

CHARTER TOWNSHIP OF MONITOR
REGULAR TOWNSHIP BOARD MEETING
APRIL 27, 2020

The Supervisor called the meeting to order at 7:00 p.m.

Members present: Malkin, Kowalski, Pike, Brandt, Kochany, Reder, Walsh
Members absent: None

The Pledge of Allegiance was recited by all present.

Public Input opened at 7:01 p.m. No public present wished to speak and public input was closed.

Motion by Reder supported by Walsh to adopt the agenda as presented.
Motion carried.

Motion by Reder supported by Walsh to approve the minutes of the February 10, 2020 regular meeting, February 13, 2020, March 12, 2020, March 20, 2020 and April 16, 2020 special meetings with the correction to the March 12, 2020 minutes to reflect Trustee Brandt was absent.
Motion carried.

Motion by Reder supported by Walsh to pay the bills in the amount of \$157,722.82 from General Fund.

Roll call vote:

Yes: Malkin, Kowalski, Pike, Brandt, Kochany, Reder, Walsh

No: None

Absent: None

Motion carried.

Motion by Reder supported by Kowalski to receive the Treasurer's Report for February & March 2020.

Motion carried.

MRTMA Cultivation and Processing

Todd Levy, representing AEY Capital, LLC DBA "Gage Cannabis Company", submitted a letter to the board dated April 21, 2020, requesting township consideration to "opt-in" under MRTMA (Michigan Regulation and Taxation of Marihuana Act) for the cultivation and processing of adult use marihuana in Monitor Township.

Levy stated Phase 1 of the Monitor Facility production and processing project is scheduled to be completed in the next couple of months. Phase 2 is a new, state-of-the-art 80,000 sq. ft. building to be erected behind the existing structure at 391 E. Midland Rd that will be dedicated to large scale Cultivation. AEY received approval and licensing for the growing and processing of medical marihuana.

With the passing of recreational use marihuana in Michigan, there has been a major shift in the marihuana industry away from medical marihuana to adult use marihuana. Levy stated because of this it would not be cost effective to continue with Phase 2 if their product could not be used

for both types of marihuana use. There is no difference in the grade or type of plants for either type, the only difference is in the labeling of the product. The township could still maintain its position to restrict the sale of adult use (recreational) marihuana under Ordinance 66.

B. Bartlett, representing Viridis Laboratories and Straits Secure Transportation stated his businesses on Straits Dr. are seeing the same issue with the market moving from medical to adult use. Bartlett stated the testing procedures done at Viridis apply for both types of product irrespective of how the product is labeled. Bartlett concurred with Levy that his operation at Straits would not be as lucrative or successful if it is restricted to medical marihuana testing.

Malkin stated he and the township attorney could prepare an amendment to the Recreational Ordinance (Ordinance 66) to allow for growing processing testing and transporting of recreational adult use marihuana and still opt out of sales distribution.

Motion by Reder supported by Walsh to direct the Supervisor and Township Attorney to prepare an amendment to Recreational Marihuana Ordinance 66 for board consideration at our next regular meeting.

Roll call vote:

Yes: Malkin, Kowalski, Pike, Reder, Walsh

No: Brandt, Kochany

Absent: None

Motion carried.

American Tower Lease Proposal

The board considered the revised proposals for continued site operations dated February 4, 2020. The Clerk stated Proposal 2 satisfies all the board recommendations that were made previously.

Motion by Reder supported by Malkin to direct the Clerk to contact American Tower and request they submit an extension agreement based on the terms of Proposal 2, dated February 4, 2020. Motion carried.

R-2020-005 Resolution Approving the Addition of Streetlights to Township Consumers Energy Account – 3 Mile and Wilder – West Side

The township received a request for the addition of a streetlight on the west side of the intersection of 3 Mile and Wilder. The board had previously approved the installation of a streetlight on the east side of this intersection in June 2019.

Board members questioned if the second streetlight was necessary given that there had been no streetlight there previous to 2019.

Motion by Reder supported by Kochany to table consideration of Resolution R-2020-005 to the May 11, 2020 regular meeting.

Motion carried.

R-2020-004 Resolution Approving the Addition of Streetlights to Township Consumers Energy Account - 1967 E Salzburg Rd.

The board received a request from a homeowner to install a streetlight at 1967 E. Salzburg.

There was board discussion regarding this request and the close proximity to the existing streetlight at the intersection of 4 Mile and E. Salzburg Rd.

Malkin stated Consumers would not install the streetlight without authorization from the township.

Kowalski stated if the board approved the contract agreement with Consumers Energy the cost of the streetlight and the cost of the monthly energy use would be put on the township account. The township could not legally bill the parcel owner or put the cost on the tax bill without the creation of a special assessment.

Pike concurred with that statement and suggested the resident explore other options to light his driveway entrance and have it added to his residential Consumers account.

Bay County Women's Softball Association Request for Ball Diamonds – May – August

The township had received a request from the Bay County Women's Softball Association for use of the ball diamonds on Wednesday and Thursday from May – August 2020. The Association also included in their request the township provide storage for their field chalking device and bases after each league night and the addition of a port-a-potty.

Board members stated that the shed is for township use only and a port-a-potty is already there for use during the park season of May – September.

Motion by Brandt supported by Reder to allow the Bay county Women's Softball Association request for use of the Ball Diamonds per the terms of the terms of the standard application to reserve the Park Facility.

Motion carried.

Fire Chief Recommendation – Resignation of On-Call Firefighter J. Wieland

Motion by Reder supported by Walsh to accept the resignation of on-call firefighter Joseph Wieland effective March 15, 2020 as recommended by the Fire Chief in his letter to the board dated March 12, 2020.

Roll call vote:

Yes: Malkin, Kowalski, Pike, Brandt, Kochany, Reder, Walsh

No: None

Absent: None

Motion carried.

First Reading of Ordinance 67-C Rezoning Parcels on Fraser Rd from AG to R-1

Motion by Reder supported by Walsh to have this meeting serve as First Reading of Ordinance 67-C, and Ordinance amending Zoning Ordinance 67 to rezone parcels on Fraser Rd. from AG to R-1, and set Second Reading and adoption of this ordinance to the next regular meeting of May 11, 2020.

Roll call vote:

Yes: Malkin, Kowalski, Pike, Brandt, Kochany, Reder, Walsh

No: None

Absent: None

Motion carried.

Township Assessor Position

The Supervisor in his April 21, 2020 memo, reported Assistant Assessor B. Patterson has passed

her Level 3 exam. The Supervisor recommendation is to hire Ms. Patterson as the Township Assessor effective July 1, 2020 and receive an annual salary of \$58,000. The Supervisor also stated on that date our current Assessor T. Fackler has agreed to leave our employment. Fackler has agreed to continue to work with Ms. Patterson during this transition period.

Brandt asked if Patterson could sign the roll at the Level 3.

Patterson stated that yes, she could because she is now at the same level as our current assessor.

There was board discussion regarding the proposed salary for this position, taking into consideration of the benefits township full time employees receive in addition to their pay scale.

Motion by Reder supported by Walsh to hire B. Patterson as the township level 3 assessor effective July 1, 2020 at an annual salary of \$58,000 as recommended in the Supervisor's memo to the board dated April 21, 2020.

Roll call vote:

Yes: Malkin, Kowalski, Pike, Brandt, Kochany, Reder, Walsh

No: None

Absent: None

Motion carried.

COVID-19 Response Pay for Firefighters

The Fire Chief presented a summation of the rationale and reasoning contained in his letter to the board dated April 14, 2020 requesting COVID-19 response pay for full-time firefighters. At the conclusion of the presentation, Chief Kramer made the request the full-time firefighters (excluding himself) receive five (5) additional vacation days in 2020 for their response during the COVID-19 situation.

There was considerable discussion by board members and fire department personnel.

Motion by Kowalski supported by Malkin to give the five full-time fire department officers (Chief included) an additional 5 vacation days to be used in 2020 for their response during the COVID-19 pandemic.

Trustee Reder made the following motion before the previous motion was called.

Motion by Reder supported by Walsh to refer the Fire Chief's April 14, 2020 letter to the Personnel Committee.

Motion was withdrawn.

Motion by Reder supported by Kochany to table the Fire Chief's April 14, 2020 request to the next regular meeting.

Roll call vote:

Yes: Pike, Brandt, Kochany

No: Malkin, Kowalski, Reder, Walsh

Absent: None

Motion defeated.

Motion by Kowalski supported by Malkin to give the five full-time fire department officers (Chief included) an additional 5 vacation days to be used in 2020 for their response during the COVID-19 pandemic.

Roll call vote:

Yes: Malkin, Kowalski, Pike, Kochany, Reder

No: Brandt, Walsh

Absent: None

Motion carried.

R-2020-006 Resolution Submitting Fire Station Bond Proposal & Ballot Language

Reder recommended to postpone the submittal of the fire station bond proposal from the August Primary ballot. Reder stated that given the COVID-19 crisis and the disruption to the economy it would be better to wait and place the proposal on the November General election ballot.

Malkin spoke in favor of placing the proposal on the August ballot and giving our residents the choice to decide whether or not we should renovate and expand the fire station.

Kochany concurred with Reder that it may be better to delay the submittal of the proposal until the COVID-19 crisis has passed.

Kowalski stated that may be true however, from what the professionals in Lansing and Washington are saying now is that there could be a second round of the virus in the fall which would put us in the same situation we are in currently.

Pike stated her concern that due to the Governor's orders regarding social gathering we would not be able to have town hall meetings with the residents to present and explain the fire station proposal.

Chief Kramer spoke regarding this being a double edge sword. The COVID virus has changed our "normal" and recommended putting the proposal on the ballot.

Motion by Reder supported by Walsh to not adopt Resolution R-2020-006.

Roll call vote:

Yes: Reder, Walsh

No: Malkin, Kowalski, Pike, Brandt, Kochany

Absent: None

Motion defeated.

Motion by Kowalski supported by Malkin to adopt Resolution R-2020-006, a resolution submitting the Fire Station Bond Proposal and approving the ballot language for the August 4, 2020 Primary ballot as follows:

RESOLUTION SUBMITTING FIRE STATION BOND PROPOSAL

CHARTER TOWNSHIP OF MONITOR

County of Bay, State of Michigan

WHEREAS, the Township Board of the Charter Township of Monitor (the "Township") has determined that it is necessary for the health, safety and welfare of the Township and its

residents that the Township pay the cost of renovating, constructing an addition to, furnishing and equipping the existing Township fire station, including all related site improvements (the “Project”); and

WHEREAS, the Township Board has determined that the Township should borrow money in an amount not to exceed Four Million Eight Hundred Seventy Thousand Dollars (\$4,870,000) and issue general obligation unlimited tax bonds of the Township in such amount for the purpose of paying the cost of the Project; and

WHEREAS, it is necessary to submit the proposal regarding the issuance of the bonds to the qualified electors of the Township at a special election to be held in conjunction with the state primary election to be held on Tuesday, August 4, 2020; and

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The bond proposal set forth in Exhibit A attached hereto shall be submitted to a vote of the qualified electors of the Charter Township of Monitor, County of Bay, Michigan, at the special election to be held on TUESDAY, AUGUST 4, 2020.

2. The ballot wording of the bond proposal is hereby certified to the Township Clerk and to the Clerk of the County of Bay (the “County Clerk”). The Township Clerk is hereby authorized and directed to file this Resolution and/or complete any such forms, certificates or documents as may be required by the County Clerk to evidence the foregoing certification and/or submission by no later than 4:00 p.m. on Tuesday, May 12, 2020.

3. The Township Clerk and the County Clerk are hereby directed to (a) post and publish notice of last day of registration and notice of election as required by the Michigan Election Law; and (b) have prepared and printed, as provided by the Michigan Election Law, ballots for submitting the bond proposal at the August 4, 2020 election, which ballots shall contain the proposal appearing herein, or the proposition shall be stated as a proposal on the voting machines, which ballots may include other matters presented to the electorate on the same date.

4. The estimated first year millage rate and average annual millage rate set forth in the ballot language for the bond proposal are reasonable estimates of such millage rates, based on the advice of, and the schedules prepared by, the Township’s financial advisor, Bendzinski & Co., Municipal Finance Advisors.

5. All resolutions and parts of resolutions insofar as they conflict with the provisions of this resolution are rescinded.

EXHIBIT A

Bond Proposal

Shall the Charter Township of Monitor, Bay County, Michigan, borrow the principal sum of not to exceed Four Million Eight Hundred Seventy Thousand Dollars (\$4,870,000) and issue its general obligation unlimited tax bonds payable over a period not to exceed twenty (20) years from date of issuance, to provide

funds to be used by the Township for the purpose of renovating, constructing an addition to, furnishing and equipping the existing Township fire station, including all related site improvements? The estimated millage to be levied in 2020 is 0.6727 mill (\$0.6727 per \$1,000 of taxable value) and the estimated simple average annual millage rate required to retire the bonds is 0.6918 mill (\$0.6918 per \$1,000 of taxable value).

Roll call vote:

Yes: Malkin, Kowalski, Pike Brandt

No: Kochany, Reder, Walsh

Absent: None

Motion carried.

Pike suggested inserting a page in the next newsletter to inform the voters about the fire station renovation/expansion project and suggested the fire department also include this information on their Facebook page.

Malkin stated that hopefully the township will be able to have town hall informational meeting for the residents once the Governor's restrictions have been lifted and will prepare an insert for the newsletter.

Post-Audit Policy

Reder had submitted a recommendation from the MTA for townships to adopt a written post-audit policy.

Kowalski stated she believes the township board made a motion in the 1998-1999 time period to cover the payment of bills before a township board meeting in the event there would be a late fee or penalty.

It was the consensus of the board to place this item on the next agenda.

Serenus Johnson/WTA Proposal for Fire Station Final Design

Motion by Walsh supported by Malkin to approve the April 22, 2020 proposal submitted by Serenus Johnson Construction to work in conjunction with WTA and the consulting engineers to develop conceptual and schematic design documents for the expansion and renovation of the fire department in the amount of \$80,000.

Roll call vote:

Yes: Malkin, Kowalski, Pike, Brandt, Kochany, Reder, Walsh

No: None

Absent: None

Motion carried.

The meeting adjourned at 9:30 p.m.

Cindy L. Kowalski, Clerk

Ken Malkin, Supervisor