Fire Protection Special Assessment District-Confirmation of 2001 Assessment Roll**

Supervisor Gabrielson reviewed the proposed Fire Protection Special Assessment Roll for the 2001 Property Tax bills. The per parcel assessment remains at \$65.00. The total assessment is \$458,705.00. There was no public comment. Clerk Mueller presented the following resolution:

**RESOLUTION NO. 2001-34**

*WHEREAS, the township board of the Charter Township of Fenton, Genesee County, Michigan, after due and legal notice, has conducted a public hearing upon a proposed assessment roll prepared by the supervisor and assessing officer of the Township for the purpose of raising money by special assessment for furnishing fire protection and purchasing and housing equipment, and for the operation of same, and*

*WHEREAS, such public hearing was preceded by a notice published in a newspaper of general circulation in the Township, and*

*WHEREAS, no written objections were received to said roll and levy;*

*WHEREAS, all present at said public hearing were given the opportunity to be heard in the matter, and*

*AND WHEREAS, the Township Board has duly inspected the proposed assessment roll and considered all comments and proposed amendments thereto and has found the proposed assessment roll, as presented, to be correct, just and reasonable;*

*THEREFORE BE IT RESOLVED, that the assessment roll submitted by the supervisor and assessing officer of the Township shall hereafter be designated as the Fenton Township Special Assessment Roll No. 2001-5 and shall hereby be confirmed as the assessment roll for the Fenton Township Fire Protection Special Assessment District, and*

*BE IT FURTHER RESOLVED, that the assessments in said Fenton Township Special Assessment Roll No. 2001-5 shall be due and payable on December 1, 2001, and*

*BE IT FURTHER RESOLVED, if any special assessment is not paid when due, then the special assessment shall be considered to be delinquent and there shall be collected, in addition to interest as provided by this section, a penalty at the rate of 1%*

**CHARTER TOWNSHIP OF FENTON BOARD OF TRUSTEES  
MINUTES FOR REGULAR MEETING OF SEPTEMBER 17, 2001**

*for each month, or fraction of a month, that the installment remains unpaid before being reported to the Township Board for reassessment upon the Township tax roll, in accordance with Michigan Public Act 188 of 1954, as amended, and*

*BE IT FURTHER RESOLVED, that the assessments made in said special assessment roll are hereby ordered and directed to be collected by the Township Treasurer, and the Township Clerk shall deliver said special assessment roll to said Treasurer with his warrant attached, commanding the Treasurer to collect such assessments in accordance with the direction of the Township Board and said P.A. 188 of 1954.*

*BE IT FINALLY RESOLVED, that all resolutions and parts of resolutions insofar as they conflict with the provisions of this resolution be and the same are hereby rescinded.*

Motion to adopt Resolution No. 2001-34 as presented.

Motion by: Mueller

Seconded: Garfield

Ayes: Gabrielson, Mueller, Garfield, Krug, McKenna, Rowe

Nays: None

Absent: Mathis

Motion carried. Resolution declared adopted.

**2002 Fenton Township Budget**

Supervisor Gabrielson opened the public hearing on the proposed Fenton Township Budget for 2002. There was no public comment. The budget will be presented for formal adoption at the 10/1/01 meeting.

**REPORTS:**

**911 Update**

Supervisor Gabrielson reported that the 911 Consortium has voted to absorb 60% of the cost of the 800mhz communication system upgrade scheduled for 2003. The local governmental units will be responsible for 40% of the total cost. The funds to pay the 60% will come from a proposed increase to the 911 monthly telephone bill surcharge.

**COMMUNICATIONS:**

None

**UNFINISHED BUSINESS-ADOPTION OF ORDINANCES:**

None

**UNFINISHED BUSINESS-OTHER:**

**Workshop Meeting – 9/25/01**

Supervisor Gabrielson reminded the board of the workshop meeting scheduled for Tuesday 9/25/01 at 7:00 p.m.

**NEW BUSINESS:**

**CHARTER TOWNSHIP OF FENTON BOARD OF TRUSTEES  
MINUTES FOR REGULAR MEETING OF SEPTEMBER 17, 2001**

**Request for Temporary Off-Premise Signs – Tri-County Christian Church**

Supervisor Gabrielson reviewed a letter from Ed and Lori Bearden, representing the Tri-county Christian Church, requesting a variance to allow the temporary placement of approximately 200 signs throughout the township. Ed Bearden, 16528 Hi-Land Trail, explained that the signs, which resemble small political signs, are to draw attention to the church's website and an upcoming special event. The signs would be removed within 1 week of their scheduled 10/7/01 event. Clerk Mueller noted that, even if approved, such signs could not be placed in the road rights-of-way. Supervisor Gabrielson expressed concern about granting such a variance and the precedent it may set.

**Public Comment:**

Ray Kalanquin, 14159 Swanee Beach

Mr. Kalanquin stated that the township should not help the church promote new membership. It would set a bad precedent.

Chris LaRocque, 16332 Pine Lake Forest

Mr. LaRocque stated that he opposes the placement of the signs in Fenton Township. Similar signs have been placed along M-59 in Livingston County and he feels that they are unattractive.

Motion to deny the request of the Tri-County Christian Church for the temporary placement of off-premise signs within Fenton Township.

Motion by: Mueller

Seconded: McKenna

Ayes: Gabrielson, Mueller, Garfield, Krug, McKenna, Rowe

Nays: None

Absent: Mathis

Motion carried. The variance request is denied.

**Preliminary Plat Final Approval – Lakeside Acres**

Supervisor Gabrielson reviewed the Lakeside Acres Preliminary Plat site plan. Trustee McKenna reported that the Planning Commission was satisfied with the revisions made to the plan to minimize unauthorized lake access, and had recommended approval of the plan.

Motion to grant final approval for the Preliminary Plat of Lakeside Acres, as presented.

Motion by: McKenna

Seconded: Mueller

Ayes: Gabrielson, Mueller, Krug, McKenna, Rowe

Nays: Garfield

Absent: Mathis

Motion carried.

**Proposed Fire Protection Agreement – Tyrone Township**

Supervisor Gabrielson reviewed the proposed agreement to provide fire protection, medical and emergency services to Tyrone Township. The public safety committee has

**CHARTER TOWNSHIP OF FENTON BOARD OF TRUSTEES  
MINUTES FOR REGULAR MEETING OF SEPTEMBER 17, 2001**

reviewed township costs and recommended that the fee for each alarm be \$700.00. Trustee McKenna also recommended adding language to require an upfront “standby fee” for the remainder of 2001. The board agreed that an upfront fee of \$5,600.00 (8 alarms @ \$700), less all fees paid for alarms between 8/1/01 and 9/30/01, would be appropriate.

Motion to approve the Fire Protection/Rescue/Medical Services Agreement between the Charter Township of Fenton and the Township of Tyrone, as amended, subject to approval by the Tyrone Township Board.

Motion by: Mueller  
Seconded: Rowe  
Ayes: Gabrielson, Mueller, Garfield, Krug, McKenna, Rowe  
Nays: None  
Absent: Mathis

Motion carried.

**Proposed Mosquito Control Contract – Advanced Pest Management**

Supervisor Gabrielson reviewed a proposed 4-year contract with Advanced Pest Management to provide mosquito control services in Fenton Township. The first year includes a 6% cost increase and each subsequent year includes a 4% cost increase. The board agreed that APM provides excellent service for our township and that this contract seems very reasonable.

Motion to approve a 4-year mosquito control contract with Advanced Pest Management, as presented.

Motion by: McKenna  
Seconded: Garfield  
Ayes: Gabrielson, Mueller, Garfield, Krug, McKenna, Rowe  
Nays: None  
Absent: Mathis

Motion carried.

**2001-2002 Law Enforcement Services Contract-Genesee County Sheriff Department**

Supervisor Gabrielson reviewed the proposed 1-year contract with the Genesee County Sheriff Department. The contract is virtually the same as last year’s, with some changes in personnel. Vehicle cost is somewhat higher than in previous years due to higher gasoline prices. The total cost of approximately \$386,000 looks to be very reasonable.

Motion to approve the 2001-2002 Law Enforcement Services Agreement with the Genesee County Sheriff Department as presented.

Motion by: Mueller  
Seconded: Krug  
Ayes: Gabrielson, Mueller, Garfield, Krug, McKenna, Rowe  
Nays: None  
Absent: Mathis

Motion carried.



**CHARTER TOWNSHIP OF FENTON BOARD OF TRUSTEES  
MINUTES FOR REGULAR MEETING OF SEPTEMBER 17, 2001**

**Proposed Use of Township Facilities-Southern Lakes Parks & Recreation Programs**

Supervisor Gabrielson reviewed a letter from Southern Lakes Parks & Recreation Director Vince Paris. Mr. Paris has requested to use the lower level of the Fenton Township Civic Community Center for the following recreational programs:

Ping-Pong (instructional & competitive) – Tuesday evenings 6:00 – 9:00 p.m.  
Beginner Pompons – Monday evenings 6:00 – 8:00 p.m.  
Cheerleading – Saturday afternoons 1:00 – 2:30 p.m.

The township will be paid \$110.00 per week to cover cleaning costs. The board suggested that Mondays and Tuesdays may be a problem because of township meetings in the upper level of the building. Supervisor Gabrielson will work with Mr. Paris to make sure the final schedule is acceptable to the township.

Motion to approve the use of the Fenton Township Civic Community Center for Southern Lakes Parks & Recreation Fall 2001 Programs, at a cost of \$110 per week, and subject to final approval by the Township Supervisor and Township Clerk.

Motion by: Mueller

Seconded: Garfield

Ayes: Gabrielson, Mueller, Garfield, Krug, McKenna, Rowe

Nays: None

Absent: Mathis

Motion carried.

**Resolution No. 2001-35 / Fenton Orchards Street Lighting Special Assessment**

Supervisor Gabrielson reported that the owner of the Fenton Orchards development has petitioned for a street lighting special assessment district in Phase I of the project. Clerk Mueller presented the following resolution:

**RESOLUTION NO. 2001-35**

*WHEREAS, the Fenton Township Board has accepted a petition from the record owners of properties within Phase I of the Fenton Orchards condominium development to establish a special assessment district for street lighting within the development, and*

*WHEREAS, it has been determined that the petition has been signed by the record property owners representing over 50% of the land area in the proposed special assessment district, and*

*WHEREAS, plans and estimated costs for the foregoing street lighting have been placed on file in the office of the Township Clerk,*

*THEREFORE BE IT RESOLVED, that the Fenton Township Board does hereby tentatively declare its intent to have street lights installed in Phase I of the Fenton Orchards condominium development, and*

*BE IT FURTHER RESOLVED, that the Fenton Township Board does hereby*

**CHARTER TOWNSHIP OF FENTON BOARD OF TRUSTEES  
MINUTES FOR REGULAR MEETING OF SEPTEMBER 17, 2001**

*tentatively establish the boundaries of the proposed special assessment district to include Units 1-40 of the Fenton Orchards Home Site Condominium development and Units 1-52 of the Fenton Orchards Attached Unit Condominium development, and*

*BE IT FURTHER RESOLVED, that the Fenton Township Board will hold a public hearing on the establishment of the proposed special assessment district at its regular meeting to be held on Monday October 1, 2001 at the Fenton Township Civic Community Center, beginning at 7:30 p.m.*

Motion to adopt Resolution No. 2001-35 as presented.

Motion by: Mueller

Seconded: McKenna

Ayes: Gabrielson, Mueller, Garfield, Krug, McKenna, Rowe

Nays: None

Absent: Mathis

Motion carried. Resolution declared adopted.

**Schedule 2002 CDBG Hearing**

Supervisor Gabrielson reviewed a proposed public notice for the 2001-2002 Community Development Block Grant (CDBG) Needs Hearing, which is proposed to be conducted at the next township board meeting.

Motion to schedule a Community Development Block Grant public needs hearing to be conducted at the October 1, 2001 Fenton Township Board meeting.

Motion by: Mueller

Seconded: McKenna

Ayes: Gabrielson, Mueller, Garfield, Krug, McKenna, Rowe

Nays: None

Absent: Mathis

Motion carried.

**Resolution No. 2001-36 / Support for City of Linden Grant Application**

Supervisor Gabrielson reviewed a request from the City of Linden for a resolution supporting their Transportation Enhancement Grant application to the state of Michigan. The grant, if approved, would fund several improvements along East Broad Street, including decorative lighting and a park area. Clerk Mueller presented the following resolution:

**RESOLUTION NO. 2001-36**

*WHEREAS, the City of Linden is in the process of applying for a Transportation Enhancement grant from the Michigan Department of Transportation for additional enhancements along East Broad Street, and*

*WHEREAS, these enhancements include the installation of decorative street lighting, renovation of a historic cemetery gate and the development of a garden-style park, and*

**CHARTER TOWNSHIP OF FENTON BOARD OF TRUSTEES  
MINUTES FOR REGULAR MEETING OF SEPTEMBER 17, 2001**

*WHEREAS, these enhancements would be of great benefit to not only the residents of the City of Linden, but also to the citizens in surrounding communities, including Fenton Township;*

*NOW, THEREFORE BE IT RESOLVED, that the Charter Township of Fenton Board of Trustees hereby declares its support for the application of the City of Linden for a Transportation Enhancement grant for their proposed East Broad Street Enhancement Project.*

Motion to adopt Resolution No. 2001-36 as presented.

Motion by: Mueller

Seconded: Garfield

Ayes: Gabrielson, Mueller, Garfield, Krug, McKenna, Rowe

Nays: None

Absent: Mathis

Motion carried. Resolution declared adopted.

**OTHER ISSUES-TOWNSHIP BOARD:**

None

**PUBLIC COMMENT - AGENDA OR NON-AGENDA ITEMS:**

Ray Kalanquin, 14159 Swanee Beach

Mr. Kalanquin asked that the residents of Swanee Beach be notified of the proposed start date for the paving project. This will allow removal of boats before the project begins. Supervisor Gabrielson will obtain a projected start date from the Genesee County Road Commission and notify Mr. Kalanquin.

Diane Anderson, 14025 Landings Way

Ms. Anderson inquired as to the status of the stormwater study affecting the Egyptian Drain and Lake Ponemah. Supervisor Gabrielson responded that the Genesee County WWS is working on it but it is not yet complete.

David Hawcroft, 3302 Ponemah Drive

Mr. Hawcroft again raised the issue of the condition of Ponemah Drive and the drainage problems that exist in certain areas. Supervisor Gabrielson recommended submitted this as a potential road project for 2002. The public hearing will be held at the second meeting in January. A letter may be sent to the township and kept on file until that meeting.

Mr. Hawcroft also asked how the lake speed limit can be lowered for Lake Ponemah and how speeders can be reported. Supervisor Gabrielson responded that a request or petition from the residents and/or lake association should be sent to the township. The township can make a formal request for a public hearing to the DNR. The DNR can then make a recommendation regarding any changes to the speed limit. As for speeders on the lake, Supervisor Gabrielson recommended calling himself or, if he is not available, call 911.

**CHARTER TOWNSHIP OF FENTON BOARD OF TRUSTEES  
MINUTES FOR REGULAR MEETING OF SEPTEMBER 17, 2001**

Mr. Hawcroft stated that the area in Lake Ponemah near the mouth of the Shiawassee River has filled in significantly over the years. What can be done to correct this situation? Supervisor Gabrielson noted that new federal regulations will force compliance with stricter standards for runoff and drainage problems, and should eliminate the cause of the problem. Most of the source of this particular problem lies upstream from Fenton Township. Clerk Mueller added that, once the runoff issues have been addressed, the affected area could be dredged, subject to DEQ approval, to restore the site.

Mike Smith, 15495 Whitaker Road

Mr. Smith again raised concerns regarding erosion and drainage problems on Whitaker Road. He believes the soccer complex and the subdivision near the corner of Owen and Linden Roads are the major contributors to the runoff problem. The dead trees and exposed roots along Whitaker Road also create a potential safety hazard. Supervisor Gabrielson responded that the soccer complex is being addressed and that the Orchard View subdivision drainage plan will be reviewed. The only way to truly address the road problems, however, is to pave the road or close a section of it. Paving would likely be cost prohibitive because that section of Whitaker Road is not certified by the Genesee County Road Commission and is well below their standards for county roads. Supervisor Gabrielson will discuss the issue with the Genesee County Road Commission and report back to the board at a future meeting.

**ADJOURN:** Meeting adjourned at 9:25 p.m.

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Carl Gabrielson, Supervisor

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Charles Mueller, Clerk

**Minutes Posted 9/18/01**