

Middlebury Township

PO Box 622, Ovid, Michigan 48866

Draft
Regular Meeting
7627 W. M-21, Ovid, MI
Tuesday, November 15, 2022 at 7:00 pm

REGULAR MEETING

Call to Order:

Supervisor Swan called the meeting to order at 7:01 pm.

Board Members Present:

Supervisor Jeffery Swan; Clerk Susan Tomasek Swan; Treasurer Jill Ruess; Trustee Greg Atwood; and Trustee Gene Ruess-**ABSENT**

Guests Present: Guests were present: Shawn Dilts, Deputy Clerk; Gary Kiger; Mark Holley, assessor; Mike Herendeen, Deputy Supervisor

Scheduled Comments:

No scheduled guests

Public Comments: Opened at 7:03 pm Closed at 7:04 pm

Motion to Approve Agenda:

Trustee Atwood made a motion to approve agenda as amended. Clerk Tomasek Swan seconded the motion.

Voice Vote: Ayes: All Nays None Carried

Motion to Approve Minutes:

Treasurer Ruess made a motion to approve October 11, 2022 minutes with correction on Gene Ruess' name Clerk Tomasek Swan seconded the motion.

Voice Vote: Ayes: All Nays: None Carried

Trustee Atwood made a motion to approve Special meeting October 20, 2022 minutes. Clerk Tomasek Swan seconded the motion.

Voice Vote: Ayes: All Nays: None Carried

Motion to approve Bills

Clerk Tomasek Swan made a motion to approve bills from General Funds in the amount of \$35,416.74 with checks #5821-5849 8 EFTs and Road Fund \$31,801.95 with check 1078. Treasurer Ruess seconded the motion.

Roll Call Vote: Ayes: Treasurer Ruess, Trustee Atwood, Supervisor Swan, Clerk Tomasek Swan

Absent: Trustee Ruess

Communications:

MTA- Supervisor Swan reports that most of the meeting discussion was regarding the upcoming election. The health department has COVID, flu, and shingles vaccines available. Marlene Webster remains our elected County Commissioner.

Library- Clerk Tomasek Swan reported that the cement project has been completed. The fence was also extended as a part of the project. Minutes from library meetings are included in the township board packet.

OMESA- Supervisor Swan reported there is a new treasurer for OMESA, Nancy Hughson. The runs have increased, 327 for the year. There are 3 individuals in the first responder class that is finishing up. There are 2 individuals that will be attending the firefighter class in Bath, MI in January 2023 through May 2023.

Clerk- Clerk Tomasek Swan has received a FOIA for the township's tabulator tape. This has been addressed. We completed 219 AV ballots. Of those 94 were either hand delivered or left in the AV drop box. We had a total of 813 voters for the general election. There were 5 same day voter registrations that occurred that day. We did have to implement crowd control and have voters wait in line outside to maintain privacy of voters in the booths as we do not have space inside the township hall for voters to line up. We have a balance of \$93,759.65 ARPA money.

Assessor- Assessor Holley reports that for the first time in Michigan property taxes will be increased by 5%. This is a result of federal government changes. There is nothing that can be changed at the township level. December Board of Review will occur if there is any business. Currently there is no business scheduled. Middlebury Township received a 100% on the recent audit.

Business:

1. **Resolution 2022-15 Poverty Exemption 2023** Clerk Tomasek Swan made a motion, Trustee seconded the motion. Roll Call: Ayes: Trustee Atwood, Treasurer Ruess, Clerk Tomasek Swan, Supervisor Swan. Absent: Trustee Ruess
2. **Cemetery Fence and signs** Discussion regarding the status of the fence. It was determined that the fence will remain but the brush will be cleaned up in the spring. The suggestion is for the sign to be replaced with a metal sign. Trustee Atwood will gather information on signs and costs and bring to next meeting to be discussed. New sign to be installed in the spring. Add additional small oval signs to identify sections of the cemetery to match the new main sign.

3. **PA 116** We have received 3 applications and will be filed for our records.
4. **BOR Appointment** Individuals for BOR are Mark Darling, Dave Sovis, and Randy Rasmussen. These individuals will be appointed at the next meeting and arrangements will be made for them to be sworn in.
5. **Oath of office** Oath of office has been administered to Supervisor Swan and Trustee Atwood on 11/15/2022. Trustee Ruess will present to the Clerk to complete his oath.
6. **Roy Headstone** Clerk Tomasek Swan has been contacted by Smith Funeral Home. A family wants to place a second headstone (8x16) next to the current headstone on the south side, that is nearly centered on the 2 plots. The addition of the headstone will possibly infringe upon plots 1 and 2 that are not assigned. Clerk Tomasek Swan will confirm with the sexton that this will fit without crossing into the purchasable plots. Trustee Atwood has made a motion to approve adding the smaller headstone to the plots and provide the family the option of repositioning the current headstone if they desired, Treasurer Ruess seconded the motion. Voice Vote: Ayes: All
Nays: None Carried
7. **Other Pending matters** After the window air conditioners were removed, those windows do not have the metal grating. Supervisor Swan has the materials and will install that this week-end.

Final Comments: Opened at 8:56 pm Closed at 8:56 pm

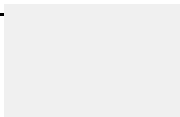
Motion to adjourn the meeting: Adjourned at 8:57 pm

Next meeting December 13, 2022 at 7:00pm

X



Shawn Dilts
Deputy Clerk



**Middlebury Township
2022-15
RESOLUTION FOR 2023 POVERTY EXEMPTION GUIDELINES**

At a Regular Meeting of the Middlebury Township Board held at the Middlebury Township Hall, 7627 W. M-21, Ovid, MI on the 15th day of November, 2022, at 7:00 P.M.

PRESENT:Members G. Atwood, J. Ruess, S. Tomasek Swan, J. Swan,

ABSENT:Members G. Ruess

The following Resolution was offered by Member S.Tomasek Swan and supported by Member G. Atwood.

WHEREAS, Public Act (PA) 253 of 2020, which amended PA 206 of 1893 and PA 313 of 1993, concerning section MCL 211.7u of the Michigan Compiled Laws, requires the local governing body of the unit to annually determine and make available to the public the policy and guidelines for granting of poverty exemptions;

and

WHEREAS, the adoption of guidelines for poverty exemptions is within the purview of the township board; and

WHEREAS, the Principal Residence of persons who, in the judgment of the Supervisor and Board of Review, by reason of poverty, are unable to contribute to the public charges is eligible for exemption in whole or part from taxation under PA 390 of 1994 (MCL 211.7u); and

WHEREAS, PA 253 of 2020, MIDDLEBURY TOWNSHIP, Shiawassee County, Michigan adopts the following Poverty Exemption Guidelines for the Supervisor and Board of Review. 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 in the current or immediately preceding year;

NOW, BE IT RESOLVED: That to be eligible for a Poverty Exemption in Middlebury Township, an applicant must be the owner of and must occupy the property as a Principal Residence for which the exemption is requested; file a completed and notarized application in the form prescribed by the Township Assessor; and file copies of Federal and State Income Tax Returns for all persons residing in the homestead, 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 equals, or is less than, the Federal Poverty Income Standards as defined and determined annually by the United States Department of Health and Human Services; (Exhibit Attached)

BE IT FURTHER RESOLVED: The applicants, and any persons residing in the Principal Residence, shall NOT have assets in excess of THIRTEEN THOUSAND EIGHT HUNDRED DOLLARS (\$13,800) fair market value excluding the Principal Residence and one automobile. Assets to be included may be personal property, recreational vehicles, checking/savings accounts, certificates of deposit, stocks, bonds, life insurance, retirement funds, etc;

BE IT FURTHER RESOLVED: The applicant will provide to the Board of Review a valid driver's license, or other form of identification, and proof of ownership of the Principal Residence;

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 not later than one day prior to the last day of the Board of Review in the year for which the exemption is sought;

BE IT FURTHER RESOLVED: That MIDDLEBURY TOWNSHIP Policy and Guidelines for Applicants, attached hereto and incorporated herein, shall be followed by the applicant, Township Assessor, and the Middlebury Township Board of Review in processing of applications for and the granting of Poverty Tax Exemptions;

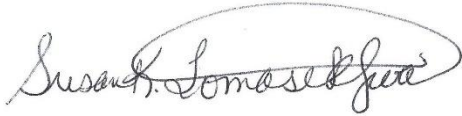
BE IT FURTHER RESOLVED: That to conform to the provisions of PA 253 of 2020 this resolution is hereby effective November 15, 2022.

VOTE: AYES G. Atwood, J. Ruess, S. Tomasek Swan, J. Swan

NAYS None

ABSENT G. Ruess

The foregoing Resolution is adopted.

A handwritten signature in cursive script, reading "Susan K. Tomasetti". The signature is enclosed within a hand-drawn oval.

_____ DATED November 15, 2022

Middlebury Township Clerk

**POLICY AND GUIDELINES FOR APPLICANTS REQUESTING CONSIDERATION
FOR A POVERTY EXEMPTION
TAX YEAR 2023**

In order to be eligible for a poverty exemption, the claimant must do all of the following on an annual basis:

1. Applicant 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. Applicant must be the owner and occupant of the property.
 - A. Must provide 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 the application until it is returned.
 - B. Applicant's signature must be witnessed by the Assessing Officer or Board of Review.
4. All applicants and any persons residing in the homestead shall submit the latest copy of the following:
 - A. Federal Income Tax Return -- 1040 or 1040A
 - B. State Income Tax Return – MI-1040.
 - C. Homestead Property Tax Claim MI-1040 CR.
 - D. Statement of benefits paid from Michigan Department of Social Services and/or Social Security Administration.
 - E. Form 4988 "Poverty Exemption Affidavit" from the MI Dept of Treasury if applicable.

5. Applications must be filed with the Assessor after January 1, but one day prior to the last day of the Board of Review. Applications may be reviewed by the Board without applicant being present. However, the Board may request that an applicant be physically present to respond to any questions the Board or Assessor may have.
6. An applicant may have to answer questions regarding their financial affairs, or the status of people living in their home at a meeting before the Board of Review 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 an applicant's state or federal 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.
8. Applicant 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 this Board of Review is the truth, the whole truth, and nothing but the truth, so help you."
9. Applicant will be evaluated based on:
 - A. Data submitted to the Assessor or Board of Review.
 - B. Information taken from petitioner and information gathered from any source the Assessor or Board may wish to use. The Board will also consider all revenue and non-revenue producing assets owned by the petitioner.
10. Applicant will not be eligible for consideration if he or she does not meet the federal income guidelines determined annually by the United States Department of Health and Human Services.
11. Applicant will not be eligible for consideration if total household assets exceed Thirteen Thousand Eight Hundred Dollars (\$13,800), excluding the principal residence and one automobile.
12. The filing of a claim with the Board of Review constitutes an appearance before the Board of Review for the purpose of preserving the right to appeal to the Michigan Tax Tribunal.

13. 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 this poverty exemption claim.
14. The Board of Review shall follow the policy and guidelines of the Board of Trustees in granting or denying an exemption.
15. A partial poverty exemption may be allowed and granted by the Board of Review, at their discretion, if they determine it to be appropriate to the specific applicant. A partial poverty exemption is an exemption of only a part of the taxable value for the property rather than the reduction of the entire taxable value. The applicant must still meet the Federal Poverty Guidelines and the Asset test to qualify.

The following are the federal poverty income 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 Poverty Guidelines for 2023 Assessments

Number of Persons Residing in Principal Residence Allowable Annual Income

1 person	\$ 13,590
2 persons	\$ 18,310
3 persons	\$ 23,030
4 persons	\$ 27,750
5 persons	\$ 32,470
6 persons	\$ 37,190
7 persons	\$ 41,910
8 persons	\$ 46,630
Each additional person, add	\$ 4,540

If you believe you comply with both the Federal Income and Asset Level Standards, you may submit the Poverty Exemption Application with supporting documents to the Assessing Office. Please call our office at (989) 834-5611 for filing deadlines.