

**CHARTER TOWNSHIP OF FENTON BOARD OF TRUSTEES  
MINUTES FOR REGULAR MEETING OF SEPTEMBER 15, 2003**

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

Treasurer Garfield called the meeting to order at 7:30 p.m.

Present: Garfield, Krug, Mathis, Shaltz, Deputy Clerk Broecker and Attorney  
Cooley

Absent: None

**PLEDGE OF ALLEGIANCE:**

Treasurer Garfield led the pledge of allegiance to the flag.

**APPOINTMENT OF CHAIRPERSON PRO-TEM:**

Motion to appoint Treasurer Garfield as Chairperson Pro-Tem.

Motion by: Krug

Seconded: Shaltz

Ayes: All

Nays: None

Motion carried.

**APPROVAL OF AGENDA:**

Chairperson Garfield announced that the issue regarding the sanitary sewer easement on Lobdell Road would be moved to the beginning of the New Business section of the agenda. She also noted that the issue of the proposed Sewer Unit Lease Agreement with Genesee County would be discussed at this meeting but no action would be taken.

Motion to approve the 9/15/03 Fenton Township Board Meeting agenda as amended.

Motion by: Krug

Seconded: Mathis

Ayes: All

Nays: None

**MEETING MINUTES:**

The minutes of the 9/2/03 regular meeting and the 9/4/03 and 9/10/03 special meetings stand approved as presented.

**EXPENDITURES:**

Motion to approve expenditures as presented.

Motion by: Krug

Seconded: Mathis

Ayes: Garfield, Krug, Mathis, Shaltz

Nays: None

Motion carried.

**PUBLIC HEARINGS:**

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**Fenton Township Fire Protection Special Assessment District-Confirmation of 2003  
Assessment Roll**

Chairperson Garfield reported that the 2003 assessment roll has been prepared, certified and filed. The amount of the assessment remains unchanged at \$65 per parcel.

Public Comment:

DuWayne Stratman, 14240 Darts Drive

Mr. Stratman stated that it was his understanding that this assessment was being approved for a 20-year period. Office Manager Broecker clarified that this assessment roll was for the 2003 tax roll only. A public hearing and confirmation of a new assessment roll is required each year.

There was no further public comment or board discussion. Deputy Clerk Broecker presented the following resolution:

**RESOLUTION NO. 2003-24**

*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. 2003-4 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. 2003-4 shall be due and payable on December 1, 2003, and*

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*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% 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. 2003-24 as presented.

Motion by: Mathis

Seconded: Shaltz

Ayes: Garfield, Krug, Mathis, Shaltz

Nays: None

Motion carried. Resolution declared adopted.

**2004 Fenton Township Budget Hearing**

Chairperson Garfield reported that a draft of the 2004 Fenton Township budget had been prepared and placed on file at the Township office as of 9/2/03 and asked for public comment. There was no public comment. Chairperson Garfield stated that the adoption of the 2004 budget would be placed on the agenda for a future meeting.

**2004 Community Development Block Grant Needs Hearing**

Chairperson Garfield stated that Fenton Township would be receiving approximately \$132,000 in Community Develop Block Grant (CDBG) funds in 2004. The purpose of this hearing is to accept public input and discuss potential uses of the funds. Trustee Krug read from a list of potentially eligible and ineligible projects to indicate how the funds can, and cannot, be used.

Public Comment:

Marjorie Hodges, Executive Director – Loose Senior Citizen Center

Ms. Hodges thanked the board for their past support of the Loose Center and stated that a list of capital improvements had been submitted to the Township for consideration. This list included:

- Handicap-accessible van or bus

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- Vehicle storage/maintenance building
- New entrance sign and lighted flag pole
- Replacement of indoor/outdoor carpet on handicap ramps
- New entry doors
- New office equipment (desk, copier, fire-proof file)
- New linoleum flooring for kitchen and carpet for Activity Center and office
- Loose Hall roof and addition for interior storage and entry siding to match addition
- Tables, chairs, chair racks and table carts
- Walkway/pathway from Loose Center to Shiawassee Shores

DuWayne Stratman, 14240 Darts Drive

Mr. Stratman asked if the funds could be used to fix up this ugly building. Chairperson Garfield responded that maintenance of public buildings is not eligible for funding.

There was no further public comment. Chairperson Garfield reported that members of the board had met with staff from Genesee County Community Development and had come up with the following list of potential projects:

- Paving of Sonora Drive (subject to eligibility determination)
- Handicap accessible voting equipment
- Items for use by the Loose Senior Citizen Center (in addition to those submitted by the LSCC)
  - Defibrillator
  - Wheelchair
  - Walker
  - Audio books
- Senior Safety Program
  - Smoke detectors
  - Carbon monoxide detectors
  - Fire extinguishers
  - Reflective street number signs
  - Deadbolt locks
  - Restroom lift chairs

The potential projects will be reviewed and recommendations brought to the 10/6/03 meeting.

**REPORTS:**

**Proposed Project to Widen Fenton Road**

Chairperson Garfield expressed concern regarding the proposed widening of Fenton Road to five lanes from Butcher Road to the Fenton city limits. She believes an expansion to three lanes should be sufficient. Trustee Krug, who is the Township's elected representative on the Metro Alliance, announced that a public hearing on this topic has been scheduled as a part of the next Genesee County Metro Alliance meeting.

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This meeting will be held on Wednesday 9/17/03 beginning at 7:30 p.m. in the 3<sup>rd</sup> floor auditorium of the Genesee County Administration Building. Trustee Krug added that this project has been in various stages of planning and development since the late 1980's or early 90's. Trustee Mathis echoed the concerns of Chairperson Garfield, adding that the board should support the residents on this issue.

Public Comment:

Patrick Carmody, 16245 Silver Shore Drive

Mr. Carmody urged the board to formalize their opposition to the project with a letter to the Genesee County Road Commission. This will be pursued.

Janet Lorch, 13465 Fenton Road

Ms. Lorch stated that she is collecting petition signatures in opposition of the project. Trustee Krug suggested that this petition be submitted at Wednesday's public hearing.

Tony Brown, 12159 Jennings Road

Mr. Brown asked if the project is altered and funds are left over, can these funds be used for other projects within Fenton Township. Trustee Krug will research.

Les Scott, 12499 Margaret Drive

Mr. Scott, the Township's citizen representative on the Metro Alliance, stated that it is difficult to raise concerns at the Metro Alliance meetings. Only a few members ever speak up and ask questions. He believes it is questionable that anything can be done to change the proposed project.

**COMMUNICATIONS:**

**Genesee County WWS Memo – Inflow & Infiltration Project**

John O'Brien, Director of Genesee County Water & Waste Services, reviewed a memo commending Fenton Township for their efforts in reducing inflow & infiltration (a.k.a. "I & I") in the sanitary sewer system. In the not too distant past a large rain event would result in a flow of 12-15 million gallons per day at the sewage treatment plant. Partly due to the Township's efforts in identifying and eliminating I & I, recent wet weather flows have been in the 5-6 million gallons per day range. Mr. O'Brien thanked the board for their continued efforts relative to improving and upgrading the Township's sewer system.

Public Comment:

Wayne Sakuta, 15031 Cutler Drive

Mr. Sakuta asked if the problems with the sewer lines might be the cause of the bacteria problems in Silver Lake. Mr. O'Brien responded that the video inspection of the sewer lines around Silver Lake does not indicate any sewage leeching into the lake, however this issue is still being investigated.

**UNFINISHED BUSINESS-ADOPTION OF ORDINANCES:**

**Rezoning #R02-005, Richard Thenhaus, Parcel 06-21-400-009; R-3 to OS/1<sup>st</sup> Reading**

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Chairperson Garfield briefly reviewed the proposed rezoning. It was noted that the Planning Commission had recommended denial of the request. Marty Walden, representing the applicant, distributed a conceptual site plan showing a 3,400 square foot office building with sufficient parking areas. He stated that the parcel is appropriate for the requested OS zoning for the following reasons:

- A local neighborhood business is consistent with the Land Use Plan for the area.
- Because of the proximity of the railroad tracks, the property is not appropriate for residential uses.
- Because of traffic safety issues, having a commercial facility on this property would be safer than residential.

**Public Comment:**

Cheryl O'Neill, 15054 Roberts Drive

Ms. O'Neill asked if the proposed rezoning to OS was presented to the Planning Commission. Chairperson Garfield clarified that the applicant originally requested C-2 zoning. The Planning Commission recommended denial of that request in November, 2002. The applicant then requested OS zoning, which the Planning Commission recommended for denial at their December, 2002 meeting.

The following individuals spoke in opposition of the proposed rezoning:

Fred Krupp, 4054 Krupp Drive  
Dave Withey, 4189 Silver Lake Road  
Wayne Sakuta, 15031 Cutler Drive  
Jeanette Kanyak, 4117 Silver Lake Road  
Corrine Withey, 4189 Silver Lake Road  
David Franz, 3435 Breezepointe  
Tony Brown, 12159 Jennings Road

Their concerns/objections included:

- The proposed rezoning is not consistent with the Township's Land Use Plan.
- The subject property is too small for commercial development.
- There is no need for any commercial development in this area.
- Safety concerns related to the volume and speed of traffic on Silver Lake Road.
- Commercial or office development is not appropriate for the area; there are other areas of the Township more suitable for this type of development.

There was no further discussion. The second reading of the proposed rezoning ordinance will be conducted at the 10/6/03 meeting.

**UNFINISHED BUSINESS-OTHER:**

None

**NEW BUSINESS:**

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**Lobdell Road Sanitary Sewer Easement**

Chairperson Garfield asked for public comment regarding the sewer easement on in the Lobdell Road/Coachlight Pines are that was discussed at the 9/2/03 meeting.

Allen Murray, 16472 Dawnlight Drive

Mr. Murray, President of the Coachlight Pines Condominium Association, read a prepared statement regarding the issue. His major concerns are:

- The lack of notification of the association regarding the possible legal action to obtain the sewer easement.
- Mr. Van Norman, the owner of the adjacent property, cut down trees against the wishes of the association.
- The location of Mr. Van Norman's driveway is inside the entrance gate of the Coachlight Pines development. He believes it should be moved to a location outside the entrance.

Paul Van Norman, 5150 Coachlight

Mr. Van Norman clarified that the trees that were cut down were located on his property. The location of the driveway was approved by the Livingston County Road Commission (who has jurisdiction over this portion of Lobdell Road). He also distributed photos showing that locating his driveway outside the Coachlight entrance would create a safety hazard. He also submitted a letter from the owner of Unit 19 indicating support for extending the sewer to Mr. Van Norman's property. Daniel Collison, attorney for Mr. Van Norman, asserted that Mr. Van Norman has met every requirement of the Township and has proceeded with the construction of his home in good faith. He urged the board to follow through to obtain the necessary easement so the sewer can be constructed, thus allowing his client to move into his home.

Gerald Haynor, 5160 Lobdell Road

Mr. Haynor owns the parcel immediately west of Mr. Van Norman's property. He has been waiting since May for a building permit because of this sewer issue. He asked the board to resolve the situation as soon as possible, indicating that he may pursue legal action if necessary.

Penelope Sharich, Interim Zoning Administrator provided a timeline of events leading to the current situation. She emphasized that the Township has attempted to obtain the easement from the Coachlight Pines Association without success. The association has asked for Mr. Van Norman to compensate the association for the removed trees and to relocate the entrance gate structure in exchange for granting the easement. The Township has no authority in these issues and condemnation appears to be the only way to obtain the easement.

The following individuals commented on this issue:

Bill Norton, 16440 Dusklight Drive

Rita Lauer, 14695 Dusklight Drive

Tim Dawes, 16481 Dusklight Drive

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Jerry Richardson, 16470 Dusklight Drive  
Michelle Zeeman, 5126 Twilight Drive  
Les Scott, 12499 Margaret Drive

Their comments, questions and/or concerns related to the following:

- Potential liability issues.
- The sufficiency of existing easements.
- The impact of the proposed sewer line on the existing street.
- The possibility of bringing the sewer line in from the Wyndham Estates development.
- The cost of re-routing the proposed sewer line through Wyndham Estates.

Attorney Cooley commented that the granting of a sewer easement by the Coachlight Pines Association could be a very simple process. The easement will not result in any cost or hardship to any of the Coachlight Pines residents. The Township will continue to work with the property owners and the Township attorney on this issue.

**Resolution No. 2003-25, GCRC Permit for LFHS Homecoming Parade**

Office Manager Broecker reported that Lake Fenton High School wishes to conduct their homecoming parade on North Long Lake Road this fall. A permit is required from the Genesee County Road Commission, and the local unit of government must authorize a permit application by resolution. The following resolution was presented:

**RESOLUTION NO. 2003-25**

*WHEREAS, Lake Fenton High School wishes to make application to the Genesee County Board of Road Commissioners for a permit to hold a parade within a road right-of-way as a part of the Lake Fenton High School Homecoming activities, and*

*WHEREAS, approval of the local unit of government, by resolution, is required to obtain said permit;*

*NOW, THEREFORE, BE IT RESOLVED, that Lake Fenton High School is hereby authorized to make application to the Genesee County Road Commission on behalf of the Charter Township of Fenton in the County of Genesee, Michigan, for the necessary permit(s) to*

***Hold a Homecoming Parade on Friday October 10, 2003 from 4:30 p.m. to 5:30 p.m.***

*within the right-of-way of North Long Lake Road, and that the Charter Township of Fenton in the County of Genesee, Michigan, will faithfully fulfill all permit requirements, and will indemnify and save harmless all persons from claims of every kind arising out of operations authorized by such permits as are issued.*

Motion to adopt Resolution No. 2003-25 as presented.

Motion by: Krug

Seconded: Mathis



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Ayes: Garfield, Krug, Mathis, Shaltz

Nays: None

Motion carried. Resolution declared adopted.

**Bond Resolution – Sanitary Sewer Bond Issue**

Office Manager Broecker presented the Act 342 financing agreement with Genesee County, and a resolution to approve the agreement. John O'Brien, Genesee County WWS Director, and bond attorney Michael McGee explained that this agreement is the next step in the bond issuance process. This bond issue is to finance the 3,000 unit plant expansion approved by the Township Board earlier this year, and several sewer construction and reconstruction projects. The bonds may be issued in several series and will be issued as needed. The total of the bond issue is not to exceed \$8.6 million and the anticipated life of the bonds is 20 years. Deputy Clerk Broecker presented the following resolution:

**RESOLUTION NO. 2003-26**

*WHEREAS, the County of Genesee (the "County") has established a system of sewer and sewage disposal improvements and services known as "Genesee County Sewage Disposal System No. 3" (the "System") to serve the Charter Township of Fenton, County of Genesee, Michigan (the "Township"), and other municipalities in the County; and*

*WHEREAS, the Township has determined that it is immediately necessary for the health, safety and welfare of the residents of the Township that the Township acquire and construct certain improvements to the System to serve the Township as more fully described in the Financing Contract (hereinafter defined) (the "Project"); and*

*WHEREAS, the Township has requested the Drain Commissioner of the County, as the county agency (the "County Agency") under the provisions of Act 342, Public Acts of Michigan, 1939, as amended (the "Act"), to take the necessary steps under the Act to construct and finance the Project; and*

*WHEREAS, Sections 5a, 5b and 5c of the Act authorize the execution of contracts between municipal units and the designated county agency providing for the acquisition, construction, financing and operation of sewer and sewage disposal improvements; and*

*WHEREAS, the County Agency and the Township have negotiated a contract (the "Financing Contract") providing for the acquisition, operation and financing of the Project, by the terms of which Financing Contract the Township is obligated to pay the cost of the Project to be financed to the County in installments as therein provided, a copy of which Financing Contract is attached to this resolution and incorporated herein by reference.*

**NOW, THEREFORE, BE IT RESOLVED THAT:**

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1. *The Financing Contract between the County, acting by and through its County Agency, and the Township, providing for the acquisition, operation and financing of the Project is hereby accepted and approved, and the duly elected Supervisor and Township Clerk, or in the absence of either or both, the Township Treasurer and/or the duly appointed Township Superintendent, are authorized and directed to execute the Financing Contract for and on behalf of the Township.*
2. *The preliminary plans and specifications for the Project as described in the Financing Contract, and the total estimated cost of the Project to be financed by the issuance of bonds in the amount of not to exceed \$8,600,000, is hereby approved.*
3. *The Township does hereby ratify and confirm its covenant in the Financing Contract to levy ad valorem taxes against all taxable property in the Township to the extent necessary to meet the obligations of the Township thereunder and does further indicate its purpose and intent to make such a levy as necessary to meet such obligations; provided, however, that such levy, if necessary, shall be within constitutional, statutory and charter tax rate limitations.*
4. *Notice of the adoption of this resolution approving the Financing Contract shall be published in The Tri-County Times, a newspaper of general circulation in the Township, in substantially the form attached hereto as Exhibit A promptly after the adoption of this resolution, as a display advertisement at least one quarter page in size. The Township Board hereby determines that the designated newspaper is the newspaper circulating in the Township which reaches the largest number of persons to whom the aforesaid notice is directed and that publication of the aforesaid notice in the designated newspaper represents the most practical and feasible means of informing the taxpayers and electors of the Township of the Project and the financing thereof. A copy of the Financing Contract shall be placed on file in the office of the Clerk of the Township and shall be available for public examination.*
5. *The Financing Contract shall become binding and effective upon the expiration of forty-five (45) days following the date of publication of the aforesaid notice unless under the provisions of Section 5b of the Act the effectiveness of the Financing Contract is stayed by reason of the filing of a petition for referendum thereon, in which instance the Financing Contract shall become binding and effective upon approval by a majority of the electors of the Township voting thereupon at an election called and held for that purpose.*
6. *The Township Superintendent, as the duly appointed “manager” of the Township within the meaning of Act 2, Public Acts of Michigan, 1968, as amended, is hereby authorized and directed to file necessary qualification information for the bonds to be issued by the County with the Michigan Department of Treasury, in accordance with Act 34, Public Acts of Michigan, 2001, as amended, or if qualification is not available, to request an order giving prior approval for the bonds, and to request any necessary waivers from the Department.*
7. *The Treasurer and Township Superintendent are hereby authorized to do all other acts and take all other necessary procedures required to effectuate the sale, issuance and delivery of the bonds.*

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8. *The Township hereby covenants to provide or cause to be provided a continuing disclosure undertaking in accordance with the requirements of Rule 15c2-12 promulgated by the Securities and Exchange Commission to provide or cause to be provided certain information to each nationally recognized municipal securities information repository and to the appropriate state information repository for the State of Michigan. The Township Treasurer is authorized to execute and deliver a Continuing Disclosure Undertaking satisfying the requirements of Rule 15c2-12 in connection with the delivery of the bonds.*
9. *The Township hereby covenants that, to the extent permitted by law, it shall take all actions within its control necessary to maintain the exclusion of the interest on the bonds from adjusted gross income for general federal income tax purposes under the Internal Revenue Code of 1986, as amended (the "Code"), including, but not limited to, actions relating to the rebate of arbitrage earnings, if applicable, and the expenditure and investment of bond proceeds and moneys deemed to be bond proceeds.*
10. *All resolutions and parts of resolutions insofar as they conflict with the provisions of this resolution be and the same hereby are rescinded.*

Motion to adopt Resolution No. 2003-26 as presented.

Motion by: Mathis

Seconded: Shaltz

Ayes: Garfield, Krug, Mathis, Shaltz

Nays: None

Motion carried. Resolution declared adopted.

**Genesee County Sheriff Department – 2003/04 Law Enforcement Services Contract**

Chairperson Garfield reviewed the proposed police contract with the Genesee County Sheriff Department, which covers the period of October 1, 2003 through September 30, 2004. The contract includes 5 full-time officers and two vehicles (no change from current contract). The total cost of \$418,615 represents a 2.9% increase from the current contract. There was no further discussion.

Motion to approve 2003-04 Law Enforcement Services Contract with the Genesee County Sheriff Department, as presented.

Motion by: Krug

Seconded: Mathis

Ayes: Garfield, Krug, Mathis, Shaltz

Nays: None

Motion carried.

**Removal of Special Assessment from Exempt Properties**

Office Manager Broecker reported that two parcels owned by Lake Fenton Community Schools were assessed property taxes in 2002. The Board of Review has taken the necessary action to refund the ad valorem portion of the taxes, however only the Township Board can authorize the refund of special assessments. Each of the properties in question were assessed \$65.00 for fire protection.

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Motion to approve the refund of 2002 special assessments for exempt parcels 06-09-576-032 and 06-09-576-033, as presented.

Motion by: Mathis

Seconded: Shaltz

Ayes: Garfield, Krug, Mathis, Shaltz

Nays: None

Motion carried.

**Genesee County WWS – Sewer Unit Lease Agreement**

John O'Brien, Genesee County WWS Director, explained that the Livingston County sewer interceptor to the District 3 treatment plant would be online approximately 18 months before the plant capacity can be expanded. The proposed agreement would allow Fenton Township to lease units back to Genesee County, who could then temporarily use this capacity for Livingston County users. The Township would receive credit toward future bond payments at a rate of \$13.10 per month for each unit leased. When the plant expansion portion of the project is completed, the units would go back to Fenton Township. The cities of Fenton and Linden are considering similar agreements. If none of the communities approve the agreement, Livingston County will continue to use existing treatment facilities until the District 3 plant capacity is expanded. Chairperson Garfield stated that she is in favor of the agreement. Generating revenue on unused sewer capacity would be fiscally responsible.

Public Comment:

Patrick Carmody, 16245 Silver Shore Drive

Mr. Carmody stated that the residents living near the treatment plant are not satisfied with the commitment of the Drain Commissioner to resolve the odor control problems. The use of the plant's capacity should not be increased until those problems have been resolved to the extent possible.

Les Scott, 12499 Margaret Drive

Mr. Scott stated that, since Livingston County will be connected to our treatment plant regardless of the decision on this agreement, it is to the Township's advantage to approve the agreement to generate the additional revenue.

This issue will be discussed further at a future meeting.

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

None

**ADJOURN:** Meeting adjourned at 10:15 p.m.

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Joan Garfield, Treasurer/Chairperson Pro-Tem

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Thomas Broecker, Deputy Clerk

**Minutes Posted 9/18/03**