

CHARTER TOWNSHIP OF HAMPTON
REGULAR MEETING
MARCH 25, 2019

The regular meeting of the Charter Township of Hampton Board of Trustees was called to order at 7:00 p.m. by the Supervisor in the Boardroom of the Hampton Township Administrative Offices.

The pledge of allegiance was given to the flag.

The invocation was read and a moment of silence observed.

PRESENT: Wisniewski, Klass, Wright, Samyn, Close, DeWyse

ABSENT: Hugo

ALSO PRESENT: Worden, Hewitt, Benchley & 2 people in audience

Motion by Wisniewski seconded by Klass that the minutes of the March 11, 2019 regular meeting and the March 12, 2019 joint meeting be approved as printed and that the reading of the minutes be waived. Motion carried.

COMMUNICATIONS:

Motion by Klass seconded by DeWyse that the Police Report for February 2019 be received. Motion carried.

Motion by DeWyse seconded by Klass that the Fire Report for February 2019 be received. Motion carried.

Motion by Wisniewski seconded by DeWyse that the OPEB Plan accounting report for the period ending 12/31/18 be received from Watkins Ross. Motion carried.

AUDITORS REPORT:

Motion by Klass seconded by Wisniewski that the following warrants be approved for payment:

| | | |
|-----------------|----------------|-----------------|
| #45556 - #45602 | General Fund | \$ 72,973.78 |
| #3887 - #3891 | Sewer Fund | 9,436.47 |
| #6598 - #6611 | Tax Fund | 2,251.61 |
| #1613 - #1622 | Water Fund | 963.94 |
| #264 | SAW Grant Fund | <u>3,693.70</u> |
| | | \$ 89,319.50 |

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AYES: Klass, Wisniewski, DeWyse, Samyn, Wright, Close
NAYS: None
ABSENT: Hugo
Motion carried.

OPEN TO THE PUBLIC:

No one addressed the Board.

UNFINISHED BUSINESS:

Motion by DeWyse seconded by Wisniewski to NOT reinstate the commercial rehabilitation certificate for HM Bay City Properties.

AYES: DeWyse, Wisniewski, Klass, Samyn, Wright, Close
NAYS: None
ABSENT: Hugo
Motion carried.

NEW BUSINESS:

Motion by Wisniewski seconded by DeWyse that Natures' Ridge be allowed use of the boardroom for their annual meeting on April 10, 2019 as long as it can be worked out to now cost the township any money. Motion carried.

Motion by Wisniewski seconded by DeWyse that the resignation of Matthew Wiltsie be received. Motion carried.

Motion by DeWyse seconded by Klass that the quotation from Paragon Laboratories, in the amount of \$5,080.00, for lead and copper testing be approved.

AYES: DeWyse, Klass, Wisniewski, Samyn, Wright, Close
NAYS: None
ABSENT: Hugo
Motion carried.

Motion by Wisniewski seconded by DeWyse to approve the bid from Signature Ford for the purchase of a 2020 Ford Police Interceptor Utility vehicle at a cost of \$32,222.00 plus needed equipment in the amount of \$9,527.00, for a total of \$41,749.00 less \$14,000.00 USDA grant.

AYES: Wisniewski, DeWyse, Klass, Samyn, Wright, Close

NAYS: None

ABSENT: Hugo

Motion carried.

Motion by DeWyse seconded by Wisniewski that the following resolution for poverty exemption be approved and that the federal poverty guidelines be used each year in the determination of poverty exemptions.

2019
RESOLUTION FOR POVERTY EXEMPTION
CHARTER TOWNSHIP OF HAMPTON

WHEREAS, the adoption of guidelines for poverty exemptions is required of the Township Board; and

WHEREAS, the principal residence of persons, who the Supervisor/Assessor and Board of Review determines by reason of poverty to be unable to contribute to the public charge, is eligible for exemption in whole or in part from taxation under Public Acts 390 of 1994 (MCL 211.7u); and

WHEREAS, 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 requires the local governing body of the assessing unit to determine and make available to the public the policy and guidelines for granting of poverty exemptions;

BE IT RESOLVED: That to be eligible for a poverty exemption in the Charter Township of Hampton, a person must be the owner and occupy the property as a principal residence for which the exemption is requested; file a completed and notarized application in the form required by the Township Assessor; and file copies of federal and state income tax returns for all persons residing in the principal residence, including any property tax credit forms and/or Statement of Benefits paid from Michigan Department of Social Services or Social Security Administration;

BE IT FURTHER RESOLVED: That the applicant must have an annual income that meets the federal poverty income standards as defined and determined annually by the United States Office of Management & Budget;

BE IT FURTHER RESOLVED: That the applicant's assets shall not exceed Ten Thousand Dollars (\$10,000) fair market value excluding the principal residence and one automobile;

BE IT FURTHER RESOLVED: That the Board of Review may request identification of the applicant or proof of ownership of the principal residence under consideration for poverty exemption;

BE IT FURTHER RESOLVED: That the Board of Review may request from the applicant any supporting documents which may be utilized in determining a poverty exemption request;

BE IT FURTHER RESOLVED: That the completed poverty exemption application must be filed after January 1 but before the day prior to the last day of March Board of Review in the year for which the exemption is sought;

BE IT FURTHER RESOLVED: That the "Charter Township of Hampton Policy and Guidelines for Applicants" dated 2/2018, attached hereto and incorporated herein, shall be followed by the applicant, the Township Assessor and the Charter Township of Hampton Board of Review in processing of applications for and the granting and denying of poverty tax exemptions unless said policy and guidelines shall hereafter be modified by resolution of the Charter Township of Hampton Board of Trustees or subject to deviation by the Board of Review as hereafter provided:

BE IT RUTHER RESOLVED: That the Board of Review may deviate from the established policy and guidelines only for substantial and compelling reasons. Compelling reasons include, but are not limited to, excessive medical expenses or excessive expenses necessary for the care of elderly or handicapped persons. The applicant will be notified, in writing, the reasons for deviating from the policy and guidelines for poverty exemption.

POLICY AND GUIDELINES FOR APPLICANTS
REQUESTING CONSIDERATION FOR A POVERTY EXEMPTION

Any poverty exemption application that is submitted that is inaccurate or not fully completed will result in the denial of the appeal.

1. Applicants must obtain the proper applications from the Assessor's Office. Handicapped or infirm applicants may call the Assessor's Office to make necessary arrangements for assistance.
2. Applicants must be the owners and residents of the property.

- A. Must produce valid driver's license or other acceptable methods of identification.
- B. Must produce a deed, land contract or other evidence of ownership, as specified by the Assessor.
3. Applicant must fill out the application form in its entirety and return it, in person, to the Assessor's office, except as noted in item 1 above.
 - A. Must not sign it until returned.
 - B. Application must be witnessed by the Assessing Officer or Board of Review.
4. All applicants and any person residing in the principal residence will submit last year's copies of the following:
 - A. Federal Income Tax Return – 1040 or 1040A.
 - B. State Income Tax Return – MI-1040.
 - C. Homestead Property Tax Credit Claim MI-1040CR.
 - D. Statement of benefits paid from Michigan Department of Social Services and/or Social Security Administration.

An alternative affidavit may be filed for all persons residing in the residence who were not required to file federal or state income tax returns in the current or immediately preceding year. (See form 4498, Poverty Exemption Affidavit)
5. Applications may be filed with the Assessor after January 1 but before the day prior to the last day of the March Board of Review.
6. Applications may be reviewed by the Board without being present. However, the Board may request that an applicant be physically present to respond to any questions the Board or Assessor may have. This means that you may be called to appear on short notice.
7. You may have to answer questions regarding your financial affairs, your health, or the status of people living in your home at a meeting before the Board which is open to and may be attended by the public at large.
8. The Board of Review may vote to go into closed session pursuant to MCL 15.268(h) to review and discuss an applicant's state or federal tax return claimed as exempt under state or federal law, if the applicant requests confidentiality. If the Board wishes to go into closed session, the Open Meetings Act requirements must be followed:
 - A. A two-thirds roll call vote of members serving must be taken and the vote and purpose of calling the closed session should be entered into the minutes.
 - B. A separate set of minutes shall be taken outlining the decision of the Board of Review.
 - C. The actual vote to grant or deny the application should be taken in an open meeting.
9. Applicants appearing before the Board will be administered an oath, as follows:

"Do you _____ swear and affirm that evidence and testimony you will give in your own behalf before the Board of Review is the truth, the whole truth, and nothing but the truth, so help you."

Applicant responds, "I do" or "I will".

10. Applicants will be evaluated based on:
 - A. Data submitted to the Assessor or the Board.
 - B. Testimony taken from petitioner and information gathered from any source the Assessor or Board may wish to use.
11. The Board will also consider all revenue and non-revenue producing assets owned by the petitioner in its deliberation as to whether relief should be granted.
12. Exemptions are granted annually. The Board of Review may deny any appeal, regardless of income, if the financial hardship appears to be self-created by the actions of the person or persons making the application.
13. Applicants will not be eligible for consideration if they do not meet the federal income guidelines determined annually by the United States Office of Management and Budget.

The following are the 2019 federal poverty guidelines which are updated annually by the United States Department of Health and Human Services. The annual allowable income includes income for all persons residing in the principal residence.

FEDERAL PROVERTY GUIDELINES USED IN THE DETERMINATION OF POVERTY EXEMPTIONS

| Size of Family Unit | 2019 Poverty Guidelines |
|----------------------------|-------------------------|
| 1 | \$ 12,490 |
| 2 | \$ 16,910 |
| 3 | \$ 21,330 |
| 4 | \$ 25,750 |
| 5 | \$ 30,170 |
| 6 | \$ 34,590 |
| 7 | \$ 39,010 |
| 8 | \$ 43,430 |
| For each additional person | \$ 4,320 |

14. The State Equalized Value (SEV) of your principal residence may not exceed \$75,000.
15. As required by PA 390 of 1994, all guidelines for poverty exemptions as established by the governing body of the local assessing unit SHALL also include an asset level test.

An asset test means the amount of cash, fixed assets or other property that could be used, or converted to cash for use in the payment of property taxes. The asset test should calculate a maximum amount permitted and all other assets above that amount should be considered as available.

The following assets shall not be considered when applying an asset test to determine qualification for tax exemption:

- A. The value of the applicant's principal residence subject to the exemption request along with any contiguous residential land, except as follows:

Under no circumstances shall a poverty exemption be granted on a principle residence purchased within one (1) year from the approval date. Unless petitioner files documentation supporting claim.

Any category of physical (or tangible) structure added to the property in the previous calendar year with a true cash value not to exceed \$2,000. Unless petitioner files documentation supporting claim.

- B. The value of all personal property, such as furniture and clothing.

Notwithstanding the value of property listed above, in order to be considered for tax exemption under MCL 211.7u, the value of all additional assets shall not exceed Ten Thousand Dollars (\$10,000). The Board of Review will consider all revenue and non-revenue producing assets during its deliberation as to whether relief shall be granted. If liquid assets (assets that can be readily converted to cash) exceed five times the gross income and no more cash than an amount equal to one month's gross household income. Assets include:

- Stock
- Bonds
- Mutual Funds
- Insurance Policies
- Coin Collections
- Boats
- ORV's
- Motorcycles
- Recreational Vehicles
- Second Homes
- Salable Property
- Retirement Accounts
- Jewelry, etc.

16. The filing of a claim with the Board of Review constitutes an appearance before the Board of Review for purpose of preserving the right to appeal to the Michigan Tax Tribunal.

17. Any successful applicant may be subject to personal investigation by the Township to verify information submitted or statements made to the Assessor or Board of Review for the poverty exemption claim.
18. The Board of Review shall follow the policy and guidelines of the Charter Township of Hampton in granting or denying an exemption unless the Board of Review determines there are substantial and compelling reasons why there should be deviation from the policy and guidelines. The substantial reasons should be communicated in writing to the applicant and to the Township Board.

AYES: DeWyse, Wisniewski, Klass, Samyn, Wright, Close

NAYS: None

ABSENT: Hugo

Motion carried.

ATTORNEY REPORT:

Hewitt had no report.

ENGINEER REPORT:

Bartow was not present.

STANDING COMMITTEE REPORT:

There were no standing committee reports.

OFFICER/TRUSTEE REPORTS:

Motion by DeWyse seconded by Wisniewski that the December 2019 financial reports be received.

AYES: DeWyse, Wisniewski, Klass, Samyn, Wright, Close

NAYS: None

ABSENT: Hugo

Motion carried.

Motion by DeWyse seconded by Wisniewski that the following revenue reports be received from the Treasurer:

| | | |
|-------------------|---------------|-----------------|
| 3/04/19 – 3/08/19 | Water Fund | \$ 20,717.35 |
| | Building Fund | 259.70 |
| | General Fund | <u>7,470.32</u> |
| | | \$28,447.37 |
| 3/11/19 – 3/15/19 | Water Fund | \$ 28,279.16 |
| | Building Fund | 752.00 |
| | General Fund | 47,753.07 |
| | Tax Fund | <u>75.45</u> |
| | | \$76,859.68 |

AYES: DeWyse, Wisniewski, Klass, Samyn, Wright, Close

NAYS: None

ABSENT: Hugo

Motion carried.

Trustees addressed: outhouses at the end of Jones Road; brush chipping; DPW seasonal help.

Supervisor addressed the updating of the website; Consumers Energy news release regarding their Integrated Resource Plan (IRP).

OPEN TO THE PUBLIC:

Mary Smith, addressed board on future boards and how they will know what this board or past board have done.

Public portion of the meeting was closed.

Motion by DeWyse seconded by Wisniewski that the meeting adjourn. Motion carried. The meeting adjourned at 7:49 p.m..

Respectfully submitted:

Pamela J. Wright, Clerk

Terri Close, Supervisor