

**Forsyth Township
Regular Meeting
Air Museum – Sawyer
April 26, 2012**

Supervisor Minelli called the Regular Meeting of the Forsyth Township Board to order at 6:30 p.m. followed by the Pledge of Allegiance to the American Flag.

Board Members Present: Supervisor Minelli, Clerk Filizetti-Hartzell, Treasurer Nordeen & Trustees Armatti & Roberts.

Also Present: Attorney Kevin Koch, U.P. Engineers Al Pierce & Dave Lampinen, Architect John Larson, a number of Township employees & interested citizens.

Approval of Minutes: Motion by Nordeen, supported by Armatti to approve the March 22, 2012 & April 3, 2012 minutes with the following corrections: March 22nd, under Old Business, Clubhouse Parking Lot, change the word **buses** to **bushes**; April 3, 2012 under Library Bond Proposal change **Southgate Drive** to **Iron Street**. Motion carried.

Public Comment: Ed Thompson regarding the Farmers Market, the fence on Hercules, zoning violations.

Agenda: Motion by Nordeen, supported by Armatti to accept the April 26th agenda with the following additions: under Action Items: 10k. Clock Tower Letter of Support, 10l. Lighting - Township Office, 10m. Library Architect Contract. Motion carried.

Department Reports: Motion by Nordeen, supported by Armatti & unanimously carried to accept the following reports as presented: (All reports were place on file)

- Ambulance
- Assessing/Zoning
- Fire Department
- Library
- Public Works
- Senior Citizen Director

Attorney's Report: Kevin addressed the need for the township to designate one person to do the FOIA requests for all departments. Kevin contacted the company regarding the manikins and informed them that the ambulance department wants the manikins, not a refund. The MES, regarding Chris, will meet via phone on May 2nd through the township office. Officer Johnson, Lynn Rodgers, Chief Rector, Joe Minelli and Kevin will be present for the phone conference. Kevin stated he has nothing new regarding the PILT monies, waiting for response. Kevin requested the board take formal action on pursuing the Buchler case and any other zoning violations. A deed for the Barriger property has not been received from Attorney Adamini to date. Mr. Britton has not closed any gates on the property; Chief Rector will check the gate status. Kevin informed the board he will be in touch with the attorney regarding the M-35 water line stating the resolution & minutes do not reflect a pay back and that some of the property has been sold. Kevin informed the board the Gauthier zoning violation should be removed from the list since he is deceased. Motion by Filizetti-Hartzell, supported by Roberts authorizing Supervisor Minelli to sign the Municipal & Regulated Utility Easement. Motion carried. Motion by Roberts, supported by Hartzell advising Attorney Koch to proceed with the Buchler Zoning Violation case. Motion carried. Motion by Nordeen, supported by Roberts advising Attorney Koch to proceed with the Westman zoning violation. Motion carried. Kevin to contact Attorney Collins regarding the Tousignant zoning violation May visitation date to his property.

Approval of Bills & Vouchers: Motion by Nordeen, supported by Filizetti-Hartzell approving bills & vouchers as presented. Motion carried.

ACTION ITEMS:

Fire Department – Retire Fireman/Purchase Request – Boots/Light Box: Motion by Nordeen, supported by Filizetti-Hartzell & unanimously carried to accept Ron Lauren's resignation from the Fire Department & place him on reserve status. A certificate of appreciation for his years of service will be presented. Motion by Nordeen, supported by Armatti & unanimously carried approving the purchase of one barrel of foam at a cost of \$1,450.00, twenty-three pager/radios w/misc. at a cost of \$8,367.40, two pairs of boots at a cost of \$360.00 & one light box for the truck at a cost of \$150.00.

A Jacobson Landscaping – Trees on Boulevard/Nordeen Park/Clubhouse/Baseball Fields: Motion by Nordeen, supported by Armatti & unanimously carried to hire A. Jacobson Landscaping to fertilize Nordeen Park; the three baseball fields; remove sand & debris from tree boxes, fertilize & add new mulch & prune trees on the boulevard; fertilize the front & side yard at the Clubhouse at a total cost of \$3,168.50.

Buchler – Farmers Market Request: Minelli made a motion to bring the Buchler request to the floor of the board. If there's no support it dies for lack of support and the Buchler's won't be running the Farmers Market. The question was posed regarding advertising for a Market Master. Minelli said it's year to year & we approved the same type of request last year. Nordeen stated that first it was done by a grant and then we took it over; concerned about the second paragraph, wanting \$75.00 for marketing & advertising for something that's going to happen in Marquette; last year we gave them \$50.00 for T-shirts & they had them screen printed and were selling them to help defray the cost to run the market. Motion by Nordeen, supported by Minelli to hire Libby Buchler to be the Market Master at a cost of \$2,200.00, to be paid in two installments, \$1,100.00 at the end of July and the other \$1,100.00 at the end of September along with \$50.00 for T-shirts. Roberts is concerned about the message, because they do sell their eggs & wool & maybe other things that are produced on a place that's in violation. Nordeen and Minelli moved to rescind their motion to hire Libby Buchler. Motion by Nordeen, supported by Armatti to advertise for a new Market Master. Motion carried.

Resolution Authorizing Notice of Intent to Issue Bonds – Water Project: Motion by Filizetti-Hartzell, supported by Roberts to adopt the Resolution Authorizing Notice of Intent to Issue Revenue Bonds and Declaration of Intent to Reimburse. Roll call vote: Minelli – aye; Nordeen – aye; Roberts – aye; Armatti – aye; Filizetti-Hartzell – aye. Motion carried.

RESOLUTION AUTHORIZING NOTICE OF INTENT TO ISSUE REVENUE BONDS AND DECLARATION OF INTENT TO REIMBURSE

TOWNSHIP OF FORSYTH

County of Marquette, State of Michigan

Minutes of a regular meeting of the Township Board of the Township of Forsyth, County of Marquette, State of Michigan, held on the 26th day of April, 2012 at 6:30 p.m., Eastern Daylight Time.

PRESENT: Minelli, Filizetti-Hartzell, Nordeen, Roberts & Armatti.

ABSENT: None

The following preamble and resolution were offered by Member Filizetti-Hartzell, supported by Member Roberts:

WHEREAS, the Township of Forsyth, County of Marquette, State of Michigan (the "Township"), intends to issue and sell bonds, pursuant to Act 94, Public Acts of Michigan, 1933, as amended, in an amount not to exceed Five Million Five Hundred Thousand Dollars (\$5,500,000) for the purpose of paying all or part of the cost to acquire, construct, furnish and equip improvements to the Township's water supply system consisting generally of water mains, service lines, water meters, hydrants, valves, and redundant looping, together with all interests in land, appurtenances and attachments thereto (the "Project"); and

WHEREAS, the Township expects to sell the aforesaid bonds to the U.S. Department of Agriculture's Rural Development program; and

WHEREAS, a notice of intent to issue bonds must be published before the issuance of the aforesaid bonds in order to comply with the requirements of Section 33 of Act 94, Public Acts of Michigan, 1933, as amended; and

WHEREAS, the Township intends at this time to state its intentions to be reimbursed from the proceeds of the bonds for any expenditures undertaken by the Township for the Project prior to issuance of the bonds.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The Township Clerk is hereby authorized and directed to publish a notice of intent to issue bonds in The Mining Journal, a newspaper of general circulation in the Township.

2. Said notice of intent shall be published as a one-quarter (1/4) page display advertisement in substantially the following form:

NOTICE TO TAXPAYERS AND ELECTORS OF THE TOWNSHIP OF FORSYTH AND THE USERS OF THE
TOWNSHIP'S WATER SUPPLY SYSTEM OF INTENT TO ISSUE BONDS AND THE RIGHT OF REFERENDUM
RELATING THERETO

PLEASE TAKE NOTICE that the Township of Forsyth, County of Marquette, State of Michigan (the "Township"), intends to issue and sell revenue bonds pursuant to Act 94, Public Acts of Michigan, 1933, as amended, in an amount not to exceed Five Million Five Hundred Thousand Dollars (\$5,500,000), in one or more series as shall be determined by the Township Board, for the purpose of paying all or part of the cost to acquire, construct, furnish and equip improvements to the Township's water supply system consisting generally of water mains, service lines, water meters, hydrants, valves, and redundant looping, together with all interests in land, appurtenances and attachments thereto.

SOURCE OF PAYMENT OF REVENUE BONDS

THE PRINCIPAL OF AND INTEREST ON SAID REVENUE BONDS SHALL BE PAYABLE solely from the revenues received by the Township from the operations of said water supply system. Said revenues will consist of rates and charges that may from time to time be revised to provide sufficient revenues to provide for the expenses of operating and maintaining the system, to pay the principal of and interest on said bonds and to pay other obligations of the system.

BOND DETAILS

SAID BONDS will be payable in annual installments not to exceed forty (40) in number and will bear interest at the rate or rates to be determined at a private sale to the U.S. Government but in no event to exceed five percent (5%) per annum on the balance of the bonds from time to time remaining unpaid.

RIGHT OF REFERENDUM

THE REVENUE BONDS WILL BE ISSUED WITHOUT A VOTE OF THE ELECTORS OF THE TOWNSHIP UNLESS A PETITION REQUESTING SUCH A VOTE SIGNED BY NOT LESS THAN 10% OF THE REGISTERED ELECTORS RESIDING WITHIN THE BOUNDARIES OF THE TOWNSHIP IS FILED WITH THE TOWNSHIP CLERK OF THE TOWNSHIP, WITHIN FORTY-FIVE (45) DAYS AFTER PUBLICATION OF THIS NOTICE. IF SUCH PETITION IS FILED, THE BONDS MAY NOT BE ISSUED WITHOUT AN APPROVING VOTE OF A MAJORITY OF THE QUALIFIED ELECTORS RESIDING WITHIN THE BOUNDARIES OF THE TOWNSHIP VOTING THEREON.

THIS NOTICE is given pursuant to the requirements of Section 33, Act 94, Public Acts of Michigan, 1933, as amended.

Bonnie Filizetti-Hartzell
Township Clerk

3. The Township Board of the Township does hereby determine that the foregoing form of Notice of Intent to Issue Bonds and the manner of publications directed is the method best calculated to give notice to the water supply system's users and the electors residing in the boundaries of the Township of this Township's intent to issue the bonds, the purpose of the bonds, the security for the bonds and the right of referendum relating thereto, and the newspaper named for publication is hereby determined to reach the largest number of persons to whom the notice is directed.
4. The township makes the following declarations for the purpose of complying with the reimbursement rules of Treas. Reg. * 1.150-2 pursuant to the Internal Revenue Code of 1986, as amended:
 - (a) As of the date hereof, the Township reasonably expects to reimburse itself for the expenditures described in (b) below with proceeds of debt to be incurred by the Township.
 - (b) The expenditures described in this paragraph (b) are for the costs of acquiring and constructing the Project which were paid subsequent to sixty (60) days prior to the date hereof or which will be paid prior to the issuance of the bonds from the water fund and/or the general fund of the Township.

- (c) The maximum principal amount of debt expected to be issued for the Project, including issuance costs, is \$5,500,000.
 - (d) 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 debt to be issued for the Project to reimburse the Township for a capital expenditure made pursuant to this resolution.
 - (e) The expenditures described in (b) above are "capital expenditures" as defined in Treas. * Reg. 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).
 - (f) 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 (d) above.
 - (g) Expenditures for the Project to be reimbursed from the proceeds of the borrowing for purposes of this resolution do not include (i) costs for the issuances of the debt, (ii) an amount not in excess of the lesser of \$100,000 or five percent (5%) of the proceeds of the borrowing, or (iii) preliminary expenditures not exceeding twenty percent (20%) of the issue price of the borrowing, within the meaning of Treas. Reg. * 1.150-2 (f) (such preliminary expenditures include architectural, engineering, surveying, soil testing and similar costs incurred prior to construction of the Project, but do not include land acquisition, site preparation and similar costs incident to commencement of construction).
5. All resolutions and parts of resolutions insofar as they conflict with the provisions of this resolution be the same hereby are rescinded.

AYES: Members Minelli, Filizetti-Hartzell, Nordeen, Armatti & Roberts.

NAYS: None

RESOLUTION DECLARED ADOPTED.

Bonnie Filizetti-Hartzell
Township Clerk

I certify that the foregoing is a true and complete copy of a resolution adopted by the Township Board of the Township of Forsyth, County of Marquette, State of Michigan, at a regular meeting held on the 26th day of April, 2012, and that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act, being Act 267, Public Acts of Michigan, 1976, and that the minutes of said meeting were kept and will be or have been made available as required by said Act.

Bonnie Filizetti-Hartzell
Township Clerk

Blue Lake Road – Estimate of \$15,467.66: Minelli stated there have been a number of complaints on a section of Blue Lake Road and that the money to pave that section could be taken from the road budget. Motion by Filizetti-Hartzell, supported by Minelli & unanimously carried to pave three hundred seventy-five feet (375') of Blue Lake Road at a cost of \$15,467.66.

Fire Bill: Mrs. St. Aubin addressed the board regarding the \$250.00 charge for a fire bill resulting from someone else calling the fire department on 3/19/12. She stated that the fire department wasn't needed and that her husband could have put the fire out. The Fire Ordinance was revised in 2010 and the Ordinance dictates fire charges. No action was taken on this matter, the charge stands.

VFW Request: Motion by Nordeen, supported by Armatti & unanimously carried approving \$500.00 to pay for the VFW band on July 3rd which is part of the July 4th celebration.

Proposed Property Change: The Michigan Department of Natural Resources has agreed to exchange ten (10) acres located on Sporley Lake Road for the property on County Road 553 which contains the township well along with a transfer fee of \$300.00 to be paid to the state. Motion by Filizetti-Hartzell, supported by Roberts & unanimously carried to exchange the following parcel: That part of the SW ¼ of the NE ¼ and the SE ¼ of the NW ¼ of Section 22, T45N-R25W lying S & E of the NW'ly R.O.W. of County Road "EJJ" & W of the W'ly R.O.W. of State Highway M-553. Together with a 200' radius Well Isolation Easement in accordance with P.A. 339 of 1976, Section 325.10808, Rule 808, as amended, said Well Isolation Easement being described as: Commencing at the E ¼ of said Section 22; thence N89o38'40"W 2,523.5', more or less, and N00o21'20"E 658', more or less to the center of Well No. 4 & also the radius point for said Well Isolation Easement containing approximately 7.5 acres owned by the State of Michigan with the following parcel owned by the township: The N ¼ of the NE ¼ of the NW ¼ of Section 8, T45N-R24W, Forsyth Township, Marquette County, Michigan containing approximately 10 acres. Attorney Koch recommended the township adopt a Well Head Protection Ordinance.

Legal Services Agreement for Library Project – USDA Rural Development: The legal services agreement is between Forsyth Township & Attorney Kevin W. Koch to perform all legal services for the new proposed Library building. Motion by Nordeen, supported by Minelli & unanimously carried approving the Legal Services Agreement between Forsyth Township, hereinafter referred to as "Owners" and Kevin W. Koch, attorney at law, of Negaunee, Michigan as "Attorney" who agrees to perform all legal services necessary to the organization, financing, construction, and initial operation of a Forsyth Township Library at a cost of \$80.00 per hour, not to exceed a lump sum of \$3,000.00.

Loan Resolution – Library: Motion by Filizetti-Hartzell, supported by Minelli to approve the Loan Resolution authorizing & providing for the incurrence of indebtedness for the purpose of providing a portion of the cost of acquiring, constructing, enlarging, improving, and/or extending its Library facility to serve an area lawfully within its jurisdiction to serve. Roll call vote: Minelli – aye; Nordeen – aye; Roberts – aye; Armatti – aye; Filizetti-Hartzell – aye. Motion carried. Resolution placed on file.

Revised Site Plan: Motion by Nordeen, supported by Armatti & unanimously carried to adopt the revised zoning ordinance site plan amendment as presented and recommended by the Forsyth Township Planning Commission.

Clock Tower Letter of Support: Motion by Minelli, supported by Armatti & unanimously carried approving a letter of memorandum to C.C.I. for the Clock Tower Project.

Lighting for Township Office: Motion by Minelli, supported by Filizetti-Hartzell & unanimously carried to purchase new lighting for the township office renovation from Rejuvenation at a cost of \$2,264.76.

Architect Contract – Library: Attorney Koch read the contract and recommended the township approve it. Motion by Filizetti-Hartzell, supported by Minelli & unanimously carried approving the architect contract between John Larson & Forsyth Township for the Forsyth Township Library Project.

DISCUSSION:

Brenda Kurian – Ambulance Proposal: Ambulance Chairperson Kurian presented a proposal to the township board which will allow better coverage and save the township money. Minelli stated the proposal should be studied. Nordeen stated that the EMTs will be moving to another level before 12/31/12 which will allow them to administer drugs, eliminating the need for ALS intercepts. Filizetti-Hartzell addressed the board regarding paying Kurian to enter all the required state reports from January forward as she knows what has to be done. Motion by Filizetti-Hartzell, supported by Nordeen & unanimously carried to hire Brenda Kurian part-time to enter all the required state ambulance reports, bringing them up to date.

Hiring of Part-time Employees: Not on agenda. A discussion ensued regarding the hiring of temporary part-time employees. Koch stated it's very difficult to hire independent contractors, such as a cemetery sexton as they would have to work for other municipalities. Motion by Armatti, supported by Minelli & unanimously carried to hire three temporary part-time employees, one being Mike Nelson for the cemetery along with two others.

OLD BUSINESS: None

CORRESPONDENCE: None

Public Comment: Al Pierce, U.P. Engineers, stated he's still working on the easements for the water project. Maki regarding the requested ad for the Farmer's Market and another \$1,000.00 donation was received for the Clock Tower bringing the total to \$50,000.00; the deadline for publications in the Gwinn Quarterly is May 10th. Adams questioned if the liaison for the Library has changed. St. Aubin regarding the mess in New Swanzy, misc. debris, dilapidated trailers, roads in need of repair & wondering if the rezoning in the trailer areas is possible. Complaint about four wheelers traveling 60 miles an hour in New Swanzy.

Board Member Comment: Minelli regarding the Maple Street duplex the township is acquiring from the land bank; bids less than dumping fees.

Adjournment: Supervisor Minelli adjourned the board meeting at 8:11 p.m.

Respectfully submitted,

Bonnie Filizetti-Hartzell, Clerk
Forsyth Township Clerk