

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

**FEBRUARY 6, 2017  
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; R. Drouillard, Treasurer; S. Combs, Trustee; M. Slaton, Trustee; S. Theis, Trustee; L. Weaire, Trustee

Absent: P. Michel, Supervisor

L. Weaire moved and R. Drouillard seconded **to appoint Clerk Bollin as the chair.**

Motion carried.

#### CALL TO THE PUBLIC

Mike Palmer, East Grand River Avenue – Referenced Policy 209 and requested that the Chair allow for public comment during agenda items; Rep. Lana Theis letter is just shopping for another opinion; took Representative Theis two months to respond. Referenced minutes from previous meeting - Attorney memo v. opinion. Distributed four (4) memos on different topics: SELCRA Incompatible Offices, Cornerstone, Brian Vick Grosse Pointe Farms, and Encore.

Jim Sarna, Woodland Shore Drive – Distributed handout showing lead plaintiffs in road lawsuit – they were not informed as plaintiffs, lawsuit is fraud.

Cheryl Guard, Pointe Drive – Vacant lot owner in original district and paid \$12,400 for REU sewer hookup and also an improved lot owner in original district paying \$12,400 for REU sewer hookup and stated she is exempt from Policy 807; all vacant property owners in original district should be considered exempt from additional costs including Policy 807 and referenced Manager's March 3, 2016 presentation, pages 82-83.

Bob Potocki, Woodland Shore Drive – Distributed handout; sewer pricing; whistle blower; Doug Taylor was fired; B. Prine is an insider. Requested citizens committees be brought back; requested County be involved.

Barb Potocki, Woodland Shore Drive – Thanked Board for including more in the minutes; referenced past Township Newsletter; current Manager has not joined anything in the community, doesn't live here. January 2008 Township purchased property and then sold property in February 2008 to Tetra Tech for \$1, how can this be?

Sam Raguso, Hilton Road – Allotted his 3 minutes to Mike Palmer.

Mike Palmer, East Grand River Avenue – State Representative letter from Lana Theis about Attorney General Opinion is not good enough; echoed Cheryl Guard's comments on vacant parcels in original SAD. Long term board members problem has not been fixed; objects to appointment of Bud Prine.

Dennis Shoner, Woodland Shore Drive – Allotted his 3 minutes to Cheryl Guard.

Cheryl Guard, Pointe Drive – Referenced March 2016 presentation; "Sewer Tap Fee" is for new users. Allotted remaining minutes to Jim Sarna.

Jim Sarna, Woodland Shore Drive – Supports Cheryl Guard; agrees original users are exempt from fees. Referenced Detroit News article from 2000; whole thing is a fraud; users should not pay for extra capacity - fix it.

Doug Taylor, Oak Knoll – Sewer is the biggest expenditure in Township history. Sewer was constructed under the County Drain Code. Approval of the sewer was issued for 100% of the Township. BTBT packet is 202 pages long - how can BTBT digest all these pages in a few days? Who is behind this sewer development?

Paula Murphy, Parklawn Drive – Sewer was forced upon people, everyone should pay. Realtors are avoiding selling in Brighton Township.

#### AGENDA

L. Weaire moved and R. Drouillard seconded **to approve the consent agenda upon removing Check # 29615 to IT Right in the amount of \$20.00.**

Motion carried.

APPEAL OF ADMINISTRATIVE INTERPRETATION – Policy #807, 8321 Hilton and 2916 Hideaway Beach  
Consensus was to handle each appeal one at a time.

#### 8321 HILTON ROAD

Manager Vick provided background on the appeal submitted for 8321 Hilton. Applicant Attorney Matthew Hagerty, Myers and Myers, representing Steve and Kim Rushak provided a summary of the appeal. Attorney Jim Keifer was present and advised the Board of what its role was in the appeal process explaining it was to determine if the Manager correctly interpreted the Policy and noted that the Board can adopt and revise policies. He also noted that the federal class action was dismissed but there was current pending litigation and any policy amendment would need to consider other related policies, financial impact, etc. Discussion included if there was an option to not hear the appeal? (No), have fees been paid? (Yes), costs of grinder pump vs. other costs and no policy in place for Payment over Time for any other costs besides an REU.

S. Theis moved and S. Combs seconded **to not concur with the Administrative Policies Committee decision regarding the Manager's interpretation of Policy # 807 for the property located at 8321 Hilton Road on the basis that the Administrative Policy did not address the language in the Policy # 807 which states that all collection system construction must be funded by the properties receiving any current or future benefit from the construction and funding shall be through a special assessment, developer construction or such other funding as may be allowed by law and also that the collection system construction costs were spelled out in details therefore those costs have been paid by the property owner already.**

Ayes: S. Theis, S. Combs

Nays: L. Weaire, R. Drouillard, M. Slaton, A. Bollin

Motion failed.

R. Drouillard moved and L. Weaire seconded **to concur with Administrative Policies Committee decision regarding the Manager's interpretation and application of Policy #807 for the property located at 8321 Hilton Road.**

Ayes: R. Drouillard, L. Weaire, A. Bollin

Nays: M. Slaton, S. Combs, S. Theis

Motion failed.

A. Bollin moved and R. Drouillard seconded **to concur with Administrative Policies Committee decision regarding the Manager's interpretation and application of Policy #807 for the property located at 8321 Hilton Road and to direct the review of Policy #807 and that information be gathered for review and discussion by the Board for revisions to the Policy #807 including the history on number of vacant lots included in the original SAD, monies paid to date for vacant lots for construction or connection to the sewer system, review of relative policies for conflict or need for clarification on language, discussion on whether or not Payment Over Time might be an option for connection fees and associated costs, and a full financial summary and understanding of the cost impact on the system including documentation of any assumptions.**

Ayes: L. Weaire, S. Theis, R. Drouillard, M. Slaton, A. Bollin

Nays: S. Combs

Motion carried.

#### 2916 HIDEAWAY BEACH

Kim and Scott Barabas summarized their appeal of the Manager's interpretation of Policy #807 noting there was a lack of communication of the policy, estimate was incomplete, monies should be placed in escrow,

believes they paid for their connection when they paid for the REU in the original SAD and requested refund of their payment for connection to the system. Discussion included consideration of placing these monies in escrow when reviewing the policy for changes.

A. Bollin moved and R. Drouillard seconded **to concur with the Administrative Policies Committee decision regarding the Manager’s interpretation and application of Policy #807 for the property located at 2916 Hideaway Beach and to direct the reevaluation of Policy #807 inclusive of providing information to the Board on the number of vacant lots, total dollars paid to date, outstanding payments/estimate and identifying some assumptions for vacant lots in original SAD not yet built on, review of relative policies for conflict or need for clarification on language, and adding discussion of escrow or adding a retroactive refund for enforcement of the current policy as the Policy is being reviewed.**

Ayes: L. Weaire, S. Theis, R. Drouillard, M. Slaton, A. Bollin

Nays: S. Combs

Motion carried.

UPDATE – Sewer Rate Study

Manager Vick provided an update of the sewer rate study. Update to Scenario 1 reflects an updated user charge reflecting a 6% increase due to the reduction in estimated legal expenses being charged to the sewer fund for current litigation. Public hearing will be held at 7 PM on Thursday, February 23, 2017 at Township Hall in the Board Room. Written comments can be submitted prior to the public hearing.

INCOMPATIBLE OFFICES / SELCRA

Manager Vick provided summary of recent discussions on incompatible offices regarding SELCRA including the correspondence from Representative Theis. J. Harris referenced the AG opinion, MI Constitution, and cited the other documents provided by Attorney Keifer noting his office had not found these references when originally reviewing.

S. Theis moved and R. Drouillard seconded **to accept Representative Theis’ memorandum satisfying the Brighton Township Board’s questions relative to the Incompatible Offices and SELCRA.**

Ayes: L. Weaire, S. Theis, S. Combs, R. Drouillard, M. Slaton, A. Bollin

Nays: None.

Motion carried.

TRANSFER OF SDD LICENSE AND SUNDAY SALES (PM) PERMIT – Kroger

Manager Vick provided overview. Discussion included status of Kroger’s current license(s); verification that the Township has not found any code enforcement violations or issues with the Kroger facility; available licenses; and why a transfer v. new license. Consensus is to direct the Manager to reach out to the Liquor Control Commission and the Applicant for clarification and to re-present for consideration at the February 23, 2017 Board meeting.

APPOINTMENT - Planning Commission

M. Slaton moved and L. Weaire seconded **to accept the recommendation of the Supervisor and appoint Bud Prine to the Planning Commission for a term expiring December 31, 2019.**

Motion carried.

DISCUSSION – Support Emergency Operations Plan

Manager Vick provided summary of the draft plan based on recent meeting with Livingston County. Discussion included recent incidents’ that could have initiated an emergency plan, chain of command for delegation, local emergency response v. County emergency response, FEMA disaster grant eligibility, does this authorize the County to charge back expenses to the Township (Manager stated no) and how private vs. public road closures are handled (no conclusion). Manager reviewed the approval process through the State of Michigan.

REPORTS AND CORRESPONDENCE

REPORTS

Zoning Board of Appeals Regular Meeting Minutes – November 30, 2016

## DEPARTMENTS

Brighton Area Fire Authority Firestat Reports – December 2016

Infrastructure Alternatives, Inc. Monthly Operating Report – September, October, November, December 2016

Manager – Provided clarification on power failure due to mouse infestation in six (6) pump stations, Board requested more information on the DTE power issues noted in the IAI monthly operating reports and suggested a meeting be scheduled with the DTE community liaison to discuss concerns; summary of action being taken regarding high number of failing grinder pumps at Cornerstone was presented.

S. Theis – ZBA update; residential variance approved, Verizon variance denied.

R. Drouillard – LCWA cancelled due to no quorum.

M. Slaton – PC meeting upcoming on 02-21-17 to review Encore.

A. Bollin – Election equipment update; upcoming vendor shows at County level. Election coordination agreements with schools to include clause for schools to commit to existing polling locations for all elections within the report period, agreements will come to Board for opt-in authorization, time constrained and a special meeting may be needed if the materials are ready.

MANAGER – Update on lawsuit for Shoner and Potocki vs. Brighton Township, expecting summary disposition on February 16, 2017.

CORRESPONDENCE - None

## CALL TO THE PUBLIC

Jim Sarna, Woodland Shore Drive – Exempts S. Theis and S. Combs, Trustee means “trust”. You don’t pay for sewers twice.

Bob Potocki, Woodland Shore Drive – Old Board fired Doug Taylor, wasn’t proper. Put new people on committees. Policy #807 - is it a special assessment or drain district? Duncan Chiropractic receives discounts on sewer. Lots have been paying interest since 2000 and other fees. O&M increase, contributions to former Treasurer Theis’ campaign, requested outside audit repeatedly. Conflict of interest with SELCRA; Township didn’t have voter approval to spend \$1 million on SELCRA.

Doug Taylor, Oak Knoll – August 14, 2000 approved assessment roll shows Dombrowski assessed at \$12,400. This has already been paid for - Policy #807 is costing homeowners another \$16,000. Will the next homeowner need to pay again?

Cheryl Guard, Pointe Drive – Stated she is a vacant lot owner in original district and is exempt from policy # 807 – her property is grandfathered in. Similar to a zoning ordinance change, current homeowners are grandfathered in.

Barb Potocki, Woodland Shore Drive – Provided a card so Township will answer her question about property sold to Tetra Tech for \$1. Price for WWTP property; commented on colorful and spirited meeting language in previous meetings.

## ADJOURNMENT

L. Weaire moved and R. Drouillard seconded **to adjourn**. Motion carried.

The meeting adjourned at 9:56 P.M.

Respectfully submitted,

---

Ann M. Bollin, CMC, CMMC, Clerk

---

Patrick Michel, Supervisor