

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

**OCTOBER 17, 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

Bob Potocki, Woodland Shore Drive – Knocked on doors; referenced road spending; lack/selective code enforcement; processing fee on tax bills; more outreach to community needed; encourage participation.

Cheryl Guard, Pointe Drive – Two questions are still unanswered by Brighton Township regarding legal authority to cancel annual meeting back in 1995 and SELCRA Board votes – is there a conflict of interest?

Jim Sarna, Woodland Shore Drive – Defined “trustee”; provided handout to Clerk for the record.

Mike Palmer, East Grand River Ave. – Minutes from last work session meeting; referenced two catalogs offering activities and recreation; dual voting members on SELCRA and Township Board have conflict of interest; previously requested discretionary spending stop.

Victor Trombley, Huron Place – Expressed concerns related to a permitted deck in a front yard near his home; referenced it is non-conforming; he feels staff made a mistake and dismissed his complaints; referenced Zoning Ordinance section; requested response in writing.

Barb Potocki, Woodland Shore Drive – Has heard residents complain about the Township changing the ordinances.

AGENDA

A. Bollin moved and P. Michel seconded **to approve the agenda with conditional approval pending the back-up for Check # 29072 for Graphic Sciences.**

Motion carried.

QUARTERLY SANITARY SEWER FINANCIAL REPORT – First Quarter, FY’ 2016-17

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

PRESENTATION/UPDATE ON SELCRA – P. Biscorner, Director

Philip Biscorner, SELCRA Director, introduced himself and summarized the plans he is working on for the future of SELCRA activities including utilizing township facilities for certain classes, partnering with Brighton State Recreational Area for summer camps, offering more environmental related classes, and exploring community fundraising for a redesign of the Meijer skate park. Discussion included SELCRA’s relationship with Brighton Area School District and upcoming meeting with Superintendent to discuss use of facilities. Discussion also included a 6% program registration fee through Legacy, use of BAS facilities is under a Memo of Understanding not a Joint Use Agreement, decrease in adult basketball program participation and kids soccer program, updating the 5-year recreation master plan including timing, purpose and use, and scheduling a joint meeting between the participating communities. P. Biscorner is working towards a cost recovery model and looks forward to keeping open lines of communication between both participating municipalities encouraging all BTBT members to have dialogue with him at anytime regarding any ideas/thoughts or concerns they have related to SELCRA. He feels communication is key to delivering successful recreation to the communities.

ADOPTION OF BUDGET AMENDMENT # 6, FY’ 2016-17 – Legal Defense Costs, Shoner & Potocki, et al v. Brighton Township

Manager Vick summarized the discussion from the October 3, 2016 work session and stated that the budget amendment would close out the costs related to the federal lawsuit and that there will be additional costs associated with the recent lawsuit filed in circuit court. Discussion included past practices; status of MMRMA appeal; and the Manager confirmed with the attorney and auditor that it can be paid for through the enterprise fund.

C. Doughty moved and D. Hawk seconded to adopt **Resolution No. 16-025, Fiscal Year 2016-17, Budget Amendment # 6, approving the utilization of dollars from the O&M fund cash reserve to offset the accumulated legal defense costs as a result of Shoner & Potocki, et al. v. Brighton Township and that all associated costs to date, and moving forward, be charged to the Sewer Fund Legal expense line item (590-537-827.010).**

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

Nays: M. Slaton

Motion carried.

ADOPTION OF PROPOSED AMENDMENT – Administrative Policy # 709, Special Assessment District Parameters

Manager Vick provided background including overview of past discussion on collection of delinquent assessments.

P. Michel moved and C. Doughty seconded to adopt **the amendments to Administrative Policy # 709, Special Assessment District Parameters.**

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

Nays: None.

Motion carried.

APPROVAL OF CONTRACT EXTENSION – Engineering Services, OHM

Manager Vick summarized that the current engineering service agreement with OHM is expiring and recommended that we extend the current contract on a month-to-month basis while the RFQ process is being completed.

A. Bollin moved and C. Doughty seconded to **authorize the Supervisor and Clerk to execute the contract extension agreement on behalf of the Township which will allow engineering services via OHM to continue uninterrupted while the Township Board completes the RFQ process.**

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

Nays: None.

Motion carried.

ACCEPTANCE OF PROPOSAL – Pump Station # 1 Clean Out, Advanced Underground Inspections

Manager Vick indicated Pump Station #1 is the most utilized pump station with the highest flow and this is routine maintenance that needs to be done every couple years. Discussion included exploring a longer contract period, confirmation that work effort is being recorded for incorporation into a future GIS or CMMS program, and there is not a CMMS program currently operational.

A. Bollin moved and L. Weaire seconded to **authorize the Manager to accept the proposal for cleaning Pump Station # 1 based on the discussion and as submitted by Advanced Underground Inspections for a not-to-exceed amount of \$7,500 based on the proposal dated August 2, 2016.**

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

Nays: None.

Motion carried.

APPROVAL OF CONTRACT – MI State Police, Enhanced Alcohol Enforcement

Manager Vick confirmed this is a budgeted item and explained that the MSP fiscal year is opposite of the Township's which is why it is every six (6) months. Board requested that future reports show year-to-year comparisons.

L. Weaire moved and C. Doughty seconded to **authorize the Township Supervisor to execute a contract with the Michigan State Police for enhanced alcohol enforcement at a cost not-to-exceed \$6,000 for the period of October 1, 2016 through March 31, 2017.**

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

Nays: None.

Motion carried.

APPROVAL OF CONTRACT – Snow Removal Services, Alan’s Asphalt Maintenance

Z. Dyba, Assistant to the Township Manager, summarized the bidding process and noted that Alan’s Asphalt was the low bidder, contract is for two (2) years and confirmed the price of salt will remain the same over that time period.

P. Michel moved and D. Hawk seconded **to accept the proposal from Alan’s Asphalt Maintenance for snow plowing services in the amount of \$15,978 per year for two (2) years and to authorize the Township Clerk and Supervisor to sign the contract on behalf of the Township.**

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

Nays: None.

Motion carried.

APPROVAL OF METRO ACT RIGHT OF WAY PERMIT – Fibertech Holdings

Manager Vick summarized the Metro Act permit process and distributed an updated letter from the attorney.

Discussion included clarification that Fibertech will be co-locating on existing DTE poles and any new lines would be installed underground; incorporation of attorney’s recommendation to include this language in a cover letter to applicant; no policy changes needed; notification requirements; and expiration date (15-year with three (3) extensions).

P. Michel moved and A. Bollin seconded **to authorize the Supervisor to sign the Metro Act Right-of-Way Permit for Fibertech Holdings based upon the comments and recommendations of legal counsel with the term of 15 years from the Effective Date; provided, however, that following such initial term there shall be three (3) subsequent renewal terms of five (5) years. Per Section 7.1.1 each renewal term shall be automatic unless Brighton Township notifies Company in writing, at least 12 months prior to the end of any term then in effect, that due to changed circumstances a need exists to negotiate the subsequent renewal with Company. Brighton Township shall not unreasonably deny a renewal term.**

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

Nays: M. Slaton

Motion carried.

RENEWAL OF VIDEO FRANCHISE AGREEMENT – AT & T Michigan

Manager Vick provided overview of the franchise agreements. Discussion included broadcasting through the Township’s public access channel through AT&T; monies generated from franchise agreement; Comcast franchise is still in place; broadcasts could be through both companies.

P. Michel moved and C. Doughty seconded **to approve Resolution No. 16-026 renewing the franchise agreement with AT&T and empowering the Manager to complete and send the franchise agreement to AT&T as presented.**

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

Nays: None.

Motion carried.

REPORTS AND CORRESPONDENCE

REPORTS

Zoning Board of Appeals Regular Meeting Minutes – June 22, 2016

L. Weaire – BAFA update including new smoke alarm grant; Station 33 needs replacement generator - the Authority will be replacing it; upcoming activities; replacing all lights with LED’s; SEMCOG update.

C. Doughty – SELCRA Update including pet costume contest. Thanked Brighton Township residents for allowing her to serve the past twelve years; stated she does pay a sewer and water bill.

M. Slaton – Upcoming Planning Commission meeting.

D. Hawk – Prepping for Winter tax bill mailing on December 1st. Thanked residents for the opportunity to serve.

A. Bollin – Election update including last day of registration, relocation of Precinct 7, and Military and Overseas ballot stats and pending legislation regarding billboards and cell towers. Also inquired on status of response to questions raised in Call to the Public particularly SELCRA questions and process and timing of Ordinance language changes. Attorney stated he will forward response to Manager Vick regarding SELCRA; Manager stated proposed ordinance language changes will be presented at a future Planning Commission

meeting. Asset Management plan status specifically implementing a CMMS – aren't costs reimbursable? Thanked Supervisor Murphy, Trustee Doughty, and Treasurer Hawk for serving the community.

P. Michel – Election Commission update.

T. Murphy – Thanked everyone; confirmed he does not and has never lived in Ohio; responded to comments made during the Call to the Public regarding deck ordinance and enforcement; Township will respond to request regarding SELCRA voting members conflict of interest; wishes the new Board the best outcomes for the Township.

DEPARTMENTS

Treasurer's Reports – July and August 2016

Brighton Area Fire Authority Firestat Reports – June, July, August 2016

MANAGER – Medical Marijuana Facilities Licensing Act; Township is in compliance with Federal law with no anticipation of changing the ordinances at this time.

CORRESPONDENCE

None.

CALL TO THE PUBLIC

Barb Potocki, Woodland Shore Drive – Neighborhood pole barn built against ordinances - does she address this to the Planning Commission or Board? Sad that citizens are considered bullies; referenced lawsuit against Tetra Tech and property that the Township bought for \$500,000.

Jim Sarna, Woodland Shore Drive – Attended DNR meeting in August; spoke with head of DNR regarding weed control on local lakes through special assessment districts. Upset that public would be regarded as bullies by some board members.

CLOSED EXECUTIVE SESSION – Trial or Settlement Strategy in Connection with 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 **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: P. Michel, A. Bollin, D. Hawk, M. Slaton, C. Doughty, L. Weaire, T. Murphy

Nays: None

Motion carried.

The Board went into closed executive session at 8:52 P.M.

The Board returned to open session at 10:05 P.M.

ADJOURNMENT

C. Doughty moved and L. Weaire seconded to adjourn. Motion carried.

The meeting adjourned at 10:06 P.M.

Respectfully submitted,

Ann M. Bollin, CMC, CMMC, Clerk

Patrick Michel, Supervisor