

**CHARTER TOWNSHIP OF HAMPTON
REGULAR MEETING MINUTES
MARCH 14, 2022**

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

PRESENT: Wright, Benchley, Kenniston, DeWyse, Samyn, Close

ABSENT: Wisniewski

ALSO PRESENT: Franz, Hebner, Worden, Johnson, Neveau, and 4 people in the audience

APPROVAL OF MINUTES: Motion by Kenniston, supported by Wright, the February 28, 2022 regular meeting minutes be approved and the reading waived.
Motion carried.

COMMUNICATIONS: Motion by Kenniston, supported by Wright, to approve the following communications:

- February 2022 DPW Report
- February 2022 Public Safety Report

Motion carried.

AUDITORS REPORT:

Motion by Benchley, seconded by Kenniston, the following warrants be approved for payment:

#49454-#49491	General Fund	\$ 40,594.29
#4395-#4397	Sewer Fund	\$ 4,589.78
#1962-#1965	Water Fund	\$ 7,437.94
#1346-#1372	Tax Fund	\$ 81,602.61
#1032-#1034	DDA	\$ 1,252.31
#1868-#1870	Trust & Agency	\$ 873.00
		<u>\$ 136,349.93</u>

AYES: Benchley, Kenniston, Wright, DeWyse, Samyn, Close

NAYS: None.

ABSENT: Wisniewski

Motion carried.

OPEN TO THE PUBLIC: Mary Smith, 1164 W. Hampton Road, addressed the Board regarding payroll processing. Chad Milkowski, 119 N. Tuscola addressed the Board about the boardwalk at Finn Road Park.

OLD BUSINESS: None.

NEW BUSINESS:

A public hearing started at 7:03 pm regarding the proposed upgrades/improvements to Finn Road Park and Jones Road/Pondside Sport & Fitness Park. The following people addressed the Board: Mary Smith, Ryan Neveau, and Chad Milkowski. The public portion of the meeting was closed at 7:15 pm.

Motion by DeWyse, supported by Wright to adopt the following park improvements resolution:

Whereas, Hampton Township is desirous of constructing the Park Improvements to Finn Road Park with a Michigan Department of Natural Resources Trust Fund grant, and Pondside Sport & Fitness Park with a Michigan Department of Natural Resources Land and Water Conservation Fund grant, and

Whereas, these improvements are consistent with the goals and objectives of the Hampton Township Five-Year Park and Recreation Plan, and

Whereas, a public comment session was held on March 14, 2022 at Hampton Township to provide an opportunity for citizens to comment on the Park Improvements to Finn Road Park and Pondside Sport & Fitness Park, and

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Whereas, Hampton Township has committed a cash donation for the local match of \$150,000 for the Finn Road Park grant, and

Whereas, Hampton Township is requesting through an application to have the Department of Natural Resources Recreation Passport grant the project with \$253,000.

Whereas, Hampton Township has committed a cash donation for the local match of \$375,000 for the Ponside Sport and Fitness Park grant, and

Whereas, Hampton Township is requesting through an application to have the Department of Natural Resources Land and Water Conservation Fund grant the project with \$375,000.

Be it therefore resolved, that the Hampton Township hereby approves submittal of grant applications to the Michigan Department of Natural Resources Recreation Passport and Land and Water Conservation Funds for 2022.

AYES: DeWyse, Wright, Benchley, Kenniston, Samyn, Close

NAYS: None.

ABSENT: Wisniewski

Motion carried.

Motion by Kenniston, supported by Benchley, to approve the purchase of two (2) unit heaters for the Fire Department from McCoy Heating for their low bid of of \$7,123.00 plus permit fee.

AYES: Kenniston, Benchley, Wright, DeWyse, Samyn, Close

NAYS: None.

ABSENT: Wisniewski

Motion carried.

Motion by DeWyse, supported by Samyn, to approve the following poverty exemption resolution:

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 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", 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 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.

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.

- 6. Applicant 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.
- 7. 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. 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”.

- 9. 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.
- 10. 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.
- 11. 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.
- 12. 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 Federal Poverty Guidelines used in the determination of poverty exemptions are updated annually by the United States Department of Health and Human Services and will be followed. The annual allowable income includes income for all persons residing in the principal residence.
- 13. The State Equalized Value (SEV) of your principal residence may not exceed \$75,000.

14. 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
- Retirement Accounts
- Vehicles
- Boats
- RV's
- Motorcycles
- Recreational Vehicles
- Second Homes, land, vehicles
- Salable Property
- Jewelry, antiques, artwork, etc.
- Coin Collections

15. 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.
16. 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.
17. 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.

Taxpayer Filing Requirements:

In order to receive a poverty exemption, a taxpayer must annually file a completed application form and all required additional documentation, with the supervisor, assessor, or the Board of Review where the property is located. The application form may be obtained from the local unit where the property

is located and may be submitted on or after January 1 but before the day prior to the last day of the December Board of Review during the year in which the exemption is requested.

To ensure an application is received in time to be heard by a Board of Review, the State Tax Commission recommends the claimant contact the local governing unit directly to verify deadline dates for submission of an application.

In addition to annually filing the application, in order to be eligible for the poverty exemption, a taxpayer must do all of the following:

1. Own and occupy the principal residence.
2. Provide federal and state income tax returns for the current or immediately preceding year, including any property tax credits, for all persons residing in the principal residence (disclosure of the income of an owner who is not residing in the principal residence is not required. 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 4988, *Poverty Exemption Affidavit*)
3. Produce a valid driver's license, or other form of identification, if requested by the supervisor, assessor or Board of Review.
4. Produce a deed, land contract, or other evidence of ownership of the property, if requested by the supervisor, assessor or Board of Review.
5. Meet the federal poverty income guidelines determined annually by the U.S. Department of Health and Human Services OR meet allowable alternative income guidelines adopted by the local governing body.
6. Meet the asset level test adopted by the local governing body.
7. Meet additional tests reasonably adopted by the local governing body.

AYES: DeWyse, Samyn, Kenniston, Wright, Benchley, Close

NAYS: None.

ABSENT: Wisniewski

Motion carried.

Motion by Kenniston, seconded by Benchley, to approve the following resolution:

Charter Township of Hampton has elected a "standard allowance" of \$10 million to spend on government services through the period of performance, knowing this decision is final and cannot switch between approaches after an election is made.

Under this option, which is newly offered in the final rule Treasury presumes that up to \$10 million in revenue has been lost due to the public health emergency and recipients are permitted to use that amount (not to exceed the award amount) to fund "government services." The standard allowance provides an estimate of revenue loss that is based on an extensive analysis of average revenue loss across states and localities, and offers a simple, convenient way to determine revenue loss, particularly for The Coronavirus State and Local Fiscal Recovery Funds (SLFRF).

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AYES: Kenniston, Benchley, Wright, DeWyse, Samyn, Close
NAYS: None.
ABSENT: Wisniewski
Motion carried.

Motion by DeWyse, supported by Benchley, to approve a one-year agreement with Weinlander Fitzhugh, CPA's to process the Township's payroll starting April 1, 2022.

AYES: DeWyse, Benchley, Wright, Kenniston, Samyn, Close
NAYS: None.
ABSENT: Wisniewski
Motion carried.

ATTORNEY REPORT: No report.

ENGINEER REPORT: Bartow was not present.

STANDING COMMITTEE REPORTS: Motion by DeWyse, supported by Benchley, to receive the January 13, 2022 Planning Commission minutes and the reading be waived.
Motion carried.

OFFICER/TRUSTEE/DEPT. HEAD/COMMISSIONER REPORTS:

CLERK: Presented the February 2022 Revenue/Expense Report
Motion by Wright, supported by Benchley, to receive the Clerk's February 2022 Revenue/Expense report.
Motion carried.

TREASURER: No Report.

TRUSTEES: No Report.

SUPERVISOR: Clarified property tax loss revenue from Veteran's Exemption. The Board of Review met today and will meet again on Thursday, March 17th.

PUBLIC SAFETY DIRECTOR BENCHLEY: Clarified the no-response calls from the January 2022 Public Safety Report. Seven no-response calls were listed and it should have only been three. There were 190 calls for service, 27 traffic stops, and 6 vehicle crashes since the last Board meeting. The one patrol car that a deer hit is back in service. The Department received over 4,000 N-95 masks from Bay County. The Department completed ice rescue and electric vehicle fire response training.

PUBLIC WORKS SUPERINTENDENT WORDEN: Completed refurbishing the trailer that hauls lawn mowers and pumps. One of the Alpine Street lift station pumps had to have a motor repaired. Snow plowed twice since last meeting. Repaired a big water-main break on Trumbull Street. Dependable Sewer has begun excavating the services determined by the DWAM grant to check for lead water service lines.

COUNTY COMMISSIONER JOHNSON: Ryan Gale was appointed as the new Central Dispatch Director. A motion was introduced to move the full Board meeting to the third Tuesday of the month. Open gym fees at the Community Center were updated. Approved cost for Animal Control to get real-time data through Shield Force. Bay County will be removing 51 fiber optic pole attachments. Appointments to the Bay-Arenac Behavioral Health Board is on the agenda at tomorrow's meeting.

OPEN TO THE PUBLIC: Mary Smith inquired about the state of the property at 428 W. Center Road.

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ADJOURNMENT: Motion by Kenniston, supported by Wright, to adjourn the meeting at 7:45 p.m. Motion carried.

Respectfully submitted:

Approved by:

Frances DeWyse, Clerk

Terri Close, Supervisor