

# BAY TOWNSHIP BOARD OF TRUSTEES

February 13, 2025

## REGULAR MEETING MINUTES

APPROVED

**CALL TO ORDER** Supervisor Gaudard called the meeting to order at 6:00 PM and led with the Pledge of Allegiance. Other Board members in attendance were: Trustee D. Beynon, S. Van Dam (Trustee) and Treasurer D. Bonneville. Excused: Clerk W. Simmons

**RECOGNITION OF NANCY BLANDFORD, DOUG MELVIN AND DAN LISONBEE**

**PUBLIC COMMENT** Public comment was opened and closed at 6:07 PM.

**ADDITIONS OR REMOVAL OF ACTION ITEMS TO THE AGENDA**

**PRIOR MEETING MINUTES**

**MOTION by Beynon, second by Van Dam, to dispense with the reading of the January 9, 2025, Board of Trustees regular meeting minutes, passed upon unanimous affirmative voice vote of the Board Members present.**

**MOTION by Beynon, second by Van Dam, to approve the January 9, 2025 Board of Trustees regular meeting minutes as presented passed upon affirmation voice vote of the Board members present.**

**SUPERVISOR REPORT**

Supervisor Gaudard reported he attended an EMS meeting. Also worked with Common Angle to troubleshoot ZOOM. Everything appears to be in working order. Gaudard attended the Board of Review training at the County. Supervisor and Clerk will be meeting with the Road Commission by the end of the month. An update, per a recent Bike Path meeting was summarized. County is still working to resolve the retaining wall issue.

**TREASURER REPORT** January 31, 2025 Treasurer's report as follows:

### UNRESTRICTED FUNDS

|                         |                        |               |
|-------------------------|------------------------|---------------|
| General Fund Savings:   | Huntington             | \$ 183,834.68 |
| General Fund Savings:   | 4Front Credit Union    | \$ 246,033.25 |
| General Fund Checking:  | Huntington             | \$ 36,050.67  |
| Certificate of Deposit: | Huntington             | \$ 37,533.00  |
| Capital Fund:           | Northland Credit Union | \$ 51,043.66  |

**TOTAL UNRESTRICTED FUNDS:** \$ 553,495.26

### RESTRICTED FUNDS:

|                       |            |               |
|-----------------------|------------|---------------|
| Road Fund Savings:    | Huntington | \$ 121,942.34 |
| Road Fund Savings CD: | Huntington | \$ 416,697.13 |

**TOTAL RESTRICTED FUNDS:** \$ 538,639.47

### TAX FUND CHECKING

|                    |            |                              |
|--------------------|------------|------------------------------|
| Tax Fund Checking: | Huntington | \$ 839,012.93                |
| <b>TOTAL</b>       |            | <u><b>\$1,931,147.66</b></u> |

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### WARRANTS

The warrants were presented for payment.

**MOTION by Gaudard, seconded by Beynon, to approve the February 13, 2025 warrants, as presented totaling \$ 18,299.58 to be paid from the General Fund, passed upon affirmation roll call vote of the Board members present.**

**PLANNING COMMISSION** *Note: A copy of the minutes are on file with the Township Clerk with further detail.*

**ZONING ADMINISTRATOR** *Note: A copy of this report are on file with the Township Clerk with further detail.*

### REPORT

**CEMETERY COMMITTEE/** *Note: A copy of the report is on file with the Township Clerk with further detail.*

### AND SEXTON

### ZONING BOARD OF APPEALS

**PARKS AND REC** N/A

**ASSESSOR** N/A

### POVERTY EXEMPTION RESOLUTION

**MOTION by Beynon, seconded by Van Dam, to adopt #2025-02-01 Bay Township Poverty Exemption Resolution, passed upon affirmation roll vote of the Board Members present.**

Bay Township

**2025-02-01 Poverty Exemption Resolution**

*Effective: February 13<sup>th</sup>, 2025*

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

**WHEREAS**, the principal residence of persons, who the 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 Act 390 of 1994 (MCL 211.7u) as amended by PA 620 of 2002; and

**WHEREAS**, pursuant to PA 390 of 1994, the Bay Township Board of Trustees, Charlevoix County adopts the following guidelines for the Board of Review to implement. The guidelines shall include but are 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 in the current or immediately preceding year;

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

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- 1) Be an owner of and occupy as a principal residence a property for which an exemption is requested.
  - 2) File Form 5737 Application for MCL 211.7u Poverty Exemption.
  - 3) File Form 5739 Affirmation of Ownership and Occupancy to Remain Exempt by Reason of Poverty.
  - 4) For all persons residing in the primary residence provide federal and state income tax returns including any property tax credit returns filed in the immediately preceding year or in the current year, or file Form 4988 Poverty Exemption Affidavit for each person not required by law to file Federal and/or State income tax return(s).
  - 5) Produce a valid driver's license or other form of identification, if requested.
  - 6) Produce a deed, land contract, or other evidence of ownership of the property for which an exemption is requested, if requested.
  - 7) Meet the income guidelines for all persons residing in the household as defined in the policy.
  - 8) Meet the asset level test as defined in the policy.
  - 9) The application for an exemption shall be filed after January 1, but before the day prior to the last day of the Board of Review.
- Approved Poverty Guidelines for **2025**:

| <u>Size of Family Unit Guidelines</u> | <u>Township Income Guideline</u> | <u>Federal Poverty</u> |
|---------------------------------------|----------------------------------|------------------------|
| 1                                     | <b>\$15,060</b>                  | \$15,060               |
| 2                                     | <b>\$20,440</b>                  | \$20,440               |
| 3                                     | <b>\$25,820</b>                  | \$25,820               |
| 4                                     | <b>\$31,200</b>                  | \$31,200               |
| 5.                                    | <b>\$36,580</b>                  | \$36,580               |
| 6.                                    | <b>\$41,960</b>                  | \$41,960               |
| 7.                                    | <b>\$47,340</b>                  | \$47,340               |
| 8.                                    | <b>\$52,720</b>                  | \$52,720               |

**For each additional person, add \$5,380**

### Approved Asset Test

- 1) Things of value that a person can own and are exempt from consideration in determining eligibility for a poverty exemption.
  - a. Applicant's principal residence
  - b. One motor vehicle per working adult

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- c. Essential household goods
- d. Personal assets of any nature with a total value up to \$10,000.
- 2) Things of value that the Board of Review can consider in determining what percent exemption to grant:
  - a. Real estate other than the principal residence
  - b. Personal property
  - c. Motor vehicles in excess of one per working adult
  - d. Recreational vehicles and equipment
  - e. Certificate of deposits, savings accounts, checking accounts, stocks, bonds, life insurance, and retirement funds, etc.
- 3) The Board of Review shall consider the value of the assets, or indebtedness otherwise owned by the applicant. Assets (except those exempt from consideration as listed above), shall not exceed \$10,000.

**WHEREAS**, pursuant to PA 253 of 2020, if a person claiming an exemption qualifies under the eligibility requirements, the board of review shall grant the exemption in whole or in part, as follows:

- (a) A full exemption equal to a 100% reduction in taxable value for the tax year in which the exemption is granted if only assets exempt from consideration are owned.
- (b) A partial exemption equal to a 50% reduction in taxable value if non-exempt assets are owned, but the asset threshold is not exceeded.

**NOW, THEREFORE BE IT HEREBY RESOLVED**, that the Board of Review shall follow the above stated policy and guidelines in granting or denying an exemption for the 2025 tax year.

The foregoing resolution offered by Township Board Member  
\_Beynon

Supported by Bay Township Board of Trustees member:  
\_Van Dam

Upon roll call vote, the following voted:

“Aye”: \_Van Dam, Gaudard, Bonneville, Beynon

“Nay”: \_none

“Absent”: \_Simmons

The Supervisor declared the resolution 2025-02-01 adopted effective February 13, 2025.

### BOARD GOALS/BUDGET 2025-26

Board of Trustees discussed a rough, draft of the Budget for 2025-2026.

**CLEAN UP DAY 2025** Beynon will head Spring Clean-up for Spring of 2025.

### INTERGOVERNMENTAL DATA SHARING AGREEMENT RESOLUTION #2025-02-02

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Bay Township  
Resolution #2025-02-02  
Data Sharing Agreement for Charlevoix County  
Digital Geographic Data Sets  
Effective: February 13<sup>th</sup>, 2025

**MOTION by Beynon, seconded by Van Dam, to adopt #2025-02-02 Inter-governmental Data Sharing Agreement for Charlevoix County Digital Geographic Data Sets Resolution, passed upon affirmation vote of the Board Members present.**

This agreement is entered on 02/13/2025, between Charlevoix County, Charlevoix, Michigan, hereafter referred to as the County, and the Municipality of Bay Township, hereafter referred to as the Municipality.

The **County** has produced geographic data and outputs of original digital geographic data. They are licensed for use, not sold. The **County** reserves all rights of authorship granted under U.S. and International copyright laws and agreements and under Michigan Enhanced Access to Public Records, Act 462 of 1996, as amended.

The parties agree as follows:

1. **Municipality** agrees not to resell, redistribute or sub-license the **County's** digital geographic data in digital form. Freedom of Information Act requests for digital geographic data must be redirected to the **County**.
2. **Municipality** may redistribute a portion or all of the County's digital geographic data in digital form to a **Consultant** or third party **Contractor** under contract by the **Municipality** for the sole purpose of conducting business of the **Municipality**. All digital data set must be returned to the **Municipality** upon completion of the **Consultant's** work.
3. **Municipality** shall immediately notify the **County** in writing of any misuse, misappropriation, or unauthorized disclosure of Confidential Information that may come to its attention.
4. **Municipality** acknowledges that its obligations to protect the Confidential Information are essential to the business interests of the **County** and that the disclosure of such Confidential Information in breach or threatened breach of this Agreement would cause the **County** immediate, substantial, and irreparable harm, the value of which would be extremely difficult to determine. Accordingly, Municipality agrees that, in addition to any other remedies that may be available in law, equity, or otherwise for the disclosure or use of Confidential Information in breach of this Agreement, the **County** shall be entitled to

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seek and obtain a temporary restraining order, injunctive relief, or other equitable relief against the continuance of such breach, in addition to all other remedies, including attorney fees, and without the requirement of posting a bond or undertaking or proving injury as a condition for relief.

5. **No Warranty.** The burden for determining “fitness for use” rests with the **Municipality**. The **County** will not be liable in anyway for accuracy of the data, and assume no responsibility whatsoever for direct, indirect, special, consequential, exemplary or other damages. Further, the **Municipality** agrees to indemnify, hold harmless and defend the **County** its employees, agents and representatives from any and all claims, damage, liabilities and expenses arising from the **Municipality’s** use of the **County** digital geographical data.

6. **Return of Materials.** Upon the **County** written request, Municipality agrees to promptly return to the **County** any materials or documents, whether or not furnished by the **County**, containing Confidential Information together with all copies thereof made by **Municipality**, or to destroy such items and deliver to the **County** written certification that they have been destroyed.

7. **Term; Termination.** This Agreement shall be effective as of the date first written above and shall continue until terminated by either party upon thirty (30) days prior written notice. All obligations undertaken respecting Confidential Information already provided hereunder shall survive any termination of this Agreement. The **Municipality** shall, within twenty (20) days of a written request by the **County**, return all Confidential Information, including all copies thereof, to the **County**, or, if so directed by the **County**, destroy all such Confidential Information. The **Municipality** shall also, within ten (10) days of a written request by the **County**, certify in writing that it has satisfied its obligations under this Agreement.

8. **Governing Law.** The laws of the State of Michigan shall govern the interpretation of this Agreement as it relates to the specific disclosed Confidential Information.

9. **Agreement to Supersede any Prior Agreements.** The parties hereby expressly understand and agree that the terms and conditions of this Agreement shall supersede any and all prior agreements between the parties related to data sharing of the Charlevoix County digital geographic data sets. The parties further understand and agree that any such prior agreements are hereby declared null and void.

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The signatory for the **Municipality** represents and warrants that she/he is authorized to execute this document on behalf of the **Municipality**.

Municipality: Bay Township

Name: \_\_\_\_\_

Xavier Gaudard

Title: Supervisor

Date: February 13, 2025

### LAVENDER HILL FARM LIQUOR LICENSES

Planning Commission will review current Special Use Permit issued in 2019 for consistency.

### OTHER

N/A

### PUBLIC COMMENT

Public comment opened and closed at 7:50 pm.

### BOARD COMMENT

### ADJOURNMENT

**MOTION by Van Dam, seconded by Beynon, to adjourn the meeting at 7:55 pm, passed upon affirmation voice vote of the Board Members present.**

Respectfully submitted,

Kristin Baranski

Bay Township Recording Secretary