

## BENTON TOWNSHIP

The February 6, 2018 Benton Township Board Meeting was called to order at 7:00 pm and began with the Pledge of Allegiance to the flag.

ROLL CALL: Five board members were present: Supervisor Andrew Archambo, Treasurer Ann Couture, Clerk Jayne Passeno, Trustee Charles Beckwith and Trustee Mike Charboneau. In addition Commissioner Mike Newman and 12 electorates were present.

ADDITIONS TO AGENDA: Clerk Passeno added review of the proposed budget and adjustments to old business.

MINUTES: A motion to approve the January 9<sup>th</sup> budget meeting minutes and the January 2, 2018 meeting minutes was made by Trustee Beckwith with adjustments to the date of January 3<sup>rd</sup> for the monthly Benton Township meeting date and adjournment for the month of January vs November as printed. Support was offered by Treasurer Couture and the motion passed. The minutes for the January 18<sup>th</sup>, 2018 special meeting will be revised and presented at the March meeting for review. A motion to approve the bills paid for the month of January was made by Trustee Beckwith and supported by Treasurer Couture.

CORRESPONDENCE: An e-mail from the Equalization Dept. confirming the millage rates listed on the Apportionment Report are correct. This is in response to the inquiry from the Michigan Department of Treasury to all townships.

A letter from Local Sanitation introducing their services that are available to the area.

A Notice of Hearing from the State of Michigan before the Michigan Public Service Commission for the customers of DTE Gas Company. DTE requests approval of their Gas Cost Recovery Plan, 5-year forecast and monthly GCR Factor for the 12 months ending March 31, 2019.

DEQ Notice of Authorization to install a boat hoist, stone boat ramp, dredge and fill along 32' foot of additional rip rap for Gerald and Regina Michelin.

A letter from Top o Michigan Outboard Racing Club requesting a waiver of the "no wake" ordinance on August 11<sup>th</sup> and 12<sup>th</sup> 2018 for the annual Marathon National Championships. A motion by Trustee Beckwith and supported by Treasurer Couture to send a letter approving the request. Motion passed by all.

REPORTS: Trustee Beckwith reported that the annual budget meeting for Oak Hill Cemetery will by Thursday @ 7:00 pm, February 8<sup>th</sup> at Aloha Township Hall. The Rails to Trails section from Cheboygan State Park to the downtown area has been approved by the DNR. Trustee Beckwith has applied for a \$30.00 permit with CRCC for a signs that will be posted in Benton Township. The cost of 6 signs to Benton Township is approximately \$185.00. A motion was made by Treasurer Couture to approve the cost of signs and permit for the project. Support was made by Supervisor Archambo and the motion was carried by all.

Clerk Passeno requested an increase in the hours for Deputy Clerk, Carol Neumann, in order to train her in all areas of the position. A motion to increase the work hours for the Deputy Clerk was made by Supervisor Archambo and support by Trustee Charboneau. Clerk Passeno presented an explanation on the Library choosing to opt out the DDA and retaining the full library millage for operations. Clerk Passeno has updated the Benton Township website and it now has a current calendar with meetings, Community Center dates of availability and upcoming events. In preparation for the three elections in 2018, Carol has been working on updating the voter's registration master card file, which requires manually reviewing four boxes of master cards. Questionable voters will receive a voter's registration card in the mail, giving them an option to update their status. A motion approving the purchase of eight, four foot wire shelves for organizing the attic was made by Supervisor Archambo and supported by Trustee Charboneau. Clerk Passeno received approval to change the service at the hall with AT&T to a Voice Over IT system that will be more cost effective and faster. The motion was made by Trustee Beckwith and supported by Treasurer Couture. Motion passed by all.

Library Liaison Mary Ellen Enos reported on a new computer system (AWE) for the children's room that was purchased with grants. The State of Michigan has notified the Library staff that refunds will be forthcoming due to a court decision on the retirement plan. The balance in the bank is 106,700.10.

Pat LaCross reported on the recent activity of the Alverno Fire Dept. of 2 false alarms, 2 EMS assists, 1 mutual aid with Inverness Fire Dept for a barn fire, 1 report of a fish shanty fire on Black Lake and one chimney fire. Eight members are attending an 80 hour training session.

OLD BUSINESS: Supervisor Archambo introduced the new Board of Review member, Gerald Svetcos. Gary Williams is retiring from the BOR after many years of service.

Consumers Energy Company did not return the approval for the franchise ordinance within the required 30 days, therefore, the ordinance must be approved, published in the paper, and returned to them for approval again.

ORDINANCE NO. 2018 – 1

#### CONSUMERS ENERGY COMPANY ELECTRIC FRANCHISE ORDINANCE

AN ORDINANCE, granting to CONSUMERS ENERGY COMPANY, its successors and assigns, the right, power and authority to construct, maintain and commercially use electric lines consisting of towers, masts, poles, crossarms, guys, braces, feeders, transmission and distribution wires, transformers and other electrical appliances on, under, along and across the highways, streets, alleys, bridges, waterways, and other public places, and to do a local electric business in the TOWNSHIP OF BENTON, CHEBOYGAN COUNTY, MICHIGAN, for a period of thirty years.

THE TOWNSHIP OF BENTON ORDAINS:

SECTION 1. GRANT, TERM. The TOWNSHIP OF BENTON, CHEBOYGAN COUNTY, MICHIGAN, hereby grants the right, power and authority to the Consumers Energy Company, a Michigan corporation, its successors and assigns, hereinafter called the "Grantee," to construct, maintain and commercially use electric lines consisting of towers, masts, poles, crossarms, guys, braces, feeders, transmission and distribution wires, transformers and other electrical appliances for the purpose of transmitting, transforming and distributing electricity on, under, along and across the highways, streets, alleys, bridges, waterways, and other public places, and to do a local electric business in the TOWNSHIP OF BENTON, CHEBOYGAN COUNTY, MICHIGAN, for a period of thirty years.

SECTION 2. CONSIDERATION. In consideration of the rights, power and authority hereby granted, said Grantee shall faithfully perform all things required by the terms hereof.

SECTION 3. CONDITIONS. No highway, street, alley, bridge, waterway or other public place used by said Grantee shall be obstructed longer than necessary during the work of construction or repair, and shall be restored to the same order and condition as when said work was commenced. All of Grantee's structures and equipment shall be so placed on either side of the highways as not to unnecessarily interfere with the use thereof for highway purposes. All of Grantee's wires carrying electricity shall be securely fastened so as not to endanger or injure persons or property in said highways. The Grantee shall have the right to trim trees if necessary in the conducting of such business, subject, however, to the supervision of the highway authorities.

SECTION 4. HOLD HARMLESS. Said Grantee shall at all times keep and save the Township free and harmless from all loss, costs and expense to which it may be subject by reason of the negligent construction and maintenance of the structures and equipment hereby authorized. In case any action is commenced against the Township on account of the permission herein given, said Grantee shall, upon notice, defend the Township and save it free and harmless from all loss, cost and damage arising out of such negligent construction and maintenance.

SECTION 5. EXTENSIONS. Said Grantee shall construct and extend its electric distribution system within said Township, and shall furnish electric service to applicants residing therein in accordance with applicable laws, rules and regulations.

SECTION 6. FRANCHISE NOT EXCLUSIVE. The rights, power and authority herein granted, are not exclusive.

SECTION 7. RATES. Said Grantee shall be entitled to charge the inhabitants of said Township for electricity furnished therein, the rates as approved by the Michigan Public Service Commission, to which Commission or its successors authority and jurisdiction to fix and regulate electric rates and rules regulating such service in said Township, are hereby granted for the term of this franchise. Such rates and rules shall be subject to review and change at any time upon petition therefor being made by either said Township, acting by its Township Board, or by said Grantee.

SECTION 8. REVOCATION. The franchise granted by this ordinance is subject to revocation upon sixty (60) days written notice by the party desiring such revocation.

SECTION 9. MICHIGAN PUBLIC SERVICE COMMISSION, JURISDICTION. Said Grantee shall, as to all other conditions and elements of service not herein fixed, be and remain subject to the reasonable rules and regulations of the Michigan Public Service Commission or its successors, applicable to electric service in said Township.

SECTION 10. **REPEALER.** This ordinance, when accepted and published as herein provided, shall repeal and supersede the provisions of an electric ordinance adopted by the Township on March 1, 1988 entitled:

AN ORDINANCE, granting to CONSUMERS POWER COMPANY, its successors and assigns, the right, power and authority to construct, maintain and commercially use electric lines consisting of towers, masts, poles, crossarms, guys, braces, feeders, transmission and distribution wires, transformers and other electrical appliances on, under, along and across the highways, streets, alleys, bridges and other public places, and to do a local electric business in the TOWNSHIP OF BENTON, CHEBOYGAN COUNTY, MICHIGAN, for a period of thirty years.

and amendments, if any, to such ordinance whereby an electric franchise was granted to Consumers Energy Company.

SECTION 11. **EFFECTIVE DATE.** This ordinance shall take effect upon the day after the date of publication thereof; provided, however, it shall cease and be of no effect after thirty days from its adoption unless within said period the Grantee shall accept the same in writing filed with the Township Clerk. Upon acceptance and publication hereof, this ordinance shall constitute a contract between said Township and said Grantee.

We certify that the foregoing Franchise Ordinance was duly enacted by the Township Board of the TOWNSHIP OF BENTON, CHEBOYGAN COUNTY, MICHIGAN, on the 6<sup>th</sup> day of February, 2018.

A motion to approve the ordinance was made by Trustee Beckwith and supported by Supervisor Archambo. Motion carried by all.

Clerk Passeno presented a revised budget for review by the Board members for the March Budget meeting.

**NEW BUSINESS:** Dave Conlin requested 50 extra transfer station tickets be available to him for sale at the Alverno Grocery Store. Transfer Station tickets will be on site and available, in bundles of 50 in a sealed envelope, for pickup by Mr. Conlin during the regular office hours.

Resolution #2018-02-06 (1)

Resolution to establish Benton Township Supervisor Salary

BE IT RESOLVED that this resolution is subject to MCLA 41.95(3). In a township that does not hold an annual meetings, the salary for officers composing the township board shall be determined by the township board.

BE IT RESOLVED, that as of April 1, 2018 the salary of the Benton Township Supervisor shall be the same as previous years at \$ 15,085.95 per fiscal year exclusive of assessing duties. The salary of the Township Assessor, who is properly certified by the State Assessors Board at the required level for Benton Township and actively performs the assessing duties of Benton Township, shall be \$38,400.00 per year. The Township Board member will be paid for attending the Cheboygan County Chapter of the M.T.A. and the spring meeting of M.T.A. at \$50.00 per meeting

The foregoing resolution offered by board member Trustee Beckwith

Supported by board member Treasurer Couture

Upon a roll call vote, the following voted: "aye" Treasurer Couture, Clerk Passeno, Supervisor Archambo and Trustees Charboneau and Beckwith

"nay" None "absent" None "abstain" None

The supervisor declared the resolution adopted.

Resolution #2018-02-06 (2)

Resolution to establish Benton Township Treasurer Salary

BE IT RESOLVED that this resolution is subject to MCLA 41.95(3). In a township that does not hold an annual meetings, the salary for officers composing the township board shall be determined by the township board.

BE IT RESOLVED, that as of April 1, 2018 the salary of the Benton Township Treasurer shall be \$19,085.00 per fiscal year. The Township Board member will be paid for attending the Cheboygan County Chapter of the M.T.A. and the spring meeting of M.T.A. at \$50.00 per meeting

The foregoing resolution offered by board member Supervisor Archambo

Supported by board member Trustee Charboneau

Upon a roll call vote, the following voted "aye" Trustee Beckwith, Trustee Charboneau, Supervisor Archambo, Clerk Passeno and Treasurer Couture

"nay" None "absent" None "abstain" None

The supervisor declared the resolution adopted.

Resolution #2018-02-06 (3)

Resolution to establish Benton Township Clerk Salary

BE IT RESOLVED that this resolution is subject to MCLA 41.95(3). In a township that does not hold an annual meetings, the salary for officers composing the township board shall be determined by the township board.

BE IT RESOLVED, that as of April 1, 2018 the salary of the Benton Township Clerk shall be \$19,085.00 per fiscal year. The Township Board member will be paid for attending the Cheboygan County Chapter of the M.T.A. and the spring meeting of M.T.A. at \$50.00 per meeting

The foregoing resolution offered by board member Treasurer Couture

Supported by board member Trustee Beckwith

Upon a roll call vote, the following voted: "aye" Clerk Passeno, Trustee Charboneau, Supervisor Archambo, Trustee Beckwith and Treasurer Couture

"nay" None "absent" None "abstain" None

The supervisor declared the resolution adopted.

Resolution #2018-02-06 (4)

Resolution to establish Benton Township Trustee Salary

BE IT RESOLVED that this resolution is subject to MCLA 41.95(3). In a township that does not hold an annual meetings, the salary for officers composing the township board shall be determined by the township board.

BE IT RESOLVED, that as of April 1, 2018 the salary of the Benton Township Trustees shall be the same as previous years at \$3,126.25 per fiscal year and \$50.00 for any special meetings. The Township Board members will be paid for attending the Cheboygan County Chapter of the M.T.A. and the spring meeting of M.T.A. at \$50.00 per meeting.

The foregoing resolution offered by board member Clerk Passeno

Supported by Supervisor Archambo

Upon a roll call vote, the following voted "aye" Trustee Charboneau, Trustee Beckwith, Treasurer Couture, Supervisor Archambo and Clerk Passeno

"nay" None "absent" None "abstain" None

The supervisor declared the resolution adopted.

**Benton Township Board Resolution to Adopt  
Poverty Exemption Income Guidelines and Asset Test**

WHEREAS, the principal residence of persons who, in the judgment of the supervisor and board of review, by reason of poverty, are unable to contribute to the public charges is eligible for exemption in whole or part from taxation under the General Property Tax Act 390 of 1994 (MCL 211.7u); and

WHEREAS, the township board is required by Section 7u of the General Property Tax Act, Public Act 390 of 1994 (MCL 211.7u), to adopt guidelines for poverty exemptions;

NOW, THEREFORE, BE IT HEREBY RESOLVED, pursuant to PA 390 of 1994, that Benton Township, Cheboygan County, adopts the following guidelines for the supervisor and board of review to implement.

The guidelines shall include but not be limited to the specific income and asset levels of the claimant and all persons residing in the household, including any property tax credit returns, filed in the current or immediately preceding year.

To be eligible, a person shall do all the following on an annual basis:

- 1) Be an owner of and occupy as a principal residence the property for which an exemption is requested.
- 2) File a claim with the supervisor or board of review, accompanied by federal and state income tax returns for all persons residing in the principal residence, including any property tax credit returns filed in the immediately preceding year or in the current year of a signed State Tax Commission Form 4988, Poverty Exemption Affidavit.

3) File a claim reporting that the combined assets of all person do not exceed the current guidelines. Assets include but are not limited to, real estate other than the principal residence, personal property, motor vehicles, recreational vehicles and equipment, certificates of deposit, savings accounts, checking accounts, stocks, bonds, life insurance, retirement funds, etc.

4) Produce a valid drivers' license or other form of identification if requested.

5) Produce, if requested a deed, land contract, or other evidence of ownership of the property for which an exemption is requested.

6) Meet the federal poverty income guidelines as defined and determined annually by the United States Department of Health and Human Services or alternative guidelines adopted by the governing body, providing the alternative guidelines do not provide eligibility requirements less than the federal guidelines.

7) The application for an exemption shall be filed after January 1, but one day prior to the last day of the December Board of Review. The filing of this claim constitutes an appearance before the Benton Township Board of Review for the purpose of preserving the right of appeal to the Michigan Tax Tribunal.

Meet additional eligibility requirements as determined by the township board, including: As established by the BOR

#### Federal Poverty Guidelines Used in the Determination of Poverty Exemptions

Size of Family Unit	2018 Poverty Guidelines
1	\$ 12,060
2	\$ 16,240
3	\$ 20,420
4	\$ 24,600
5	\$ 28,780
6	\$ 32,960
7	\$ 37,140
8	\$41,320
Additional Person	\$ 4,180

BE IT ALSO RESOLVED that the board of review shall follow the above stated policy and federal guidelines in granting or denying an exemption, unless the board of review determines there are substantial and compelling reasons why there should be a deviation from the policy and federal guidelines and these are communicated in writing to the claimant.

The foregoing resolution offered by Board Member Trustee Beckwith and supported by Board Member Treasurer Couture.

Upon roll call vote, the following voted

"Aye:" Trustee Charboneau, Supervisor Archambo, Clerk Passeno, Treasurer Couture, Trustee Beckwith

"Nay:" None

The Supervisor declared the resolution adopted.

#### Resolution to Allow Benton Township Residents to Protest in Writing to the Benton Township Board of Review.

In order to ease the burden on taxpayers, the assessor and the board of review and to ensure that all taxpayers have an equal opportunity to be heard by the board of review, the Township of Benton hereby resolves, according to provisions of MCL 211.30(7) of the General Property Tax Act, that the board of review shall receive letters of protest regarding assessments from resident taxpayers from the first Tuesday in March until it adjourns from the public hearings for which it meets to hear such protests.

All notices of assessment change and all advertisements of board of review meetings are to include a statement that the resident taxpayers may protest by letter to the board.

The foregoing resolution offered by Supervisor Archambo and second offered by Trustee Beckwith.

Upon roll call vote the following voted: "Aye" Trustee Beckwith, Supervisor Archambo, Treasurer Couture, Trustee Charboneau, Clerk Passeno

"Nay" None

The Supervisor declared the resolution adopted.

A motion to approve the Help America Vote Act (HAVA) Grant Agreement was made by Trustee Beckwith and supported by Supervisor Archambo. Motion carried.

Supervisor Archambo made a motion to approve the property split for Ruth Myers Trust and support was offered by Treasurer Couture.

Clerk Passeno presented the Standard Mileage Rate as provided by State and Federal law.

**PUBLIC COMMENT:** Roger Gauthier expressed his displeasure of being denied use of the Community Center for a "Chili Cook Off" fund raiser for the democratic party and the short notice that was given to the organization. The Benton Township Board revised the policy for Community Center Rentals in 2001, which states Benton Township will not contract with any group or individual for a profit making enterprise. To eliminate this issue in the future, the reason for use will be verified before the contract is mailed and the website will be updated to clarify the use and rules of the rental.

Commissioner Mike Newman provided information regarding the Cheboygan County Jail expansion project, the Meijer Store project and the Goldfront demolition. The Commissioners are working towards hiring for the planning and zoning position and the selection for Finance Director should be complete by the end of the month.

Doug Damm clarified his position that was stated at the January 18<sup>th</sup> special meeting minutes regarding the Special Assessment District for West Black Lane and Canton Road. Clerk Passeno will review and revise the wording in the minutes. Gerald Svetcos requested that the final cost and payoff amount for the SAD on West Black Lane and Canton Road be available to the property owners and a letter stating these amounts should be mailed to the residents involved. Treasurer Couture stated that she would have the cost available for the Board to review at the next monthly meeting.

MTA will be hosted by Tuscarora Township February 22, 2018 at 7:00 pm.

**BILLS:** Clerk Passeno presented a list of bills for the Boards approval. A motion by Treasurer Couture and supported by Supervisor Archambo was approved by all.

**ADJOURNMENT:** There was a motion by Treasurer Couture and supported by Trustee Charboneau to adjourn the November Benton Township meeting at 9:25 pm. Motion carried.