

**CHARTER TOWNSHIP OF FENTON BOARD OF TRUSTEES
MINUTES FOR REGULAR MEETING OF MARCH 16, 2009**

**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, Brown, Goupil, Hill, Kesler, Operations Manager Broecker
and Attorney Cooley

Absent: Tucker

PLEDGE OF ALLEGIANCE:

Supervisor Mathis led the pledge of allegiance to the flag.

APPROVAL OF AGENDA:

Motion to approve the 3/16/09 Fenton Township Board Meeting agenda as presented.

Motion by: Hill
Seconded: Krug
Ayes: All Present
Nays: None
Absent: Tucker

Motion carried. The agenda is approved.

PRESENTATION:

David Foerster, Lake Fenton Community Schools Board of Education

Lake Fenton School Board President David Foerster announced two upcoming events:

1. A free concert will be held this Friday at Lake Fenton High School. He has complimentary tickets available for those who would like them.
2. Included on the May 5, 2009 ballot is a renewal of the non-homestead millage for Lake Fenton Schools. This millage, which does not affect homestead residences, makes up approximately 16% of the district budget and urged voters to approve the proposal. He emphasized that it is not a tax increase, but a renewal.

Mr. Foerster also reviewed information with the board regarding recent issues between Lake Fenton Schools and Southern Lakes Parks & Recreation (SLPR). The primary focus has been on the agreement whereby SLPR leases office space from Lake Fenton Schools. In 2005 the two parties adopted slightly different versions of the lease agreement, however that fact was only discovered a few months ago. Since that time they have been working on a resolution to the situation, however an agreement has not yet been reached. Lake Fenton Schools has offered to settle the matter for \$58,000.00 (as opposed to the contracted amount of \$70,000.00). SLPR has counter-offered to settle for \$40,000.00. The board members believe that SLPR is responsible to pay for their leased space and conveyed that they hope the two sides can work together to resolve the issue. The board thanked Mr. Foerster for the information provided.

MEETING MINUTES:

The minutes for the 3/2/09 regular meeting stand approved as presented.

EXPENDITURES:

Trustee Hill questioned the \$958,427.14 payment to the Genesee County Drain Commissioner. Operations Manager Broecker stated that the majority of the amount is

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several semi-annual payments on existing sewer bonds. Motion to approve invoices and expenditures for all funds totaling \$1,212,120.93 for payment as presented.

Motion by: Brown
Seconded: Hill
Ayes: Mathis, Krug, Brown, Goupil, Hill, Kesler
Nays: None
Absent: Tucker

Motion carried.

PUBLIC HEARINGS:

Lake Ponemah Channel Improvement Special Assessment District/1st Hearing

Supervisor Mathis stated that this is the first public hearing for a proposed special assessment district for improvements to the North Road / Lake Ponemah channels by cleaning out and widening the mouth of the channel where it connects to Lake Ponemah. The total cost of the proposed project is approximately \$51,350.00.

Supervisor Mathis opened the hearing for public comment regarding the following:

1. The creation of the special assessment district
2. The proposed boundaries of the district
3. The necessity of the improvement
4. The plans for the improvement
5. The cost estimates for the improvement

Public Comment:

The following individuals addressed the board:

Paul Kowalewski
Matt Moody
Doug Derwin
Al Wilson
Gary Congdon
John Wittum
Randy Kinne
Diane Anderson

Based on the comments and questions from the residents, the following information was conveyed:

- The proposal includes the excavation and disposal of 2,000 cubic yards of material.
- All work must be completed according to a permit to be issued by the MDEQ.
- Although there are no guarantees, it is anticipated that the channel should remain adequately navigable for 15-20 years once the project is completed.
- The lake association is looking into the placement of No-Wake signs near the mouth of the channel to slow the process of filling in the channel.

Trustee Brown suggested that the spoils from the dredging could be placed on the wetland property owned by the Township, which is not far from the dredging site. This will be investigated.

Clerk Krug presented the following resolution:

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RESOLUTION NO. 2009-12

WHEREAS, the Fenton Township Board has received petitions signed by more than 50% of the total land area of the proposed Special Assessment District described hereinafter, and accordingly, determined to proceed under the provisions of 1954 PA 188, as amended, to secure plans and estimates of cost together with a proposed Special Assessment District for assessing the costs of the proposed lake channel improvement project to schedule a public hearing upon the same for this date, and

WHEREAS, the plans, estimates of cost and proposed Special Assessment District were filed with the Township Clerk for public examination and notice of the hearing upon same was published and mailed in accordance with law and statute provided as shown by affidavits pertaining thereto on file with the Township Clerk, and

WHEREAS, in accordance with the aforesaid notices, a hearing was scheduled this 16th day of March 2009 commencing at 7:30 p.m. and all persons given the opportunity to be heard in the matter, and

WHEREAS, as a result of the foregoing, the Township Board believes the project to be in the best interests of the Township and of the district proposed to be established therefor;

THEREFORE BE IT RESOLVED, that the Fenton Township Board does hereby determine that the petitions for the Lake Ponemah Channel Improvement Special Assessment District were properly signed by the record owners of land whose land area constitutes more than 50% of the total land area upon the proposed improvement, and

BE IT FURTHER RESOLVED, that the Fenton Township Board does hereby approve the plans for the improvement of the North Road / Lake Ponemah channels as prepared and presented, and the estimated costs thereof of \$51,350.00, and

BE IT FURTHER RESOLVED, that the Fenton Township Board does hereby create, determine and define as a Special Assessment District to be known as the Lake Ponemah Channel Improvement Special Assessment District, within which the costs of such improvements shall be assessed, the following described area within said township:

THE FOLLOWING PROPERTIES WITH FRONTAGE ON THE NORTH ROAD / LAKE PONEMAH CHANNELS AND RECORD OWNERS OF PROPERTY WHOSE LEGAL ACCESS TO LAKE PONEMAH IS THROUGH THE NORTH ROAD / LAKE PONEMAH CHANNELS

06-15-400-038	06-15-576-007	06-22-526-004
06-15-400-039	06-15-576-008	06-22-526-005
06-15-400-041	06-22-200-001	06-22-526-006
06-15-576-001	06-22-200-002	06-22-526-007
06-15-576-002	06-22-200-003	06-22-526-008
06-15-576-003	06-22-200-005	06-22-526-009
06-15-576-004	06-22-526-001	06-22-526-010
06-15-576-005	06-22-526-002	06-22-526-011
06-15-576-006	06-22-526-003	06-22-526-012

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06-22-526-013	06-22-526-042	06-22-527-011
06-22-526-014	06-22-526-043	06-22-527-012
06-22-526-015	06-22-526-044	06-22-527-013
06-22-526-016	06-22-526-045	06-22-527-014
06-22-526-017	06-22-526-046	06-22-527-015
06-22-526-018	06-22-526-047	06-22-527-016
06-22-526-019	06-22-526-048	06-22-527-018
06-22-526-020	06-22-526-049	06-22-527-019
06-22-526-021	06-22-526-050	06-22-527-020
06-22-526-022	06-22-526-051	06-22-527-021
06-22-526-023	06-22-526-052	06-22-527-022
06-22-526-024	06-22-526-053	06-22-527-023
06-22-526-025	06-22-526-054	06-22-527-024
06-22-526-026	06-22-526-055	06-22-527-025
06-22-526-027	06-22-526-056	06-22-527-026
06-22-526-028	06-22-526-057	06-22-527-030
06-22-526-029	06-22-526-058	06-22-527-031
06-22-526-030	06-22-526-059	06-22-527-032
06-22-526-032	06-22-527-001	06-22-527-033
06-22-526-033	06-22-527-002	06-22-527-034
06-22-526-034	06-22-527-003	06-22-527-035
06-22-526-035	06-22-527-004	06-22-528-038
06-22-526-036	06-22-527-005	06-22-528-040
06-22-526-037	06-22-527-006	06-22-528-043
06-22-526-038	06-22-527-007	06-22-528-047
06-22-526-039	06-22-527-008	06-22-528-071
06-22-526-040	06-22-527-009	06-22-528-072
06-22-526-041	06-22-527-010	

BE IT FURTHER RESOLVED, that on the basis of the foregoing, the Fenton Township Board does hereby direct the Supervisor and assessing officer to make a special assessment roll in which shall be entered and described all the parcels of land to be assessed with the names of the respective owners thereof if known, and a total amount to be assessed against each parcel of land in the Special Assessment District. When the same has been completed, the Supervisor and assessing officer shall affix thereto her certificate stating that it was made pursuant to this Resolution and that in making such assessment roll, he has, according to her best judgment, conformed in all respects to the directions contained in this Resolution and the applicable state statutes.

Motion to adopt Resolution No. 2009-12 as presented.

Motion by: Krug

Seconded: Goupil

Ayes: Mathis, Krug, Brown, Goupil, Hill, Kesler

Nays: None

Absent: Tucker

Motion carried. Resolution declared adopted.

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Supervisor Mathis stated that, in anticipation of the adoption of the previous resolution, a special assessment roll has been prepared, certified and filed with the Township Clerk. Clerk Krug presented the following resolution:

RESOLUTION NO. 2009-13

WHEREAS, the Supervisor and assessing officer of Fenton Township has, in accordance with the Resolution of the Fenton Township Board and the laws and statutes pertinent thereto, prepared a special assessment roll in the total amount of \$51,920.00 covering all parcels of land within the Lake Ponemah Channel Improvement Special Assessment District, and has affixed thereto her Certificate as required by said Resolution;

THEREFORE BE IT RESOLVED, that said special assessment roll shall be filed with the Township Clerk and shall be available for public examination during regular business hours of regular business days from the present date until the public hearing upon the same and shall further be examined at such public hearing, and

BE IT FURTHER RESOLVED, that the Fenton Township Board shall meet at 7:30 p.m. on April 6, 2009 at the Fenton Township Civic Community Center located at 12060 Mantawauka Drive, within the Township, to review such special assessment roll and hear any objections thereto, and

BE IT FURTHER RESOLVED, that the Township Clerk shall cause notice of such hearing and the filing of such assessment roll to be published twice in a newspaper of local circulation prior to the date of the hearing, with the first publication being not less than ten (10) days prior to the hearing and shall further cause notice of such hearing to be mailed by First Class Mail to all owners of or persons having an ownership interest in property within the Lake Ponemah Channel Improvement Special Assessment District as shown on the current assessment roll of the Township also at least ten (10) days prior to said hearing, all in accordance with the law and statute provided.

Motion to adopt Resolution No. 2009-13 as presented.

Motion by: Krug
Seconded: Hill
Ayes: Mathis, Krug, Brown, Goupil, Hill, Kesler
Nays: None
Absent: Tucker

Motion carried. Resolution declared adopted.

Application for Industrial Facilities Exemption Certificate – Thompson I.G., LLC

Supervisor Mathis stated that the purpose of this public hearing is to consider the application of Thompson I.G., LLC for an Industrial Facilities Exemption Certificate (tax abatement) for new equipment at their existing facility on Thompson Road. The total cost of the new equipment is approximately \$1.4 million and it is anticipated that the acquisition of the equipment will allow Thompson I.G. to create 6 new jobs at their facility.

Public Comment:

Mike Joliet, attorney for Thompson I.G., LLC, stated that the new equipment will help the company remain competitive in their industry and is expected to create 6 new jobs.

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Operations Manager Broecker reviewed the standardized rating sheet used to calculate the recommended abatement term. Based on the amount of investment and number of new jobs, the recommended term is nine years.

Clerk Krug presented the following resolution:

RESOLUTION NO. 2009-14

WHEREAS, pursuant to P.A. 198 of 1974, M.C.L. 207.551 et seq., after a duly noticed public hearing held on April 6, 1992, this Township Board by resolution established Industrial Development District No. 8; and

WHEREAS, Thompson I.G., LLC has filed an application for an Industrial Facilities Exemption Certificate with regard to new equipment installed at their facility located in Industrial Development District No. 8; and

WHEREAS, before acting on said application, the Charter Township of Fenton held a public hearing on March 16, 2009 at the Fenton Township Civic Community Center in Fenton, Michigan at 7:30 p.m., at which hearing the applicant, the Assessor and representatives of the affected taxing units were given written notice and were afforded an opportunity to be heard on said application; and

WHEREAS, the approval of the certificate will have the reasonable likelihood to retain, create, or prevent the loss of employment in the Charter Township of Fenton; and

WHEREAS, the aggregate SEV of real and personal property exempt from ad valorem taxes within the Charter Township of Fenton, after granting this certificate, will not exceed 5% of an amount equal to the sum of the SEV of the unit, plus the SEV of personal and real property thus exempted.

NOW, THEREFORE, BE IT RESOLVED BY the Township Board of the Charter Township of Fenton that:

- 1. The Township Board finds and determines that the granting of the Industrial Facilities Exemption Certificate, considered together with the aggregate amount of certificates previously granted and currently in force under Act No 198 of the Public Acts of 1974 and Act No. 255 of the Public Acts of 1978, shall not have the effect of substantially impeding the operation of the Charter Township of Fenton, or impairing the financial soundness of a taxing unit which levies ad valorem property taxes in the Charter Township of Fenton.*
- 2. The application of Thompson I.G., LLC for an Industrial Facilities Exemption Certificate with respect to personal property acquired and installed on the following described parcel of real property situated within Fenton Township Industrial Development District No. 8, to wit:*

Part of the SW 1/4 of the NE 1/4 of Section 3, T5N-R6E, Township of Fenton, Genesee County, Michigan, described as beginning at a point on the EW 1/4 line of said Section which is N 89° 34' 47" W, along said EW 1/4 line, 1,896.03 feet from the East 1/4 corner of said Section 3; thence continuing N 89° 34' 47" W, along said EW 1/4 line, 136.0 feet; thence N 0° 20' 15"E, 679.0 feet; thence S 89° 50' E, 136.0 feet; thence S 0° 20' 15" W, 679.60 feet

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to the point of beginning. Containing 2.12 acres of gross land and being subject to the reservation of Thompson Road so-called.

be and the same is hereby approved.

- 3. The Industrial Facilities Exemption Certificate when issued shall be and remain in force and effect for a period of 9 years.*

Motion to adopt Resolution No. 2009-14 as presented:

Motion by: Krug
Seconded: Hill
Ayes: Mathis, Krug, Brown, Goupil, Hill, Kesler
Nays: None
Absent: Tucker

Motion carried. Resolution declared adopted.

REPORTS:

Goose Roundup

Supervisor Mathis reported that she has again received a request from the Silver-Marl Lake Association to write a letter of support for their efforts to relocate Canadian geese from their lakes. This program has been effective in the past and she will provide the letter as requested.

Board of Review Update

Supervisor Mathis praised the Fenton Township Board of Review, (Jim Hall, Joe Jenio & Bev McKenna), and the Township's Assessing staff, (Beth Redmond, Julia Wilson & Julie Oginsky), for their efforts during the Board of Review appeal process. Many hours were logged by all and the board worked diligently in their deliberations in order to make fair decisions.

Storm Water Conference

Trustee Brown distributed brochures from a recent storm water conference he attended. He stated that it was an excellent conference and encouraged the other board members to attend one if possible. One issue he wants to pursue is the use of flood plain marks as setback reference points, rather than high water marks. This will be discussed in more detail at a future meeting.

COMMUNICATIONS:

None

ADOPTION OF ORDINANCES:

None

UNFINISHED BUSINESS:

Revised Building Inspection Services Agreement

Operations Manager Broecker reviewed a proposed revision to the building inspection services agreement approved at the 3/2/09 meeting. David Gibson, the individual contracted by the Township, operates under an S-corporation. Therefore the agreement needs to be in the corporate name of D & G of Michigan, Inc. All other provisions of the agreement are the same as already approved by the board.

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Motion to approve the Building Inspection Services Agreement with D & G of Michigan, Inc. as presented.

Motion by: Hill
Seconded: Brown
Ayes: Mathis, Krug, Brown, Goupil, Hill, Kesler
Nays: None
Absent: Tucker

Motion carried.

Workshop Meeting Reminder – 3/30/09

Supervisor Mathis reminded the board of the scheduled workshop meeting for 3/30/09 at 7:00 p.m. After a brief discussion, Clerk Krug stated that the Parks & Recreation Committee will schedule a special meeting for 6:00 p.m. on 3/30/09, just prior to the workshop meeting.

NEW BUSINESS:

Resolution No. 2009-15, Proposed Tavern License-Canadian Steak, Fish & Sandwich, Inc.

Supervisor Mathis reviewed a letter from the owner of the Canadian Steak, Fish & Sandwich Co. restaurant, which is located in the plaza on Thompson Road near US-23, requesting a resolution of approval for the issuance of a tavern license. Debbie King, co-owner of the restaurant, stated that 35% of their clientele are in favor of having beer & wine available with their meals. They believe that the addition of a tavern license will help improve their business. Trustee Goupil stated that he supports the request, adding that Canadian Steak, Fish & Sandwich Company is a very nice, family-oriented restaurant. Clerk Krug presented the following resolution:

RESOLUTION NO. 2009-15

WHEREAS, Canadian Steak, Fish & Sandwich, Inc. has requested that the Charter Township of Fenton Board of Trustees recommend the issuance of a Tavern License for a restaurant located at 3235 Thompson Road;

*THEREFORE BE IT RESOLVED, that the request from Canadian Steak, Fish & Sandwich, Inc. for a Tavern License for a business located at 3235 Thompson Road, Fenton, Michigan 48430, Genesee County, be considered for **Approval** "ABOVE ALL OTHERS".*

Motion to adopt Resolution No. 2009-15 as presented.

Motion by: Krug
Seconded: Brown
Ayes: Mathis, Krug, Brown, Goupil, Hill, Kesler
Nays: None
Absent: Tucker

Motion carried. Resolution declared adopted.

Proposed Agreement, Development of Overlay District for Thompson Road Corridor – Birchler Arroyo Associates, Inc.

Supervisor Mathis reviewed a proposal from Birchler Arroyo Associates to develop amendments to the Township's Zoning Ordinance relative to the Thompson Road Corridor. Trustee Brown suggested postponing action on this item to the next meeting so Treasurer Tucker can provide more information.

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Motion to postpone to April 6, 2009 the proposed agreement with Birchler Arroyo Associates Inc. for the development of Thompson Road Corridor Zoning Ordinance amendments.

Motion by: Hill
Seconded: Brown
Ayes: Mathis, Krug, Brown, Goupil, Hill, Kesler
Nays: None
Absent: Tucker

Motion carried.

2009 Dust Control Agreement – Genesee County Road Commission

Operations Manager Broecker reviewed information regarding the Genesee County Road Commission's dust control program for 2009. The proposed agreement includes one application of liquid calcium chloride on unpaved roads funded by the Road Commission and the option of one or two applications funded by the Township. Based on the mileage of unpaved roads in Fenton Township, our cost would be approximately \$17,934.00 per application. It was noted that the Township has budgeted for one application, which has traditionally been for the September time frame. Another option obtained from the GCRC, which is not listed on the agreement, is to do both applications at 1,500 gallons per mile rather than one at 2,000 gallons per mile. This would increase the cost by approximately 50% but might result in better overall dust control. After some discussion the board agreed that 2 applications at 1,500 gallons per mile is the best option.

Motion to approve the 2009 Genesee County Road Commission Dust Control Program, including two applications of 38% liquid calcium chloride, at a rate of 1,500 gallons per mile at the Township's expense, as presented.

Motion by: Brown
Seconded: Hill
Ayes: Mathis, Krug, Brown, Goupil, Hill, Kesler
Nays: None
Absent: Tucker

Motion carried.

Proposed Community Shredding Event

Operations Manager Broecker reviewed a proposal to conduct a "Community Shred" event this Spring. The purpose of such an event is to give Township residents the opportunity to have personal documents shredded and recycled. With the widespread problem of identity theft, many people are looking for alternative methods for disposing of personal documents, such as bank statements, credit card receipts, etc. Simply throwing them away or tossing them into the recycling bin is no longer considered safe because of the potential for identity theft. The board reviewed the proposal from *Shred-It* to set up their truck-mounted, high volume shredder for 4-5 hours at Lake Fenton High School on Saturday 4/25/09. From 9:00 a.m. until 1:00 p.m., (2:00 p.m. if needed), Fenton Township residents could bring their personal documents and watch them be shredded for recycling. There would be no charge to our residents for this service, although there will be a 5-box limit (12x15 inch file boxes). This event would be for personal documents only, (i.e. no businesses). The total cost, which is not expected to exceed \$1,500, would be funded from the Township's Solid Waste Management Fund.

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Trustee Hill stated that it will be important to advertise this event extensively so our residents will take advantage of the opportunity.

Motion to approve the Purge Agreement with Shred-it as presented.

Motion by: Krug
Seconded: Hill
Ayes: Mathis, Krug, Brown, Goupil, Hill, Kesler
Nays: None
Absent: Tucker

Motion carried.

Schedule Election Commission Meeting – 4/6/09

Clerk Krug announced that a meeting of the Fenton Township Election Commission has been scheduled for Monday 4/6/09 at 7:00 p.m. The purpose of this meeting is to appoint Election Inspectors for the 5/5/09 election.

Resolution No. 2009-16, Non-Profit Designation - Wings of Mercy East Michigan, Inc.

Supervisor Mathis stated that Wings of Mercy East Michigan, Inc. is a non-profit corporation based in Fenton Township that provides free flights for people that need to travel to distant medical centers but cannot afford the cost. This organization is seeking to obtain a charitable gaming license from the State Lottery Commission in order to hold a fundraising event. A resolution from the local unit of government supporting the request is required before a license can be issued.

Cody Welch, founder of the organization, stated that they are one of 70 similar organizations nationwide. Their volunteer pilots are averaging 150 flights per year. They are looking to hold fundraisers under the Michigan Lottery programs to help defray the cost of fuel and supplies. A resolution of support from the Township Board would greatly help their effort.

Supervisor Mathis stated that Wings of Mercy is a wonderful organization and she strongly supports their efforts. Clerk Krug presented the following resolution:

RESOLUTION NO. 2009-16

WHEREAS, Wings of Mercy East Michigan, Inc. is an all-volunteer organization started in 1996, and currently based in Fenton Township, which offers flights at no cost for people that cannot afford to travel to distant medical centers for required specialized medical treatment, and

WHEREAS, the Wings of Mercy organization has been designated as a 501c3 non-profit charitable corporation by the Internal Revenue Service, and

WHEREAS, the Wings of Mercy organization wishes to obtain a charitable gaming license from the Michigan Bureau of State Lottery for the purpose of conducting a fund raising event, and

WHEREAS, in order to obtain said license, the local municipality must adopt a resolution supporting the request;

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*THEREFORE BE IT RESOLVED, by the Fenton Township Board of Trustees that the request from **Wings of Mercy East Michigan, Inc.** of the Charter Township of Fenton, County of Genesee, asking that they be recognized as a nonprofit organization operating in the community for the purpose of obtaining a charitable gaming license, be considered for **Approval**.*

Motion to adopt Resolution No. 2009-16 as presented.

Motion by: Krug
Seconded: Mathis
Ayes: Mathis, Krug, Brown, Goupil, Hill, Kesler
Nays: None
Absent: Tucker

Motion carried. Resolution declared adopted.

BOARD COMMENT:

None

PUBLIC COMMENT - AGENDA OR NON-AGENDA ITEMS:

Pat Lockwood, Genesee County Commissioner

Commissioner Lockwood reported that Genesee County is receiving approximately \$10 million in stimulus funds for a program to provide weatherization improvements to low and moderate income residents. More information is available from Genesee County. She also reported that the Genesee County Drain Commissioner is continuing to work on the feasibility of constructing a county-owned water pipeline to Lake Huron as an alternative to purchasing municipal water from Detroit. The board will be kept up to date as this issue progresses.

David Franz, 3435 Breeze Pointe Court

Mr. Franz suggested that the Township's representatives on the SLPR board should meet with the board to explain their decision to vote against paying their lease obligation to Lake Fenton Schools. Supervisor Mathis stated that the board will meet with them soon.

Susan Foland, 11421 Fairbanks Road

Ms. Foland asked if the sewer bonds approved at the 2/16/09 meeting had been sold and at what interest rate. Supervisor Mathis stated that the bond sale took place just this afternoon. The lowest bid was a net interest rate of 4.88163%.

ADJOURN: Meeting adjourned at 9:55 p.m.

Bonnie Mathis, Supervisor

Robert Krug, Clerk

Minutes Posted 3/17/09