

**CHARTER TOWNSHIP OF FENTON BOARD OF TRUSTEES
MINUTES FOR REGULAR MEETING OF DECEMBER 6, 2004**

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

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

Present: Mathis, Krug, Carmody, Brown, Gatesman, Goupil, Zimmer, Office
Manager Broecker and Attorney Cooley.

Absent: None

PLEDGE OF ALLEGIANCE:

Supervisor Mathis led the pledge of allegiance to the flag. She also introduced the board members to the audience. This is the first meeting for Trustees Brown, Goupil and Zimmer and the first meeting as Treasurer for Patrick Carmody.

Supervisor Mathis noted that the second reading of the Cygnet rezoning ordinance had been postponed to the 12/20/04 meeting. Trustee Brown suggested that it be further postponed to the 1/10/05 meeting to allow additional research time. The applicant will be contacted to see if a schedule change can be arranged.

APPROVAL OF AGENDA:

Clerk Krug asked to have Resolution No. 2004-55, regarding a temporary transfer of funds, to the agenda. Treasurer Carmody asked to have the issue of Auditing and Accounting added to the agenda. Motion to approve the 12/6/04 Fenton Township Board Meeting agenda as amended.

Motion by: Krug

Seconded: Brown

Ayes: All

Nays: None

Motion carried. The agenda is approved.

MEETING MINUTES:

The minutes of the 11/15/04 regular meeting and the 12/1/04 workshop meeting stand approved as presented.

EXPENDITURES:

Motion to approve expenditures as presented.

Motion by: Carmody

Seconded: Brown

Ayes: Mathis, Krug, Carmody, Brown, Gatesman, Goupil, Zimmer

Nays: None

Motion carried.

PUBLIC HEARINGS:

2005 Fenton Township Budget Hearing

Supervisor Mathis reported that a draft of the 2005 Fenton Township budget had been prepared and placed on file at the Township office as of 11/22/04 and asked for public comment. There was no public comment. Supervisor Mathis noted that the board had

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already discussed the budget in some detail at their 12/1/04 workshop meeting. Clerk Krug presented the following resolution:

RESOLUTION NO. 2004-53

The Board of Trustees of the Charter Township of Fenton resolves:

Section 1: Title

This resolution shall be known as the Fenton Township General Appropriations Act.

Section 2: Chief Administrative Officer

The Supervisor shall be the Chief Administrative Officer and shall perform the duties of the Chief Administrative Officer enumerated in this act.

Section 3: Fiscal Officer

The Clerk shall be the Fiscal Officer and shall perform the duties of the Fiscal Officer enumerated in this act.

Section 4: Public Hearings on the Budget

Pursuant to MCLA 42.26, notice of a public hearing on the proposed budget was published in a newspaper of local circulation on November 21, 2004, and a public hearing on the proposed budget was held on December 6, 2004.

Section 5: Estimated Revenues

Estimated township General Fund revenues for fiscal year 2005, including an operating millage of .7425 mills, and various miscellaneous revenues shall total \$2,250,250.

Estimated township Fire Fund revenues for fiscal year 2005 shall total \$550,500.

Estimated township Sewer Fund revenues for fiscal year 2005, including a debt retirement millage of 0.1527 mills, and various miscellaneous revenues shall total \$3,357,700.

Estimated township Mosquito Control Fund revenues for fiscal year 2005 shall total \$143,000.

Estimated township Solid Waste Management Fund revenues for fiscal year 2005 shall total \$547,500.

Section 6: Millage Levy

The Fenton Township Board shall cause to be levied and collected the general property tax on all real and personal property within the township upon the current tax roll an amount equal to .7425 mills for general township operations and 0.1527 mills for sewer debt retirement.

Section 7: Estimated Expenditures

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Estimated township General Fund expenditures for fiscal year 2005 for the various township cost centers are as follows:

101-Township Board	\$ 92,000
171-Supervisor	47,200
191-Elections	0
209-Assessor	145,700
215-Clerk & General Administration	488,000
247-Board of Review	2,300
253-Treasurer	35,000
265-Building & Grounds	321,100
276-Cemeteries	10,000
301-Law Enforcement	468,000
336-Fire Department	0
371-Inspection/Ordinance Enforcement	110,100
401-Planning & Zoning	104,400
445-Drains At Large	34,500
446-Highways, Roads & Bridges	197,000
805-Auditorium - Civic Center	12,200
815-Zoning Board of Appeals	9,700
865-Insurance	<u>203,500</u>
TOTAL	\$ 2,280,700

Estimated township Fire Fund expenditures for fiscal year 2005 for the various township cost centers are as follows:

265-Building & Grounds	\$ 57,700
336-Fire Dept. Operations	416,100
865-Insurance	<u>58,200</u>
TOTAL	\$ 532,000

Estimated township Sewer Fund expenditures, excluding capital improvements, for fiscal year 2005 for the various township cost centers are as follows:

000-County Services/Debt	\$ 2,421,000
536-Sewer Operations	1,036,600
865-Insurance	<u>69,000</u>
TOTAL	\$ 3,526,600

Estimated township Mosquito Control Fund expenditures for fiscal year 2005 shall total \$132,000.

Estimated township Solid Waste Management Fund expenditures for fiscal year 2005 shall total \$587,500.

Section 8: Adoption of Budget by Reference

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The General Fund, Sewer Fund, Fire Fund, Mosquito Control Fund and Solid Waste Management Fund budgets of the Charter Township of Fenton are hereby adopted by reference, with revenues and activity expenditures as indicated in Sections 5 and 7 of this act.

Section 9: Adoption of Budget by Cost Center

The Board of Trustees of the Charter Township of Fenton adopts the 2005 fiscal year General Fund and Fire Fund Budgets and the Sewer Fund Financial Projections by cost center. Township officials responsible for the expenditures authorized in the budget are authorized to expend township funds up to, but not to exceed, the total appropriation authorized for each cost center, and to make transfers among the various line items contained in the cost center appropriation.

Section 10: Appropriation not a Mandate to Spend

Appropriations shall be deemed maximum authorizations to incur expenditures. The fiscal officer shall exercise supervision and control to ensure that expenditures are within appropriations, and shall not issue any township order for expenditures that exceed appropriations.

Section 11: Transfer Authority

The Chief Administrative Officer shall have the authority to make transfers among the various cost centers without prior board approval, if the amount to be transferred does not exceed \$10,000 or 10% of the appropriation item from which the transfer is to be made, whichever is less. The Board shall be notified at its next meeting of any such transfer made, and reserves the right to modify, amend or nullify any such transfers made. Under no circumstances may the total General Fund budget be changed without prior board approval.

Section 12: Periodic Fiscal Reports

The fiscal officer shall transmit to the board within 30 days of the end of each quarter, a report of financial operations, including, but not limited to:

- a. a summary statement showing the receipts and expenditures and encumbrances for the previous month, and for the current fiscal year to the end of the previous month.*
- b. a detailed list of:*
 - i. expected revenues by major source as estimated in the budget; actual receipts to date for the current fiscal year; and the balance of estimated revenues to be collected in the then current fiscal year.*
 - ii. for each cost center: the amount appropriated; the year-to-date amount charged to each appropriation in the previous quarter for the current fiscal year; and the unencumbered balance of appropriations;*

Section 13: Limit on Obligations and Payments

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No obligation shall be incurred against, and no payment shall be made from any appropriation account unless there is sufficient unencumbered balance in the appropriation and sufficient funds are or will be available to meet the obligation.

Section 14: Budget Monitoring

Whenever it appears to the Chief Administrative Officer or Township Board that the actual and probable revenues in any fund will be less than the estimated revenues upon which appropriations from such fund were based, and when it appears that the expenditures shall exceed an appropriation, the Chief Administrative Officer shall present to the township board recommendations to prevent expenditures from exceeding available revenues or appropriations for the current fiscal year. Such recommendations shall include proposals for reducing appropriations, increasing revenues, or both.

Section 15: Violations of This Act

Any obligation incurred or payment authorized in violation of this resolution shall be void and shall subject any responsible official(s) or employee(s) to disciplinary action as outlined in P.A. 621 (1978).

Section 16: Board Adoption

Motion to adopt Resolution No. 2004-53 as presented.

Motion by: Krug

Seconded: Carmody

Ayes: Mathis, Krug, Carmody, Brown, Gatesman, Goupil, Zimmer

Nays: None

Motion carried. Resolution declared adopted.

REPORTS:

Genesee County WWS Capacity Utilization Report

Clerk Krug briefly reviewed the capacity utilization report from Genesee County Water & Waste Services.

COMMUNICATIONS:

Proposed Amendment to Loose Senior Citizen Center By-Laws

Clerk Krug reviewed a proposed amendment to the Loose Senior Citizen Center By-Laws regarding board membership. Because some municipalities are not regularly represented at board meetings, a proposal has been made to amend the by-laws so that the governmental unit has the option of appointing a representative that is not an elected official. The Loose board has not yet taken action on this proposal. Supervisor Mathis stated that she supports leaving the elected official requirement as is. Treasurer Carmody agreed, noting that significant funds are passed through Fenton Township (CDBG funds) to the Loose Senior Citizen Center. It is important to have the Township represented by an elected official to maintain proper control over the use of these funds. Trustee Gatesman pointed out that the board already includes five “non-government” members. The communities should be represented by elected officials to maintain an appropriate mix.

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UNFINISHED BUSINESS-ADOPTION OF ORDINANCES:

Proposed Amendment to Traffic Code Ordinance

Supervisor Mathis reported that the Genesee County Sheriff Department has recommended that the Township consider adopting by ordinance the Motor Carrier Safety Act of 1963 (MCL 480.11-480.22). This will allow the Township to collect fees for overweight truck violations that occur within our boundaries. A proposed amendment to the existing Traffic Code Ordinance has been drafted to incorporate this additional provision. Attorney Cooley stated that other communities have apparently recovered significant fines and fees under a similar ordinance and he recommends that the board adopt the amendment.

There was no public comment. The second reading of the proposed ordinance will be conducted at the 12/20/04 meeting.

UNFINISHED BUSINESS-OTHER:

None

NEW BUSINESS:

Proposed Purchase of Generators

Treasurer Carmody reviewed a proposal from Bridgeway Power for 80KW trailer-mounted generators to be used for emergency power at sewer pump stations. The rain events that took place during 2004 have provided the Township will valuable information regarding backup power for pump stations. The needs of the system have been re-evaluated and the new direction has been determined. Rather than purchasing and maintaining 3 different types of generators, (based on the type of electrical service for a given pump station), this proposed generator type will be equipped to handles all three variations. By using this approach the Township can reduce the number of permanently located generators needed over the next few years, which would result in a significant cost savings. The recommendation being brought to the board is to approve the purchase of three of these multi-use generators. Trustee Brown asked if bids were obtained for these units. Treasurer Carmody confirmed that three proposals were solicited. The Bridgeway proposal has been recommended for approval.

Motion to authorize the purchase of three 80KW trailer-mounted generators from Bridgeway Power for a total cost of 117,144.00, as presented.

Motion by: Carmody

Seconded: Brown

Ayes: Mathis, Krug, Carmody, Brown, Gatesman, Goupil, Zimmer

Nays: None

Motion carried.

**Resolution No. 2004-54, Appointment of Representatives – GCWWS Advisory
Committee**

Clerk Krug reviewed a letter from Genesee County Water & Waste Services asking each community to appoint and/or reaffirm the appointment of representatives on the WWS

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Advisory Committee. There was no further discussion. Clerk Krug presented the following resolution:

RESOLUTION NO. 2004-54

WHEREAS, the Charter Township of Fenton is an active member of the Genesee County Water and Waste Services Advisory Committee, and

WHEREAS, due to changes in the governing bodies of local communities throughout Genesee County brought about by the results of the November 2, 2004 General Election, Genesee County has requested that all communities appoint or reaffirm the appointment of their representative(s) on this committee;

THEREFORE BE IT RESOLVED, that the Township Board of the Charter Township of Fenton hereby reaffirms the appointment of Supervisor Bonnie Mathis as Fenton Township's representative on the Genesee County Water and Waste Services Advisory Committee, and

BE IT FURTHER RESOLVED, that the Township Board of the Charter Township of Fenton hereby reaffirms the appointment of Office Manager Thomas Broecker as Fenton Township's alternate representative on the Genesee County Water and Waste Services Advisory Committee.

Motion to adopt resolution No. 2004-54 as presented:

Motion by: Krug

Seconded: Gatesman

Ayes: Mathis, Krug, Carmody, Brown, Gatesman, Goupil, Zimmer

Nays: None

Motion carried. Resolution declared adopted.

Fenton Township Board Committee Appointments

Supervisor Mathis reported that the board had discussed various committee appointments at their recent workshop meeting.

Motion to appoint Trustee Calvin C. Gatesman as the Township Board representative on the Fenton Township Planning Commission for the term ending November 20, 2008.

Motion by: Mathis

Seconded: Goupil

Ayes: Mathis, Krug, Carmody, Brown, Gatesman, Goupil, Zimmer

Nays: None

Motion carried.

Motion to appoint Trustee Mark A. Goupil as the Township Board representative on the Fenton Township Zoning Board of Appeals for the term ending November 20, 2008.

Motion by: Mathis

Seconded: Brown

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Ayes: Mathis, Krug, Carmody, Brown, Gatesman, Goupil, Zimmer

Nays: None

Motion carried.

Motion to approve all other internal and external committee appointments as presented.

Motion by: Mathis

Seconded: Gatesman

Ayes: Mathis, Krug, Carmody, Brown, Gatesman, Goupil, Zimmer

Nays: None

Motion carried.

Appointments to the Fenton Township Zoning Board of Appeals

Supervisor Mathis reported that the terms of Pete Matta, Jim Cady and Les Scott as members of the Fenton Township Zoning Board of Appeals expired on November 30th. All three have done an excellent job on the ZBA and all have expressed a desire to be re-appointed. Supervisor Mathis recommended that all three be re-appointed.

Motion to re-appoint Peter R. Matta to the Fenton Township Zoning Board of Appeals for the term ending November 30, 2007.

Motion by: Mathis

Seconded: Krug

Ayes: Mathis, Krug, Carmody, Brown, Gatesman, Goupil, Zimmer

Nays: None

Motion carried.

Motion to re-appoint James R. Cady to the Fenton Township Zoning Board of Appeals for the term ending November 30, 2007.

Motion by: Mathis

Seconded: Krug

Ayes: Mathis, Krug, Carmody, Brown, Gatesman, Goupil, Zimmer

Nays: None

Motion carried.

Motion to re-appoint Leslie D. Scott to the Fenton Township Zoning Board of Appeals for the term ending November 30, 2007.

Motion by: Mathis

Seconded: Gatesman

Ayes: Mathis, Krug, Carmody, Brown, Gatesman, Goupil, Zimmer

Nays: None

Motion carried.

Resolution No. 2004-55, Temporary Transfer of Funds

Clerk Krug reported that an unexpected delay in the sale of \$8 million in bonds for sewer system rehabilitation has created cash flow problems for the Sewer Fund. The bond sale, originally scheduled for 11/1/04, is now scheduled for on 12/9/04 with settlement on 12/23/04. In order to ensure timely payment of all invoices during the next two weeks, he

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is recommending a temporary transfer of up to \$200,000.00 from the General Fund to the Sewer Fund. When the bond sale proceeds have been received, any amounts transferred, plus interest, will be returned to the General Fund. The board briefly discussed the issue further. Treasurer Carmody also clarified that the delay in the bond sale was not caused by the Township. Clerk Krug presented the following resolution:

RESOLUTION NO. 2004-55

WHEREAS, the Charter Township of Fenton has authorized the sale of bonds to fund the ongoing project to repair, rehabilitate and upgrade the Township's sanitary sewer system, and

WHEREAS, unforeseen delays in the sale of said bonds have resulted in cash flow difficulties for the Township's Sewer Fund;

THEREFORE BE IT RESOLVED, that the Township Board of the Charter Township of Fenton hereby authorizes the temporary transfer of up to \$200,000 from the Fenton Township General Fund to the Fenton Township Sewer Fund to alleviate said cash flow difficulties and ensure that all invoices are paid in a timely manner, and

BE IT FURTHER RESOLVED that, upon receipt of bond sale proceeds, but no later than December 31, 2004, the Fenton Township Sewer Fund shall return the full amount of said temporary transfer to the General Fund, plus interest equal to the amount of interest that would have been earned by the General Fund on the amount of the transfer from the date of the initial transfer to the date of repayment.

Motion to adopt resolution No. 2004-55 as presented:

Motion by: Krug

Seconded: Carmody

Ayes: Mathis, Krug, Carmody, Brown, Gatesman, Goupil, Zimmer

Nays: None

Motion carried. Resolution declared adopted.

Accounting/Audit Issues

Treasurer Carmody stated that he had discussed with Attorney Cooley the idea of soliciting proposals from CPA firms for the Township's annual audit. According to his research, it is recommended that companies should look to change auditors approximately every 5-10 years to avoid the potential for problems similar to those experienced by Enron Corporation a few years ago. Additionally, a review of a previous audit, conducted by a different accounting firm, would give the board a higher level of comfort that all financial records are in good order. Attorney Cooley confirmed that this would be a wise approach.

Motion to solicit proposals from accounting firms to conduct a review of Fenton Township's financial records.

Motion by: Carmody

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Seconded: Brown

Ayes: Mathis, Krug, Carmody, Brown, Gatesman, Goupil, Zimmer

Nays: None

Motion carried.

Supervisor Mathis introduced Bill Winiarski and Jack Wheatley of Rowe Incorporated, one of the Township's Engineering firms. Mr. Wheatley congratulated the board members on their recent election. He stated that he or another representative of Rowe will attend Township Board meetings on a regular basis and that the board can feel free to call on him to provide input or answer questions at the meetings. Supervisor Mathis suggested that maybe a visit to Rowe's office could be scheduled for the new board members to become more familiar with Rowe's staff and the services they provide.

PUBLIC COMMENT - AGENDA OR NON-AGENDA ITEMS:

Dave Franz, 3435 Breezpointe Court

Regarding the purchase of additional generators, Mr. Franz asked if the Township's contractor has the necessary vehicles and personnel to mobilize generators in the event of a power outage. Supervisor Mathis confirmed that sufficient manpower and vehicles are available. Mr. Franz also asked if the Township would consider requiring developers to install generators if the development requires a pump station. Supervisor Mathis responded that this requirement is already in the works.

Dave Hawcroft, 3302 Ponemah Drive

Mr. Hawcroft noted that literature received from the Michigan Lakes & Streams Association contained information on "anti-funneling". This information may be useful as the Township addresses keyholing issues. Mr. Hawcroft also urged the board to pursue a decibel-based noise ordinance for boats. Loud boats and speeding are a big problem on area lakes.

Mr. Hawcroft reported that there are three construction signs still on Ponemah Drive left over from the North Road sewer project. The Township will contact the owner of the signs to have them retrieved.

Mr. Hawcroft noted that the City of Fenton would be lowering the water level in their millpond to work on the dam. He suggested that the weeds could be treated at that time also, thus preventing the need for harvesting the weeds, which causes them to re-seed downstream.

Gary Carlson, 14041 Squaw Lake Drive

Mr. Carlson distributed information from other Michigan communities regarding environmental review boards. He urged the board to strongly consider the creation of an environmental review board or the establishment of an environmental department. He added that the existing coalition of lake associations may be a good resource to start such a group. He noted that lake studies, similar to the one-time project undertaken by the Township in 1996, are recommended to be continued for 10 years to get useful information. Trustee Brown noted that testing kits are available that would allow lake

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associations to continue water quality monitoring at a reasonable cost. Trustee Zimmer stated that she attended a watershed committee meeting earlier today and many objectives of this committee may be similar to the goals of an environmental review board. Grant funds may also be available for some projects.

ADJOURN: Meeting adjourned at 9:10 p.m.

Bonnie Mathis, Supervisor

Robert Krug, Clerk

Minutes Posted 12/7/04