

CHARTER TOWNSHIP OF HAMPTON
REGULAR MEETING
JANUARY 17, 2017

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: DeWyse, Wisniewski, Samyn, Hugo, Foret, Wright

ABSENT: Klass

ALSO PRESENT: Weiler, Benchley & 1 person in audience

Motion by Hugo seconded by DeWyse that the minutes of the January 3, 2017 regular meeting and the January 10, 2017 special meeting be approved as printed and that the reading of the minutes be waived. Motion carried.

COMMUNICATIONS:

Motion by Foret seconded by Hugo that the Fire Reports for November & December 2016; the DPW Report for December 2016; the Police Report for December 2016 and the notice of the Bay Area Water System meeting be received. Motion carried.

AUDITORS REPORT:

Motion by Hugo seconded by Foret that the following warrants be approved for payment:

#42769 - #42831	General Fund	\$ 86,694.51
#2982 - #2985	Building Fund	4,575.05
#3491 - #3501	Sewer Fund	13,913.37
#6031 - #6058	Tax Fund	1,424,777.28
#2165 - #2195	Public Safety Fund	53,289.99
#1374 - #1378	Water Fund	<u>1,424.78</u>
		\$1,584,674.98

AYES: Hugo, Foret, DeWyse, Samyn, Wright, Wisniewski

NAYS: None

ABSENT: Klass

Motion carried.

OPEN TO THE PUBLIC:

No one addressed the Board.

UNFINISHED BUSINESS:

There was no unfinished business.

NEW BUSINESS:

Motion by Hugo seconded by DeWyse that the following 2016 budget adjustments be made:

<u>DECREASE:</u>	<u>APRV.BUDGET</u>	<u>CHANGE</u>	<u>NEW BUDGET</u>
101-101-956.000 Township Board – Miscellaneous	2,500	125	2,375
101-890-956.000 Contingency	394,152	4,993	389,159
101-191-702.000 Elections – Salaries	8,000	293	7,707
101-201-970.000 GSA – Capital	5,000	4,926	74
101-209-970.000 Assessor – Capital	1,175	855	320
101-209-931.000 Assessor – Equipment Repair	500	500	-0-
101-209-716.000 Assessor – Hospitalization	20,600	1,562	19,038
101-210-803.000 Attorney – General	12,000	362	11,638
101-215-956.000 Clerk – Miscellaneous	100	15	85
101-215-702.000 Clerk – Salary	57,400	124	57,276
101-253-702.000 Treasurer – Salary	57,400	15	57,385
101-265-920.000 Bldg & Grds – Utilities	14,000	3,445	10,555

101-266-930.000			
Comm. Bldg – Bldg. Maintenance	5,000	140	4,860
101-266-778.000			
Comm. Bldg – Repair & Maint.	1,495	264	1,231
101-294-880.000			
PR – Community Promotions	3,000	500	2,500
101-890-956.000			
Contingency	385,389	178	385,211
101-441-742.000			
DPW – Vehicle Fuel	20,000	2,360	17,640
101-441-956.000			
DPW – Miscellaneous	2,310	410	1,900
101-526-956.000			
Landfill – Miscellaneous	1,840	1,400	440
101-526-930.000			
Landfill – Grounds Maintenance	5,000	1,850	3,150
101-526-716.000			
Landfill – Hospitalization	20,500	4,573	15,927
101-751-974.000			
FRP – Land Improvement	33,200	3,792	29,408
101-890-956.000			
Contingency	389,159	3,770	385,389
205-301-956.000			
Police – Miscellaneous	3,000	1,721	1,279
205-336-920.000			
Fire – Utilities	9,830	2,000	7,830
205-336-930.000			
Fire – Building Maintenance	8,000	3,100	4,900
205-336-742.000			
Fire – Vehicle Fuel	6,500	3,000	3,500
205-336-743.000			
Fire – Diesel Fuel	3,500	2,000	1,500
205-336-970.000			
Fire – Capital	32,000	4,000	28,000
205-890-956.000			
Contingency	22,700	6,841	15,859
249-201-970.000			
Building – GSA Capital	6,855	255	6,600

249-371-719.000			
Building Inspector – Unemployment	550	20	530
249-890-956.000			
Contingency	17,567	8,418	9,149
249-373-860.000			
Electrical – Travel & Mileage	500	104	396
590-890-956.000			
Contingency	686,119	36,563	649,556
591-537-973.002			
Water – Main Maintenance	4,950	2,820	2,130
591-537-956.000			
Water – Miscellaneous	2,360	764	1,596

<u>INCREASE</u>	<u>APRV.BUDGET</u>	<u>CHANGE</u>	<u>NEW BUDGET</u>
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101-101-900.000			
Township Board – Printing	5,000	125	5,125
101-171-716.000			
Supervisor – Hospitalization	5,000	4,978	9,978
101-171-719.000			
Supervisor – Unemployment	-0-	15	15
101-191-715.000			
Elections – FICA	-0-	17	17
101-191-726.000			
Elections – Office Supplies	4,000	276	4,276
101-201-702.000			
GSA – Salaries	48,000	4,541	52,541
101-201-715.000			
GSA – FICA	3,670	370	4,040
101-201-717.000			
GSA – Life Insurance	125	15	140
101-209-702.000			
Assessor – Salary	48,149	2,769	50,918
101-209-715.000			
Assessor – FICA	3,680	148	3,828
101-210-802.001			
Attorney – Labor	10,000	362	10,362
101-215-719.000			
Clerk – Unemployment	-0-	15	15

101-215-718.000			
Clerk – Retirement	9,000	124	9,124
101-253-719.000			
Treasurer – Unemployment	-0-	15	15
101-265-702.000			
Bldg. & Grds. – Salary	18,525	1,055	19,580
101-265-715.000			
Bldg. & Grds. – FICA	1,420	80	1,500
101-265-930.000			
Bldg. & Grds. – Building Maintenance	20,000	2,310	22,310
101-266-702.000			
Comm. Bldg. – Salary	9,300	133	9,433
101-266-715.000			
Comm. Bldg. – FICA	715	7	722
101-266-720.000			
Comm. Bldg. – S&A Insurance	115	2	117
101-266-740.000			
Comm. Bldg. – Supplies	2,500	262	2,762
101-294-956.000			
PR – Miscellaneous	1,000	678	1,678
101-441-716.000			
DPW – Hospitalization	85,660	850	86,510
101-441-930.000			
DPW – Building Maintenance	8,800	840	9,640
101-441-940.000			
DPW – Equipment Rental	800	670	1,470
101-441-718.000			
DPW – Retirement	34,300	410	34,710
101-526-702.000			
Landfill - Salaries	17,500	1,765	19,265
101-526-715.000			
Landfill - FICA	1,350	125	1,475
101-526-803.000			
Landfill – Contracted Service	117,600	5,933	123,533
101-751-702.000			
FRP – Salary	18,410	70	18,480
101-751-715.000			
FRP – FICA	1,410	4	1,414

101-751-803.000			
FRP – Contracted Service	4,500	165	4,665
101-751-920.000			
FRP – Utilities	40,000	760	40,760
101-751-970.000			
FRP – Capital	13,775	2,793	16,568
101-851-910.000			
Insurance & Bonds	135,000	3,770	138,770
205-301-721.000			
Police – Uniforms	5,700	1,668	7,368
205-301-723.000			
Police – Education	7,175	53	7,228
205-336-715.000			
Fire – FICA	39,000	3,633	42,633
205-336-800.000			
Fire – Contracted Services	5,000	310	5,310
205-336-860.000			
Fire – Travel	1,500	390	1,890
205-336-702.000			
Fire – Salaries	491,700	15,977	507,677
205-336-718.000			
Fire – Retirement	61,500	456	61,956
205-336-720.000			
Fire – S&A Insurance	5,100	175	5,275
249-201-716.000			
Building – GSA – Hospitalization	19,100	50	19,150
249-201-718.000			
Building – GSA – Retirement	7,065	163	7,228
249-201-720.000			
Building – GSA – S&A Insurance	545	42	587
249-371-715.000			
Building Inspector – FICA	1,200	20	1,220
249-372-702.000			
Plbg./Htg. Inspector – Salaries	12,000	7,668	19,668
249-372-715.000			
Plbg./Htg. Inspector – FICA	880	748	1,628
249-372-719.000			
Plbg./Htg. Inspector – Unemployment	275	2	277

249-373-702.000			
Electrical Inspector – Salaries	7,925	98	8,023
249-373-719.000			
Electrical Inspector – Unemployment	250	6	256
590-492-984.000			
Sewer – Pump Station Upgrade	80,000	36,563	116,563
591-537-702.000			
Water – Salaries	60,000	1,710	61,710
591-537-715.000			
Water – FICA	4,590	324	4,914
591-537-740.000			
Water – Operating Supplies	16,800	1,275	18,075
591-537-721.000			
Water – Uniforms	-0-	275	275

AYES: Hugo, DeWyse, Foret, Samyn, Wright, Wisniewski

NAYS: None

ABSENT: Klass

Motion carried.

Motion by Foret seconded by Hugo that Ordinance No. 62 be adopted as follows:

CHARTER TOWNSHIP OF HAMPTON
ORDINANCE NO. 62
ORV ORDINANCE

An Ordinance adopted for the purpose of authorizing and regulating the operation of Off Road Vehicles, (ORV's) on roads in Hampton Township, for the purpose of providing penalties for the violation thereof, and for the distribution of public funds resulting from the penalties pursuant to 2008 PA 204, MCL 324.81131.

THE CHARTER TOWNSHIP OF HAMPTON, BAY COUNTY, MICHIGAN HEREBY ORDAINS:

Section 1. As used in the Ordinance, the following definitions shall apply:

- a. "ATV" means a 3-,4-, or 6-wheeled vehicles designed for off-road use that has low-pressure tires, has a seat designed to be straddled by the rider, and is powered by a 50cc to 1,000cc gasoline engine or an engine of comparable size using other fuels.
- b. "County" mean the County of Bay.

- c. "Driver license" means an operator's or chauffer's license or permit issued to an individual by the Secretary of State under Chapter III of the Michigan Vehicle Code, 1949 PA 300, MCL 257.301 to 257.329, for that individual to operate a vehicle, whether or not conditions are attached to the license or permit.
- d. "Low-speed vehicle" means a self-propelled motor vehicle which conforms to the definition of a low-speed vehicle under 49 CFR 571.3(b) and meets the standard for low-speed vehicles under 49 CFR 571.500.
- e. "Operate" means to ride in or on, and be in actual physical control of the operation of and ORV.
- f. "Operator" means a person who operates or is in actual physical control of the operation of an ORV.
- g. "ORV" means a motor vehicle driven off-road recreation vehicle capable of cross-county travel without benefit of a road or trail, on or immediately over land, snow, ice, marsh, swampland, or other natural terrain. ORV or vehicle includes, but is not limited to, a multi-track or multi-wheel drive vehicle, an ATV, motorcycle or related 2-wheel, 3-wheel, or 4-wheel vehicle, an amphibious machine, a low-speed vehicle, a ground effect air cushion vehicle, or other means of transportation deriving motor power from a source other than muscle or wind.
- h. "Road" means a county primary or county local road as described in Section 5 of 1951 PA 51, MCL 247.655.
- i. "Road Commission" means the Board of County Road Commissioners for the County of Bay.
- j. "Safety certificate" means a certificate issued pursuant to 1994 PA 451, as amended, MCL 324.81129, or comparable ORV safety certificate issued under the authority of another state or a province of Canada.
- k. "Street" means a city or township major street or city or township local street as described in Section 9 of 1951 PA 51, MCL 247.659.
- l. "Township" means the Charter Township of Hampton.
- m. "Township Board" means the Board of Trustees for the Charter Township of Hampton.
- n. "Visual supervision" means the direct observation of the operator with the unaided or normally corrected eye, where the observer is able to come to the immediate aid of the operator.

Section 2. An ORV may be operated on the far right of the maintained portion of a county road with these exceptions:

- a) The roads in which the township and/or cities have designated closed. See appendix A.

- b) Roads designated closed by the Bay County Road Commission.

Section 3. All sections of the Natural Resources and Environmental Protection Act relative to off-road vehicles shall apply and that this township Ordinance shall not infringe, modify, or in any way reduce the authority of said Act.

Section 4. An ORV may not be operated on the road surface, roadway, shoulder or right-of-way for any state or federal highway in the country.

Section 5. Except as set forth herein or otherwise provided by law, an ORV meeting all of the following conditions may be operated on a county road or street:

- a) At a speed of no more than 25 miles per hour or a lower posed ORV speed limit.
- b) By a person not less than 12 years of age.
- c) With the flow of traffic.
- d) In a manner which does not interfere with traffic on the road or street.
- e) Traveling single file except when overtaking and passing another ORV.
- f) When visibility is not substantially reduced due to weather conditions, unless displaying a lighted headlight and lighted taillight.
- g) ½ hour before sunrise until ½ hour after sunset unless displaying a lighted headlight and lighted taillight.
- h) While the operator and each passenger is wearing a crash helmet and protective eyewear approved by the United States Department of Transportation, unless the vehicle is equipped with a roof that meets or exceeds standards for a crash helmet and the operator and each passenger is wearing a properly adjusted and fastened seatbelt.
- i) With a throttle so designed that when the pressure used to advance the throttle is removed, the engine speed will immediately and automatically return to idle.
- j) While the ORV is equipped with a spark arrester type United States Forest Service approved muffler in good working order and in constant operation.
- k) Pursuant to noise emission standards defined by law.

Section 6. A child less than 16 years of age shall not operate an ORV on county roads unless the child is under the direct visual supervision of an adult and the child has in his or her immediate possession a Michigan issued ORV Safety Certificate or a comparable ORV Safety Certificate issued under the authority of another state or province of Canada.

Section 7. Unless a person possesses a valid driver's license, a person shall not operate an ORV on a county road or street if the ORV is registered as a motor vehicle and is either more than 60 inches wide or has three wheels.

Section 8. Any person who violates this Ordinance is guilty of a municipal civil infraction and may be ordered to pay a civil fine of not more than \$500.00, together with Court costs; the Court may further order restitution. Fines and restitution shall be deposited by the County Treasurer into the ORV fund with such funds to be distributed to the agencies and for the purposes set forth in MCL 324.81131(14).

Section 9. A court may order a person who causes damage to the environment, a road, or other property as a result of the operation of an ORV to pay full restitution for that damage above and beyond the penalties paid for civil fines.

Section 10. Severability. The provisions of this Ordinance are hereby declared to be severable and if any part is declared invalid for any reason by a court of competent jurisdiction, it shall not affect the remainder of the Ordinance which shall continue in full force and effect.

Section 11. Repealer. All ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed and shall be of no further force and effect on the date of this Ordinance.

Section 12. This Ordinance shall become effective immediately after the last required publication following adoption.

ORDINANCE NO. 62
APPENDIX "A"

Roads designated as open to ORV traffic:

- Jones Road north of Center Avenue (M-25)
- Knight Road north of Arms Road
- Burns Road north of Center Avenue (M-25)
- Finn Road north of Youngs Ditch
- Callahan Road north of Cass Avenue
- Nolet Road north of Cass Avenue
- Bowker Road north of Cass Avenue
- Cotter Road north of Cass Avenue

- Arms Road between Jones Road and Finn Road
- Hampton Road between Knight Road and Callahan Road
- Borton Road east of Knight Road to its end
- Nebobish Road between Knight Road and Cotter Road
- Warner Road north of Center Avenue (M-25) east to Cotter Road
- Youngs Ditch between Finn Road and Cotter Road
- Cass Avenue between Farley Road and Cotter Road
- Operators are never allowed on Center Road (M-25); not even to cross Center Road (M-25)

AYES: Foret, Hugo, DeWyse, Samyn, Wright, Wisniewski

NAYS: None

ABSENT: Klass

Motion carried.

Motion by Foret seconded by Hugo that the Office Manager Employment contract, dated December 1, 2016 through February 28, 2018, be approved.

AYES: Foret, Hugo, DeWyse, Samyn, Wright, Wisniewski

NAYS: None

ABSENT: Klass

Motion carried.

Motion by Hugo seconded by DeWyse that the DPW Superintendent Employment contract, dated November 1, 2016 through February 28, 2018, be approved.

AYES: Hugo, DeWyse, Foret, Samyn, Wright, Wisniewski

NAYS: None

ABSENT: Klass

Motion carried.

Motion by Foret seconded by Samyn to approve the PA116 farmland and open space preservation application for Garrett VanOchten parcel no. 09-070-047-400-040.00. Motion carried.

Motion by Hugo seconded by Foret to accept the bid of \$59,326.00 from Lingle Equipment for the purchase of a Kubota Excavator.

AYES: Hugo, Foret, DeWyse, Samyn, Wright, Wisniewski

NAYS: None
ABSENT: Klass
Motion carried.

Motion by Hugo seconded by DeWyse that the Memorandum of Understanding and Agreement between the Township and the Firefighters' Association Local 1831 AFL-CIO for the 2016 wage and benefit reopener be approved.

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

Motion by Hugo seconded by Foret to approve the hiring of Greg Grobbel as a reserve firefighter. Motion carried.

ATTORNEY REPORT:

Hewitt had no report.

ENGINEER REPORT:

Bartow was not present.

STANDING COMMITTEE REPORTS:

There were no standing committee reports.

OFFICER/TRUSTEE REPORTS:

TREASURER -	1/02/17 – 1/06/17	General Fund	\$ 342,713.03
		Building Fund	822.00
		Tax Fund	<u>73,087.39</u>
			\$ 416,622.42
	1/09/17- 1/13/17	General Fund	\$ 10,024.42
		Building Fund	1,086.20
		Tax Fund	<u>87,273.30</u>
			\$ 98,383.92

January 17, 2017
Regular Meeting
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Foret addressed the Bay Area Water System meeting scheduled for 1/19/17; purchase of the mini excavator for work in the boat launch area; and the need to each trustee to take responsibility to have a replacement when they cannot do their scheduled audit.

SUPERVISOR - Update on the generator claim for the Police Department.

OPEN TO THE PUBLIC:

Mike Lutz, County Commissioner, updated the Board on the workings of the County Commission.

Public portion of the meeting was closed.

Motion by Hugo seconded by Foret that the meeting adjourn. Motion carried. The meeting adjourned at 7:40 p.m..

Respectfully submitted:

Pamela J. Wright, Clerk

Steve Wisniewski, Supervisor