

## MINUTES

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

**AUGUST 20, 2018  
REGULAR MEETING  
6:30 P.M.  
(810) 229.0560**

Supervisor Michel called the meeting to order at 6:30 P.M. The Pledge of Allegiance was said.

Present: P. Michel, Supervisor; A. Bollin, Clerk; R. Drouillard, Treasurer; S. Combs, Trustee; M. Slaton, Trustee; S. Theis, Trustee; L. Weaire, Trustee

Absent: None.

#### CALL TO THE PUBLIC

Jan Black, School Lake – Neighboring residents are dragging weeds across the lake with the use of their pontoon boats. Believes this is retaliation to their petition being tabled.

Mike Palmer, Grand River – Read the board packet, maps with sewer provisions in master deeds is misleading; doesn't show multiple businesses and neighborhoods near sewer; distributed a map; 14 site plans noted in the memo from staff; board members have known for five years; failed in your fiduciary duty.

Barb Potocki, Woodland Shore Drive – Allotted her minutes to Mike Palmer.

Mike Palmer, Grand River – Enforce the ordinances and laws; Manager's duties are established by the Township Board; compel people to hook up. System users' handbook shows 180 days to hook up, get them on the sewer.

Clerk Bollin clarified there were clerical corrections made to the proposed agenda, specifically, Item F.4 should read First Quarter FY' 2018-19 (wrong quarter) and F.5. to read Permit for 123.Net (wrong company name).

#### AGENDA

A. Bollin moved and L. Weaire seconded to **approve the consent agenda upon adding an additional item to the closed executive session, specifically adding Agenda Item I.3., Discussion of Trial or Settlement Strategy in connection with litigation, specifically, Shoner and Potocki et al v. Brighton Township.**

Motion carried.

**PUBLIC HEARING AND ADOPTION OF RESOLUTION APPROVING THE DISTRICT/PREPARATION OF ASSESSMENT ROLL – Shenandoah and Shenandoah Pond Road Improvement Special Assessment District, SAD No. S-I-02-2018**

Z. Dyba, Assistant to the Manager, provided background information including petitions were presented based on road frontage, 185 properties in district, estimate provided by Livingston County Road Commission, and assessment would be paid back over a period of ten (10) years.

#### **Public Hearing opened at 6:44 P.M.**

Bert Peterson, 10428 Greenbrier – Initiated petition for SAD, thanked staff for helping process go smoothly. Inquired if the BTBT could provide financial assistance with the bonding fees. Can SAD be paid off before 10 years?

Bob Dittler, 2375 Indian Sinks Ct – Referenced accidental fall by neighbor in July; roads are 33 years old and need to be repaired. Requested the Board's help.

Frank Nolte, 2262 Laurel Springs – How is it handled if the project goes over \$1 million? Suggests a Q&A online for residents.

Ron Jess, 10186 Newfound Gap – Thanked neighbors for working on petition. Great subdivision to live in. Supports SAD.

Clerk Bollin noted the following written comments were received and read into the record:

Ben & Jackie Finden, 2700 Cades Cove, E-mail dated August 11, 2018 - Objects to Special Assessment District.

Mike Palmer, 10382 E Grand River Ave – Roads are responsibility of LCRC, residents are being double dipped. Board is not doing their job.

Trustee Theis confirmed the Special Assessment Districts are initiated by the residents.

**Public Hearing closed at 6:58 P.M.**

Z. Dyba, Assistant to the Manager, confirmed residents can pay off the SAD early. Discussion included verification by staff that the language affirming the reapportionment of unpaid assessments will be redistributed annually per Township policy and will be included in the resolution language adopting the assessment roll, the costs for selling bonds (approximately four to five percent as mentioned at the last meeting), consideration of establishing a revolving loan fund at a lower interest rate, General Fund – Fund Balance amount is substantial. S. Combs moved and S. Theis seconded to **adopt Resolution No. 18-017 approving the Shenandoah and Shenandoah Pond Road Improvement Special Assessment District, SAD Number S-I-02-2018, and directing the preparation of the special assessment roll and setting the date as September 17, 2018 for the hearing on the assessment roll.**

Ayes: S. Theis, S. Combs, R. Drouillard, M. Slaton, P. Michel

Nays: L. Weaire, A. Bollin

Motion carried.

Clerk Bollin noted her objection was based on funding through a low interest General Fund loan or establishing a Revolving Loan Fund v. taking on the additional costs and obligations of a bond and also noted need to determine how many other subdivisions would be interested and the need to establish parameters (i.e. passer ratings) to provide equal opportunity to other subdivisions.

**PUBLIC HEARING AND ADOPTION OF RESOLUTION APPROVING THE DISTRICT/PREPARATION OF ASSESSMENT ROLL – Meadowood Road Improvement Special Assessment District, SAD No. S-I-03-2018**

Z. Dyba, Assistant to the Manager, provided background information regarding this SAD including the size of the district, the estimated cost of the project, and the payback to be over ten (10) years.

**Public Hearing opened at 7:07 P.M.**

Doug Beilharz, 10593 Hickory Knoll Court – Objects to Special Assessment District, petition was presented under false pretenses, referenced letter, road was built to LCRC specs, two sections of road are bad. Seniors are on fixed incomes; no guarantee roads will be maintained. SAD should include a “not to exceed” price.

Scott Sommers, 10689 Hickory Knoll Court – Thanked neighbors for support of the SAD, residents shared stories of road problems over the years, injuries. Requested Board to help with bonding fees or a portion of the interest.

Mike Palmer, 10382 E Grand River Ave – Dialogue is key. Supported Trustee Slaton, LCRC needs to be pressured, get the news to the LCRC meetings. Ask the LCRC why are you double dipping residents of Brighton Township?

Bill Anderson, 10994 N Woodfield Circle – No one likes paying SAD's. Michigan is last in expenditures for road construction, roads reflect this. Distributed flier. Neighboring states spend 3x more per person on roads. Encourages Board to find a financial system as a solution to help the residents with their roads. Suggested using General Fund as a revolving loan fund.

Will Shikany, 10596 Hickory Knoll Ct – Supports SAD, requests Boards support of SAD. Not pleased with funding of the State or process, residents need to take control and move on.

Dick Demmings, 10622 Hickory Knoll Court – Wants to see roads fixed before he moves on.

Ed Sikina, 10605 Hickory Knoll Court – Supports SAD, appreciates good roads. Invested in his house and property, time to invest in the roads.

Jeff Miller, 4050 Deerfield Court – Supports SAD, son fell in court.

Clerk Bollin read written comments that were received into the record from the following:

Victor Skown, 10533 Hickory Knoll Court – Letter objecting to the SAD.

Doug Beilharz, 10593 Hickory Knoll Court – Letter objecting to the SAD.

Public Comments Continued:

Ron Kangas, 10653 Hickory Knoll Court – Resident Sommers was fair and honest. Requested the Board to support the SAD.

**Public Hearing closed at 7:27 P.M.**

Discussion included the cost of bonds v. revolving loan, clerical error, petition language did not include language requiring the reapportionment of annual assessments not paid in any given year but will be included in the resolution approving the assessment roll, bonding agent fees, interest of the bond fees are incorporated into the SAD and are considered direct costs to the SAD.

**S. Theis moved and R. Drouillard seconded to adopt Resolution No. 18-018 approving the Meadowood Road Improvement Special Assessment District, SAD Number S-I-03-2018, directing the preparation of the special assessment roll, and setting the date as September 17, 2018 for the public hearing on the assessment roll upon making the revision on Page 1 stating the assessment shall be in the amount of \$7,900 plus interest.**

Ayes: S. Theis, S. Combs, R. Drouillard, M. Slaton, P. Michel

Nays: L. Weaire, A. Bollin

Motion carried.

**PRESENTATION AND ACCEPTANCE OF FY' 2017/2018 AUDIT**

John Pfeffer, Pfeffer, Hanniford, & Palka, presented an overview of the audit and indicated the Township accounting records are in very good shape. Township stayed within budget and continued to make improvements by adding REU's. Clarification provided on government activities, and specifically naming the lawsuit and tax tribunal on page 50.

**S. Theis moved and A. Bollin seconded to receive and place on file the audit from Pfeffer, Hanniford, & Palka for fiscal year 2017/18 upon making the suggested changes.**

Motion carried.

**QUARTERLY SANITARY SEWER FINANCIAL REPORT – First Quarter FY' 2018-19 (Period Ending June 30, 2018)**

John Pfeffer, Pfeffer, Hanniford, & Palka, presented the Quarterly Report. Note is a work in progress for clarifying the settlement litigation. The report was received and filed.

APPROVAL AND AUTHORIZATION TO SIGN METRO ACT RIGHT-OF-WAY PERMIT EXTENSION – 123.Net

K. Mathews, Township Planner, provided background of the permit for the underground conduit. Discussion included amending the language in section 1.5 to read “The Charter Township of Brighton” and verification that timeframe is acceptable per the applicant.

A. Bollin moved and R. Drouillard seconded **to authorize the Supervisor to sign the Metro Act Right-of-Way Permit with 123.Net adding the expiration date (fifteen years from the effective date) and upon making the change to Section 1.5, specifically changing the name to read The Charter Township of Brighton and noting the original gets filed in the Clerk’s Office and the appropriate other signed copies get distributed to the applicant.**

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

Nays: None.

Motion carried.

ACCEPTANCE OF BID FOR TOWNSHIP HALL PARKING LOT – Asphalt Specialists, Inc.

Z. Dyba, Assistant to the Manager, provided an overview of this project. Dan Cabage, F&V Engineer, was present. Discussion included whether staff had reviewed the HAVA sidewalk grant as discussed by BTBT in July (Z. Dyba indicated no), timing of the parking lot improvements and consideration of high foot traffic with taxes due in September and election related traffic picking up in mid to late September, location of handicap spots, impact of snowplow, will number of parking spots be increased (no), has the attorney reviewed the contract language and did the project include the Michigan State Police back lot (no).

A. Bollin moved and S. Combs seconded **to accept the bid from Asphalt Specialists and to authorize the Township Supervisor and Clerk to sign the contract upon review by the Township Attorney and upon completion of the review of the HAVA Grant as previously requested and with the inclusion of the two (2) year maintenance bond as recommended by the Township Engineer.**

Ayes: S. Theis, S. Combs, R. Drouillard, A. Bollin, M. Slaton, P. Michel

Nays: L. Weaire

Motion carried.

REQUEST FOR COMMENTS – NEW RESORT SDD LIQUOR LICENSE, The Kroger Company of Michigan

K. Mathews, Township Planner, provided summary on the different liquor licenses available to local businesses. Discussion included whether there were any prior violations and confirmation that all taxes have been paid.

REQUEST TO PURCHASE GRINDER PUMP STATIONS AND ANCILLARY PARTS – Dubois-Cooper  
Manager Vick provided background on the grinder pump stations and the parts needed and confirmed it was a budgeted item. Z. Lewis, Infrastructure Alternatives representative, was present and provided clarification on the quote regarding the Sentry Simplex Panel.

A. Bollin moved and L. Weaire seconded **to accept the unit pricing submitted by Dubois-Cooper dated August 15, 2018 for the purchase of grinder stations and ancillary parts in an amount not-to-exceed \$40,160 and authorize the Manager to make said purchase.**

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

Nays: None.

Motion carried.

MERS CONFERENCE – Approval to Attend and Appointment of Board Representative

Manager Vick introduced this item as an annual conference that the Township sends a representative to; he is recommending an employee also attend noting in the past we only sent an officer delegate.

L. Weaire moved and S. Theis seconded **to appoint Rose Drouillard as the officer delegate to the MERS Annual Conference and Brian Vick as the alternate Officer delegate.**

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

Nays: None.

Motion carried.

REPORTS AND CORRESPONDENCEREPORTS

Zoning Board of Appeals Regular Meeting Minutes – June 27, 2018

Zoning Board of Appeals Regular Meeting Minutes – April 25, 2018

Planning Commission Regular Meeting Minutes – June 11, 2018

Brighton Area Fire Authority Regular Meeting Minutes – June 14, 2018

SELCRA Meeting Minutes – June, 2018

Livingston Community Water Authority Regular Meeting Minutes – May 16, 2018

L. Weaire – BAFA meeting was cancelled.

S. Theis – Was unable to attend the ZBA meeting.

R. Drouillard – Taxes are due September 14<sup>th</sup>. LCWA update including next meeting on September 19, 2018.

A. Bollin – Primary election was successful, new equipment roll-out went well, 35.5% turnout. Noted Curt Kofahl letter regarding School Lake SAD was submitted prior to the public hearing but not received by us due to the server being down. LCWA minutes mentioned DFCU REU's, has payment been received? (yes). Master Plan Update – requested status of the RFP.

M. Slaton – Planning Commission meeting discussed Master Plan. Special Land Use permit did not pass. Inquired about abandoned home on Leland, update included court order, fire was confirmed arson, requested Attorney Harris to follow up on status. Encore Village status update; status quo.

DEPARTMENTS

Revenue and Expenditure Report – First Quarter, FY' 2018-2019

Infrastructure Alternatives, Inc. Monthly Operating Report – July 2018

MANAGER

School Lake Special Assessment District – Multiple residents removed their support for this SAD causing it to fall below the signature threshold per Township policies. Homeowners in support may come back down the road with a new petition. Discussion included Township jurisdiction over weeds being dragged across lake.

Brighton Business Park – Will be looking at the material handed out at podium.

Additional updates included Assessing Reform, Township Assessor attended forum, legislative sponsors were receptive to comments from local jurisdictions. Sanitary Sewer overflow occurred on Carols Drive, summary of Infrastructure Alternative timely response was provided.

Supervisor offered condolences to the passing of Clerk Bollin's Mother.

CORRESPONDENCE

None.

CALL TO THE PUBLIC

Mike Palmer, E Grand River Avenue – Brighton Business Park, Harris letter sent to Brighton Business Park. Read from and distributed handout. Submitted FOIA for letter to Mr. Kelly, bogus letter. Received signed letter that went out May 28, 2018. What is going on?

Barb Potocki, Woodland Shore Drive – Allotted 3 minutes to Mike Palmer.

Mike Palmer, E Grand River Avenue – May 31, 2018 signed letter sent to Mr. Kelly. June 1, 2018 letter did not exist. Attorney Harris does not need to be involved – just enforce the ordinance and have them hook up. Monies have been lost without these hook-ups.

CLOSED EXECUTIVE SESSION – 1. Trial or Settlement Strategy in Connection with Litigation specifically Mann Investments LLC v. Brighton Township, 2. Attorney/Client Communication specifically Ashley Land Development dated July 20, 2018, 3. Trial or Settlement Strategy in Connection with Litigation, specifically, Shoner and Potocki v. Brighton Township

A. Bollin moved and R. Drouillard seconded **to go into closed executive session for the purpose of discussing Trial or Settlement Strategy in Connection with Litigation, specifically Mann Investments LLC v. Brighton Township; Attorney/Client Communication, specifically Ashley Land Development dated July 20, 2018; and Shoner and Potocki et al v. Brighton Township.**

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

Nays: None.

Motion carried.

**The Board went into closed executive session at 8:50 P.M.**

**The Board returned to open session at 10:25 P.M.**

Trustee Slaton – Planning Commission is requesting Township contact the County to put speed limit signs up and down Kensington Road for 55 Miles per hour and contact the Sherriff to enforce this because of gravel trucks.

#### ADJOURNMENT

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

The meeting adjourned at 10:26 P.M.

Respectfully submitted,

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Ann M. Bollin, CMC, CMMC, Clerk

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Patrick Michel, Supervisor