

## PROPOSED AGENDA

**CHARTER TOWNSHIP OF BRIGHTON  
ADMINISTRATIVE POLICIES COMMITTEE  
4363 BUNO ROAD  
BRIGHTON, MI 48114**

**January 23, 2017**

**5:00 P.M.  
(810) 229.0560**

- A. CALL TO ORDER
  - 1. Nomination Of Chair, Vice-Chair, Secretary
- B. PLEDGE OF ALLEGIANCE
- C. ROLL CALL
- D. CALL TO THE PUBLIC
- E. APPROVAL OF THE AGENDA
- F. BUSINESS
  - 1. Appeal of Administrative Interpretation – Policy #807
- G. CALL TO THE PUBLIC
- H. ADJOURNMENT

The Charter Township of Brighton will provide necessary reasonable auxiliary aids and services such as signers for the hearing impaired and audiotapes of printed materials being considered at the meeting to individuals with disabilities at the meeting. Individuals should contact the Charter Township of Brighton by writing or contacting: Township Manager, 4363 Buno Road, Brighton, Michigan 48114. Telephone: (810) 229.0550.

## **ADMINISTRATIVE POLICIES COMMITTEE AGENDA NOTES**

**MEETING DATE:** January 23, 2017

## **PERSON PLACING ITEM ON AGENDA: Township Manager**

## **AGENDA TOPIC: Appeal of Administrative Interpretation – Policy #807**

## **EXPLANATION OF TOPIC:**

On December 19<sup>th</sup> the Township Board was presented with a letter from Dennis Brewer dated December 7, 2016 seeking an appeal of the Manager's interpretation of policy #807. Mr. Brewer was representing Stephen and Kimberly Rushak who are building a home at 8321 Hilton Road. The Township Board subsequently appointed Treasurer Drouillard, Clerk Bollins, and Trustee Theis to the Administrative Policies Committee to hear this appeal.

As a summary, during the Municipal Sewer Permit Application process the homeowner was informed in a letter from the Township Manager dated November 7, 2016 of the estimated cost to install a grinder pump at the site of their new home.

Policy #807 states, in part, “Effective July 1, 2005 installation of the grinder pump on parcels in the original system that were vacant at the time that collection system was constructed shall also be at the expense of the property owner at the time of installation.” This vacant property was included in the original SAD and as such staff has applied policy #807 in the same manner as it has to approximately 13 other vacant properties since its adoption. Policy #202 indicates that the Manager’s interpretation may be appealed in writing to the administrative policies committee of the Board.

Following the December 19<sup>th</sup> Board meeting the Township Manager was contacted by Kimberly and Scott Barabas who are building a home at 2916 Hideaway Beach and have also requested that their similar situation also be heard before the Administrative Policies Committee.

**MATERIALS ATTACHED AS SUPPORTING DOCUMENTS:**

- Letter from Dennis Brewer dated December 7, 2016
  - Administrative Policy #807 and Administrative Policy #202
  - Letter from Township Manager dated November 7, 2016
  - Letter from Matthew Hagerty dated January 13, 2017
  - Email from Kim and Scott Barabas dated January 3, 2017
  - Letter from Manager to Mr. and Mrs. Barabas dated September 29, 2016
  - Letter from Jim Kiefer dated January 17, 2017 (Under Confidential Cover)
  - Email from Kim Barabas dated January 19, 2017 with attachment

**RECOMMENDATION:** To concur with the Managers interpretation and application of policy #807 for the properties located at 8321 Hilton and 2916 Hideaway Beach.

**SUGGESTED MOTION:** Motion by \_\_\_\_\_, supported by \_\_\_\_\_ to concur with the Managers interpretation and application of policy #807 for the properties located at 8321 Hilton and 2916 Hideaway Beach.

**ROLL CALL VOTE REQUIRED?** No

**DENNIS L. BREWER**

Attorney at Law

2000 Grand River Annex, Suite 200

Brighton, MI 48114

(810) 227-7878

December 7, 2016

Anne Bolin  
Brighton Township Clerk  
4363 Buno Rd  
Brighton, MI 48114

Dear Ms. Bolin:

I am requesting on behalf of my client's Stephen and Kimberlee Rushak to be placed on the agenda for your December 19, 2016 meeting. The Rushak's are requesting a review of the Township Manager's interpretation of the funding of construction for the sewer hookup on their property located at 8321 Hilton Rd. The Rushak's have been informed by Mr. Vick that despite the sewer assessment being paid in full by the Rushak's predecessor's in title, that they are responsible to pay an additional fee for the sewer to be hooked up on their construction project.

Please let me know if you need anything further from me or if additional steps must be taken to be placed on the agenda.

Sincerely,

  
Dennis L. Brewer

## CHARTER TOWNSHIP OF BRIGHTON

Administrative Policy No.:

807 (page 1 of 1)

Effective Date:

July 6, 2004

Amended Date:

May 19, 2008

Amended Date:

December 26, 2013

Policy Regarding:

### FUNDING OF CONSTRUCTION

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All collection system construction must be funded by the properties receiving any current or future benefit from the construction. Funding shall be through a special assessment, a developer construction or such other funding as may be allowed by law.

All costs for sewer main extensions shall be paid by the benefiting district unless the Township has agreed to pay a portion of those costs due to oversizing for future users.

Collection system construction costs shall include gravity mains, low pressure force mains, service leads, grinder pumps, electrical lines from the exterior electric utility company's electrical meter to the grinder pump (including a control/alarm panel and the electrical connection to the existing electric utility company's electric meter) and restoration of the area following construction. Installation of the grinder pump on parcels that are vacant at the time the collection system is constructed shall be at the expense of the property owner at the time of installation. Effective July 1, 2005 installation of the grinder pump on parcels in the original system that were vacant at the time that collection system was constructed shall also be at the expense of the property owner at the time of installation.

The method of assigning costs for construction of collection systems not funded by a developer shall be determined by the Township Board on a case-by-case basis.

## CHARTER TOWNSHIP OF BRIGHTON

Administrative Policy No.: 202 (page 1 of 1)

Effective Date: July 6, 2004

Policy Regarding: **AUTHORITY TO INTERPRET THE PROVISIONS  
OF THIS MANUAL**

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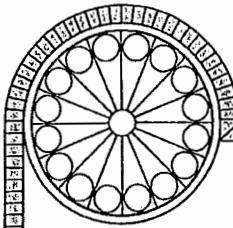
The Township Manager shall provide to department heads and employees interpretations to implement the provisions of the administrative policies and procedures manual. These interpretations shall be considered authoritative and binding unless the interpretation is appealed in the following manner.

The manager's interpretations shall be in writing and filed with the manager's copy of the personnel policies.

The Manager's interpretation may be appealed in writing to the administrative policies committee of the Board within ten days of the manager's decision.

Decisions of the administrative policies committee may be appealed to the Board. Any such appeal shall be made at a regular meeting of the Board. Such appeal needs to be on the agenda in accordance with policy #207. The Board and/or the administrative policies committee may uphold, overturn or alter all or part of any interpretations made pursuant to this section.

All interpretations and decisions shall be in writing and shall include an explanation of and reasons for the decision or interpretation.



# CHARTER TOWNSHIP OF BRIGHTON

4363 Buno Rd. • Brighton, Michigan 48114-9298 • Telephone: (810) 229-0550 Fax: (810) 229-1778  
[www.brightontwp.com](http://www.brightontwp.com)

November 7, 2016

Stephen Ronald Rushak  
Kimberlee Ann Rushak  
1802 Mist Wood Dr  
Howell, MI 48843

**RE: 8321 Hilton Rd  
TAX ID #4712-19-301-011**

Dear Mr. and Mrs. Rushak:

Enclosed is an estimate for installation of a grinder pump at the above-referenced property. Please remit the stated amount of \$15,759.00 to the Township to initiate the process and to schedule the work. Please note this estimate could change.

Also enclosed are two sets of the Grinder Easement form, along with the Grinder Locate Sheet. Both sets of these forms must be signed before a Notary. Return one set to the Township. One copy will be recorded with the Register of Deeds and the other copy will be for your files. **Or, if more convenient, you may sign the form in person at the Township Hall and it will be notarized at that time. Please call in advance to make an appointment with the Notary on staff.**

Once both the payment and the notarized Grinder Easement form have been received by the Township, then the work can be scheduled.

Sincerely,

Brian P. Vick  
Township Manager

Enclosure

cc: Treasury Department  
Accounting  
File

**COST BREAKDOWN  
8321 Hilton  
Date 11/04/2016**

Task		Hours	Cost
Grinder Locate	Done by Township (Infrastructure Alternatives)	2	\$ 88.00
Grinder Station	Simplex 93 station, pump, control panel, 50' cable with 2' ext 2' extst.		\$ 3,809.00 \$ 509.00
Installation Cost	TLS		\$ 11,045.00
Inspection of Installation	Done by Township (Infrastructure Alternatives)	5	\$ 220.00
Startup of Grinder	Done by Township (Infrastructure Alternatives)	2	\$ 88.00
<b>TOTAL</b>			<b>\$ 15,759.00</b>

This is an estimate and prices may vary due to site conditions

homeowner is responsible for connection of the sanitary outlet from the house to the grinder station

**PLEASE NOTE IF THERE IS DAMAGE TO THE CURB STOP OR CHECK VALVE THERE WILL BE AN ADDITIONAL \$1300.00 ADDED.**

TLS CONSTRUCTION LLC  
5833 Annabelle Lane  
MI  
(517) 404-5590  
matt@tlsoutdoor.com



## ESTIMATE

ADDRESS  
8321 HILTON  
4363 BUNO RD  
BRIAN VICK  
BRIGHTON, MI 48114

ESTIMATE # 1031  
DATE 11/02/2016

ACTIVITY	QTY	RATE	AMOUNT
BTWP - COMPLETE GRINDER PUMP INSTALLATION 93" (SIMPLEX)	1	3,750.00	3,750.00
BTWP - 1-1/2" HDPE SERVICE LEAD INSTALL BY "BORING METHOD" ADDITIONAL PER FOOT	80	35.00	2,800.00
BTWP - 1-1/2" HDPE SERVICE LEAD INSTALL BY "OPEN CUT METHOD" ADDITIONAL PER FOOT	145	31.00	4,495.00

We look forward to working with you! TOTAL **\$11,045.00**

Accepted By

Accepted Date

**MUNICIPAL SEWER PERMIT APPLICATION**  
Charter Township of Brighton, Livingston County, Michigan

Property ID# 12-19-301-011 Date 4/22/16

Property Address 8321 Hilton Rd.

Applicant Name Stephon Rushak  
1802 Mistwood Dr. Howell 48843

Address 810-923-1349 City  State  Zip

Applicant Phone #  Applicant email address

**Township Use Only**

Land Use Permit #

Building Permit #

Certificate of  
Occupancy Date  
Issued

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- Receives land use permit application, tenant occupancy application, and/or sewer/water hook up application. (Starting point for sewer availability, REU assignment, appeals, or payment over time where applicable)

Is Municipal Sanitary Sewer Available? (circle one)

YES /  NO

➤ If sewer is not available, proceed to County for applicable permits following land use permit approval by Planner.

If Sanitary Sewer is available, how many REU's are assigned? (enter #)

1

Cost of assigned REU's (paid as tap-in fee)

\$ 115.00

Planner Signature: Jelly Mathews

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Tap-In Fee Receipt Number

Method of Payment (check #)

\$

Date Paid

- Email scanned receipt to Planner, Accountant, Infrastructure Alternatives, and Manager.
- Once tap-in fee payment is received, Planner authorizes proceeding to County for applicable permits following land use permit approval by Planner.

Treasury Department Signature:

- Resident / contractor contacts Infrastructure Alternatives regarding connecting to sewer.
- Infrastructure Alternatives (Determines if grinder pump is needed, creates locate sheet, and calculates connection fee estimate.) Return to Planner if grinder pump is not required

Is Grinder Pump installation needed? (circle one)

YES /  NO

Cost of Connection Fee:

\$ 13,759.00

- Grinder Pump easement (if necessary) and connection fee invoice prepared by SAD coordinator.

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Y**

Connection Fee Receipt Number

Method of Payment (check #)

\$

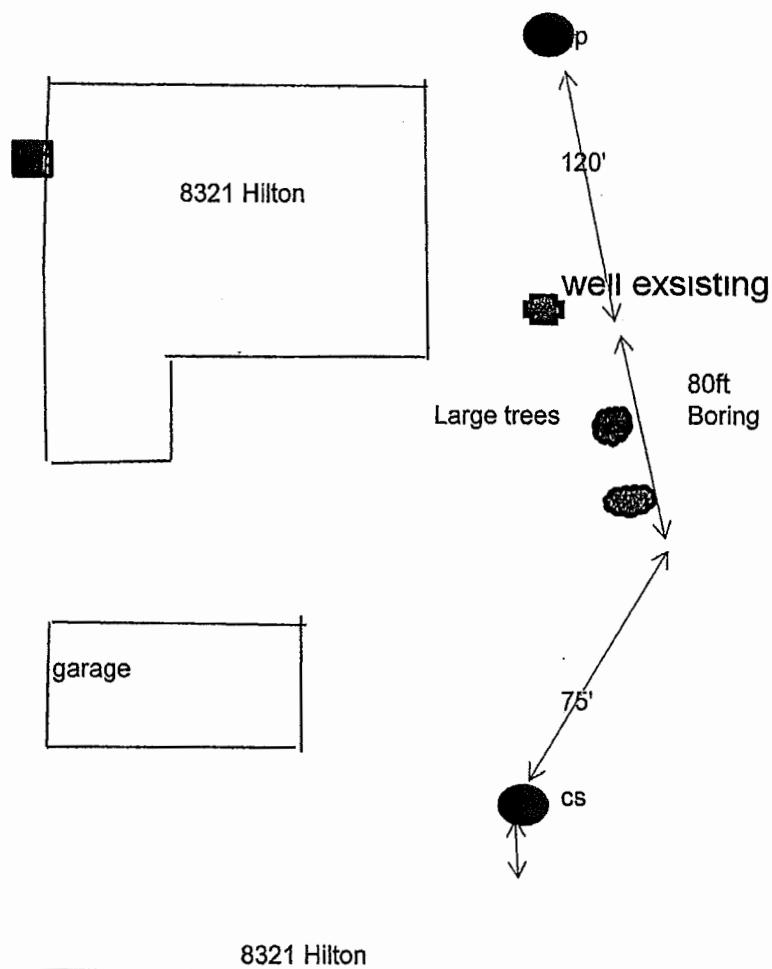
Date Paid

- Email scanned receipt to Planner, Accountant, Infrastructure Alternatives, and Manager

Treasury Department Signature:

- Once connection has been performed and approved by Infrastructure Alternatives, SAD coordinator will communicate to County for applicable permits following land use permit approval by Planner.

## Exhibit A



8321 Hilton

Home Owners Name:	Steve Rushak	Private Utilities?	no
Address:	8321 Hilton	Sprinklers?	
Telephone :	810-923-1349	Existing lower level Plumbing to be served?	Yes
Property Tax No:	4712-19-301-011	Extra depth required?	yes
Was Occupant Involved in Location of service: Yes <input checked="" type="checkbox"/> No _____			
Comments: Standard station with 2' extstention			

### GRINDER PUMP LOCATION SHEET

Date:		
Project Name:	Brighton Township	Client/Contract No.

**MYERS & MYERS, PLLC**  
ATTORNEYS AT LAW

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Kelly A. Myers  
Roger L. Myers \*  
\*Also Admitted to Practice in California

915 N. Michigan Avenue  
Suite 200  
Howell, Michigan 48843

Matthew M. Hagerty  
Rebecca J. S. Cassell  
Robert F. Marvin  
Alexander R. Reuter

(517) 540-1700  
Fax: (517) 540-1701

January 13, 2017

Brighton Township Administrative  
Policies Committee  
c/o Mr. Brian Vick  
Brighton Township Manager  
4363 Buno Road  
Brighton, MI 48114

**VIA ELECTRONIC &  
FIRST CLASS MAIL**

**Re: Sanitary Sewer Connection Fee – 8321 Hilton Road, Property Tax Id # 4712-19-  
301-011; Appeal to Administrative Policies Committee**

Dear Members of the Brighton Township Administrative Policies Committee:

By way of introduction, I have been retained by and represent Mr. and Mrs. Stephen and Kim Rushak, owners of the above-referenced property in Brighton Township. The Rushaks are currently well underway in construction of their new single-family residence on 8321 Hilton Road (hereinafter the “subject property”) on Woodland Lake, having closed on the purchase of this vacant lot on November 24, 2015 from sellers, Scott and Julie Dombrowski. At the time of my client’s purchase from the Dombrowskis, they were made aware of an existing sanitary sewer special assessment for the subject property. This special assessment represented the subject property’s proportionate share of the sanitary sewer system collection costs, including the construction of gravity mains, low pressure force mains, service leads, grinder pumps, electrical line connections, and construction restoration.

As set forth in the Township’s tax records, **Attachment A** hereto, the assessment for ‘Sewer 592’ commenced in December of 2000, amortized over twenty (20) years at an APR interest rate of 5.9%. The amount of the special assessment on the subject property was \$12,400. This amount is consistent with the Appendix D, “Expected Expenditures” assessment costs, accompanying the Brighton Township

Sanitary Sewer Drain District Sanitary Sewer System Policies as adopted by the Brighton Township Board of Trustees on May 1, 2000 (the "Sewer Policy"), which further denotes a "Property Owner's Typical Direct Cost (One Time Payment)" of between \$1,000 and \$2,000. See, Attachment B. According to ¶1 on page 16 of the Sewer Policy, the "Property Owner's Direct Cost" is based upon on-site conditions which include the property owner's cost to pump out and decommission any existing septic tank (there is none on the subject property as it is a vacant lot) and installation of the sewer lead from a residence to the public sewer. Plainly, no mention is made of a property owner's responsibility for the costs of a grinder pump, nor its installation.

The remaining payoff balance of the special assessment on the subject property was provided by the Township and paid at the closing of the purchase in the amount of \$2,492.19, which funds the Township received. Select Title, the title company who handled the transaction was not given any notice of additional monies owed when the payoff was requested. Accordingly, the available Brighton Township tax records indicate that the special assessment has been paid in full with a 'zero' balance. As a vacant lot, the subject property was assigned and received one (1) Residential Equivalent Unit (REU) in accordance with the Sewer Policy for purposes of the special assessment. As set forth on page 11 of the Sewer Policy, "*Vacant properties within the initial sewer district will be assigned one (1) REU unless the vacant property owner requests additional REUs in writing.*"

The Sewer Policy, at page 12, additionally provides as follows:

A sanitary sewer stub will be provided to the property line of all vacant properties within the initial sanitary sewer district. The local collection sewer cost is included in the special assessment amount for the first REU of each vacant property in the initial sanitary sewer district. The local collection sewer cost includes installation of the sanitary lead from the property line stub to the grinder pump, the grinder pump and the electrical line from the exterior Detroit Edison meter (including the control/alarm panel and connection to the Detroit Edison meter). Therefore, when a building is erected in the future on the vacant properties within the initial sanitary sewer district served by a grinder pump/low pressure sewer system, the public sanitary sewer system shall install the sanitary lead, grinder pump, electrical line and control / alarm panel at no additional cost to the property owner.

(Emphasis supplied)

Despite the foregoing Board-approved policy and the payment in full of the special assessment in the amount of \$12,400, my clients were more than dismayed

when they were told they had to again pay for the costs for and installation of a sanitary sewer grinder pump and service lead for their new home. On November 7<sup>th</sup>, 2016 they were provided a grinder pump installation estimate prepared by the Township and its contractor, TLS Construction, with a demand for payment of an additional **\$15,759**, which is well in excess of the total amount of the *entire initial special assessment* levied against the subject property. See, Attachment C. Moreover, despite the costs of the installation of the grinder pump, the sanitary sewer lead, the grinder pump itself and the necessary electrical connection all being explicitly **“included in the special assessment amount for the first REU of each vacant property”** under the Township Board-approved Sewer Policy, the Township now seeks reimbursement of these costs which were already paid for as part of the special assessment and, in fact, paid off early as a result of my client's purchase agreement with their sellers. It is also my clients' understanding that this purported installation charge is now due in full if my clients are to connect their home to the Township sanitary sewer system. As this Board can likely appreciate, this entirely unexpected up-front charge of more than *fifteen thousand dollars* operates as a significant financial hardship. It is also an unlawful and wholly disproportionate exaction of monies in contravention of Public Act 188 of 1954 which governs the statutory levying of special assessments and costs associated with public improvements such as the sanitary sewer at issue, and for which no prior notice was given. The request for these funds is also contradictory to Michigan common law, which requires that a special assessment must be proportional to the benefit received. See, e.g., Crampton v Royal Oak, 362 Mich 503 (1961).

In support of the Township's demand for this payment, I have additionally been provided a copy of Brighton Township “Administrative Policy No. 807” (“Policy 807”) with a listed effective date of July 6, 2004, and thereafter amended on May 19, 2008 and December 26, 2013. See, Attachment D. This policy purports that **“Effective July 1, 2005 installation of the grinder pump on parcels in the original system that were vacant at the time that the collection system was constructed shall also be at the expense of the property owner at the time of installation.”** (Emphasis supplied) This grinder pump installation cost is listed as \$3,750 per the TLS Construction estimate. See, Attachment C. Accordingly, even if such a policy and the levying of this cost on my clients was legally permissible, the stated **“installation of the grinder pump”** as provided for in Policy No. 807 is only \$3,750, less than 1/4<sup>th</sup> of the amount Township is now demanding my clients remit.

Ultimately, it is the Rushak's position that enforcement of Policy 807 is wholly inconsistent with the *Township Board-approved* Sewer Policy and the very purpose of, and costs associated with, the special assessment already paid on the subject property.

It is also inconsistent with Sec. 22-07, Connection to Public Sewer System, of the Township's Adopted Sanitary Sewer Ordinance, subsection (c) of which provides:

The property owner or his/her agent shall make application for a sewer permit on a form furnished by the township. The sewer permit application shall be supplemented by any plans, specifications, or other information required by this ordinance or considered pertinent in the judgment of the township. **All sewer connection fees and/or sewer tap fees, in amounts established by action of the township board, shall be paid to the township treasurer at the time the application is filed.** If a street opening is required to make the lead connection, an additional Livingston County Road Commission (LCRC) permit, as an attachment to the sewer permit, must be obtained.

(Emphasis supplied)

My clients understand and fully expect a quarterly "sewer use" charge for operational costs and maintenance associated with the sanitary sewer system that will later be charged upon connection, which is likewise paid by all residents on-line and connected to the sewer system. However, if Policy 807 is the legal basis upon which the Township is seeking payment from my clients of \$15,759, it is: 1) contradictory to the Township Board-approved Sewer Policy, established costs, and related addenda; 2) was never provided to my clients prior to their purchase when the request for the sanitary sewer payoff was made; and 3) includes the very costs levied on the subject property that are already part of the statutorily established special assessment district for 'Sewer 592'. These costs are the subject property's *proportional share* of the sewer service, including the grinder pump<sup>1</sup> and related installation.

In light of the foregoing, it is the request of my clients that this Appeal Board make the determination that the Rushaks are exempt from any additional payment for sanitary sewer connection as demanded in the Township's November 7<sup>th</sup> correspondence. Additionally, that Policy 807 - the purported basis upon which the charges are claimed - was both incorrectly interpreted and applied and is ultimately invalid. Finally, that upon the waiver of such costs the Township install and connect a sewer grinder pump, lateral lines and related equipment as soon as practicable upon receipt of the notarized Grinder Easement Form and other necessary easement

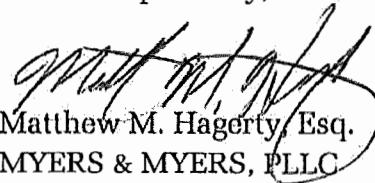
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<sup>1</sup> A Grinder Pump is owned by the Township and is defined under the Township Sewer Ordinance (Sec. 22-01) as follows: *Grinder pump*. The sewage pump unit at each property to which the building sewer connects and which grinds and pumps sewage to the public sewer for transportation to the system, **the publicly owned grinder pumps**, controls and pressure discharge pipe, including all control boards, controls, floats, pumps, storage tanks and appurtenances thereto which provides the connection between the privately owned building and the public sewer system.

documents from my clients in order that they can complete construction of their new home.

I look forward to meeting with the Board on January 23<sup>rd</sup> to address any further questions you may have concerning my clients' request.

Respectfully,



Matthew M. Hagerty, Esq.  
MYERS & MYERS, PLLC

On behalf of:

Stephen and Kim Rushak  
8321 Hilton Road, Brighton

# **EXHIBIT A**

**8321 HILTON RD BRIGHTON, MI 48114** (Property Address)  
Parcel Number: 4712-19-301-011



Item 1 of 1    0 Images / 1 Sketch

**Property Owner:** RUSHAK STEPHEN RONALD

**Summary Information**

> Residential Building Summary	> Assessed Value: \$75,500   Taxable Value: \$75,500
Year Built: 2016	Bedrooms: 0
Full Baths: 3	Half Baths: 1
Sq Feet: 2,734	Acre: 0.358

> 2 Special Assessments found  
> Property Tax Information found

<b>Owner and Taxpayer Information</b>		<b>Amount Due</b>	
		Special Assessment Total Payoff Amount: <b>\$1,141.75</b>	
<b>Owner</b>	RUSHAK STEPHEN RONALD RUSHAK KIMBERLEE ANN 1802 MIST WOOD DR HOWELL, MI 48843	<b>Taxpayer</b>	SEE OWNER INFORMATION

**Legal Description**

I2N, R6E, SHORE ACRES ANNEX L01 11

Recalculate amounts using a different Payment Date

You can change your anticipated payment date in order to recalculate amounts due as of the specified date for this property.

Enter a Payment Date

The 2016 Current Year Installment will be billed on the 2016 winter tax bill and is not included in the special assessment payoff

Special Assessment Information						
Code	Name	Special Assessment District Status	APR Interest Rate	Start Year	Number of Years	Payment Status
X0009	WOLD AQUATIC 880	Active	0.0000	2007	15	
X2024	SEWER 592	Active	5.9000	2000	20	** Paid In Full

**Special Assessment Information**

<b>Code</b>	X2024	<b>Description 1</b>	LIV CNTY DRAIN CHPTR 20 BOND
<b>Name</b>	SEWER 592	<b>Description 2</b>	20 YRS (2000-2019)
<b>Parcel Status</b>	Active Parcel	<b>User Alpha 1</b>	Not Available
<b>Original Assessment</b>	\$12,400.00	<b>User Alpha 2</b>	Not Available
<b>Principal Balance Remaining</b>	\$0.00	<b>Date to Begin Charging Interest</b>	12/01/2015
<b>Payoff Amount</b>	\$0.00	<b># of Months Interest Calculated</b>	14
<b>Due Date</b>	12/01/2000		

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## **EXHIBIT B**

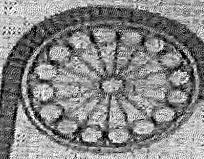
## EXPECTED EXPENDITURES

*(May 1, 2000)*

	COST	SCHEDULE
<b>Assessment Cost</b>		1st Payment in December 2000 (Annually Over 20 Years)
Properties in original study area	\$12,400	
Properties outside original study area	\$12,664 <sup>1</sup>	
<b>Property Owner's Typical Direct Cost</b>	<b>\$1000-\$2000</b>	<b>December 2001</b> (One-Time Initial Cost)
<b>Sewer Use Charge</b>	<b>\$72</b>	<b>March 2002</b> (Quarterly after System Start-Up)

<sup>1</sup>\$12,400 plus \$264 study cost

# **EXHIBIT C**



## CHARTER TOWNSHIP OF BRIGHTON

4343 Burns Rd. • Brighton, Michigan 48114-9290 • Telephone: (810) 229-0500 Fax: (810) 229-1770  
[www.brightontwp.com](http://www.brightontwp.com)

November 7, 2016

Stephen Ronald Rushak  
Kimberlee Ann Rushak  
1802 Mist Wood Dr.  
Howell, MI 48843

RE: 8321 Hilton Rd  
TAX ID #4712-19-301-011

Dear Mr. and Mrs. Rushak:

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Sincerely,



Brian P. Vick  
Township Manager

Enclosure

cc: Treasury Department  
Accounting  
File

**COST BREAKDOWN**  
8321 Hilton  
Date 11/04/2016

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<b>TOTAL</b>			<b>\$ 15,769.00</b>

This is an estimate and prices may vary due to site conditions  
homeowner is responsible for connection of the sanitary outlet from the house to the grinder station  
**PLEASE NOTE IF THERE IS DAMAGE TO THE CURB STOP OR CHECK VALVE THERE WILL BE AN ADDITIONAL \$1300.00 ADDED.**

TLS CONSTRUCTION LLC  
20017 Antelope Lane  
#5  
(517) 434-5500  
(800) 222-0000



## ESTIMATE

ADDRESS  
8321 RILTON  
#363 BLMO RD  
BRIAN VICK  
BRIGHTON, MI 48114

ESTIMATE # 1001  
DATE 11/02/2016

ACTIVITY	QTY	RATE	AMOUNT
BTWP - COMPLETE GRINDER PUMP INSTALLATION 89" (SIMPLEX)	1	3,750.00	3,750.00
BTWP - 1-1/2" HDPE SERVICE LEAD INSTALL BY "BORING METHOD" ADDITIONAL PER FOOT	80	35.00	2,800.00
BTWP - 1-1/2" HDPE SERVICE LEAD INSTALL BY "OPEN CUT METHOD" ADDITIONAL PER FOOT	145	31.00	4,495.00

We look forward to working with you!

TOTAL  
**\$11,045.00**

Accepted By

Accepted Date

# **EXHIBIT D**

## CHARTER TOWNSHIP OF BRIGHTON

Administrative Policy No.:

807 (page 1 of 1)

Effective Date:

July 6, 2004

Amended Date:

May 19, 2008

Amended Date:

December 26, 2013

Policy Regarding:

### FUNDING OF CONSTRUCTION

---

All collection system construction must be funded by the properties receiving any current or future benefit from the construction. Funding shall be through a special assessment, a developer construction or such other funding as may be allowed by law.

All costs for sewer main extensions shall be paid by the benefiting district unless the Township has agreed to pay a portion of those costs due to oversizing for future users.

Collection system construction costs shall include gravity mains, low pressure force mains, service leads, grinder pumps, electrical lines from the exterior electric utility company's electrical meter to the grinder pump (including a control/alarm panel and the electrical connection to the existing electric utility company's electric meter) and restoration of the area following construction. Installation of the grinder pump on parcels that are vacant at the time the collection system is constructed shall be at the expense of the property owner at the time of installation. Effective July 1, 2005 installation of the grinder pump on parcels in the original system that were vacant at the time that collection system was constructed shall also be at the expense of the property owner at the time of installation.

The method of assigning costs for construction of collection systems not funded by a developer shall be determined by the Township Board on a case-by-case basis.

## **Manager**

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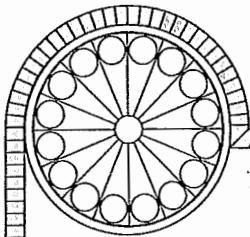
**From:** Manager  
**Sent:** Monday, January 16, 2017 11:02 AM  
**To:** Manager  
**Subject:** FW: 2916 Hideaway Beach Drive, Brighton, MI 48114

**From:** Kimberly Barabas [<mailto:kimbarabas@yahoo.com>]  
**Sent:** Tuesday, January 03, 2017 12:05 PM  
**To:** Manager  
**Cc:** Scott Barabas; Trustee Lucille; Trustee Theis; Trustee Mike; Trustee Steve; Supervisor; Treasurer; Clerk  
**Subject:** Re: 2916 Hideaway Beach Drive, Brighton, MI 48114

Hello Brian:

I am writing to you today as we have learned from the most recent Brighton Township Board Meeting held on Monday Dec. 19th, 2016 that there is now an appeal process for policy #807. This appeal process was never shared with us in any of the communications from you. Please tell me what the process is to schedule an appointment to appeal our additional assessment of Grinder pump installation and Sewer hook up fees with the newly formed Special Committee to hear these appeals. Time is of the essence so your prompt reply would be appreciated. If I can be reached by phone to schedule this at 248-705-1769.

Kind Regards,  
Kimberly and Scott Barabas



# CHARTER TOWNSHIP OF BRIGHTON

4363 Buno Rd. • Brighton, Michigan 48114-9298 • Telephone: (810) 229-0550 Fax: (810) 229-1778  
[www.brightontwp.com](http://www.brightontwp.com)

September 29, 2016

Scott Barabas  
Kimberly Barabas  
3148 Hideaway Beach Dr  
Brighton, MI 48114

**RE: 2916 Hideaway Beach Dr  
TAX ID #4712-19-202-025**

Dear Mr. and Mrs. Barabas:

Enclosed is an estimate for installation of a grinder pump at the above-referenced property. Please remit the stated amount of \$9258.00 to the Township to initiate the process and to schedule the work. Please note this estimate could change.

Also enclosed are two sets of the Grinder Easement form, along with the Grinder Locate Sheet. Both sets of these forms must be signed before a Notary. Return one set to the Township. One copy will be recorded with the Register of Deeds and the other copy will be for your files. **Or, if more convenient, you may sign the form in person at the Township Hall and it will be notarized at that time. Please call in advance to make an appointment with the Notary on staff.**

Once both the payment and the notarized Grinder Easement form have been received by the Township, then the work can be scheduled.

Sincerely,

Brian P. Vick  
Township Manager

Enclosure

cc: Treasury Department  
Accounting  
File

CHARTER TWP OF BRIGHTON  
4363 BUNO ROAD  
BRIGHTON, MI 48114  
Phone : 810-229-0556  
www.brightontwp.com

Received From:  
CHESTNUT DEVELOPMENT LLC  
3800 CHILSON RD  
HOWELL MI 48843

Date: 10/20/2016 Time: 1:36:05 PM  
Recipt: 100106126 \*\*\* REPRINT \*\*\*  
Cashier: COUNTER

4712-19-202-025  
2916 HIDEAWAY BEACH DR

ITEM REFERENCE	AMOUNT
GRINDER CONTRACTOR CONNECTIONS	\$9,258.00
CONTRACTOR CONNECTIONS	
<b>TOTAL</b>	<b>\$9,258.00</b>
CHECK 4808	\$9,258.00
Total Tendered:	\$9,258.00
Change:	\$0.00

**COST BREAKDOWN**  
**2916 Hideaway Beach drive**  
**Date 9/27/2016**

Task		Hours	Cost
Grinder Locate	Done by Township (Infrastructure Alternatives)	2	\$ 88.00
Grinder Station	Simplex 93 station, pump, control panel, 50' cable		\$ 3,686.00
Installation Cost	TLS		\$ 5,176.00
Inspection of Installation	Done by Township (Infrastructure Alternatives)	5	\$ 220.00
Startup of Grinder	Done by Township (Infrastructure Alternatives)	2	\$ 88.00
<b>TOTAL</b>			<b>\$ 9,258.00</b>

This is an estimate and prices may vary due to site conditions  
homeowner is responsible for connection of the sanitary outlet from the house to the grinder station  
PLEASE NOTE IF THERE IS DAMAGE TO THE CURB STOP OR CHECK VALVE THERE WILL BE AN ADDITONAL \$1300.00 ADDED.

## Manager

---

**From:** Kimberly Barabas <kimbarabas@yahoo.com>  
**Sent:** Thursday, January 19, 2017 4:17 PM  
**To:** Manager  
**Cc:** Scott Barabas  
**Subject:** Fw: Scanned Document from Canon Main  
**Attachments:** 4550\_001.pdf

Attached is the information you can provide in preparation of our meeting on Monday evening.

Kind Regards,  
Kim

Kimberly A. Barabas Executive District Manager Arbonne International  
<http://kimberlybarabas.arbonne.com>

----- Forwarded Message -----

**From:** "Canon Main@avfuel.com" <Canon Main@avfuel.com>  
**To:** [kimbarabas@yahoo.com](mailto:kimbarabas@yahoo.com)  
**Sent:** Thursday, January 19, 2017 4:11 PM  
**Subject:** Scanned Document from Canon Main

**Our argument:**

When purchasing this property in April 2014, now known as 2916 Hideaway Beach Dr., the title search showed monies owed for the SAD. During that title search, no information of additional fees being necessary upon building on the vacant land in order to purchase, install and hookup the grinder were ever provided by the Township. As part of our purchase agreement, the seller was to pay all assessments and liens on the property prior to closing. This SAD was ultimately included in the final purchase price and final payment by the seller to the Township led us to believe that the purchase and installation of the grinder was "paid in full". As a result, we included in our construction budget only monies for municipal sewer hookup based on Appendix C of Township ordinance #22(see attached).

It wasn't until September 2016 when we contacted the Township to schedule the grinder installation and hookup to the sewer now that construction had begun that we are told by the Township, something changed in 2004 regarding vacant properties in the "Original Sewer District" and were given a copy of Administrative Policy 807 along with an estimate in the amount of \$9,258 to complete this request. We were also told that scheduling of this work could not take place until full payment of the estimated amount was made. No mention of an appeal process was provided by the Township at the time that we questioned the additional charges-only mention of Administrative Policy 807. Since, as mentioned above, a title search didn't reveal this change which negated to the Township any record of monies paid for installation and use of a municipal sewer system, we had to come up with these funds on demand in order to continue construction progress. After the installation occurred, we received another invoice in the amount of \$850 for the installation of the curb stop assembly because "the original invoice did not include costs to install or replace the curb stop assembly". You can imagine by now that our tolerance for surprise charges is getting pretty low!

Then, in Dec. 2016 we learned that another vacant land owner that was building in the Township and was also assessed an additional fee was appealing to the Township board at the Dec. 19, 2016 General Meeting under under Administrative Policy 202. Since that meeting, I have emailed Mr. Vick telling him that we too wanted to appeal which is why we are before you now.

**As of 1/19/2017 we have paid:**

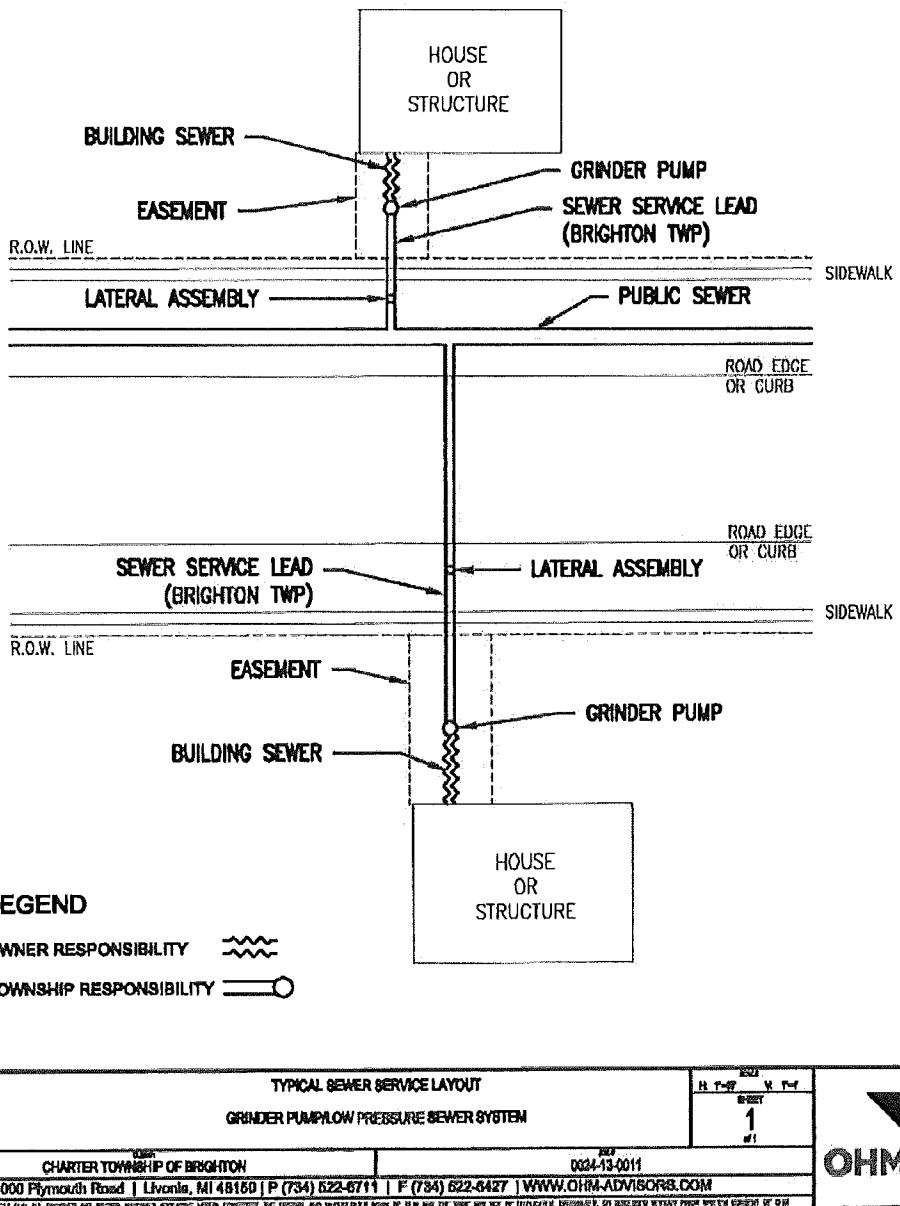
\$12,400	SAD originally assessed on the property
9,258	Estimate of grinder installation prepared by Township on 9/27/2016
850	Additional cost to install the curb stop assembly that was not included in original estimate.
966	(12 qtr @ \$80.50 / qtr capital charge????)
<u>896</u>	All Late fees and delinquency fees from prior owner. There was a \$896 Fee charged because the Township hadn't sent it to the County as yet. A timing issue not caught by the Title Company.

**\$24,370 Total payments; and we haven't even moved in yet!**

Needless to say we are appealing because we have been grossly overcharged and want the \$9,258 and the \$850 for a total of \$10,108 to be refunded to us.

## Appendix C - Owner/Township Responsibility for Grinder Pump System

## APPENDIX C OWNER/TOWNSHIP RESPONSIBILITY



(Ord. No. 258, 12-16-13, eff. 12-26-13)

**CHARTER TOWNSHIP OF BRIGHTON**

Administrative Policy No.

807 (page 1 of 1)

Effective Date:

July 6, 2004

Policy Regarding:

**FUNDING OF CONSTRUCTION**

---

All collection system construction must be funded by the properties receiving any current or future benefit from the construction. Funding shall be through a special assessment district (SAD), a developer construction or such other funding as may be allowed by law.

All costs for sewer main extensions shall be paid by the benefiting district unless the township has agreed to pay a portion of those costs due to over sizing for future users.

Collection system construction costs shall include gravity mains, low pressure force mains, service leads, grinder pumps, electrical lines from the exterior Detroit Edison electrical meter to the grinder pump (including a control / alarm panel and the electrical connection to the existing Detroit Edison meter) and restoration of the area following construction. Installation of the grinder pump on parcels that are vacant at the time the collection system is constructed shall be at the expense of the property owner at the time of installation. Installation of the grinder pump on parcels in the original system that were vacant at the time that collection system was constructed shall also be at the expense of the property owner at the time of installation. The cost to purchase the grinder pump and the alarm panel will be included in the special assessment when projects are constructed through special assessments.

**The method of assigning costs for construction of collection systems not funded by a developer shall be determined by the township board on a case-by-case basis.**

The cost for future improvements as required to meet future NPDES permit requirements or improve the overall sanitary sewer system operation shall be borne by all the sewer users.

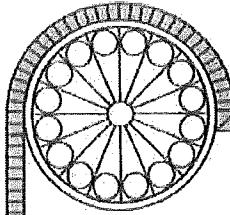
**COST BREAKDOWN  
2916 Hideaway Beach drive  
Date 9/27/2016**

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<b>TOTAL</b>			<b>\$ 9,258.00</b>

This is an estimate and prices may vary due to site conditions

homeowner is responsible for connection of the sanitary outlet from the house to the grinder station

**PLEASE NOTE IF THERE IS DAMAGE TO THE CURB STOP OR CHECK VALVE THERE WILL BE AN ADDITONAL \$1300.00 ADDED.**



## CHARTER TOWNSHIP OF BRIGHTON

4363 Buno Rd. • Brighton, Michigan 48114-9298 • Telephone: (810) 229-0550 Fax: (810) 229-1778  
[www.brightontwp.com](http://www.brightontwp.com)

November 2, 2016

Scott Barabas  
Kimberly Barabas  
3148 Hideaway Beach Dr  
Brighton, MI 48114

**RE: 2916 Hideaway Beach Dr  
TAX ID #4712-19-202-025**

Dear Mr. and Mrs. Barabas:

Enclosed is an invoice for work performed by TLS Construction at the above-referenced property in October 2016. The original invoice did not include costs to install or replace the curb stop assembly.

Please remit the amount of \$850.00 for this additional work to the Township. If you have any questions, please contact Zach at 810-229-9950.

Sincerely,

Brian P. Vick  
Township Manager

Enclosure

cc: Treasury Department  
Accounting  
File

TLS CONSTRUCTION LLC  
5833 Annabelle Lane  
MI  
(517) 404-5590  
matt@tlsoutdoor.com



## INVOICE

BILL TO  
2946 HIDEAWAY BEACH  
DR  
4363 BUNO RD  
BRIAN VICK  
BRIGHTON, MI 48114

RECEIVED  
NOV 01 2016  
BY: \_\_\_\_\_

INVOICE # 1509  
DATE 10/29/2016

TERMS Due on receipt

ACTIVITY	QTY	RATE	AMOUNT
BTWP - COMPLETE GRINDER PUMP INSTALLATION 83" (SIMPLEX)	1	3,750.00	3,750.00
BTWP - 1-1/2" HDPE SERVICE LEAD INSTALL BY "OPEN CUT METHOD" ADDITIONAL PER FOOT	46	31.00	1,426.00
BTWP - INSTALL OR REPLACE CURB-STOP ASSEMBLY	1	850.00	850.00

We appreciate your business!

BALANCE DUE

**\$6,026.00**

5174 510 001-203.000  
\$10.000.000.000  
\$500.000.000.000  
4528

Administrative policy 202

**CHARTER TOWNSHIP OF BRIGHTON**

Effective Date: July 6, 2004

**Policy Regarding: AUTHORITY TO INTERPRET THE PROVISIONS  
OF THIS MANUAL**

The Township Manager shall provide to department heads and employees interpretations to implement the provisions of the administrative policies and procedures manual. These interpretations shall be considered authoritative and binding unless the interpretation is appealed in the following manner.

The manager's interpretations shall be in writing and filed with the manager's copy of the personnel policies.

The Manager's interpretation may be appealed in writing to the administrative policies committee of the Board within ten days of the manager's decision.

Decisions of the administrative policies committee may be appealed to the Board. Any such appeal shall be made at a regular meeting of the Board. Such appeal needs to be on the agenda in accordance with policy #207. The Board and/or the administrative policies committee may uphold, overturn or alter all or part of any interpretations made pursuant to this section.

All interpretations and decisions shall be in writing and shall include an explanation of and reasons for the decision or interpretation.