

CHARTER TOWNSHIP OF BRIGHTON
BOARD OF TRUSTEES
4363 BUNO ROAD
BRIGHTON, MI 48114

JUNE 20, 2016
REGULAR MEETING
7:00 P.M.
(810) 229.0560

Clerk A. Bollin called the meeting to order at 7:00 P.M. The Pledge of Allegiance was said.

Present: A. Bollin, Clerk; D. Hawk, Treasurer; P. Michel, Trustee; M. Slaton, Trustee; L. Weaire, Trustee

Absent: T. Murphy, Supervisor; C. Doughty, Trustee

Clerk Bollin requested a moment of silence acknowledging the loss of a long time Planning Commissioner and Zoning Board of Appeals member, Ron Doughty, and that prayers are with Trustee Doughty and her family during this difficult time.

P. Michel moved and D. Hawk seconded to **appoint the Clerk as chair.**

Motion carried.

CALL TO THE PUBLIC

Mike Palmer, East Grand River Avenue – Township has made no attempt to correct anything; Class Action lawsuit filed against the Charter Township of Brighton this afternoon; presented a copy of filing with the Clerk.

Jim Sarna, Woodland Shore Drive – Introduced self as candidate; referenced proposed minutes and requested they be revised to reflect that he did not have conversation with Dan Boss; Woodland Shore Drive not Vista View; infiltration at WWTP.

Bob Potocki, Woodland Shore Drive – Distributed handout; unused capacity; assessment roll availability; voter approval.

Mike Childs, Clark Lake Rd – President of Clark Lake H.O.A. requested consideration for changes to the SAD parameters, specifically the minimum per parcel annual assessment.

Karen Wilson, Clark Lake Rd – Reviewed survey findings from Clark Lake residents and requested changes to the current SAD parameters to allow residents to care for Clark Lake.

Charles Wilson, Clark Lake Rd – 2001 SAD was a tiered structure; requested a 2 tiered structure: \$250/parcel is too much; suggested lakefront properties be assessed more than non-lakefront properties.

Rob Dietz, Clark lake Rd – Requesting help to better community; current SAD minimum is too high per parcel and would result in more money being collected annually than needed; requested formal review of the SAD guidelines by the BTBT.

Mike Anderson, Clark Lake Rd – Supports recreating a special assessment district with a tiered structure.

Bruce Kelly, Clark Lake Rd – Provided example of state controlling tax dollars; SAD amount should be reduced; eliminate the minimum assessment amount.

Sherri Osterman, School Lake Rd – BAS parent; completed some research on Livingston Classical Academy Cyber School; expressed concerns over public funding, busing, food service and special education dollars.

Doug Taylor, Oak Knoll – Packet has 152 pages – Who read it? Distributed handout and encouraged tabling of proposed policies if there are unanswered questions; 473 REU's will not max out the WWTP capacity.

Ailsa Morozow, Shelly Drive – Allotted her 3 minutes to Doug Taylor.

Doug Taylor, Oak Knoll – Transferring money from one fund to another; what happens when the Plant needs repair? Requirement to have a separate reserve fund; questioned the public hearing process for addressing the BTBT on the proposed policy changes.

Dennis Shoner, Woodland Shore Drive – Allotted his 3 minutes to Mike Palmer.

Mike Palmer, East Grand River Ave. – Board works for residents; do the right thing; lakes are the Township's jewel.

Christina Kafkakis, Alger Drive – Livingston Classical Academy has been denied in other communities; raised concerns over the charter and traffic; where will money come from? Certain charters are exempt from taxes; charter should be reviewed; cyber school loopholes; special education dollars.

Ken Bogus, Park lawn Drive – New subdivision traffic study; fertilizer run-off; why is Township being sued?

Barb Potocki, Woodland Shore Drive – Upsetting to be involved in lawsuit; has lived here a long time; feels residents have been pushed away; distributed handout.

Jo-Ann Radelt, Grand River – Interested in Cyber Academy. Who is the parent company of this Charter School?

Sam Ruguso, Hilton Rd – No one on the BTBT is on the sewer; 380 million gallons over capacity; voting in November.

AGENDA

P. Michel moved and A. Bollin seconded to approve the consent agenda upon adding item F.10. Approval of Agreement – Payment of Sanitary Sewer REU Charges Over Time, Piermarc Holdings, LLC, removing F.9. SELCRA – FY' 2015-16 Participation Settlement, adding Item H.1. Closed Executive Session to Review Attorney Client Communication dated June 8, 2016, and upon making the revision to the May 16, 2016 Board of Trustees Minutes under the first Call to the Public as presented by the Clerk. Motion carried.

PUBLIC HEARING – Proposed Sanitary Sewer Policies and Administrative Policies # 811, # 816-819
 Manager Vick provided an overview of the proposed policy changes and background information as presented and discussed previously. The proposed policies include two (2) revised policies and three (3) new policies. Attorney Harris advised Board to receive public comment thru the public hearing but recommended against taking any action until the pending litigation can be reviewed.

Public Hearing opened at 8:14 P.M.

Mike Palmer, East Grand River – Flow does matter; sewers are not metered; plant sits idle with average use at less than 260 gpd; objects to # 816 through # 819.

Bob Potocki, Woodland Shore Drive – Accuracy of the underlying numbers is wrong; doesn't account for interest on \$16 million of bond; REU costs can be changed; rates and monopolies; no complete assessment roll; questioned assessment roll differential with interest; are we at capacity or under capacity; need an outside audit.

Debbie Leicht, Hilton Estates – Original sewer user (not by choice) and paid over \$12,000; was not told about the service debt fees; is there a record of what I have paid to date – are there receipts? Does not agree with proposed policies.

Sam Raguso, Hilton Rd – Original users paid over \$17,400 and should be refunded that amount back; the Attorney said it was a public health issue; 200 foot rule was to be enforced but Township never enforced it; 473 REU's is a false premise.

Jim Sarna, Woodland Shore Drive – Objects to policies; Township enforced 200 foot rule by picking and choosing; Board initiated sewers and Board chose who/where sewers would be; everyone thought the entire Woodland Shore Lake was on the sewer.

Cheryl Guard, Woodland Shore Drive – Objects to policies and allotted remaining minutes to Mike Palmer.

Mike Palmer, East Grand River – Money (\$70,000) was not put into the reserve fund for over a decade; General Fund monies spent on other things including monies paid to LCRC for roads. BTBT takes taxpayers dollars as trustees. Objects to policies.

Doug Taylor, Oak Knoll – All based on 2700 REU's and the Ten States Average – earlier reports show 2500 REU's; metered usage on Fonda Island Lake is 110 gallons/day; does DEQ document show 2700 REU's will be used and allowed, does not make sense. Policy #811 lets the Township off the hook for paying the bond, objects; #816 – Objects, Township has a bond deadline; #817 - Where did \$3,000 come from? What is the statutory provision allowing this? Objects to it; #818 – Township has exclusive right to set REU rate, what statutory provision allows this? Objects; #819 – Based on false information of remaining capacity totaling 473 REU's, Objects.

Mark Sebby, East Grand River – Concerned about economy, consider economic depression: Objects to policies.

Jodee Roberts, Hunter Bay – Objects to policies; was at March 3, 2016 meeting and was surprised to hear some Woodland Lake properties are not on sewer. Was this problem ever resolved?

Jo-Ann Radelt, Grand River – Original sewer user; has been on Woodland Lake since 1993; Township numbers are not the same - Objects to policies pending an independent accounting audit.

Barb Potocki, Woodland Shore Drive – We are going to be charged for next four (4) years; interest was never disclosed; objects to policies. Wants a list of who paid - no one paying the same: this should be simple; doesn't feel she gets answers. Opposes policies.

Wanda Barr, Causeway Drive – Opposes policies. Allotted 3 minutes to Doug Taylor.

Ray Leicht, Hilton Estates – Objects to policies. Where is \$3,000 coming from?

Doug Taylor, Oak Knoll – 100% of bond should be allocated to the whole Township not just a group but only a group has been paying; referenced shortfall; Stauder Barch reported smaller funding gap than Pfeffer Hanniford and Palka; sewer system was built on necessity for public and protecting the groundwater – everyone should be on the system.

Ailsa Morozow, Shelly Ave. – Objects to policies. Objects to 260 gallons/day she is not using that much.

Ken Bogos, Parklawn Drive – Opposes all policies/proposals. How did Brian become the manager? What happened to last manager? Allotted minutes to Mike Palmer.

Mike Palmer, East Grand River – Valid questions directed at policies, wants answers.

Public Hearing closed at 9:02 P.M.

Manager Vick responded to questions regarding Woodland Lake Properties not on sewer. Clerk Bollin clarified Brian Vick was appointed as manager by the BTBT. Discussion included REU costing no less than \$10,260 and that \$3,000 is what has been paid to date. Manager Vick clarified that this took into account the Asset Management Plan and bond repayment obligations.

A. Bollin moved and L. Weaire seconded to **table the adoption of Administrative Policies 811, 816-819.**
Motion carried.

QUARTERLY SANITARY SEWER FINANCIAL REPORT – Fourth Quarter, FY' 2015-16

Ken Palka, Pfeffer, Hanniford, & Palka presented the Quarterly Report. The report was received and filed.

ADOPTION OF BUDGET AMENDMENT # 2, FY' 2016-17 – REU Purchase

Manager Vick explained this amendment coincided with the proposed Administrative Policy changes which had been tabled so no action should be taken at this time.

No action.

ADOPTION OF BUDGET AMENDMENT # 3, FY' 2016-17 – O&M Transfer to Capital Reserve

Manager Vick provided summary of the proposed amendment and noted that it would be Budget Amendment # 2 given there was no Board action on the previous agenda item.

L. Weaire moved and P. Michel seconded to adopt Resolution No. 16-012 approving Budget Amendment #2 for the Fiscal Year 2016-17 transferring funds in the amount of \$104,000 from Fund 590 to Fund 589 to represent the annual allocation from the Operating and Maintenance Fund to the Sewer Capital Reserve Fund.

Ayes: P. Michel, D. Hawk, M. Slaton, L. Weaire, A. Bollin

Nays: None.

Motion carried.

ACCEPTANCE OF PROPOSAL – Pump Station Communications, KISM Alarm Notification System, Kennedy Industries, Inc.

Manager Vick reviewed the proposal and summarized the previous meeting discussion. Discussion included removal of the existing antennae as previously discussed (removal will be included in future budget); warranty terms and confirmation that the system was expandable.

P. Michel moved and D. Hawk seconded to accept the proposal from Kennedy Industries dated April 25, 2016 to install the KISM Alarm Notification System inclusive of the cell data service for a price not-to-exceed \$23,474.

Ayes: P. Michel, D. Hawk, M. Slaton, L. Weaire, A. Bollin

Nays: None.

Motion carried.

ADOPTION OF RESOLUTION – Schedule Public Hearing Accepting Petitions and the Establishment of a Special Assessment District for Ridgecrest Lane Road Maintenance SAD No. S-I-02-2016

S. Kaliszewski, Township Assessor, provided an overview of the proposed SAD and the process and clarified the SAD is for five (5) years.

P. Michel moved and D. Hawk seconded to adopt Resolution No. 16-013 accepting the petitions and scheduling a public hearing for the Ridgecrest Lane Road Maintenance Special Assessment District, SAD No. S-I-02-2016.

Ayes: P. Michel, D. Hawk, M. Slaton, L. Weaire, A. Bollin

Nays: None.

Motion carried.

ADOPTION OF RESOLUTION – Schedule Public Hearing Accepting Petitions and the Establishment of a Special Assessment District for Kendor Drive Road Maintenance SAD No. S-I-03-2016

S. Kaliszewski, Township Assessor, provided overview of the proposed SAD.

P. Michel moved and D. Hawk seconded to adopt Resolution No. 16-014 accepting the petitions and scheduling a public hearing for the Kendor Drive Road Maintenance Special Assessment District, SAD No. S-I-03-2016.

Ayes: L. Weaire, M. Slaton, D. Hawk, P. Michel, A. Bollin

Nays: None.

Motion carried.

ADOPTION OF RESOLUTION – Schedule Public Hearing Accepting Petitions and the Establishment of a Special Assessment District for Paradise Farms Road Maintenance SAD No. S-I-04-2016

S. Kaliszewski, Township Assessor, provided overview of the proposed SAD. Discussion included confirmation that staff was reviewing recent SAD's for delinquencies and making the adjustments to the assessments; the Board requested a summary report of any adjustments that had to be made.

P. Michel moved and D. Hawk seconded **to adopt Resolution No. 16-015 accepting petitions and scheduling a public hearing for the Paradise Farms Road Maintenance Special Assessment District, SAD No. S-I-04-2016.**

Ayes: D. Hawk, M. Slaton, A. Bollin, P. Michel, L. Weaire

Nays: None.

Motion carried.

APPROVAL OF AGREEMENT – Payment of Sanitary Sewer REU Charges Over Time, Piermarc Holdings, LLC

Manager Vick explained no action is required; he would be meeting with the applicant tomorrow afternoon.

No action.

REPORTS AND CORRESPONDENCE

REPORTS

Planning Commission Regular Meeting Minutes – March 14, 2016

Planning Commission Regular Meeting Minutes – February 8, 2016

Livingston Community Water Authority Regular Meeting Minutes – April 20, 2016

L. Weaire – Attended Livingston County Planner's Gathering; SEMCOG forecast of aging community trends; LCWA met and approved the 2015 Audit, water quality report distributed; BAFA update included modification to budget, staffing resources, mutual aid agreement from 2011 and compensation for mutual response, 17 graduates from the Howell Academy, millage signage, BAFA reports.

M. Slaton – Planning Commission update including special land use permit approval at the old Memories location; liquor license was approved; Site Plan was tabled.

D. Hawk – Tax bills will be going out on July 1st.

P. Michel – SELCRA update including they will be moving forward with providing recreation. Discussion included having a plan presented to the communities of what services will be offered and where moving forward.

A. Bollin – Received a call from Clark Lake resident asking about the policies; clarified that money collected through the SAD can be used until money is expended.

DEPARTMENTS

Brighton Area Fire Authority Firestat Report – March and April, 2016

Infrastructure Alternatives, Inc. Monthly Operating Report – April and May, 2016

MANAGER – Infiltration Update – Manhole 300A

Provided update on the WWTP infiltration and noted pertinent information had been posted to the website and updates would be available for website subscriptions for the flash alerts. MDEQ states that Brighton Township is not in violation and the Township is doing exactly what needs to be done with infiltration. OHM will be working with the Township and IAI to find additional infiltrations and treat those as an emergency repair.

CORRESPONDENCE

None.

CALL TO THE PUBLIC

Bob Potocki, Woodland Shore Drive – 160 days the spike flow has gone on; engineering report says that it is sewage; paper/media report says it is groundwater infiltration. Utilities Committee is a filibuster; not all members show up, people should be involved; Committee should be shut down and reconstituted.

Jodee Roberts, Hunter Bay – Attended meeting on March 3, 2016 and questioned a number of properties not on the sewer within 200 feet, question wasn't answered. Why aren't they hooked up? (B. Vick clarified 200 foot provision is not in the current ordinance.) Feels everyone on Woodland Lake should be hooked up to the sewer.

Mike Palmer, East Grand River – SELCRA is a dead horse; let it go. 200 foot rule was changed by Attorney and consultant to satisfy the BTBT. Lakes are the jewels of Brighton Township.

Doug Taylor, Oak Knoll – \$3,000 paid to date by original users on quarterly bills, numbers are not adding up. Trustee Weaire commented on Livingston County being the Retirement Center in the future: this will impact future sewer flows. Based on demography the usage will go down. Why spend Township money on County roads? Over 4,000 REU's available.

Barb Potocki, Woodland Shore Drive – Submitted FOIA requesting records who has paid what, hasn't received any documents; wants access to information by name/property: this list should be available. Why has debt service charge not been applied to capital balance?

CLOSED EXECUTIVE SESSION –

P. Michel moved and D. Hawk seconded to go into closed executive session for review of written communication from Attorney dated June 8, 2016 and litigation specifically Dennis Shoner and Barbara Potocki, individually, and as representatives of a class of similarly-situated persons and entities, Plaintiffs V. Brighton Township.

Ayes: L. Weaire, M. Slaton, D. Hawk, P. Michel, A. Bollin

Nays: None.

Motion carried.

The Board went into closed executive session at 10:28 P.M.

The Board returned to open session at 11:05 P.M.

M. Slaton moved and L. Weaire seconded **to authorize the Attorney to move forward as discussed in closed executive session regarding confidential Attorney Client Communication dated June 8, 2016.**

Ayes: P. Michel, D. Hawk, M. Slaton, L. Weaire, A. Bollin

Nays: None.

Motion carried.

ADJOURNMENT

M. Slaton moved and P. Michel seconded to adjourn. Motion carried.

The meeting adjourned at 11:08 P.M.

Respectfully submitted,

Ann M. Bollin, CMC, CMMC, Clerk

Thomas E. Murphy, Supervisor