

**ST. CLAIR TOWNSHIP**  
1539 S. Bartlett Rd. St. Clair, MI 48079  
Phone (810) 329-9042 Fax (810) 329-1198  
[www.stclairtp.org](http://www.stclairtp.org)

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St. Clair Township Board Meeting  
February 6, 2017  
7:00 p.m.

Treasurer Hanrahan called the meeting to order at 7:00 p.m. with the Pledge of Allegiance to the Flag.  
Roll call : Present Clerk Skonieczny, Trustees Boulrier, Mollan, Kays and Hovis. Absent (excused)  
Supervisor Mahaffy.

1) Moved by Trustee Kays. Seconded by Trustee Mollan to accept the minutes of the January 16, 2017  
Township Board Meeting. Motion Carried.

2) Moved by Clerk Skonieczny. Seconded by Trustee Mollan to pay all bills:

**GENERAL FUND**

AFLAC	INSURANCE	51.00
VERIZON WIRELESS	PHONES	169.49
PLANET TECHNOLOGY	COMPUTER SERVICES	154.08
21ST CENTURY MEDIA	PUBLICATIONS	171.20
ADVANCED NET	INTERNET	50.00
ROBIN GRACE HANRAHAN	JANUARY MILEAGE	243.96
BLUETARP	OPERATING SUPPLIES	38.53
SIR SPEEDY	COPIES	15.50
KELLY, WHIPPLE, ZICK	LEGAL FEES	1,308.00
BMJ	MASTER PLAN UPDATES REVIEW	707.50
AT & T	TWP HALL PHONES	478.67
DTE ENERGY	TWP HALL	396.33
DTE ENERGY	STREETLIGHTS	2,519.99
MARCOTTE DISPOSAL INC.	REFUSE	30,616.87
J&J LAWN AND LANDSCAPE	PLOWING & SALTING	1,175.00
MACDONALD FORD	VAN REPAIR	449.40
JONES EQUIPMENT RENTAL	REPAIRS & MAINTENANCE	14.48
PEST CORP	PEST CONTROL	32.00
JANETIZE IT, LLC	HALL CLEANING	250.00
	<b>TOTAL GENERAL FUND</b>	<b>38,842.00</b>

**ROAD FUND**

SCC ROAD COMMISSION	RESURFACE/WIDEN YANKEE FROM M29- RANGE	41,730.41
	<b>TOTAL ROAD FUND</b>	<b>41,730.41</b>

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**SEWER FUND**

CHOPP DONALD	TRANSPORTATION	121.18
CHOPP JONATHAN	TRANSPORTATION	128.40
DTE ENERGY	PUMP STATION	617.20
CHOPP JONATHAN	DPW SERVICES	800.00
CHOPP DONALD	DPW SERVICES	650.00
	<b>TOTAL SEWER FUND</b>	<b>2,316.78</b>

**WATER FUND**

FERGUSON WATERWORKS	PRO READ TOUCH PAD	92.05
CHOPP DONALD	TRANSPORTATION	121.18
CHOPP JONATHAN	TRANSPORTATION	128.40
DTE ENERGY	WATER METER	32.36
CHOPP DONALD	DPW SERVICES	975.00
CHOPP JONATHAN	DPW SERVICES	1,125.00
	<b>TOTAL WATER FUND</b>	<b>2,473.99</b>

**MANUAL CHECKS**

H. BAUMGART	HALL RENTAL REFUND	50.00
ST JOHN RIVER DISTRICT		
HOSPITAL	MEDICAL	240.74
NATIONWIDE	PENSION	616.00
NATIONWIDE	DEFERRED COMP	1,778.87
MTA	CONFERENCE	434.00
MTA SCC	EDUCATION & TRAINING	120.00
LAKESHORE SURGERY CENTER	MEDICAL	643.22
XRAY ASSOC OF PH	MEDICAL	40.98
PORT HURON ENT PC	MEDICAL	73.01
STAPLES	OFFICE SUPPLIES	695.97
S. BURBY	HALL RENTAL REFUND	50.00
PETTY CASH		63.66
SEMCO	HEATING	323.88
REGISTER OF DEEDS	DEEDS	30.00
	<b>TOTAL MANUAL CHECKS</b>	<b>5,160.33</b>
	<b>TOTAL ALL FUNDS</b>	<b>90,523.51</b>

Roll Call: Yes- Trustees Boulier, Mollan, Kays & Hovis, Treasurer Hanrahan, Clerk Skonieczny. Motion Carried.

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3) Citizens who wish to address the Board:

a) R. Lukasak-regarding the High Speed Internet Survey of St. Clair Township area residents.

4) Moved by Clerk Skonieczny. Seconded by Trustee Kays to adopt:

**RESOLUTION 17-02 MDOT ANNUAL CONSTRUCTION PERMIT**

*This Performance Resolution is required by the Michigan Department of Transportation for purposes of issuing to a municipal utility an "Individual Permit for Use of State Highway Right of Way", or an "Annual Application and Permit for Miscellaneous Operations Within State Highway Right of Way".*

RESOLVED WHEREAS, the Township of St. Clair hereinafter referred to as the "GOVERNMENTAL AGENCY," periodically applies to the Michigan Department of Transportation, hereinafter referred to as the "DEPARTMENT," for permits, referred to as "PERMIT," to construct, operate, use and/or maintain utilities or other facilities, or to conduct other activities, on, over, and under State Highway Right of Way at various locations within and adjacent to its corporate limits;

NOW THEREFORE, in consideration of the DEPARTMENT granting such PERMIT, the GOVERNMENTAL AGENCY agrees that:

1) Each party to this Agreement shall remain responsible for any claims arising out of their own acts and/or omissions during the performance of this Agreement, as provided by law. This Agreement is not intended to increase either party's liability for, or immunity from, tort claims, nor shall it be interpreted, as giving either party hereto a right of indemnification, either by Agreement or at law, for claims arising out of the performance of this Agreement.

2) If any of the work performed for the GOVERNMENTAL AGENCY is performed by a contractor, the GOVERNMENTAL AGENCY shall require its contractor to hold harmless, indemnify and defend in litigation, the State of Michigan, the DEPARTMENT and their agents and employee's, against any claims for damages to public or private property and for injuries to person arising out of the performance of the work, except for claims that result from the sole negligence or willful acts of the DEPARTMENT, until the contractor achieves final acceptance of the GOVERNMENTAL AGENCY. Failure of the GOVERNMENTAL AGENCY to require its contractor to indemnify the DEPARTMENT, as set forth above, shall be considered a breach of its duties to the DEPARTMENT.

3) Any work performed for the GOVERNMENTAL AGENCY by a contractor or subcontractor will be solely as a contractor for the GOVERNMENTAL AGENCY and not as a contractor or agent of the DEPARTMENT. The DEPARTMENT shall not be subject to any obligations or liabilities by vendors and contractors of the GOVERNMENTAL AGENCY, or their subcontractors or any other person not a party to the PERMIT without the DEPARTMENT'S specific prior written consent and notwithstanding the issuance of the PERMIT. Any claims by any contractor or subcontractor will be the sole responsibility of the GOVERNMENTAL AGENCY.

4) The GOVERNMENTAL AGENCY shall take no unlawful action or conduct, which arises either directly or indirectly out of its obligations, responsibilities, and duties under the PERMIT which results in

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claims being asserted against or judgment being imposed against the State of Michigan, the Michigan Transportation Commission, the DEPARTMENT, and all officers, agents and employees thereof and those contracting governmental bodies performing permit activities for the DEPARTMENT and all officers, agents, and employees thereof, pursuant to a maintenance contract. In the event that the same occurs, for the purposes of the PERMIT, it will be considered as a breach of the PERMIT thereby giving the State of Michigan, the DEPARTMENT, and/or the Michigan Transportation Commission a right to seek and obtain any necessary relief or remedy, including, but not by way of limitation, a judgment for money damages.

5) The GOVERNMENTAL AGENCY will, by its own volition and/or request by the DEPARTMENT, promptly restore and/or correct physical or operating damages to any State Highway Right of Way resulting from the installation construction, operation and/or maintenance of the GOVERNMENTAL AGENCY'S facilities according to a PERMIT issued by the DEPARTMENT.

6) With respect to any activities authorized by a PERMIT, when the GOVERNMENTAL AGENCY requires insurance on its own or its contractor's behalf it shall also require that such policy include as named insured the State of Michigan, the Transportation Commission, the DEPARTMENT, and all officers, agents, and employees thereof and those governmental bodies performing permit activities for the DEPARTMENT and all officers, agents, and employees thereof, pursuant to a maintenance contract.

7) The incorporation by the DEPARTMENT of this resolution as part of a PERMIT does not prevent the DEPARTMENT from requiring additional performance security or insurance before issuance of a PERMIT.

8) This resolution shall continue in force from this date until cancelled by the GOVERNMENTAL AGENCY or the DEPARTMENT with no less than thirty (30) days prior written notice provided to the other party. It will not be cancelled or otherwise terminated by the GOVERNMENTAL AGENCY with regard to any PERMIT which has already been issued or activity which has already been undertaken.

BE IT FURTHER RESOLVED, that the following position(s) are authorized to apply to the DEPARTMENT for the necessary permit to work within State Highway Right of Way on behalf of the GOVERNMENTAL AGENCY: Office Manager and Supervisor.

Roll Call: Yes- Trustees Boulier, Mollan & Kays and Hovis, Treasurer Hanrahan, Clerk Skonieczny.  
Motion Carried.

5) Moved by Clerk Skonieczny. Seconded by Trustee Mollan to adopt:

### Resolution 17-03

#### Resolution to Change First March Board of Review Meeting for Appeals

Whereas, the governing body of a Township may authorize an alternative starting date for this meeting, either the Tuesday or the Wednesday following the second Monday in March. Other dates for public hearings may be scheduled in accordance with Act 267. P.A. 1976, Open Meetings Act.

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Now, therefore, be it hereby resolved that the first 2017 March Board of Review meeting date for hearing taxpayer appeals is changed from Monday March 13, 2017 to Tuesday March 14, 2017. This first session must start no earlier than 9 a.m. and no later than 3 p.m. and continue in session during the day for not less than 6 hours.

Roll Call: Yes- Trustees Boulier, Mollan & Kays and Hovis, Treasurer Hanrahan, Clerk Skonieczny.  
Motion Carried.

6) Moved by Trustee Kays. Seconded by Trustee Mollan to adopt:

Resolution 17-04 Resolution Setting Poverty Guidelines for 2017

Whereas, local governing bodies are required to adopt guidelines that set income levels for their poverty exemption guidelines; and

Whereas, those income levels shall not be set lower by a city or township than the Federal Poverty Guidelines updated annually by the U. S. Department of Health and Human Services; and

Whereas, the Federal Poverty Guidelines per STC Bulletin No. 12 of 2016, PROCEDURAL CHANGES FOR THE 2017 ASSESSMENT YEAR, October 18, 2016 state the income levels as follows:

STC Bulletin No. 12 of 2016 Changes For 2017 October 18, 2016

<u>Size of Family Unit</u>	<u>Poverty Guidelines</u>
1	\$ 11,880
2	\$ 16,020
3	\$ 20,160
4	\$ 24,300
5	\$ 28,440
6	\$ 32,580
7	\$ 36,730
8	\$ 40,890
For each additional person	\$ 4,160

Whereas, PA 390 of 1994 states that the poverty exemption guidelines 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; and

Resolves, that the asset level test shall meet the following requirements:

1. All applicants must obtain and complete the attached application in its entirety.
2. Applicants must own and occupy the property as their primary residence for which the exemption is requested. Applicants must produce a deed, land contract or other proof of property

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3. ownership if asked by the Board of Review. The Principal Residence Exemption (PRE) percentage, as determined by the General Property Tax Law 211.7dd, will determine the percentage that can be considered for exemption.  
“Principal Residence” means the one place where an owner of the property has his or her true, fixed and permanent home to which, when ever absent, he or she intends to return and that shall continue as a principal residence until another principal residence is established.
4. A hardship/poverty exemption shall not be granted to any applicant who owns saleable property other than their own homestead, no matter where located.
5. Non-cash assets for the total household may not exceed \$15,000.

The following assets are excluded from this limit:

- a. Applicants homestead property not exceeding \$100,000 in SEV.
- b. Applicants’ household personal property.
- c. Licensed vehicles used for personal transportation and titled to a member of the household.
- d. Assets not accessible by the applicant, co-owner of any member of the applicant’s household.
- e. Insurance policies.

The Board of Review will consider all revenue and non-revenue producing assets of the owner, co-owner, and all members of the household. Any attempt to hide and/or shift income and/or assets to another person, business or corporation shall be grounds for immediate denial.

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

1. Be an owner of and occupy as a homestead the property for which an exemption is requested.
2. File a claim with the Board of Review, accompanied by Federal and State Income Tax Returns for all persons residing in the homestead, including any property tax credit returns filed in the immediately preceding year or in the current year.
3. Produce a valid drivers’ license or other form of identification if requested.
4. Produce a deed, land contract, or other evidence of ownership of the property for which an exemption is requested if requested.
5. Meet the Federal Poverty Income Standards as defined and determined annually by the United States Office of Management and Budget.
6. The application for an exemption must be completed in its entirety and shall be filed after January 1, before the last day of Board of Review.
7. Any additional eligibility requirements as determined by the Township Board.

Now, therefore, be it hereby resolved that the Board of Review shall follow the above stated policy and federal guidelines in granting or denying a poverty 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 communicated in writing to the claimant.

Roll Call: Yes- Trustees Boulier, Mollan & Kays and Hovis, Treasurer Hanrahan, Clerk Skonieczny.  
Motion Carried.

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7) Moved by Trustee Kays. Seconded by Trustee Mollan to adopt Resolution 17-05 to address Collection of Payments/Refunds of Taxes Under/Over \$5.00 with review one year after tax season.

## Resolution 17-05

### RESOLUTION TO ADDRESS THE COLLECTION OF PAYMENTS OR REFUNDS ON TAXES UNDER/OVER \$5.00

WHEREAS, the General Property Tax Act P.A. of 1893 (as amended) requires the Treasurer of St Clair Township to collect Real and Personal Property Taxes.

WHEREAS, many taxpayers and Mortgage Companies, etc. pay their taxes by personal or bank check via U.S. Postal Service.

WHEREAS, on several occasions, the Treasurer has received checks for an incorrect amount, both deficient and excess of the amount due.

WHEREAS, this has resulted in refund checks totaling less than \$5.00 and/or a request to the taxpayer to submit the balance due, often amounting to less than \$5.00.

THEREFORE BE IT RESOLVED, that the St. Clair Township Treasurer will not request a secondary payment due of any tax amounts totaling \$5.00 or less, once the primary payment has been received.

BE IT ALSO RESOLVED, that the Board of Trustees approves the underpayments to be taken from the interest being earned.

BE IT FURTHER RESOLVED, that overpayments of taxes totaling \$5.00 or less shall be handled by the Treasurer in accordance with generally accepted regional tax collection practices.

Roll Call: Yes- Trustees Mollan & Kays, Treasurer Hanrahan and Clerk Skonieczny. No-Trustees Boulier and Hovis. Motion Carried.

8) Motioned by Trustee Mollan. Seconded by Clerk Skonieczny to adjourn. Motion carried. Meeting adjourned at 7:33 p.m.

Joyce A. Skonieczny  
Clerk