

CHARTER TOWNSHIP OF MONITOR  
REGULAR TOWNSHIP BOARD MEETING  
AUGUST 24, 2020

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

Members present: Malkin, Kowalski, Pike, Kochany, Reder, Walsh  
Members absent: Brandt  
Also present: R. Sheppard, Township Attorney

The Pledge of Allegiance was recited by all present.

Public Input opened at 7:01 p.m.

J. Mulders, 5700 4 Mile Rd., stated he applied to be considered for the planning commission appointment. Mulders stated he had previously indicated this to the Supervisor at the last vacancy on the commission.

J. Leuenberger, 3368 Fraser, asked if the board had answers to the questions he raised at the last board meeting. Leuenberger referenced the Sidock Report and the amendment to the design build agreement with Serenus Johnson.

N. Ross, 2104 Karl Rd., asked if a copy of the original agreement with Serenus Johnson was available tonight for the public. Ross stated she believes the total cost of the project, with interest, would be more than the amount in the bond proposal.

Public Input closed at 7:10 p.m.

Motion by Pike supported by Reder to adopt the agenda with the addition of Fire Chief Recommendation – Promotions Within the Department and BCPS Maintenance Building.  
Motion carried.

Motion by Reder supported by Kochany to approve the minutes of the July 27, 2020 regular meeting as presented.

Motion carried.

Motion by Reder supported by Pike to pay the bills in the amount of \$105,207.38 from General Fund.

Roll call vote:

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

No: None

Absent: Brandt

Motion carried.

Motion by Reder supported by Walsh to receive the Treasurer's Report for July 2020.

Motion carried.

### Township Website

Pike stated the township website should be postponed until after the November General Election. Kowalski stated it has been increasingly hard to upload documents to our current website (minutes, ordinances, public hearing notices) and there is no support for the website. This was the reasoning behind looking for a website developer to overhaul the website.

Reder asked why STG was not at the meeting.

Malkin responded that at the last meeting the board directed the office staff who work with the website to contact STG and provide a recommendation to the board.

That recommendation is in the board packet for consideration tonight.

Motion by Kowalski supported by Malkin to accept the Platinum Package proposal for website design from the Shumaker Technology Group (STG) in the amount of \$4,995, and to accept Option B: Support in the amount of \$495 annually.

Roll call vote:

Yes: Malkin, Kowalski, Walsh

No: Pike, Kochany, Reder

Absent: Brandt

Motion defeated.

### Supervisor Recommendation – Planning Commission Appointment

Reder asked if the Supervisor recommendation was the same as what was provided at the last meeting.

Malkin replied, yes it was.

Reder stated he would like to recommend the appointment of J. Mulders to the planning commission.

Malkin stated the recommendation needs to come from the Supervisor per state statute. A copy of the Michigan Planning Enabling Act, Act 33 of 2008, 125.3815, Section 15 was provided to board members on the table this evening.

Motion by Reder supported by Walsh to deny the Supervisor's recommendation to appoint P. Guzdial to the Planning Commission for the remainder of J. Frank's term ending December 21, 2022.

Roll call vote:

Yes: Pike, Kochany, Reder, Walsh

No: Malkin, Kowalski

Absent: Brandt

Motion carried.

### Public Hearing to Initiate DNR Investigation for No Wake Zone of the Kawkawlin River

The public hearing to initiate a DNR investigation of the Kawkawlin River to establish a no wake zone opened at 7:20 p.m.

Mark Clements, 226 W. Grove St., stated he actually owns two parcels on the Kawkawlin River. Clements stated Monitor Township has had an influx of pontoons using the river. The wake from the motorized traffic is eroding the shoreline. Clements stated he is having a hard time maintain the rip rap to prevent loss of his property. The wake from the boats is tearing the rip rap apart.

Malkin asked Clements if there were any public safety concerns.

Clements responded many people fish off the bridge embankment. Because of the way the river curves prior to the bridge, there is a poor line of sight and they are hard to be seen by boat traffic. Clements stated it is his opinion that safety is not the issue so much as the erosion problem.

The public hearing closed at 7:23 p.m.

#### R-2020-009 Resolution Requesting DNR Investigation of the Kawkawlin River

Motion by Reder supported by Pike to adopt Resolution R-2020-009, a resolution the DNR to investigate the Kawkawlin River for local watercraft controls, specifically, but not limited to, the establishment of a No Wake Zone as follows:

##### **A RESOLUTION REQUESTING DNR INVESTIGATION OF THE KAWKAWLIN RIVER**

**WHEREAS**, the Charter Township of Monitor, Bay County, MI has become aware that recreational boating and surface water use problems exist on the Kawkawlin River which was determined by a public hearing held at 7:00 p.m. at the Monitor Township Hall, 2483 Midland Rd., Bay City, Michigan 48706, in conjunction with the township board regular August 24, 2020 meeting; and

**WHEREAS**, such recreational boating and surface water use problems consist of the wake from motorized watercraft causing erosion of the banks of the Kawkawlin River, destroying private property; and

**WHEREAS**, Act 451 of the Public Acts of 1994, Part 801, as amended, requires that the Department of Natural Resources conduct a public hearing and such investigations are as deemed necessary prior to recommending local watercraft controls on problem waters.

**NOW THEREFORE BE IT RESOLVED**, that the Monitor Township Board does hereby request the Department of Natural Resources to hold a public hearing to inquire into the need for special local watercraft controls on the Kawkawlin River, specifically but not limited to, the establishment of a No Wake Zone.

Roll call vote:

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

No: None

Absent: Brandt

Motion carried.

#### Serenus Johnson Design Build Amendment for Fire Station Improvements

Reder stated board members were not supplied with a copy of the original agreement and because Serenus Johnson is not present, the board should table the amendment to the agreement. Reder also referenced questions raised by an outside individual that was sent to Pike, Brandt and Reder, and Cc'd to J. Leuenberger, E. LaFave, J. Mulders, N. Ross and G. Grocholski, concerning the agreement that were contained in an email and placed on the table tonight.

Malkin stated B. Woolwine was planning to attend but called before the meeting to state family matters prevented him from attending tonight.

Attorney Sheppard stated the contract before the board tonight contains standard language. Sheppard suggested the township might consider hiring Spicer to act as the Owner Representative as Kibbe, the township's other engineer is working with Serenus Johnson on another project.

Malkin stated he will request Spicer (in attendance tonight) submit a proposal to act as the Township Representative.

Kowalski stated the original agreement was for Serenus Johnson to work on the design build plans during the time prior to the August Election. This amendment to the agreement is within the cost scope of the project.

Motion by Reder supported by Walsh to table the design/build amendment submitted by Serenus Johnson for continued design and build of the fire station improvement project until such time as a special meeting can be set up with Serenus Johnson.  
Motion carried.

#### R-2020-010 Resolution to Approve Bond Issuance for Fire Station Improvements

Reder stated this item should be tabled also until the contract with Serenus Johnson is settled. Malkin stated the bond issuance is a lengthy process. This resolution is the township's authorization the initialization of the sale of bonds. Once this is adopted the bonds then go out for bid the end of September with the township receiving those proceeds the end of October. Sheppard concurred, stating the sale of bonds is for the amount that was approved by the voters. This is irrespective of the contractor or contract agreements that are in place to build the building. This just gives the township the funds to do so.

Motion by Malkin supported by Kowalski to adopt Resolution R-2020-010, a resolution approving the issuance of bonds for fire station improvements in the amount of \$4,870,000 as follows:

#### RESOLUTION AUTHORIZING ISSUANCE OF 2020 UNLIMITED TAX GENERAL OBLIGATION BONDS

WHEREAS, the qualified electors of the Charter Township of Monitor, County of Bay, State of Michigan (the "Township"), at an election duly called and held on Tuesday, August 4, 2020, did by more than the required majority of those voting approve the following proposition (the "Bond Proposition"):

#### 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).

AND WHEREAS, it is the determination of the Township Board that the unlimited tax general obligation bonds authorized under the Bond Proposition be issued in the aggregate principal amount of not to exceed Four Million Eight Hundred Seventy Thousand Dollars (\$4,870,000) for the purpose of paying the costs of the improvements described in the Bond Proposition (the "Project").

NOW, THEREFORE, BE IT RESOLVED THAT:

1. Authorization of Bonds; Bond Terms. Bonds of the Township, to be designated 2020 UNLIMITED TAX GENERAL OBLIGATION BONDS (the "Bonds"), are authorized to be issued in the aggregate principal amount of not to exceed Four Million Eight Hundred Seventy Thousand Dollars (\$4,870,000), or such lesser amount as shall be determined by the Supervisor, Township Clerk or the Township Treasurer (each, an "Authorized Officer") at the time of sale of the Bonds, for the purpose of paying the costs of the Project and paying costs incidental to the issuance, sale and delivery of the Bonds. The issue shall consist of bonds in fully-registered form of the denomination of \$5,000, or multiples thereof not exceeding for each maturity the maximum principal amount of that maturity, numbered consecutively in order of registration, dated as of the date of delivery. The Bonds shall bear interest, mature, be subject to redemption, and be payable at the times and in the manner set forth in Sections 6 and 7 hereof.

The Bonds shall be sold at a public sale at a price not less than 99% of the principal amount thereof.

Interest shall be payable to the registered owner of record as of the 15th day of the month prior to the payment date for each interest payment. The record date of determination of the 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. Interest shall be payable to the registered owner of record as of the 15th day of the month preceding the payment date for each interest payment.

The principal of the Bonds shall be payable at the designated corporate trust office of The Huntington National Bank, Grand Rapids, Michigan, as registrar, paying agent and transfer agent for the Bonds (the "Transfer Agent"). The Township reserves the right to replace the Transfer Agent at any time provided written notice of such replacement is given to the registered owners of record of the Bonds not less than sixty (60) days prior to any interest payment date.

2. Execution of Bonds; Book-Entry-Only Form. The Bonds of this issue shall be executed in the name of the Township with the manual or facsimile signatures of the Supervisor and the Township Clerk and shall have the seal of the Township, or a facsimile thereof, printed or impressed on the Bonds. No Bond shall be valid until authenticated by an authorized officer or representative of the Transfer Agent. The Bonds shall be delivered to the Transfer Agent for authentication and be delivered by the Transfer Agent to the purchaser or other person in accordance with instructions from an Authorized Officer upon payment of the purchase price for the Bonds in accordance with the bid therefor when accepted.

The Bonds may be issued in book-entry-only form through The Depository Trust Company in New York, New York ("DTC"), and any Authorized Officer 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 form of the Bonds within the parameters of this Resolution as may be required to accomplish the foregoing.

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.

Unless waived by any registered owner of Bonds to be redeemed, official notice of redemption shall be given by the Transfer Agent on behalf of the Township. Such notice shall be dated and shall contain at a minimum the following information: original issue date; maturity dates; interest rates; CUSIP numbers, if any; certificate numbers (and in the case of partial redemption) the called amounts of each certificate; the place where the Bonds called for redemption are to be surrendered for payment; and that interest on the Bonds or portions thereof called for redemption shall cease to accrue from and after the redemption date.

In addition, further notice shall be given by the Transfer Agent in such manner as may be required or suggested by regulations or market practice at the applicable time, but no defect in such further notice nor any failure to give all or any portion of such further notice shall in any manner defeat the effectiveness of a call for redemption if notice thereof is given as prescribed herein.

4. Unlimited Tax Pledge; Debt Retirement Fund; Defeasance of Bonds. The Township hereby pledges its unlimited tax full faith and credit for the prompt payment of the principal of and interest on the Bonds. The Township Treasurer is hereby authorized to establish a separate account to be designated 2020 UNLIMITED TAX GENERAL OBLIGATION 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 paying principal of and interest on the Bonds as they come due. All proceeds from taxes levied for the payment of the principal of and interest on the Bonds shall be deposited into the Debt Retirement Fund as collected. Commencing with the year 2020, there shall be levied upon the tax rolls of the Township for the purpose of the Debt Retirement Fund each year, in the manner required by the provisions of Act 34, Public Acts of Michigan, 2001, as amended, an amount sufficient so that the estimated collection therefrom will be sufficient to promptly pay, when due, the principal of and interest on the Bonds becoming due prior to the next annual tax levy; provided, however, that if at the time of making any such annual tax levy there shall be other funds available or surplus moneys on hand in the Debt Retirement Fund for the payment of principal of and interest on the Bonds, then credit therefor may be taken against such annual levy for the Debt Retirement Fund. Such annual tax levies shall not be subject to limitation as to rate or amount.

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 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. Construction Fund; Proceeds of Bond Sale. The Township Treasurer is hereby authorized to open a separate depository account with a bank or trust company to be designated 2020 UNLIMITED TAX GENERAL OBLIGATION BONDS CONSTRUCTION FUND (the “Construction Fund”), and to deposit into said Construction Fund the proceeds of the Bonds, less the accrued interest, if any, which shall be deposited in the Debt Retirement Fund for the Bonds. The moneys in the Construction Fund shall be used solely to pay the costs of the Project and the costs of issuance of the Bonds.

6. Bond Form. The Bonds shall be in substantially the following form, with such changes as are necessary to conform the Bonds to the terms established at the time of sale of the Bonds, as determined by an Authorized Officer:

UNITED STATES OF AMERICA  
STATE OF MICHIGAN  
COUNTY OF BAY

CHARTER TOWNSHIP OF MONITOR

2020 UNLIMITED TAX GENERAL OBLIGATION BOND

<u>Interest Rate</u>	<u>Maturity Date</u>	<u>Date of Original Issue</u>	<u>CUSIP</u>
____%	April 1, 20__	_____, 2020	

Registered Owner: Cede & Co.

Principal Amount:

The Charter Township of Monitor, County of Bay, 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 prior 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, first payable on April 1, 2021 and semiannually thereafter. Principal of this bond is payable at the designated corporate trust office of The Huntington National Bank, Grand Rapids, Michigan, or such other transfer agent as the Township may hereafter designate by notice mailed to the registered owner not less than sixty (60) days prior to any interest payment date (the “Transfer Agent”). Interest on this bond is payable to 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. For the prompt payment of this bond, both principal and interest, the full faith, credit and resources of the Township are hereby irrevocably pledged.

This bond is one of a series of bonds of even Date of Original Issue aggregating the principal sum of \$\_\_\_\_\_, issued for the purpose of renovating, constructing an addition to, furnishing and equipping the existing Township fire station, including all related site improvements, and paying costs incidental to the issuance of the series of bonds of which this is one, in pursuance of a vote of the qualified electors of the Township voting thereon at an election duly called and held on August 4, 2020.

Bonds of this issue maturing in the years 2021 to 2028, 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 2029 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 April 1, 2028, at par and 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 shall be given to the registered owner of any bond or portion thereof called for redemption by mailing of such notice not less than thirty (30) days prior to the date fixed for redemption to the registered address of the registered owner of record. A bond or portion thereof so called for redemption shall not bear interest after the date fixed for redemption, whether or not presented for redemption, provided funds are on hand with the Transfer Agent to redeem the bond or portion thereof.

This bond is transferable only upon the registration books of the Township kept by the Transfer Agent by the registered owner of record in person, or by the registered owner's attorney duly authorized in writing, upon the surrender of this bond together with a written instrument of transfer satisfactory to the Transfer Agent duly executed by the registered owner or the registered owner's attorney duly authorized in writing, and thereupon a new registered bond or bonds in the same aggregate principal amount and of the same maturity shall be issued to the transferee in exchange therefor as provided in the resolution authorizing this bond and upon the payment of the charges, if any, therein prescribed. Neither the Township nor the Transfer Agent shall be required to transfer or exchange this bond or portion of this bond either during the period of fifteen (15) days immediately preceding the date of the mailing of any notice of redemption or (except as to the unredeemed portion, if any, of this bond) after this bond or any portion of this bond has been selected for redemption.

This bond is payable out of the Township's Debt Retirement Fund for this issue and in order to make such payment, the Township is required each year to levy taxes on all taxable property within the boundaries of the Township for such payment, without limitation as to rate or amount.

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.

IN WITNESS WHEREOF, the Charter Township of Monitor, by its Township Board, has caused this bond to be signed in the name of the Township with the facsimile signatures of its Supervisor and its



Township Clerk and a facsimile of its corporate seal to be printed hereon, all as of the Date of Original Issue.

CHARTER TOWNSHIP OF MONITOR  
County of Bay  
State of Michigan

By: \_\_\_\_\_ [Facsimile]  
Its: Supervisor

By: \_\_\_\_\_ [Facsimile]  
Its: Township Clerk

(SEAL)

[Bond printer to insert Certificate of Authentication and form of assignment]

7. Notice of Sale. Each Authorized Officer is individually authorized to fix a date for sale of the Bonds and to publish a notice of sale for the Bonds in *The Bond Buyer*, New York, New York, which notice of sale shall be in substantially the following form, with such changes as may be deemed necessary or appropriate by an Authorized Officer in consultation with the Township's bond counsel and municipal advisor:

OFFICIAL NOTICE OF SALE

\$4,870,000\*

CHARTER TOWNSHIP OF MONITOR  
COUNTY OF BAY, STATE OF MICHIGAN  
2020 UNLIMITED TAX GENERAL OBLIGATION BONDS  
(\*Preliminary, subject to adjustment as described herein)

Bids for the purchase of the above bonds will be received in the manner described in this Notice of Sale on \_\_\_\_\_, \_\_\_\_\_, 2020 until \_\_:\_\_ a.m., prevailing Eastern Time, at which time and place said bids will be publicly opened and read. The award or rejection of the bids will occur on that date.

FAXED BIDS: Signed bids may be submitted by fax to the offices of Bendzinski & Co. Municipal Finance Advisors at (313) 961- 8220, provided that faxed bids must arrive before the time of sale and the bidder bears all risks of transmission failure and the GOOD FAITH DEPOSIT MUST BE MADE AND RECEIVED as described in the Section "GOOD FAITH" below.

ELECTRONIC BIDS: Electronic bids will also be received on the same date and until the same time by Bidcomp/Parity as agent of the undersigned. Further information about Bidcomp/Parity, including any fee charged, may be obtained from Bidcomp/Parity, Anthony Leyden or CLIENT SERVICES, 1359 Broadway, Second Floor, New York, New York 10018, (212) 849-5021. IF ANY PROVISION OF THIS NOTICE OF SALE SHALL CONFLICT

WITH INFORMATION PROVIDED BY BIDCOMP/PARITY, AS THE APPROVED PROVIDER OF ELECTRONIC BIDDING SERVICES, THIS NOTICE SHALL CONTROL.

Bidders may choose any means or location to present bids but a bidder may not present a bid in more than one location or by more than one means.

**BOND DETAILS:** The bonds will be registered bonds of the denomination of \$5,000 or multiples thereof not exceeding for each maturity the maximum principal amount of that maturity, dated as of the date of delivery, numbered in order of registration, and will bear interest from their date payable on April 1, 2021, and semiannually thereafter.

The bonds will mature on the 1st day of April in each of the years, as follows:

<u>Year</u>	<u>Amount</u>	<u>Year</u>	<u>Amount</u>
2021	\$120,000	2031	\$240,000
2022	140,000	2032	255,000
2023	150,000	2033	270,000
2024	160,000	2034	285,000
2025	170,000	2035	300,000
2026	180,000	2036	315,000
2027	190,000	2037	335,000
2028	205,000	2038	350,000
2029	215,000	2039	370,000
2030	230,000	2040	390,000

**\*ADJUSTMENT OF TOTAL PAR AMOUNT OF BONDS AND PRINCIPAL MATURITIES:** The Township reserves the right to increase or decrease the aggregate principal amount of the bonds after receipt of the bids and prior to final award, if necessary, so that the purchase price of the bonds will provide an amount determined by the Township to be sufficient to construct the project and to pay costs of issuance of the bonds. The adjustments, if necessary, will be in increments of \$5,000, and may be made in any one or more maturities. If adjusted, the aggregate principal amount of the Bonds may not exceed \$4,870,000. The purchase price will be adjusted proportionately to the increase or decrease in issue size, if any, but the interest rates specified by the successful bidder for all maturities will not change. The successful bidder may not withdraw its bid as a result of any changes made within these limits.

**\*ADJUSTMENT TO PURCHASE PRICE:** Should any adjustment to the aggregate principal amount of the bonds be made by the Township, the purchase price of the bonds will be adjusted by the Township proportionally to the adjustment in principal amount of the bonds. The adjusted purchase price will reflect changes in the dollar amount of the underwriter's discount and original issue discount/premium, if any, but will not change the per-bond underwriter's discount as calculated from the bid and initial reoffering prices.

**INTEREST RATE AND BIDDING DETAILS:** The bonds shall bear interest at a rate or rates not exceeding 5.00% per annum, to be fixed by the bids therefor, expressed in any fraction of 1%. The interest on any one bond shall be at one rate only and all bonds maturing in any one year must carry the same interest rate. The difference between the highest and lowest interest

rates bid shall not exceed two percent (2.0%) per annum. No proposal for the purchase of less than all of the bonds or at a price less than 99.00% of their par value will be considered.

PRIOR REDEMPTION OF BONDS: Bonds maturing in the years 2021 to 2028, inclusive, shall not be subject to redemption prior to maturity. Bonds or portions of bonds in multiples of \$5,000 maturing in the year 2029 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 April 1, 2028, at par and 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 shall be given to the registered owner of any bond or portion thereof called for redemption by mailing of such notice not less than thirty (30) days prior to the date fixed for redemption to the registered address of the registered owner of record. A bond or portion thereof so called for redemption shall not bear interest after the date fixed for redemption provided funds are on hand with the transfer agent to redeem the bond or portion thereof.

TERM BOND OPTION: The initial purchaser of the bonds may designate any one or more maturities from April 1, 2021 through the final maturity as term bonds and the consecutive maturities on or after the year 2021 which shall be aggregated in the term bonds. The amounts of the maturities which are aggregated in a designated term bond shall be subject to mandatory redemption on April 1 of the years and in the amounts set forth in the above maturity schedule at a redemption price of par, plus accrued interest to the date of mandatory redemption. Term bonds or portions thereof mandatorily redeemed shall be selected by lot. Any such designation must be made at the time bids are submitted and must be listed on the bid.

BOOK-ENTRY-ONLY: The bonds will be issued in book-entry-only form as one fully registered bond per maturity and will be registered in the name of Cede & Co., as bondholder and nominee for The Depository Trust Company (“DTC”), New York, New York. DTC will act as securities depository for the bonds. Purchase of the bonds will be made in book-entry-only form, in the denomination of \$5,000 or any multiple thereof. Purchasers will not receive certificates representing their interest in bonds purchased. It will be the responsibility of the purchaser to obtain DTC eligibility. Failure of the purchaser to obtain DTC eligibility shall not constitute cause for a failure or refusal by the purchaser to accept delivery of and pay for the bonds.

TRANSFER AGENT AND REGISTRATION: Principal shall be payable at the designated corporate trust office of The Huntington National Bank, Grand Rapids, Michigan, or such other transfer agent as the Township may hereafter designate by notice mailed to the registered owner of record not less than 60 days prior to any interest payment date. Interest shall be paid by check mailed to the registered owner of record as shown on the registration books of the Township as of the 15th day of the month preceding the interest payment date. The bonds will be transferred only upon the registration books of the Township kept by the transfer agent.

PURPOSE AND SECURITY: The bonds were authorized at an election held on August 4, 2020, and are issued for the purpose of renovating, constructing an addition to, furnishing and equipping the existing Township fire station, including all related site improvements, and paying costs incidental to the issuance of the bonds. The bonds will pledge the full faith and credit of the Township for the payment of the principal of and interest thereon and will be payable from ad valorem taxes, which may be levied on all taxable property within the Township without limitation as to rate or amount. The rights or remedies of bondholders may be affected by bankruptcy, insolvency, fraudulent conveyance or other laws affecting creditors' rights generally, now existing or hereafter enacted, and by the application of general principles of equity, including those relating to equitable subordination.

GOOD FAITH: A good faith deposit in the form of a certified or cashier's check drawn upon an incorporated bank or trust company, or wire transfer, in the amount of 1% of the par value of the Bonds payable to the order of the Treasurer of the Township will be required of the successful bidder. The successful bidder is required to submit its good faith deposit to the Township as instructed by the municipal advisor not later than Noon, prevailing Eastern Time, on the next business day following the sale. The good faith deposit will be applied to the purchase price of the bonds. In the event the purchaser fails to honor its accepted bid, the good faith deposit will be retained by the Township. No interest shall be allowed on the good faith check. The good faith check of the successful bidder will be cashed and payment for the balance of the purchase price of the bonds shall be made at the closing.

AWARD OF BONDS – TRUE INTEREST COST: The bonds will be awarded to the bidder whose bid produces the lowest true interest cost determined in the following manner: the lowest true interest cost will be the single interest rate (compounded on April 1, 2021, and semi-annually thereafter) necessary to discount the debt service payments from their respective payment date to \_\_\_\_\_, 2020, in an amount equal to the price bid, excluding accrued interest. Each bidder shall state in its bid the true interest cost to the Township, computed in the manner specified above.

LEGAL OPINION: Bids shall be conditioned upon the approving opinion of Miller, Canfield, Paddock and Stone, P.L.C., attorneys of Detroit, Michigan, a copy of which opinion will be furnished without expense to the purchaser of the bonds at the delivery thereof. The fees of Miller, Canfield, Paddock and Stone, P.L.C. for services rendered in connection with such approving opinion are expected to be paid from bond proceeds. Except to the extent necessary to issue its approving opinion as to validity of the above bonds, Miller, Canfield, Paddock and Stone, P.L.C. has not been requested to examine or review and has not examined or reviewed any financial documents, statements or materials that have been or may be furnished in connection with the authorization, issuance or marketing of the bonds, and accordingly will not express any opinion with respect to the accuracy or completeness of any such financial documents, statements or materials. In submitting a bid for the bonds, the bidder agrees to the representation of the Township by Miller, Canfield, Paddock and Stone, P.L.C., as bond counsel.

QUALIFIED TAX-EXEMPT OBLIGATIONS: The Township has designated the bonds as "qualified tax-exempt obligations" for purposes of deduction of interest expense by financial institutions.

TAX MATTERS: In the opinion of Miller, Canfield, Paddock and Stone, P.L.C., bond counsel, under existing law, assuming compliance with certain covenants and the issue price rules set forth below, interest on the bonds is excludable from gross income for federal income tax purposes as described in the opinion, and the bonds and interest thereon are exempt from all taxation by the State of Michigan or any taxing authority within the State of Michigan except estate taxes and taxes on gains realized from the sale, payment or other disposition thereof.

ISSUE PRICE:

(a) The winning bidder shall assist the Township in establishing the issue price of the bonds and shall execute and deliver to the Township at closing an “issue price” or similar certificate setting forth the reasonably expected initial offering price to the public or the sales price or prices of the bonds, together with the supporting pricing wires or equivalent communications, substantially in the form attached either as Appendix F or Appendix G of the Preliminary Official Statement for the bonds, with such modifications as may be appropriate or necessary, in the reasonable judgment of the winning bidder, the Township and Bond Counsel.

(b) The Township intends that the provisions of Treasury Regulation Section 1.148-1(f)(3)(i) (defining “competitive sale” for purposes of establishing the issue price of the bonds) will apply to the initial sale of the bonds (the “Competitive Sale Requirements”) because:

- (1) the Township is disseminating this Notice of Sale to potential underwriters in a manner that is reasonably designed to reach potential underwriters;
- (2) all bidders shall have an equal opportunity to bid;
- (3) the Township anticipates receiving bids from at least three underwriters of municipal bonds who have established industry reputations for underwriting new issuances of municipal bonds; and
- (4) the Township anticipates awarding the sale of the bonds to the bidder who submits a firm offer to purchase the bonds at the lowest true interest cost, as set forth in this Notice of Sale.

Any bid submitted pursuant to this Notice of Sale shall be considered a firm offer for the purchase of the bonds, as specified in the bid.

(c) In the event that all of the Competitive Sale Requirements are not satisfied, the Township shall so advise the winning bidder. The Township will not require bidders to comply with the “hold-the-offering price rule” (as described below) and therefore does not intend to use the initial offering price to the public as of the sale date of any maturity of the bonds as the issue price of that maturity, though the winning bidder, in consultation with the Township, may elect to apply the “hold-the-offering price rule” (as described below). Bids will not be subject to cancellation in the event the Competitive Sale Requirements are not satisfied. Unless a bidder intends to apply the “hold-the-offering price rule” (as described below), bidders should prepare their bids on the assumption that all of the maturities of the bonds will be subject to the 10% Test (as described below). The winning bidder must notify the Township of its intention to apply either the “hold-the-price rule” or the 10% Test at or prior to the time the bonds are awarded.

If the winning bidder does not request that the “hold-the-offering price rule” apply to determine the issue price of the bonds, then the following two paragraphs shall apply:

- (1) The Township shall treat the first price at which 10% of a maturity of the bonds (the “10% Test”) is sold to the public as the issue price of that maturity, applied on a maturity-by-maturity basis. The winning bidder shall advise the Township if any maturity of the Bonds satisfies the 10% Test as of the date and time of the award of the bonds; and
- (2) Until the 10% Test has been satisfied as to each maturity of the bonds, the winning bidder agrees to promptly report to the Township the prices at which the unsold bonds of that maturity have been sold to the public. That reporting obligation shall continue, whether or not the closing date has occurred, until the 10% Test has been satisfied as to the bonds of that maturity or until all bonds of that maturity have been sold.

If the winning bidder does request that the “hold-the-offering price rule” apply to determine the issue price of the bonds, then following three paragraphs shall apply:

- (1) The winning bidder, in consultation with the Township, may determine to treat (i) pursuant to the 10% Test, the first price at which 10% of a maturity of the bonds is sold to the public as the issue price of that maturity and/or (ii) the initial offering price to the public as of the sale date of any maturity of the bonds as the issue price of that maturity (the “hold-the-offering price rule”), in each case applied on a maturity-by-maturity basis. The winning bidder shall advise the Township if any maturity of the bonds satisfies the 10% Test as of the date and time of the award of the bonds. The winning bidder shall promptly advise the Township, at or before the time of award of the bonds, which maturities of the bonds shall be subject to the 10% Test or shall be subject to the hold-the-offering price rule or both.
- (2) By submitting a bid, the winning bidder shall (i) confirm that the underwriters have offered or will offer the bonds to the public on or before the date of the award at the offering price or prices (the “initial offering price”), or at the corresponding yield or yields, set forth in the bid submitted by the winning bidder, and (ii) if the hold-the-offering-price rule applies, agree, on behalf of the underwriters participating in the purchase of the bonds, that the underwriters will neither offer nor sell unsold bonds of any maturity to which the hold-the-offering-price rule shall apply to any person at a price that is higher than the initial offering price to the public during the period starting on the sale date and ending on the earlier of the following:
  - (A) the close of the fifth (5<sup>th</sup>) business day after the sale date; or

- (B) the date on which the underwriters have sold at least 10% of that maturity of the bonds to the public at a price that is no higher than the initial offering price to the public;

The winning bidder shall promptly advise the Township when the underwriters have sold 10% of that maturity of the bonds to the public at a price that is no higher than the initial offering price to the public, if that occurs prior to the close of the fifth (5<sup>th</sup>) business day after the sale date.

- (3) The Township acknowledges that, in making the representation set forth above, the winning bidder will rely on (i) the agreement of each underwriter to comply with the hold-the-offering-price rule, as set forth in an agreement among underwriters and the related pricing wires, (ii) in the event a selling group has been created in connection with the initial sale of the bonds to the public, the agreement of each dealer who is a member of the selling group to comply with the hold-the-offering-price rule, as set forth in a selling group agreement and the related pricing wires, and (iii) in the event that an underwriter is a party to a retail distribution agreement that was employed in connection with the initial sale of the bonds to the public, the agreement of each broker-dealer that is a party to such agreement to comply with the hold-the-offering-price rule, as set forth in the retail distribution agreement and the related pricing wires. The Township further acknowledges that each underwriter shall be solely liable for its failure to comply with its agreement regarding the hold-the-offering-price rule and that no underwriter shall be liable for the failure of any other underwriter, or of any dealer who is a member of a selling group, or of any broker-dealer that is a party to a retail distribution agreement to comply with its corresponding agreement regarding the hold-the-offering-price rule as applicable to the bonds.

(d) By submitting a bid, each bidder confirms that: (i) any agreement among underwriters, any selling group agreement and each retail distribution agreement (to which the bidder is a party) relating to the initial sale of the bonds to the public, together with the related pricing wires, contains or will contain language obligating each underwriter, each dealer who is a member of the selling group, and each broker-dealer that is a party to such retail distribution agreement, as applicable, to (A) report the prices at which it sells to the public the unsold bonds of each maturity allotted to it until it is notified by the winning bidder that either the 10% Test has been satisfied as to the bonds of that maturity or all bonds of that maturity have been sold to the public and (B) comply with the hold-the-offering-price rule, if applicable, in each case if and for so long as directed by the winning bidder and as set forth in the related pricing wires; and (ii) any agreement among underwriters relating to the initial sale of the bonds to the public, together with the related pricing wires, contains or will contain language obligating each underwriter that is a party to a retail distribution agreement to be employed in connection with the initial sale of the bonds to the public to require each broker-dealer that is a party to such retail distribution agreement, as applicable, to (A) report the prices at which it sells to the public the unsold bonds of each maturity allotted to it until it is notified by the winning bidder or such underwriter that either the 10% Test has been satisfied as to the bonds of that maturity or all bonds of that maturity have been sold to the public and (B) comply with the hold-the-offering-price rule, if

applicable, in each case if and for so long as directed by the winning bidder or such underwriter and as set forth in the related pricing wires.

(e) Sales of any bonds to any person that is a related party to an underwriter shall not constitute sales to the public for purposes of this Notice of Sale. Further, for purposes of this Notice of Sale:

- (1) “public” means any person other than an underwriter or a related party,
- (2) “underwriter” means (i) any person that agrees pursuant to a written contract with the Township (or with the lead underwriter to form an underwriting syndicate) to participate in the initial sale of the bonds to the public and (ii) any person that agrees pursuant to a written contract directly or indirectly with a person described in clause (i) to participate in the initial sale of the bonds to the public (including a member of a selling group or a party to a retail distribution agreement participating in the initial sale of the bonds to the public);
- (3) a purchaser of any of the bonds is a “related party” to an underwriter if the underwriter and the purchaser are subject, directly or indirectly, to (i) more than 50% common ownership of the voting power or the total value of their stock, if both entities are corporations (including direct ownership by one corporation of another), (ii) more than 50% common ownership of their capital interests or profits interests, if both entities are partnerships (including direct ownership by one partnership of another), or (iii) more than 50% common ownership of the value of the outstanding stock of the corporation or the capital interests or profit interests of the partnership, as applicable, if one entity is a corporation and the other entity is a partnership (including direct ownership of the applicable stock or interests by one entity of the other); and
- (4) “sale date” means the date that the bonds are awarded by the Township to the winning bidder.

**DELIVERY OF BONDS:** The Township will furnish bonds ready for execution at its expense. Bonds will be delivered without expense to the purchaser through DTC in New York, New York, or such other place to be agreed upon. The usual closing documents, including a certificate that no litigation is pending affecting the issuance of the bonds, will be delivered at the time of delivery of the bonds. If the bonds are not tendered for delivery by twelve o’clock Noon, prevailing Eastern Time, on the 45th day following the date of sale, or the first business day thereafter if said 45th day is not a business day, the successful bidder may on that day, or any time thereafter until delivery of the bonds, withdraw its proposal by serving notice of cancellation, in writing, on the undersigned in which event the Township shall promptly return the good faith deposit. Payment for the bonds shall be made in immediately available funds.

**OFFICIAL STATEMENT:** A Preliminary Official Statement that the Township deems to be final as of its date, except for the omission of information permitted to be omitted by Rule 15c2-12 of the Securities and Exchange Commission, has been prepared and may be obtained



from Bendzinski & Co. Municipal Finance Advisors, financial advisor to the Township, at the address and telephone listed under “FINANCIAL ADVISOR” below. Bendzinski & Co. Municipal Finance Advisors will provide the winning bidder with 50 final Official Statements within 7 business days from the date of sale to permit the purchaser to comply with Securities and Exchange Commission Rule 15c2-12. Additional copies of the Official Statement will be supplied by Bendzinski & Co. Municipal Finance Advisors upon request and agreement by the purchaser to pay the cost of the additional copies. Requests for additional copies should be made to Bendzinski & Co. Municipal Finance Advisors within 24 hours of the time of sale.

**BOND INSURANCE AT PURCHASER’S OPTION:** If the bonds qualify for issuance of any policy of municipal bond insurance or commitment therefor at the option of the bidder/purchaser, the purchase of any such insurance policy or the issuance of any such commitment shall be at the sole option and expense of the purchaser of the bonds. Any and all increased costs of issuance of the bonds resulting from such purchase of insurance shall be paid by the purchaser, except that if the Township has requested and received a rating on the bonds from a rating agency, the Township shall pay the fee for the requested rating. **FAILURE OF THE MUNICIPAL BOND INSURER TO ISSUE THE POLICY AFTER THE BONDS HAVE BEEN AWARDED TO THE PURCHASER SHALL NOT CONSTITUTE CAUSE FOR FAILURE OR REFUSAL BY THE PURCHASER TO ACCEPT DELIVERY OF THE BONDS FROM THE TOWNSHIP.**

**CONTINUING DISCLOSURE:** As described in greater detail in the Official Statement relating to the bonds, the Township will agree to provide or cause to be provided, in accordance with the requirements of Rule 15c2-12 promulgated by the Securities and Exchange Commission, (i) on or prior to the last day of the sixth month following the end of the fiscal year of the Township, commencing with the fiscal year ending December 31, 2020, certain annual financial information and operating data, including audited financial statements for the preceding fiscal year (or if audited financial statements are not available, unaudited financial statements) generally consistent with the information contained or cross-referenced in the Official Statement relating to the bonds, (ii) timely notice of the occurrence of certain specified events with respect to the bonds and (iii) timely notice of a failure by the Township to provide the required annual financial information on or before the date specified in (i) above.

**CUSIP NUMBERS:** It is anticipated that CUSIP identification numbers will be printed on the bonds, but neither the failure to print such numbers on any bonds nor any error with respect thereto shall constitute cause for a failure or refusal by the purchaser thereof to accept delivery of and pay for the bonds. Application for CUSIP numbers will be made by Bendzinski & Co., registered municipal advisors to the Township. The CUSIP Service Bureau's charge for the assignment of CUSIP identification numbers shall be paid by the purchaser.

**IRAN ECONOMIC SANCTIONS ACT:** In submitting a bid for the bonds, the bidder shall be deemed to have certified that it is not an “Iran linked business” within the meaning of the Iran Economic Sanctions Act, Act 517 of the Public Acts of Michigan of 2012 (MCL 129.311 et. seq.).

**REGISTERED MUNICIPAL ADVISORS:** Bendzinski & Co. Municipal Finance Advisors, Detroit, MI (the “Municipal Advisor”) is a Registered Municipal Advisor in

accordance with the rules of the Municipal Securities Rulemaking Board (“MSRB”). The Municipal Advisor has been retained by the Township to provide certain financial advisory services relating to the planning, structuring and issuance of the Bonds. The Municipal Advisor is not engaged in the business of underwriting, trading, marketing or the distribution of securities or any other negotiable instruments. The Municipal Advisor’s duties, responsibilities and fees arise solely as a Registered Municipal Advisor to the Township and it has no secondary obligation or other responsibility. Further information relating to the bonds may be obtained from Bendzinski & Co. Municipal Finance Advisors, 17000 Kercheval Place, Suite 230, Grosse Pointe, MI 48230. Telephone (313) 961-8222.

ENVELOPES containing the bids should be plainly marked “Proposal for 2020 Unlimited Tax General Obligation Bonds.”

THE RIGHT IS RESERVED TO REJECT ANY OR ALL BIDS.

Cindy L. Kowalski, Township Clerk  
Charter Township of Monitor

8. Useful Life of Project. The estimated period of usefulness of the Project is hereby declared to be not less than twenty (20) years.

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 Bond proceeds and moneys deemed to be Bond proceeds. The Bonds are hereby designated as “qualified tax-exempt obligations” for purposes of deduction of interest expense by financial institutions pursuant to the Code.

10. Official Statement; Bond Insurance; Ratings. Each Authorized Officer is individually authorized and directed to: (a) cause the preparation and circulation of a Preliminary Official Statement with respect to the Bonds and to deem the Preliminary Official Statement “final” for purposes of Rule 15c2-12 of the U.S. Securities and Exchange Commission, and to approve circulation of a final Official Statement with respect to the Bonds; (b) solicit bids for and approve the purchase of a municipal bond insurance policy for the Bonds if deemed economically advantageous to the Township based on the advice of the Township’s financial advisor; and (c) apply for ratings on the Bonds.

11. Continuing Disclosure. The Township agrees to enter into a continuing disclosure undertaking for the benefit of the holders and beneficial owners of the Bonds in accordance with the requirements of Rule 15c2-12 of the U.S. Securities and Exchange Commission, and each Authorized Officer is hereby individually authorized to execute such undertaking on behalf of the Township prior to delivery of the Bonds.

12. Adjustment of Bond Terms. Each Authorized Officer is hereby individually 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, and other matters, within the parameters established by this Resolution.

13. Award of Sale of Bonds. Each Authorized Officer is hereby individually authorized on behalf of the Township, without further authorization or approval of this Township Board, to award the sale of the Bonds to the bidder whose bid meets the requirements of law and which produces the lowest true interest cost to the Township computed in accordance with the terms of the Official Notice of Sale as published.

14. Authorization of Other Actions. Each Authorized Officer is individually authorized to complete, execute and file any and all applications or requests for waivers with the Michigan Department of Treasury necessary to effectuate the sale and delivery of the Bonds as contemplated by this Resolution, including, if necessary, an Application to Issue Long-Term Municipal Securities, in such form as shall be approved by any of such officers, and to pay any and all necessary application or filing fees in connection therewith. Each Authorized Officer is individually authorized to take all other actions necessary or advisable in order to effectuate the sale and delivery of the Bonds as contemplated by this Resolution. Any reference in this Resolution to an officer of the Township shall include any duly qualified or appointed interim or acting officer of the Township.

15. Reimbursement. The Township may incur project expenditures prior to receipt of proceeds of the Bonds issued to finance the Project and may advance moneys from the general fund for that purpose to be reimbursed from proceeds of the Bonds when available. An Authorized Officer shall keep a specific record of all such expenditures.

The Township makes the following declarations for the purpose of complying with the reimbursement rules of Treas. Reg. § 1.150-2 pursuant to the Code:

(a) As of the date hereof, the Township reasonably expects to reimburse itself with proceeds of the Bonds for certain costs of the Project which were paid or will be paid from general funds of the Township subsequent to sixty (60) days prior to the date hereof.

(b) The maximum principal amount of debt expected to be issued for the Project, including issuance costs, is \$4,870,000.

(c) A reimbursement allocation of the expenditures described in (b) above with the proceeds of the borrowing described herein will occur not later than 18 months after the later of (i) the date on which the expenditure is paid, or (ii) the date the Project is placed in service or abandoned, but in no event more than three (3) years after the original expenditure is paid. A reimbursement allocation is an allocation in writing that evidences the Township's use of the proceeds of the Bonds to reimburse the Township for a capital expenditure made pursuant to this Resolution.

(d) The expenditures described in (b) above are “capital expenditures” as defined in Treas. Reg. § 1.1.150-1(b), which are any costs of a type which are properly chargeable to a capital account (or would be so chargeable with a proper election or with the application of the definition of placed in service under Treas. Reg. § 1.150-2(c)) under general Federal income tax principles (as determined at the time the expenditure is paid).

(e) No proceeds of the borrowing paid to the Township in reimbursement pursuant to this Resolution will be used in a manner described in Treas. Reg. § 1.150-2(h) with respect to abusive uses of such proceeds, including, but not limited to, using funds corresponding to the proceeds of the borrowing in a manner that results in the creation of replacement proceeds (within Treas. Reg. § 1.148-1) within one year of the reimbursement allocation described in (c) above.

16. Bond Counsel. Miller, Canfield, Paddock and Stone, P.L.C. is hereby approved as bond counsel to the Township with respect to the Bonds.

17. Municipal Advisor. Bendzinski & Co. Municipal Finance Advisors is hereby appointed to act as the Township’s registered municipal advisor in connection with the sale of the Bonds.

18. Rescission. All resolutions and parts of resolutions insofar as they conflict with the provisions of this Resolution be and the same hereby are rescinded to the extent of such conflict.

Roll call vote:

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

No: None

Absent: Brandt

Motion carried.

Discussion Regarding Possible Amendment to Medical Marihuana Ordinance #65 & Recreational Marihuana Ordinance #66 & 66-A

Pike stated the township should amend the ordinances to allow for a refund or a partial refund of the application fee submitted for Medical Marihuana or Recreational Marihuana in the event the township denies the application.

Pike stated the review time was minimal for the last applicant for medical marihuana so he should get a partial refund as the township did not have to spend a lot of time on the application.

Malkin stated that was not necessarily true. He had multiple conversations with the applicant prior to, and up to submittal of his application.

Kowalski stated she spent time before the meeting to review the online Marihuana Ordinances of our neighboring townships. Kowalski stated the ordinances Bangor and the City of Bay City state the application fee is nonrefundable. Hampton Township’s ordinance said the same before they rescinded the ordinance and opted out of marihuana. Kawkawlin’s ordinance was unclear. The main point is that if the township should decide to amend the ordinance to allow for a partial refund then we would also need to detail the provisions by which a refund could be granted. Otherwise if the board were to refund one applicant and deny the next, we could then leave ourselves open for lawsuits.

Sheppard stated he is Kawkawlin's attorney and their ordinance also states the fee is nonrefundable. The application fee is part of the cost of doing business and it is the chance the applicant takes irrespective of the outcome.

Malkin stated it would leave the burden of proof that the township was not showing favoritism of one applicant over another. In either case, this would be setting standards going forward and would not be retroactive to be of benefit to the applicant Pike is referring to.

No action was taken.

Spicer Proposal – SRF Sanitary Sewer Rehabilitation Project

Motion by Reder supported by Walsh to approve the August 14, 2020 proposal submitted by the Spicer Group, for the design and construction administration for the rehabilitation of the sanitary sewer pump stations, manholes, and pipes as described in the State Revolving Fund (SRF) project plan that was submitted on August 1, 2020, in the amount of \$275,000.

Roll call vote:

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

No: None

Absent: Brandt

Motion carried.

DWS Request – Approval to Discontinue Billing - 100 Grove St.

Motion by Kowalski supported by Reder to approve the request submitted by DWS in their letter to the Treasurer dated August 7, 2020, to discontinue billing for sewer services and sewer debt and close the account for 100 Grove St. effective July 24, 2020 due to the home being demolished and DWS July 17, 2020 verification the sewer connection was capped.

Roll call vote:

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

No: None

Absent: Brandt

Motion carried.

Fire Chief Recommendation – Resignation of Firefighter W. McCarthy

Motion by Kowalski supported by Pike to accept the resignation of on-call firefighter W. McCarthy effective August 12, 2020, as recommended in the Fire Chief's letter to the board dated August 12, 2020.

Roll call vote:

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

No: None

Absent: Brandt

Motion carried.

Fire Chief Recommendation – Resignation of Assistant Chief H. Feinauer

Motion by Kowalski supported by Reder to accept the resignation of Assistant Fire Chief H. Feinauer, effective August 21, 2020, as recommended in the Fire Chief's memo to the board dated August 19, 2020.

Roll call vote:

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

No: None

Absent: Brandt

Motion carried.

#### Fire Chief Recommendation – Promotions Within the Department

Motion by Malkin supported by Kowalski to promote Captain B. Bladecki to the rank of Assistant Fire Chief; to promote Lt. J. Baker to the rank of Captain; to promote Sgt. BJ. Weaver to the position of Lieutenant; and to further approve the adjustment of the pay scale for these individuals to the new positions as set by Resolution R-2019-009, the resolution adopting the wages for 2020, with the new wage scale to be effective with the pay period beginning August 23, 2020.

Roll call vote:

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

No: None

Absent: Brandt

Motion carried.

#### Feinauer Pay Request for Unused Vacation Time

Motion by Reder supported by Malkin to approve the request submitted by H. Feinauer for payment of 525 hours of unused vacation time (228 hrs. from 2019; 120 hrs. Covid Pay, 177 hrs. from Jan. 1 to August 21, 2020) at the pay rate of \$21.42/hr. (\$11,245.50 gross wages).

Roll call vote:

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

No: None

Absent: Brandt

Motion carried.

#### BCPS Maintenance Building

Kochany stated she heard that the BCPS maintenance building was sold. How did that happen?

Kochany stated she was under the impression they were going to sell it to the township.

Malkin stated the BCPS board received an offer from Clements Electric and accepted the offer in one week. The township was not given the opportunity to counter offer.

Kochany stated that building was built by *Monitor Township* taxpayer dollars and they should not have been able to sell it to outside individuals. ~~There may have also been terms from way back when the township bought the parking lot across the street.~~

Kochany also stated she heard rumors that the fire department was looking at it to move in there. Malkin stated he and the fire department met with Clements and maintenance staff to see if the township could use the building while the fire station is renovated. Malkin reported that nothing has been drawn up yet. It is at this point an option that is being explored.

Malkin stated he was actually going to bring this up in reports. The improvements to the Fire station could proceed more quickly if it were completed in one phase.

#### REPORTS

Security Cameras – Monitor Township Park

Malkin stated there may be a need to install security cameras in the township park. There was a recent drug overdose down there recently and people are congregating after dark.

Pike stated at the Tech Park they put the lights on timers to go eliminate some of that from happening.

Kochany stated that the township may want to reconsider going back to closing the park at dusk instead of leaving it open 24/7.

Kowalski stated we just spent a lot of money doing improvements at the township park with funds from two different park grants. Now we are applying to do improvements at Steih with grant dollars. Security cameras should wait until after the Steih Park project is completed.

The meeting adjourned at 8:21 p.m.

Cindy L. Kowalski, Clerk

Ken Malkin, Supervisor