

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

**SEPTEMBER 19, 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; C. Doughty, Trustee; P. Michel, Trustee; M. Slaton, Trustee; L. Weaire, Trustee

Absent: T. Murphy, Supervisor

P. Michel moved and L. Weaire seconded to **appoint the Clerk as chair.**

Motion carried.

CALL TO THE PUBLIC

Philip Biscorner, SELCRA Director – Introduced himself; would like to present SELCRA's future plans and is available for the October 17, 2016 Board meeting.

Bob Potocki, Woodland Shore Drive – Voter approval has been hijacked; assessment rolls; records; fix the government; fix the sewers.

AGENDA

P. Michel moved and A. Bollin seconded to **approve the consent agenda based upon receiving the clarification.**

Motion carried.

APPROVAL OF BID FOR LANDSCAPING AND GROUND SIGN – Evergreen Outdoor, Inc.

K. Mathews summarized the bid received from Evergreen Outdoors, Inc. noting only one bid was received probably due to the timing but was hopeful the project could be completed this year. Evergreen representative was present to answer any questions and confirmed that they could meet the scheduled completion date of October 31, 2016. Discussion included explanation of slightly higher than estimated costs based upon the sign design selected necessitating a budget amendment if approved, quantity differences/unit pricing, protective fencing, timing of gateway sign reinstallation may be in the spring, and time frame for job completion.

L. Weaire moved and C. Doughty seconded to **approve the contract dated September 9, 2016 from Evergreen Outdoor for the landscaping and new ground sign in the amount of \$76, 225 with the work to be completed by October 31, 2016 as referenced in the contract.**

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

Nays: None.

Motion carried.

APPOINTMENT – Planning Commission Liaison to the ZBA

Clerk Bollin presented this item as a recommendation from the Planning Commission due to a vacancy.

P. Michel moved and D. Hawk seconded to **accept the recommendation of the Planning Commission and appoint Jeff Stinedurf as the Planning Commission's liaison to the Zoning Board of Appeals for a term expiring December 31, 2016.**

Motion carried.

APPROVAL OF AGREEMENT FOR PAYMENT OF SANITARY SEWER REU OVERTIME – R. Morell, LLC.

Manager Vick summarized the agreement in brief referencing the property location on Grand River.

C. Doughty moved and L. Weaire seconded to **approve the Payment-over-Time Agreement with R Morell LLC for one (1) REU for the property commonly referred to as 5865 Whitmore Lake Rd. and authorize the Clerk and Supervisor to sign the Agreement for 5865 Whitmore Lake Rd. (Tax ID # 4712-32-401-042) on behalf of the Township.**

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

Nays: None.
Motion carried.

ACCEPTANCE OF BID, FIRE STATION NO. 33 PARKING LOT – TLS Construction

Z. Dyba, Assistant to the Manager, provided a summary of the parking lot conditions and the bidding process including OHM input on the specifications and that they will oversee the project. Discussion included condition of the parking lot and building, 10% contingency, no unit pricing provided only totals – will the quantities affect the total cost, timeline and coordination with the Brighton Area Fire Authority, use of subcontractors and appropriate insurance, reference checks and clarification that OHM will provide project management under their existing contract. Manager Vick clarified cost variances and current condition of the building and referenced the project list previously provided by BAFA to the Manager (project list and updates will be provided to Township Board).

P. Michel moved and A. Bollin seconded **to accept the bid from TLS Construction dated September 7, 2016 to perform the services outlined in ITB # 16-02 for the Fire Station No. 33 parking lot at 9939 Weber Street, for a not-to-exceed amount of \$42,379 inclusive of the 10% contingency and to authorize the Supervisor and Clerk to sign the contract with TLS Construction.**

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

Nays: M. Slaton

Motion carried.

ADOPTION OF BUDGET AMENDMENT # 4, FY' 2016-17 – Fire Station No. 33 Parking Lot

Manager explained the amendment is in accordance with the acceptance of the Fire Station No. 33 parking lot bid.

P. Michel moved and C. Doughty seconded **to adopt Resolution No. 16-023, Budget Amendment # 4, FY' 2016-17, approving the transfer of funds from the General Fund Fund Balance to Fire Department Capital Improvement line item.**

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

Nays: M. Slaton

Motion carried.

ADOPTION OF BUDGET AMENDMENT # 5, FY' 2016-17 – Infiltration Analysis and Repair Manhole #300A and #301

Manager Vick stated the budget amendment was necessary due to the unforeseen repairs needed for Manhole #300A and #301 and noted the progress of the repairs is posted on the Township website regularly. Discussion included recent average history.

L. Weaire moved and P. Michel seconded **to adopt Resolution No. 16-024, Budget Amendment # 5, FY' 2016-17, approving the utilization of dollars from the O & M Fund Cash Reserve to offset the accumulated costs that are being charged to Collection System Maintenance Repair – Infiltration Manhole (590-540-936.001) for infiltration repairs.**

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

Nays: None.

Motion carried.

AUTHORIZATION FOR TOWNSHIP ATTORNEY TO SEEK CODE ENFORCEMENT COMPLIANCE – 2926 Old US-23

Manager Vick provided background indicating the code enforcement process and options available to the property owner (demolish or rehabilitate), asbestos is an issue, property owner has expressed interest in having the asbestos removed and is working with the Michigan DEQ, and many months have gone by with no resolution. Discussion included impact on surrounding local businesses and impact of blighted buildings in general, communication time frames, removal of asbestos requires a study to be done, would the fire department consider using this building as a practice burn?, no recent history of authorizing the demolition of dilapidated buildings due to similar code violations, desire to proceed fully through the court system, requesting the courts to enforce the asbestos removal, and this has been an ongoing code issue for several years. Attorney Widmaier explained that the process would be to request the courts to bring the property into compliance.

P. Michel moved and C. Doughty seconded **to authorize the Township Attorney to seek code enforcement**

compliance through the court system to ensure that the building located on parcel 12-17-400-024 is brought into compliance with health and safety standards.

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

Nays: None.

Motion carried.

AUTHORIZATION FOR TOWNSHIP ATTORNEY TO SEEK CODE ENFORCEMENT COMPLIANCE – 5042 Walsh

Manager Vick provided background stating it has been vacant for years and summarized code enforcement actions to date and noted records indicate property has not had a Principal Residence Exemption since 2009, goal is to force compliance. Adjacent property owners confirmed that no one has been living there and Township has not been able to reach property owner. Discussion included that the code enforcement action was relatively recent (30 to 60 days) and the need to further attempt to contact the property owner.

P. Michel moved and A. Bollin seconded to table this agenda item for a period of sixty (60) days to give Township staff time to contact the property owner.

Motion carried.

REPORTS AND CORRESPONDENCE

REPORTS

Planning Commission Regular Meeting Minutes – July 11, 2016

Planning Commission Regular Meeting Minutes – August 22, 2016

Livingston Community Water Authority Regular Meeting Minutes – June 15, 2016

L. Weaire – BAFA update including phone communication system upgrade, 9/11 Tribute and Run/Walk a success, 13 new hires, and concerns raised by BAFA personnel regarding increased suicide rates.

C. Doughty – SELCRA update including the Memo of Understanding with BAS has been signed, upcoming Skate Park meeting with St. Pat's School, St. Joseph Hospital interested in financially supporting SELCRA. Discussion included clarification on what the recent payment to SELCRA represented – an additional member community contribution or a substitute for the per participant fee as outlined in current Articles of Incorporation (AoI); can the Township expect to see an invoice for the per participant fee per the current AoI; (staff and liaison confirmed this was a separate contribution and was being proposed as a part of a new funding model – amount represents the current budgeted amount); and a future discussion on future SELCRA funding model will take place in early 2017; discussion may include a budget amendment for funding in Township's next fiscal year but SELCRA's current fiscal year; upcoming presentation by SELCRA on the new model and future programming; and status of review of proposed amendments to the Articles of Incorporation.

M. Slaton – Warned residents of recent break-ins in the area. Planning Commission update including Kroger signage approved and Encore Village tabled.

D. Hawk – Tax season completed. ZBA update included approved variances.

P. Michel – 8th Annual BAFA 9/11 Run/Walk 5K was not well attended based on weather conditions.

A. Bollin – Large Item Drop-Off Event was a success; thanked Manager for microphone repairs; responded to comments made during the Call to the Public explaining the process for approving payables including the adoption of a pre-approval list and adherence to State of Michigan and auditor recommendations and outlined record retention requirements and current policies and practices. November 2016 Election update including Absent Voter applications have been mailed, Precinct 7 relocation notices have successfully been sent to residents.

DEPARTMENTS

Revenue & Expenditure Report – First Quarter, FY' 2016-17

Infrastructure Alternatives, Inc. Monthly Operating Report – August 2016

MANAGER – Informed residents of the News Flash tool on the Township Website which can be accessed via an email subscription to be kept up to date on Township news. AT & T update – still waiting for a response.

CORRESPONDENCE

None.

Consensus of the BTBT is to adjust the agenda based on the attorney's approval to allow for the Call to the Public to come before the Closed Executive Session.

CALL TO THE PUBLIC

Todd Krebs, Walsh Dr. – Thanked BTBT for altering the agenda; how many on the BTBT have physically seen the Walsh property that has been abandoned? Property is a rat-hole; provided taxes owed on the property and the history of tax payments; asked BTBT to do homework and look at the property to understand what it is.

Barb Potocki, Woodland Shore Dr. – Thanked the Township for adjusting the volume of the microphones. Cheryl Guard unable to attend but sent a letter regarding SELCRA funding and feels there is a conflict of interest: when will there be a response?

CLOSED EXECUTIVE SESSION – Status of litigation specifically Dennis Shoner and Barbara Potocki, individually, and as representatives of a class of similarly-situated persons and entities, Plaintiffs v. Brighton Township

P. Michel moved and D. Hawk seconded to go into closed executive session to discuss status of 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, C. Doughty, M. Slaton, D. Hawk, P. Michel, A. Bollin

Nays: None

Motion carried.

The Board went into closed executive session at 8:55 P.M.

The Board returned to open session at 9:28 P.M.

ADJOURNMENT

D. Hawk moved and P. Michel seconded to adjourn. Motion carried.

The meeting adjourned at 9:28 P.M.

Respectfully submitted,

Ann M. Bollin, CMC, CMMC, Clerk

Thomas E. Murphy, Supervisor