

**CHARTER TOWNSHIP OF FENTON BOARD OF TRUSTEES  
MINUTES FOR REGULAR MEETING OF NOVEMBER 4, 2013**

**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, Tucker, Kesler, Lorraine, Shumaker, Attorney Cooley and  
Operations Manager Broecker

Absent: Goupil

**PLEDGE OF ALLEGIANCE:**

Supervisor Mathis led the pledge of allegiance to the flag.

**APPROVAL OF AGENDA:**

Motion to approve the 11/4/13 Fenton Township Board Meeting agenda as presented.

Motion by: Tucker

Seconded: Kesler

Ayes: All present

Nays: None

Absent: Goupil

Motion carried. The agenda is approved.

**MEETING MINUTES:**

The minutes for the 10/21/13 regular meeting and 10/21/13 workshop meeting stand approved as presented.

**EXPENDITURES:**

Motion to approve invoices and expenditures for all funds totaling \$125,993.96 for payment as presented.

Motion by: Lorraine

Seconded: Tucker

Ayes: Mathis, Krug, Tucker, Kesler, Lorraine, Shumaker

Nays: None

Absent: Goupil

Motion carried.

**PUBLIC HEARINGS:**

None

**REPORTS:**

None

**COMMUNICATIONS:**

None

**ADOPTION OF ORDINANCES:**

None

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**UNFINISHED BUSINESS:**

**Status of November 18, 2013 Township Board Meeting**

Supervisor Mathis noted that the board had discussed the possible cancellation of the 11/18/13 board meeting during this evening's workshop session. Based on scheduling conflicts and a lack of agenda items, the board agreed to cancel the meeting.

Motion to cancel the 11/18/13 Fenton Township Board meeting due to a lack of agenda items and scheduling conflicts.

Motion by: Krug

Seconded: Kesler

Ayes: Mathis, Krug, Tucker, Kesler, Lorraine, Shumaker

Nays: None

Absent: Goupil

Motion carried.

**NEW BUSINESS:**

**Proposed PEG Coordinator / Station Manager for Channel 99**

Operations Manager Broecker reviewed information regarding the hiring of a part-time PEG Coordinator/Station Manager for public access channel 99. Under the proposal, the Lake Fenton, Linden and Fenton school districts, along with the cities of Fenton and Linden, Tyrone Township and Fenton Township would jointly fund the \$20,000 annual cost of this position for three years. Each school district would contribute \$2,500 and the four municipalities would contribute a percentage based on PEG fee revenues. Fenton Township's share would be just under \$5,200 per year. Lake Fenton School Superintendent Wayne Wright and Linden School Superintendent were also in attendance to support the request. They also attended the workshop session prior to the regular meeting to explain the proposal in more detail.

The purpose of creating the position includes:

- Increase programming levels by providing additional activities on Channel 99.
- Increase programming levels by providing increased services for municipalities in relation to Channel 99.
- Provide improvements in usability/accessibility of Channel 99 for general public through the use of social media and/or a website.
- Develop relationship with school coordinators and provide leadership and consistency in inventory planning, management, and reporting.

Unfortunately PEG fees cannot be used to fund the position, (restricted to capital costs only). If approved, Fenton Township's portion of the cost will be funded from the General Fund. It was noted that the Township receives more than \$200,000 in franchise fee revenues annually.

Trustee Lorraine expressed concern that a part-time coordinator would not be able to achieve the goals set by the consortium. It would make more sense to establish a full-time position. It was noted that the lower cost part-time option was selected because one of the municipalities will have a difficult time getting their elected officials to approve their share of the cost.

Motion to authorize the expenditure of up to \$5,200.00 per year for three years toward the cost of hiring a PEG Coordinator to manage public access channel 99, as presented.

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Motion by: Shumaker  
Seconded: Krug  
Ayes: Mathis, Krug, Tucker, Kesler, Shumaker  
Nays: Lorraine  
Absent: Goupil  
Motion carried.

**Resolution No. 2013-23, Authorization of Sewer Bond Refunding**

Operations Manager Broecker reported that the Township has an opportunity to refund (refinance) three sewer bond issues to take advantage of lower interest rates. Bond attorney Steven Mann of Miller-Canfield explained that a negotiated sale of \$11.63 million in refunding bonds would save the Township more than \$500,000 in interest cost over the remaining life of the bonds. A bond authorization resolution is needed in order to begin the process. Clerk Krug presented the following resolution:

**RESOLUTION NO. 2013-23**

*WHEREAS, Act 34, Public Acts of Michigan, 2001, as amended ("Act 34"), authorizes the Charter Township of Fenton, County of Genesee, State of Michigan (the "Township"), to refund all or any part of its outstanding securities; and*

*WHEREAS, the County of Genesee, State of Michigan (the "County"), has previously issued its Genesee County Sanitary Sewage Disposal System Bonds (Charter Township of Fenton Project) Series 2003 (Limited Tax General Obligation), dated December 1, 2003, in the original principal amount of \$4,000,000, its Genesee County Sanitary Sewage Disposal System Bonds (Charter Township of Fenton Project), Series 2004A (Limited Tax General Obligation), dated December 1, 2004, in the original principal amount of \$8,000,000 and its Genesee County Sanitary Sewage Disposal System Bonds (Charter Township of Fenton Project), Series 2004B (Limited Tax General Obligation), dated December 1, 2004, in the original principal amount of \$4,600,000 (together, the "Prior Bonds"); and*

*WHEREAS, the Township and the County have entered into certain contracts dated December 1, 2003 and November 1, 2004 (together, the "Contracts") by which the Township has agreed to pay contractual payments to the County in amounts sufficient to pay the debt service on the Prior Bonds when due, and has pledged the Township's limited tax full faith and credit therefor; and*

*WHEREAS, the Prior Bonds and the Contracts are "outstanding securities" of the Township within the meaning of Act 34; and*

*WHEREAS, in order to achieve savings on the Township's contractual payments for the outstanding Prior Bonds, the Township determines that it is in the best interest of the Township to refund all or a portion of the Prior Bonds; and*

*WHEREAS, to finance the cost of refunding all or any portion of the Prior Bonds, the Township deems it necessary to issue its refunding bonds in the principal amount of not to exceed Twelve Million Dollars (\$12,000,000), to be issued in one or more series; and*

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*WHEREAS, the Township has received a proposal from Robert W. Baird & Co., Inc. (the "Underwriter"), to purchase the Bonds pursuant to a negotiated sale.*

*NOW, THEREFORE, BE IT RESOLVED THAT:*

*1. Authorization of Bonds; Bond Details. Bonds of the Township designated Limited Tax General Obligation Refunding Bonds (the "Bonds") are authorized to be issued in the aggregate principal amount of not to exceed Twelve Million Dollars (\$12,000,000) for the purpose of paying the cost of refunding all or a portion of the Prior Bonds and issuance costs of the Bonds.*

*Upon advice of the Township's financial advisor, Township Administrator, Supervisor, Clerk or Treasurer (each an "Authorized Officer"), may determine to sell the Bonds in one series in calendar year 2013 or 2014 or may determine to sell the Bonds in two series, with the first series being sold in calendar year 2013 and the second series being sold in calendar year 2014; provided, however, that the aggregate principal amount of all series of the Bonds shall not exceed the amount authorized by this Paragraph 1. Each series of the Bonds shall bear an appropriate designation corresponding to the year in which the Bonds are issued, as finally determined by an Authorized Officer.*

*The Bonds shall be payable on May 1 in the years 2014 to 2024, inclusive (or such other dates as determined at the time of sale thereof), in the annual amounts determined at the time of sale. The Bonds may be subject to optional or mandatory redemption prior to maturity as determined at the time of sale. Each series of Bonds shall be sold at a price not less than 97% of their par value. The Underwriter's Discount for each series of Bonds shall not exceed 1.00% of the par amount of that series of Bonds.*

*The Bonds shall be sold through a negotiated sale and shall be awarded, subject to the parameters of this resolution, upon entry of an order by an Authorized Officer.*

*The Bonds shall consist of bonds registered as to principal and interest of the denomination of \$5,000 or multiples of \$5,000 not exceeding for each maturity the aggregate principal amount of such maturity, dated as of the date of delivery (or such other date as determined by an Authorized Officer). The Bonds shall bear interest at a rate or rates to be determined at the time of sale thereof, but in any event not exceeding 6% per annum, payable on May 1, 2014 (or such other date as determined at the time of sale thereof), and semiannually thereafter, by check or draft mailed by the Transfer Agent (as hereinafter defined) to the registered owner of record as of the fifteenth (15th) day of the month prior to the payment date for each interest payment. The record date of determination of registered owner for purposes of payment of interest as provided in this paragraph may be changed by the Township to conform to market practice in the future.*

*The Bank of New York Mellon Trust Company, N.A., Detroit, Michigan, is hereby appointed to serve as bond registrar, paying agent and transfer agent (the "Transfer Agent") for the Bonds. The Authorized Officers are each hereby authorized to execute one or more agreements with the Transfer Agent on behalf of the Township. The*

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*Township reserves the right to replace the Transfer Agent at any time upon written notice to the registered owners of record of the Bonds not less than sixty (60) days prior to an interest payment date.*

*The Bonds may be issued in book-entry-only form through the Depository Trust Company in New York, New York ("DTC") and any officer of the Township is authorized to execute such custodial or other agreement with DTC as may be necessary to accomplish the issuance of the Bonds in book-entry-only form and to make such changes in the Bond form within the parameters of this resolution as may be required to accomplish the foregoing. Provided that CUSIP identification numbers are printed on the Bonds, all expenses in relation to the assignment of said numbers shall be paid for by the purchaser of the Bonds pursuant to an agreement between the Township and the purchaser of the Bonds.*

2. Execution of Bonds. *The Bonds shall be signed with the manual or the facsimile signatures of the Supervisor and the Township Clerk of the Township and shall have the seal of the Township impressed or imprinted on the Bonds. No Bond shall be valid until authenticated by an authorized representative of the Transfer Agent. The Bonds shall be delivered to the Transfer Agent for authentication and be delivered by it to the purchaser in accordance with instructions from the Township Treasurer of the Township upon payment of the purchase price for the Bonds in accordance with the bid therefor when accepted. Executed blank certificates for registration and issuance to transferees shall simultaneously, and from time to time thereafter as necessary, be delivered to the Transfer Agent for safekeeping.*

3. Transfer of Bonds. *The Transfer Agent shall keep the books of registration for this issue on behalf of the Township. Any Bond may be transferred upon such registration books by the registered owner of record, in person or by the registered owner's duly authorized attorney, upon surrender of the Bond for cancellation, accompanied by delivery of a duly executed written instrument of transfer in a form approved by the Transfer Agent. Whenever any Bond or Bonds shall be surrendered for transfer, the Township shall execute and the Transfer Agent shall authenticate and deliver a new Bond or Bonds, for like aggregate principal amount. The Transfer Agent shall require the payment by the bondholder requesting the transfer of any tax or other governmental charge required to be paid with respect to the transfer.*

4. Limited Tax Pledge; Debt Retirement Fund; Defeasance of Bonds. *The Township hereby pledges its limited tax full faith and credit for the prompt payment of the principal and interest on the Bonds. The Township shall, each year budget the amount of the debt service coming due in the next fiscal year on the principal of and interest on the Bonds and shall advance as a first budget obligation from its general funds available therefor, or, if necessary, levy taxes upon all taxable property in the Township subject to applicable constitutional and statutory tax rate limitations, such sums as may be necessary to pay such debt service in said fiscal year.*

*The Township Treasurer is authorized and directed to open for each series of Bonds a depository account with a bank or trust company designated by the Township Board, to be designated LIMITED TAX GENERAL OBLIGATION REFUNDING BONDS DEBT RETIREMENT FUND (the "Debt Retirement Fund"), the moneys to be deposited into the Debt Retirement Fund to be specifically earmarked and used solely for the purpose of*

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*paying principal of and interest on the Bonds as they mature. Into said fund there shall be placed the accrued interest, if any, received at the time of delivery of the Bonds.*

*In the event cash or direct obligations of the United States or obligations the principal of and interest on which are guaranteed by the United States, or a combination thereof, the principal of and interest on which, without reinvestment, come due at times and in amounts sufficient to pay at maturity or irrevocable call for earlier optional redemption, the principal of, premium, if any, and interest on the Bonds, shall be deposited in trust, this Resolution shall be defeased and the owners of the Bonds shall have no further rights under this Resolution except to receive payment of the principal of, premium, if any, and interest on the Bonds from the cash or securities deposited in trust and the interest and gains thereon and to transfer and exchange Bonds as provided herein.*

5. Use of Proceeds. *The proceeds of the Bonds shall be used to pay the costs of issuance of the Bonds and to secure payment of the Prior Bonds as provided in this paragraph. Upon receipt of the proceeds of sale of the Bonds, the accrued interest, if any, shall be deposited in the Debt Retirement Fund for the Bonds. From the proceeds of the Bonds there shall next be set aside a sum sufficient to pay the costs of issuance of the Bonds in a fund designated LIMITED TAX GENERAL OBLIGATION REFUNDING BONDS BOND ISSUANCE FUND (the "Issuance Fund"). Moneys in the Issuance Fund shall be used solely to pay expenses of issuance of the Bonds. Any amounts remaining in the Issuance Fund after payment of issuance expenses shall be transferred to the Debt Retirement Fund for the Bonds.*

*The balance of the proceeds of the Bonds together with any moneys transferred by the Township at the time of sale of the Bonds from the debt retirement funds for the Prior Bonds and any other available funds of the Township, shall be held as cash or invested in direct obligations of or obligations the principal of and interest on which are unconditionally guaranteed by the United States of America or other obligations the principal of and interest on which are fully secured by the foregoing (the "Escrow Fund"), and used to pay principal, interest and redemption premiums on the Prior Bonds. The Escrow Fund shall be held by The Bank of New York Mellon Trust Company, N.A., Detroit, Michigan (the "Escrow Agent"), pursuant to an escrow agreement (the "Escrow Agreement"), which shall irrevocably direct the Escrow Agent to take all necessary steps to call for redemption any Prior Bonds specified by the Township upon sale of the Bonds, including publication and mailing of redemption notices, on any call date, as specified by the Township. The investments held in the Escrow Fund shall be such that the principal and interest payments received thereon will be sufficient, without reinvestment, to pay the principal, interest and redemption premiums on the Prior Bonds as they become due pursuant to maturity or the call for redemption required by this paragraph. Following establishment of the Escrow Fund, any amounts remaining in the debt retirement funds for the Prior Bonds shall be transferred to the Debt Retirement Fund for the Bonds. The Authorized Officers are each authorized to negotiate the terms of and execute and deliver an Escrow Agreement on behalf of the Township. Each Authorized Officer is authorized and directed to purchase or cause to be purchased, Escrow Securities, including United States Treasury Obligations – State and Local Government Series (SLGS), in an amount sufficient to fund the Escrow Fund.*

6. Bond Form. *The Bonds shall be in substantially the following form:*

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UNITED STATES OF AMERICA  
STATE OF MICHIGAN  
COUNTY OF GENESEE

CHARTER TOWNSHIP OF FENTON

[2013][2014] LIMITED TAX GENERAL OBLIGATION REFUNDING BOND

<u>Interest Rate</u>	<u>Maturity Date</u>	<u>Date of Original Issue</u>	<u>CUSIP</u>
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Registered Owner: Cede & Co.

Principal Amount:  
Dollars

The Charter Township of Fenton, County of Genesee, State of Michigan (the "Township"), acknowledges itself to owe and for value received hereby promises to pay to the Registered Owner specified above, or registered assigns, the Principal Amount specified above, in lawful money of the United States of America, on the Maturity Date specified above, unless prepaid thereto as hereinafter provided, with interest thereon (computed on the basis of a 360 day year consisting of twelve 30-day months) from the Date of Original Issue specified above or such later date to which interest has been paid, until paid, at the Interest Rate per annum specified above, payable on May 1, 2014 and semiannually thereafter. Principal of this bond is payable upon presentation and surrender of this bond at the corporate trust office of The Bank of New York Mellon Trust Company, N.A., Detroit, Michigan, or such other transfer agent as the Township may hereafter designate (the "Transfer Agent") by notice mailed to the registered owner not less than sixty (60) days prior to an interest payment date. Interest on this bond is payable to the person or entity who or which is the registered owner of record as of the fifteenth (15th) day of the month preceding the interest payment date as shown on the registration books of the Township kept by the Transfer Agent, by check or draft mailed by the Transfer Agent to the registered owner of record at the registered address.

This bond is one of a series of bonds of even Date of Original Issue aggregating the principal sum of \$\_\_\_\_\_, issued pursuant to the provisions of Act 34, Public Acts of Michigan, 2001, as amended and pursuant to a resolution of the Township Board of the Township adopted November 4, 2013, for the purpose of defraying the costs of refunding certain contracts by and between the Township and the County of Genesee, State of Michigan (the "County") by which the Township has agreed to pay contract payments to the County in amounts sufficient to pay the debt service when due on the Genesee County Sanitary Sewage Disposal System Bonds (Charter Township of Fenton Project) Series 2003 (Limited Tax General Obligation), dated December 1, 2003, the Genesee County Sanitary Sewage Disposal System Bonds (Charter Township of Fenton Project), Series 2004A (Limited Tax General Obligation), dated December 1, 2004, and the Genesee County Sanitary Sewage Disposal System Bonds (Charter Township of Fenton Project), Series 2004B (Limited Tax General Obligation), dated December 1, 2004.

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*Bonds maturing in the years 2014 to 2023, inclusive, shall not be subject to redemption prior to maturity.*

*Bonds or portions of bonds of this issue in multiples of \$5,000 maturing in the year 2024 and thereafter shall be subject to redemption prior to maturity, at the option of the Township, in any order of maturity and by lot within any maturity, on any date on or after May 1, 2023, at par plus accrued interest to the date fixed for redemption.*

*In case less than the full amount of an outstanding bond is called for redemption, the Transfer Agent, upon presentation of the bond called in part for redemption, shall register, authenticate and deliver to the registered owner of record a new bond in the principal amount of the portion of the original bond not called for redemption.*

*Notice of redemption of any bond shall be given at least thirty (30) days prior to the date fixed for redemption by mail to the registered holder or holders at the registered addresses shown on the registration books kept by the Transfer Agent. Bonds shall be called for redemption in multiples of \$5,000 and bonds of denominations of more than \$5,000 shall be treated as representing the number of bonds obtained by dividing the denomination of the bond by \$5,000, and such bonds may be redeemed in part. The notice of redemption for bonds redeemed in part shall state that upon surrender of the bond to be redeemed a new bond or bonds in aggregate principal amount equal to the unredeemed portion of the bond surrendered shall be issued to the registered holder thereof. No further interest payment on the bonds or portions of bonds called for redemption shall accrue after the date fixed for redemption, whether presented for redemption or not, provided funds are on hand with the Transfer Agent to redeem the same.*

*This bond, including the interest thereon, is payable as a first budget obligation from the general funds of the Township, and the Township is required, if necessary, to levy ad valorem taxes on all taxable property in the Township for the payment thereof, subject to applicable constitutional and statutory tax rate limitations.*

*It is hereby certified and recited that all acts, conditions and things required by law to be done, precedent to and in the issuance of this bond and the series of bonds of which this is one, exist and have been done and performed in regular and due form and time as required by law, and that the total indebtedness of the Township, including this bond and the series of bonds of which this is one, does not exceed any constitutional or statutory debt limitation.*

*This bond is not valid or obligatory for any purpose until the Transfer Agent's Certificate of Authentication on this bond has been executed by the Transfer Agent.*

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*IN WITNESS WHEREOF, the Township, by its Township Board, has caused this bond to be signed in its name with the facsimile signatures of its Supervisor and Township Clerk and a facsimile of its corporate seal to be printed hereon, all as of the Date of Original Issue.*

*Charter Township of Fenton  
County of Genesee  
State of Michigan*

By \_\_\_\_\_

*Its Supervisor*

\_\_\_\_\_  
(SEAL)

By \_\_\_\_\_

*Its Township Clerk*

**[FORM OF TRANSFER AGENT'S CERTIFICATE OF AUTHENTICATION]**

*Certificate of Authentication*

*This bond is one of the bonds described in the within-mentioned resolution.*

*The Bank of New York Mellon Trust Company, N.A.  
Detroit, Michigan  
Transfer Agent*

By \_\_\_\_\_

*Authorized Signature*

*Date of Authentication: \_\_\_\_\_*

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7. Negotiated Sale. *The Township Board has considered the option of selling the Bonds through a competitive sale and a negotiated sale, and, pursuant to the requirements of Act 34, hereby determines that a negotiated sale of the Bonds will result in the most efficient and expeditious means of selling the Bonds and will result in the lowest interest cost to the Township.*

8. Bond Purchase Agreement and Award. *The Authorized Officers are each hereby authorized to negotiate with and award the sale of the Bonds to the Underwriter pursuant to a bond purchase agreement. The Authorized Officers are each further authorized to execute and deliver the bond purchase agreement on behalf of the Township, to execute a sale order evidencing the final terms for the Bonds, and to take all other necessary actions required to effectuate the sale, issuance and delivery of the Bonds within the parameters authorized in this resolution.*

9. Tax Covenant; Qualified Tax Exempt Obligations. *The Township shall, to the extent permitted by law, take all actions within its control necessary to maintain the exclusion of the interest on the Bonds from gross income for federal income tax purposes under the Internal Revenue Code of 1986, as amended (the "Code"), including, but not limited to, actions relating to any required rebate of arbitrage earnings and the expenditures and investment of proceeds of the Bonds and moneys deemed to be Bond proceeds. The Authorized Officers are each hereby authorized to designate any series of Bonds as "qualified tax-exempt obligations" for purposes of deduction of interest expense by financial institutions pursuant to the Code.*

10. Authorization of Other Actions. *The Authorized Officers are each authorized and directed to cause the preparation, approval, circulation, and execution of a preliminary and final Official Statement with respect to the Bonds; to procure a policy of municipal bond insurance with respect to the Bonds or cause the qualification of the Bonds therefor if the acquisition of such insurance would be of economic benefit to the Township; to obtain ratings on the Bonds; and to take all other actions necessary or advisable, and to make such other filings with the Michigan Department of Treasury or with other parties to enable the sale and delivery of the Bonds as contemplated herein. The Authorized Officers are authorized and directed to pay costs of issuance of the Bonds, including bond counsel fees, financial advisor fees, rating agency fees, transfer agent fees, escrow agent fees, verification agent fees, costs of printing the preliminary and final official statements, purchase of securities for the purpose of funding the Escrow, and any other costs necessary to accomplish sale, issuance and delivery of the Bonds.*

11. Adjustment of Bond Details. *The Authorized Officers are each hereby authorized to adjust the final bond details set forth herein to the extent necessary or convenient to complete the transaction authorized herein, and in pursuance of the foregoing is authorized to exercise the authority and make the determinations authorized pursuant to Section 315(1)(d) of Act 34, Public Acts of Michigan, 2001, as amended, including but not limited to determinations regarding interest rates, prices, discounts, maturities, principal amounts, denominations, dates of issuance, interest payment dates, redemption rights, the place of delivery and payment, designation of series, the portion or portions of the Prior Bonds to be refunded, and other matters, within the parameters established by this resolution, provided that the refunding shall result in a net present value savings to the Township, the aggregate principal amount of all series of the Bonds shall not exceed Twelve Million Dollars (\$12,000,000), the interest rate per annum on*

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*the Bonds shall not exceed six percent (6.00%), and the Bonds shall mature not later than May 1, 2025.*

12. Continuing Disclosure Undertaking. *The Township shall enter into an undertaking for the benefit of the holders and beneficial owners of each series of Bonds, (the "Undertaking"); provided, however, that the terms of the Undertaking are subject to completion and modification prior to delivery of the Bonds by the authorized officer of the Township executing the Undertaking as such authorized officer shall deem necessary to comply with law or market requirements. The Authorized Officers each are authorized to execute and deliver the Undertaking after completion and modification as provided in this resolution.*

13. Bond Counsel. *Miller, Canfield, Paddock and Stone, P.L.C. is hereby appointed to serve as bond counsel for the Bonds, notwithstanding Miller Canfield's present and periodic representation in unrelated matters of the Underwriter and other potential parties to the transaction authorized hereby.*

14. Appointment of Financial Advisor. *The Township hereby appoints H.J. Umbaugh & Associates as registered municipal advisor with respect to the Bonds.*

15. Conflict; Rescission. *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. 2013-23 as presented.

Motion by: Krug

Seconded: Tucker

Ayes: Mathis, Krug, Tucker, Kesler, Lorraine, Shumaker

Nays: None

Absent: Goupil

Motion carried. Resolution declared adopted.

**Proposed Extension of Mosquito Control Contract - APM Mosquito Control**

Supervisor Mathis reported that, as discussed at the 11/21/13 workshop meeting, APM Mosquito Control has proposed a 4-year contract extension to continue providing mosquito control services for Fenton Township. The parameters of the contract remain the same as the current contract, except for the annual cost. The proposed contract locks in an annual contract price of \$168,326.00, (the contract price for the final year of the current contract was \$171,294.25).

APM has done an excellent job of providing mosquito control services to the residents of Fenton Township since the 1980's. In addition to the standard larvicide operations and truck-mounted spraying, APM provides barrier spraying for residents upon request, (for outdoor events, etc.), at no extra charge. APM responded to 455 such requests in 2013.

It is also important to note that the costs charged by APM reflect the actual work performed, even if it is less than the contract amount. The board briefly reviewed an analysis of the last three 4-year contracts with APM. During the 12-year period, actual costs exceeded the contract price four times, while actual costs were under contract eight times. The net of those differences is a savings of more than \$95,000 for the township.

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Motion to approve a 4-year contract extension with APM Mosquito Control for mosquito control services, as presented.

Motion by: Tucker  
Seconded: Kesler  
Ayes: Mathis, Krug, Tucker, Kesler, Lorraine, Shumaker  
Nays: None  
Absent: Goupil

Motion carried.

**Selection of Option - PA 152 Compliance (Health Insurance Costs)**

Operations Manager Broecker reminded the board that the ***Publicly Funded Health Insurance Contribution Act*** (PA 152 of 2011) placed limits on how much a public employer can pay toward employee healthcare.

There are three options for PA 152 compliance. The default option is that employers cannot pay more than the prescribed "hard caps" established by the State of Michigan. The hard caps for 2014 are \$5,857.58 per single, \$11,715.17 per couple and \$15,975.23 for family coverage. The second option is a flat 80/20 cost sharing arrangement where the employer pays no more than 80% of the total cost. The third option is to opt out of the requirement altogether. A 2/3 majority vote of the Township Board is required to choose the 80/20 or opt out option.

For 2012 and 2013 the Township Board chose the 80/20 cost sharing option to comply with this statute. These approvals were each effective for one year and the board needs to review this decision annually. It is being recommended that the board again consider adopting the 80/20 option for 2014. A flat percentage is the most equitable approach for all employees, and it will be more easily adaptable if the Township changes plans in the future.

Motion to continue the optional 80/20 rules for 2014 to comply with the Publicly Funded Health Insurance Contribution Act, Public Act 152 of 2011.

Motion by: Tucker  
Seconded: Krug  
Ayes: Mathis, Krug, Tucker, Kesler, Lorraine, Shumaker  
Nays: None  
Absent: Goupil

Motion carried.

**Appointments to Fenton Township Zoning Board of Appeals**

Supervisor Mathis reported that the terms of Zoning Board of Appeals members K.C. Baran, Jim Cady and Andy Marko will expire at the end of November. All three are doing an exceptional job for the Township and all three have expressed an interest in being re-appointed for another 3-year term.

Motion to re-appoint K.C. Baran to the Fenton Township Zoning Board of Appeals for the term ending November 30, 2016.

Motion by: Tucker  
Seconded: Krug  
Ayes: Mathis, Krug, Tucker, Kesler, Lorraine, Shumaker  
Nays: None

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Absent: Goupil  
Motion carried.

Motion to re-appoint James R. Cady to the Fenton Township Zoning Board of Appeals for the term ending November 30, 2016.

Motion by: Shumaker  
Seconded: Kesler  
Ayes: Mathis, Krug, Tucker, Kesler, Lorraine, Shumaker  
Nays: None  
Absent: Goupil  
Motion carried.

Motion to re-appoint Andrew N. Marko to the Fenton Township Zoning Board of Appeals for the term ending November 30, 2016.

Motion by: Krug  
Seconded: Shumaker  
Ayes: Mathis, Krug, Tucker, Kesler, Lorraine, Shumaker  
Nays: None  
Absent: Goupil  
Motion carried.

**Schedule Public Hearing on 2014 Fenton Township Budget**

Supervisor Mathis noted that a preliminary draft version of the 2014 Fenton Township Budget was recently distributed to the members of the Township Board. This draft will continue to be refined up until the required public hearing is conducted. It has been recommended that the Township Board schedule the public hearing on the proposed 2014 budget for the December 2, 2013 meeting.

Motion to schedule a public hearing on the 2014 Fenton Township Budget to be held at the December 2, 2013 Township Board meeting.

Motion by: Shumaker  
Seconded: Kesler  
Ayes: Mathis, Krug, Tucker, Goupil, Kesler, Lorraine, Shumaker  
Nays: None  
Motion carried.

**Approval of 2014 Fenton Township Meeting Schedule**

Operations Manager Broecker reviewed a proposed meeting schedule for 2014. Township Board meetings will continue to be held on the first and third Monday of each month beginning at 7:30 p.m., with the following proposed exceptions:

Move the first April meeting to March 31st. Spring break for all three school districts in Fenton Township is the week of April 7th. Since March has five Mondays, this proposed change still maintains the 2-3 week gap between meetings.

Move September meetings to the 2<sup>nd</sup> and 4<sup>th</sup> Monday. September also has five Monday's. Moving the meetings to the 2<sup>nd</sup> and 4<sup>th</sup> Mondays avoids the Labor Day holiday without affecting the rest of the schedule.

Conduct only one meeting in November. To avoid scheduling conflicts with hunting season, the proposed schedule includes one November meeting on the 2<sup>nd</sup> Monday.

**CHARTER TOWNSHIP OF FENTON BOARD OF TRUSTEES  
MINUTES FOR REGULAR MEETING OF NOVEMBER 4, 2013**

Move the second December meeting to the 4<sup>th</sup> Monday. This would allow Accounts Payable to process invoices later into the month and avoid a large carryover to January.

Treasurer Tucker suggested leaving the second December meeting on the 15<sup>th</sup>. The 22<sup>nd</sup> would be too close to the holidays. The board agreed.

Motion to adopt the 2014 Fenton Township Meeting Schedule as amended.

Motion by: Tucker  
Seconded: Lorraine  
Ayes: Mathis, Krug, Tucker, Kesler, Lorraine, Shumaker  
Nays: None  
Absent: Goupil

Motion carried.

**BOARD COMMENT:**

Trustee Lorraine addressed Mr. Wright and Mr. Koledo, stating that he supports the concept of a PEG Coordinator but does not believe the part-time position will be effective. He added that he will do what he can to continue to support the schools and their programs.

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

The following individuals addressed the board regarding ongoing legal issues relating to a platted park on Margaret Drive:

Dave Cypher, 12160 Margaret Drive  
Dave Polidan, 2485 Ruth Drive  
Carol Wyman, 12125 Margaret Drive

Their concerns include:

- The property owners on either side of the park filed legal action in an attempt to have the park vacated and added to their respective properties. Judge Yuille denied the request, citing the fact that back-lot owners in the Shoreacres Homesites plat have legal rights to the park for lake access. The plaintiffs are appealing that decision in the Michigan Court of Appeals. The residents would like the Township to be involved in the litigation process.
- The property owners abutting the park are now draining their roof gutters, driveways and roadway through the park and directly into Lake Fenton.
- The property owners abutting the park have added boulders, ponds and other landscaping features that encroach upon the park property in an attempt to block use of the park by other residents.
- One of the property owners abutting the park has moved his mailbox onto the park property to create an additional obstacle for anyone attempting to use the park.

**CHARTER TOWNSHIP OF FENTON BOARD OF TRUSTEES  
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Treasurer Tucker suggested that the affected property owners should consider approaching Judge Yuille with these concerns. What has been done on the property would seem to exceed the limits established by the judge in his ruling.

Clerk Krug suggested that the placement of the boulders may constitute a zoning violation.

Attorney Cooley suggested that these recent issues should be investigated to determine if any ordinance violations have been committed.

**ADJOURN:** Meeting adjourned at 8:45 p.m.

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Bonnie Mathis, Supervisor

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Robert Krug, Clerk

**Minutes Posted 11/5/13**