

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

**JULY 18, 2016  
REGULAR MEETING  
7:00 P.M.  
(810) 229.0560**

Supervisor T. Murphy called the meeting to order at 7:00 P.M. The Pledge of Allegiance was said.

Present: T. Murphy, Supervisor; A. Bollin, Clerk; D. Hawk, Treasurer; C. Doughty, Trustee; P. Michel, Trustee; M. Slaton, Trustee; L. Weaire, Trustee

Absent: None.

#### CALL TO THE PUBLIC

Donald Parker, Howell, MI – Appointed as representative for Buno Road resident who passed away in a house fire; house has been secured but it was a total loss; working with BAFA on the investigation; appears to be no cash assets with the estate; applied to DHHS for cremation.

Mike Palmer, East Grand River Avenue – Expressed condolences; BTBT's fiduciary responsibility to enforce ordinances; enforcement should not be complaint driven. MMRMA declined claim from class action lawsuit, why?

John O'Meara, Buno Rd – Is neighbor and friend of the fire victim; spoke with Township Planner and received no answers; structure nor fencing is secure; grass is two feet tall; this is a safety and environmental health issue. When will these problems be addressed by the Township?

Jim Sarna, Woodland Shore Drive – Referenced 1882 MTA article defining Township activities and responsibilities; newspaper article referencing annual meetings; voting on salary increases; involvement of people in process.

Bob Potocki, Woodland Shore Drive – Distributed handout and referenced Item F.4., REU Payment Over Time Agreement, asking when will this be added to Assessment Roll?

#### AGENDA

A. Bollin moved and P. Michel seconded **to approve the consent agenda upon removal of Check # 28713 in the amount of \$920.00 to Huron Clinton Metroparks Authority resulting in Payables in the amount of \$531,045.62.**

Motion carried.

#### PUBLIC HEARING AND ADOPTION OF RESOLUTION APPROVING THE DISTRICT / PREPARATION OF ASSESSMENT ROLL – Ridgecrest Lane Road Maintenance SAD No. S-I-02-2016

Z. Dyba, Assistant to the Manager, summarized the SAD process and that the three proposed SAD's are road maintenance SAD's.

#### **Public Hearing opened at 7:24 P.M.**

Mike Palmer, East Grand River Avenue – Livingston County Road Commission is responsible for roads; Township should not be funding roads.

#### **Public Hearing closed at 7:25 P.M.**

Z. Dyba confirmed Ridgecrest Lane is a private road and the residents opted to tax themselves for maintenance. Discussion included confirmation that the petition language included provision to have unpaid assessments distributed over the entire SAD in the subsequent year (Manager commented that delinquent SAD's are turned over to the County with the Township being made whole and indicated that maintenance SAD's are different than other SAD's in that the district spends only what it collects); and status of previously requested report showing the delinquent SAD payments since lifting moratorium (upcoming memo per Manager).

P. Michel moved and C. Doughty seconded **to adopt Resolution No. 16-016 approving the Ridgecrest Lane Road Maintenance Special Assessment District, directing the preparation of the special assessment roll**

**and setting the date of August 15, 2016 for the hearing on the assessment roll.**

Ayes: L. Weaire, C. Doughty, M. Slaton, D. Hawk, A. Bollin, P. Michel, T. Murphy

Nays: None.

Motion carried.

**PUBLIC HEARING AND ADOPTION OF RESOLUTION APPROVING THE DISTRICT / PREPARATION OF ASSESSMENT ROLL – Kendor Drive Road Maintenance SAD No. S-I-03-2016**

Z. Dyba, Assistant to the Manager, provided overview of the proposed SAD.

**Public Hearing opened at 7:29 P.M.**

Mike Palmer, East Grand River Avenue – Stands corrected that Ridgecrest is a private road.

**Public Hearing closed at 7:30 P.M.**

Supervisor asked if there was any additional discussion or questions beyond what was stated in previous agenda item discussion (No additional discussion).

P. Michel moved and C. Doughty seconded **to adopt Resolution No. 16-017 approving the Kendor Drive Road Maintenance Special Assessment District, directing the preparation of the special assessment roll and setting the date of August 15, 2016 for the hearing on the assessment roll.**

Ayes: P. Michel, A. Bollin, D. Hawk, M. Slaton, C. Doughty, L. Weaire, T. Murphy

Nays: None.

Motion carried.

**PUBLIC HEARING AND ADOPTION OF RESOLUTION APPROVING THE DISTRICT / PREPARATION OF ASSESSMENT ROLL – Paradise Farms Road Maintenance SAD No. S-I-04-2016**

Z. Dyba, Assistant to the Manager, summarized this SAD clarifying that it included Link Avenue and Lyon Dr.

**Public Hearing opened at 7:32 P.M.**

Debra Williams, Link Avenue – Submitted a letter and verbally requested a reduction in her assessment amount; numerous new residents; numerous garbage truck traffic; does not feel she should pay the same as others who have multiple cars or those who use recreational vehicles on the road; her driveway has a four inch hump due to poor road maintenance and this is not observed on neighboring property.

**Public Hearing closed at 7:35 P.M.**

Z. Dyba confirmed vacant properties were not being assessed, the percentage of signatures collected was conservative at 68.12%, and informed concerned resident of the steps they can take to correct the four inch hump at the end of their driveway. Discussion included vacant lot assessments and whether they count towards the road frontage percentage to create the district; are they assessed (staff clarified that this proposed SAD has them assessed zero dollars at the petition initiator's request); frontage count towards the signature percentage but the parcels are equally assessed; what happens if a vacant lot is then built on (staff stated the assessment could be changed from zero but would require board action); what is the adopted policy on vacant lot assessments?; reapportionment of unpaid assessments based on adopted Administrative Policy and petition language presented to BTBT; chargebacks; future consideration for road maintenance SAD's to be handled differently because only monies collected are spent; and future consideration to not forward delinquent SAD's to the County due to the chargeback liability. Discussion ensued including request for the SAD Liaison to be present at the next meeting and that an updated map identifying the vacant lots be presented at the next meeting.

P. Michel moved and D. Hawk seconded **to adopt Resolution No. 16-018 approving the Paradise Farms Road Maintenance Special Assessment District, directing the preparation of the special assessment roll and setting the date of August 15, 2016 for the hearing on the assessment roll and further that an updated map with vacant parcels identified will be included with the assessment roll.**

Ayes: L. Weaire, C. Doughty, M. Slaton, D. Hawk, A. Bollin, P. Michel, T. Murphy

Nays: None.

Motion carried.

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

Manager Vick provided a summary of the Sanitary Sewer REU payment over time. Discussion included clarification on the effective date.

A. Bollin moved and P. Michel seconded **to approve the Sanitary Sewer REU Payment Over Time Agreement with Piermarc Holdings, Inc. to pay the two (2) REU's over time for the property commonly referred to as 5050 S. Old US 23 (Tax ID # 4712-32-201-112) and authorize the Clerk and Supervisor to sign the Agreement on behalf of the Township.**

Ayes: P. Michel, A. Bollin, D. Hawk, M. Slaton, C. Doughty, L. Weaire, T. Murphy

Nays: None.

Motion carried.

CLOSED EXECUTIVE SESSION – Confidential Attorney/Client Communication, specifically Dennis Shoner and Barbara Potocki, individually, and as representatives of a class of similarly-situated persons and entities, Plaintiffs vs. Brighton Township, dated July 11, 2016 and July 13, 2016

P. Michel moved and T. Murphy seconded **that the Township Board meet in closed session for the purpose of trial or settlement strategy in connection with specific pending litigation 15.268 Sec. 8(e).**

Ayes: L. Weaire, C. Doughty, M. Slaton, D. Hawk, P. Michel, T. Murphy

Nays: A. Bollin

Motion carried.

**The Board went into closed executive session at 8:02 P.M.**

**The Board returned to open session at 9:27 P.M.**

The BTBT recessed until 9:40 P.M.

AWARD OF CONTRACT – East Grand River Sidewalk Construction, Phase 2, Fonson Company Inc.

Manager Vick provided overview of the bidding process; summary of bids; and OHM's recommendation to award the contract to Fonson. R. Gronevelt, OHM, responded to questions regarding the opinion of probable cost, contingencies, pathway widths and materials, confirmed that contractor payments will coincide with township policies and the bid was still good.

T. Murphy moved and C. Doughty seconded **to accept the recommendation of OHM dated May 9, 2016 for construction of the East Grand River sidewalk/pathway Phase 2 and award the contract to Fonson Company Inc. based upon their submitted unit prices identified on the 05-05-2016 bid tabulation and authorize the Supervisor and Clerk to execute the contract on behalf of the Township.**

Ayes: P. Michel, A. Bollin, D. Hawk, C. Doughty, L. Weaire, T. Murphy

Nays: M. Slaton

Motion carried.

ACCEPTANCE OF PROPOSAL – East Grand River Sidewalk, Phase 2 Construction Engineering, Contract Administration, Construction Staking & Materials Testing – OHM

Manager Vick provided an overview of the proposal and R. Gronevelt, OHM Engineer Consultant Representative, answered questions from the BTBT.

A. Bollin moved and C. Doughty seconded **to accept the proposal from OHM dated July 12, 2016 for construction engineering, contract administration, construction staking (layout) and material testing services related to the second phase of the East Grand River sidewalk/pathway project for a cost not-to-exceed \$82,000.**

Ayes: L. Weaire, C. Doughty, D. Hawk, A. Bollin, P. Michel, T. Murphy

Nays: M. Slaton

Motion carried.

RELOCATION OF PRECINCT – Precinct 7 (Effective Date – November 2016)

Clerk Bollin summarized the process and need to relocate the Precinct 7 polling location (from Farms Middle School (Hartland Consolidated School District) to St. Mary Magdalen (SMM) Church at 2201 S Old US 23). She provided overview of current polling location constraints, the benefits of relocating to SMM, and anticipated costs associated with the move estimated at approximately \$1,000 to \$2,000 for new voter identification cards and signage.

P. Michel moved and C. Doughty seconded to approve the relocation of Brighton Township Precinct 7 from Farms Middle School to Saint Mary Magdalen Church (SMM) located at 2201 S Old US 23 effective November 1, 2016 and hereby authorize the Clerk to notify the voters and publish notice(s) as recommended and directing the budget amendment be prepared for approval at the next meeting.

Ayes: P. Michel, A. Bollin, D. Hawk, M. Slaton, C. Doughty, L. Weaire, T. Murphy

Nays: None.

Motion carried.

#### SELCRA – FY' 2015-16 Participation Settlement

Manager Vick provided overview of Brighton Townships' share of the balance to cover the shortfall towards the settlement of SELCRA's previous fiscal year. Discussion included what SELCRA will look like moving forward; status of Joint Use Agreement with Brighton Area Schools and request by Board members to review the Agreement; future \$ requests will require Board approval and clarification that all member communities that were active in the previous SELCRA fiscal year were responsible for the shortfall.

A. Bollin moved and D. Hawk seconded to approve the payment of \$5,890 to SELCRA which represents Brighton Township's proportionate share of the SELCRA FY' 15-16 shortfall balance and direct a hand check be prepared.

Ayes: L. Weaire, C. Doughty, M. Slaton, D. Hawk, A. Bollin, P. Michel, T. Murphy

Nays: None.

Motion carried.

#### AUTHORIZATION TO PURCHASE – Grinder Stations, Dubois-Cooper

Manager Vick summarized the request confirming it coincides with the Asset Management Plan and will be included in the CMMS.

A. Bollin moved and L. Weaire seconded to accept the unit pricing submitted by Dubois-Cooper dated June 27, 2016 from Dubois-Cooper for the purchase of grinder stations and authorize the Manager to make said purchase in the amount not-to-exceed \$38,090.

Ayes: L. Weaire, C. Doughty, M. Slaton, D. Hawk, A. Bollin, P. Michel, T. Murphy

Nays: None.

Motion carried.

#### APPOINTMENT - Planning Commission

Supervisor Murphy summarized his recommendation to appoint Larry Herzinger to the Planning Commission to fulfill a vacancy for a term expiring December 31, 2017.

A. Bollin moved and P. Michel seconded to accept the Supervisor's recommendation to appoint Larry Herzinger to the Planning Commission to fill a vacancy with the appointment expiring December 31, 2017.

Motion carried.

#### DISCUSSION – Landscaping Design and Ground Sign Concepts

K. Mathews, Township Planner, and J. Smith, PEA, provided overview of the proposed designs and requested Board input. Discussion included the design called for specially chosen plant species that would be site-friendly and accent the building. Proposed design also calls for some site clean-up (light pole painting, removal of rust stains, tree trimming, etc.) and updated sign. Discussion ensued on the proposed sign design concepts with Design B being the preferred sign but that an alternative sign design be provided that includes the top of Design C on Design B sign for consideration at next meeting. Additional tree trimming and backyard clean-up and deer resistant plant species will be included in the bids as discussed.

#### REPORTS AND CORRESPONDENCE

##### REPORTS

Zoning Board of Appeals Regular Meeting Minutes – April 27, 2016

Election Commission Meeting Minutes – February 16, 2016

Livingston Community Water Authority Regular Meeting Minutes – May 18, 2016

P. Michel – SELCRA update including adoption of revised Articles of Incorporation, approved Memorandum of Understanding submitted to Brighton Area Schools for approval, Green Oak and Brighton Township are the

remaining municipalities, process hiring of a new director, Skate Park may be repurposed through partnership with St. Pat's.

D. Hawk – ZBA update.

M. Slaton – Utilities Committee pending clarification. Planning Commission update included approval of Blockade special land use approval and site plan conditions; update on Pleasant Valley culvert; stop sign request at Burson and Leland.

L. Weaire – BAFA update including request for millage increase; campaign update; staffing level with 75 paid on-call fire fighters, Fire Academy beginning in the fall. Discussion included whether BAFA would consider instituting a retention requirement upon receiving training.

T. Murphy – SELCRA update including the service model will be different moving forward: more community driven.

#### DEPARTMENTS

Revenue & Expenditure Report – Fourth Quarter, FY' 2015-2016

Infrastructure Alternatives, Inc. Monthly Operating Report – June 2016

Brighton Area Fire Authority Firestat Report – May 2016

#### MANAGER –

Provided a brief update of the infiltration repair at the manhole and provided clarification on information recently being distributed.

#### CORRESPONDENCE

2016 Water Quality Report – Livingston Community Water Authority

#### CALL TO THE PUBLIC

None.

#### ADJOURNMENT

P. Michel moved and A. Bollin seconded to adjourn. Motion carried.

The meeting adjourned at 11:21 P.M.

Respectfully submitted,

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Ann M. Bollin, CMC, CMMC, Clerk

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Thomas E. Murphy, Supervisor