

NORTHFIELD TOWNSHIP

Township Board

Minutes

March 26, 2019

CALL TO ORDER

The meeting was called to order at 7:05 P.M. by Supervisor Chockley at 8350 Main Street.

PLEDGE

Trustee Beliger provided a brief invocation and led those present in the Pledge of Allegiance.

ROLL CALL

Marlene Chockley, Supervisor	Present
Kathleen Manley, Clerk	Present
Lenore Zelenock, Treasurer	Present
Tawn Beliger, Trustee	Present
Janet Chick, Trustee	Present
Wayne Dockett, Trustee	Present
Jacki Otto, Trustee	Present

Also present:

Public Safety Director William Wagner
Wastewater Treatment Plant Superintendent Dan Willis
Community Center Director Tammy Averill
Township Manager Steven Aynes
Township Engineer Brian Rubel, Tetra Tech
Township Attorney Paul Burns
Bond counsel Steve Mann
Members of the community

ADOPT AGENDA

- **Motion:** Chockley moved, Chick supported, that the agenda be adopted as presented.
Motion carried 7—0 on a voice vote.

FIRST CALL TO THE PUBLIC

Mary Devlin, 9221 Brookside Drive, spoke about the sale of 75 Barker Road and downtown development.

BOARD MEMBER RESPONSE

No comments.

PRESENTATIONS AND UPDATES

Equalization Basin: Presentation of Key Points and Opportunity for Community Feedback

Chockley gave a brief presentation about the history of the wastewater treatment plant, noting it was built in 1961, and addition of a retention basin was recommended in 1988 and 2005. She reviewed the history of times when partially treated effluent was released from the plant in

times of high wet weather flow. She also reviewed the rate history, including system development charges, and noted that typical plant flows are approaching the maximum level allowed by the DEQ before expansion is required. She said the current issue is whether and when to build an equalization basin and described the bonding process for such an improvement.

The Board, staff, and consultants answered questions submitted from the public present and made comments, including:

- Development of the downtown area is difficult because of the physical limitations of US-23, the lake, and the Livingston County border. There is an existing Downtown Strategic Action Plan. Development of the North Village park could help revitalize the downtown.
- There are currently 3374 unmetered REUs in the sewer district and about 20 metered users.
- A sewer asset management plan is being developed using a Michigan Stormwater, Asset Management, and Wastewater (SAW) grant, which will be completed next year.
- Sufficient sewer infrastructure is needed to maintain what currently needs to be served, and without an adequate system developers will not consider the Township. There is sufficient capacity to allow for a vibrant downtown (150-200 REUs available). The township attorney says there is no legal obligation to meet future demand now, and the DEQ has said current flows could be increased to 1 million gallons/day without improvements (including the basin), and the plant has not been cited for permit violations. Lack of critical mass of residents is a hindrance to downtown development. The Township must meet the requirements of the DEQ permit, the requirements of all court orders (including a 2002 order to install a retention basin), and the requirements of all agreements with neighboring Townships.
- Township Engineer Brian Rubel said improvements to the sewer system are paid for by the sewer utility from cash on hand, connection fees, developer agreements, and quarterly fees.
- Bond Counsel Steve Mann said it would not be legal to charge anyone, including developers, more than their proportional share of use of the sewer system, including a retention basin.

Members of the public made comments, including:

- Gregg Gillespie, 436 North Point Drive, objected to existing residents paying for any of the cost of development.

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- Robert Marks, 8748 Main Street, said the Township has chased away potential development, and a retention basin would be less expensive than a retention tank. Chockley said there will be a point at which development cannot be allowed without construction of a basin or tank, and the Township has a choice of doing this on its own schedule or when mandated by the State.
- Adam Olney, 9315 Lakewood Court, said regardless of public opinion the Township Board has legal obligations to fulfill, including not to allow flows to bypass the wastewater treatment plant, and one instance of flow bypassing treatment is too many.
- Mary Devlin, 9211 Brookside Drive, said she is in favor of delaying both the replacement of the sewer line and construction of the basin.
- Dale Brewer, 11548 East Shore Drive, Green Oak Township, said the Township does not have a full capital improvement plan, a sewer rate study, or sufficient sewer reserves which are all required to support construction of a basin. [Steven Mann clarified there are no reserve requirements for capital improvement bonds, unlike revenue bonds].
- James ~~Trunko~~, 9255 ~~Trunko~~, Lakewood Drive, objected to untreated flows bypassing the plant, and said the cost is worth the investment in a basin.
- Faith Wheeler, 371 Grove, said the high school and Public Safety Building were built before there was sufficient population to pay for them, and she doesn't want that to happen with construction of a sewer retention basin.
- Dana Forester, 9255 Lakewood, said the Township should not contribute to the pollution of the Huron River by allowing flows to bypass the plant. [Willis explained that bypassed flows sometimes include higher phosphorus and fecal counts, and this is illegal because it is a violation of the plant permit].
- John Orin, 9144 Walnut Drive, objected to Green Oak residents being served by the sewer system.
- In answer to a question from Mike Cicchella, 7789 Sutton, Willis said more sewage will not be treated with a retention basin in place, rather it will be treated more completely. Cicchella cautioned against depending on future development to finance a basin.
- David Gordon, 5558 Hellner Road, said constructing the basin would be a sewer tax, and there is no financial analysis showing that incurring that debt will revitalize the downtown. He said the sewer plant is not creating pollution, the DEQ has not issued violations, the plant has plenty of capacity, expansion needs to pay for new development, and the money should be spent on creating a waterfront park to attract more residents.
- Kittie Burkhart, 6187 Nollar, said she is not on the sewer system, but she is concerned about the entire Township being responsible for the debt of a retention basin.
- Mary Anderson, 600 Six Mile, said there has been no growth in the Township in the 20 years.
- Ginny St. Charles, 374 Dartmoor, questioned the financing of the project.
- Kathy Nelson, 7777 Sutton Road, said the proposed revision to the Master Plan has specific information about sewer expansion which is very good, and adopting that document would help quell rumors about what development will be allowed.
- Craig Warburton, 450 W. Joy Road, said the peak flows seem to be intermittent and not significant, the Township seems more interested in being ready for development than preserving open space, and he is concerned about all Township residents being responsible for the debt.
- Jim Nelson, 7777 Sutton Road, said evidence shows residential development does not pay for itself.
- Kathy Braun, 316 E. Shore Drive, said she thinks a retention basin will be needed some day, but not now, and she is concerned about the cost. She said the Township should spend money on other things, such as bike paths, and find development opportunities for the community.
- In answer to questions from Harrison Parker, 366 Ivy Lawn, Willis said in his opinion the retention basin is needed now, regardless of new development, and significant new development would require expansion of the plant. Mann said payment of tap fees could probably legally be required from a developer up front.

The Board thanked the public for their participation, and made comments, including:

- Chick questioned how an increase of \$24/quarter in sewer fees can be reconciled with polluting the area rivers.
- At Chockley's request members of the public indicated their position on an equalization basin (16 in favor—all on the sewer system; 28 opposed--16 of them not on the sewer system, 3 unsure)
- In answer to questions, Engineer Brian Rubel said the least expensive design for a retention basin or tank would be used.
- Several Board members said sufficient, consolidated information about the options, including financial analysis is needed.

Chockley recessed the meeting for five minutes.

CORRESPONDENCE AND ANNOUNCEMENTS

Chockley noted there were many communications from residents about the retention basin, and the surveymonkey.com survey about budget priorities will close on Thursday.

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APPROVAL OF MINUTES

Otto made one correction.

- ▶ **Motion:** Chockley moved, Chick supported, that the minutes of the March 12, 2019 Regular Board Meeting be approved as amended. **Motion carried 7—0 on a voice vote.**

AGENDA ITEMS

1.

Resolution 19-602:

Fiscal Year 2018/19 Budget Amendment #2

- ▶ **Motion:** Chockley moved, Otto supported, to adopt Resolution 19-602. **Motion carried 5—2 on a roll call vote, Dockett and Beliger opposed. Resolution adopted.**

2.

Resolution 19-603:

Representative to Obtain Road Closure Permit for the 4th of July Fireworks

- ▶ **Motion:** Chockley moved, Otto supported, to adopt Resolution 19-603 for the temporary road closure for the 4th of July Fireworks. **Motion carried 7—0 on a roll call vote. Resolution adopted.**

3.

Resolution 19-604:

Representative to Obtain Banner Permit for the 4th of July Fireworks

- ▶ **Motion:** Chockley moved, Chick supported, to adopt Resolution 19-604. **Motion carried 7—0 on a roll call vote. Resolution adopted.**

4.

Agreement with Thomas A. Duke Company for the sale of 75 Barker Road

The Board discussed their expectations and options including putting a for sale sign on the building before signing a listing agreement, listing the property now and excluding the Acho Brothers (who have expressed interest) from the any listing agreement, not including the parking area in the property to be sold, and rescinding the motion to sell per Planning Commission recommendation to consider the matter further.

- ▶ **Motion:** Beliger moved, Manley supported, to put up a "For Sale by Owner" sign on 75 Barker for the sale of the entire property until a broker's listing agreement is ready to be executed **Motion carried 4—3 on a voice vote, Chockley, Chick, and Zelenock opposed.**
- ▶ **Motion:** Beliger moved Dockett supported, to set the listing price for 75 Barker Road at \$330,000.

Chockley proposed a friendly amendment to set the listing price at \$1 million dollars. She said she does not want the parking sold. She withdrew her proposal.

- ▶ **Motion failed 3—3 on a roll call vote, Manley, Chockley, and Zelenock opposed, Chick not present.**

- ▶ **Motion:** Zelenock moved, Dockett supported, that the Township attorney send the current renter a letter informing them the Township intends to sell 75 Barker Road, and if it sells they will have 30 days to vacate the property. **Motion carried 7—0 on a voice vote.**

- ▶ **Motion:** Zelenock moved, Dockett supported, that the Township Manager provide a recommendation at the next Board meeting for a listing broker and recommended listing price, with comparable sales data included.

- ▶ **Amendment to motion:** Zelenock moved, Otto supported, to amend the motion to exclude the Acho Brothers from the listing. **Amendment to motion carried 7—0 on a voice vote.**

- ▶ **Amended motion:** Zelenock moved, Dockett supported, that the Township Manager provide a recommendation for the next Board meeting for a listing broker and recommended listing price, excluding the Acho Brothers from the listing, with comparable sales data included. **Amended motion carried 7—0 on a voice vote.**

5.

Budget Items for Fiscal Year 2019-2020

- ▶ **Motion:** Chockley moved, Chick supported, to include \$10,000 for People's Express, \$5,000 for Parks & Recreation, \$2,000 for Clean-up Day, and \$10,200 for membership dues in the 2020 draft budget.
- ▶ **Amendment to motion:** Otto moved to exclude \$750 for the Huron River Watershed Council dues pending more information being provided.

The Board discussed the pros and cons of doing this, rather than considering each item separately as additions to the budget later. It was noted that the People's Express funding would be spread across two fiscal years. Zelenock noted she is on the People's Express Board; it was agreed to vote on the items separately.

Chockley withdrew her motion and Otto withdrew her amendment.

- ▶ **Motion:** Chockley moved, Otto supported, to include \$10,000 for People's Express in the 2020 draft budget. **Motion carried 4—2—1 on a roll call vote, Dockett and Beliger opposed, Zelenock abstaining.**

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- ▶ **Motion:** Chockley moved, Zelenock supported, to include \$15,000 ~~\$5,000~~ for Parks & Recreation in the 2020 draft budget. **Motion carried 5—2 on a roll call vote, Dockett and Beliger opposed.**
- ▶ **Motion:** Chockley moved, Manley supported, to include \$2,000 for Clean-up Day in the 2020 draft budget. **Motion carried 5—2 on a roll call vote, Dockett and Beliger opposed.**
- ▶ **Motion:** Chockley moved, Zelenock supported, to include \$9,000 for membership dues in the 2020 draft budget.

After discussion it was agreed to consider the various membership dues when the full budget is reviewed.

Chockley withdrew her motion.

- ▶ **Motion:** Zelenock moved, Chockley supported, to consider the inclusion of membership dues by item in the 2020 budget at the next Board meeting. **Motion carried 7—0 on a voice vote.**
- ▶ **Motion:** Zelenock moved, Manley supported, to have Building Department fees reassessed by Aynes, Mary Bird, and the Zoning Administrator. **Motion carried 6—1 on a roll call vote, Dockett opposed.**

TOWNSHIP MANAGER UPDATE

Aynes:

- reported he and staff have been working on revising the process for event permits,
- reviewed the budgeting process,
- noted the Road Commission meeting with the Board will be scheduled soon,
- provided options to consider for possible update of the website, and
- asked whether the Board wants to consider providing self-service kiosks for the public.

Submitted by Lisa Lemble.

Corrections to the originally issued minutes are indicated as follows:

Wording removed is ~~stricken through~~;
Wording added is underlined.

Approved by the Township Board on April 9, 2019.

SECOND CALL TO THE PUBLIC

Dale Brewer, Green Oak Township, made recommendations about the sale of 75 Barker Road and studying Building Department fees. George Brown expressed displeasure at the loss of funds Kiwanis could have raised had they been allowed to use 75 Barker during the past year, and said he has concerns about the potential future use of the Kelly property which is up for sale

Adam Olney, 9315 Lakewood Court, noted the sunset clause on the Board's opting out of marijuana sales will expire soon, commented on the sale of 75 Barker Road, and asked about the Kaboom grant. [Aynes reported the Township's grant proposal was not funded].

David Gordon commented on the sewer retention basin information and lack of clarity about the issue.

BOARD MEMBER COMMENTS

Board members thanked the public for their participation, commented on budget priorities and use of funds, commented on the sale of 75 Barker and the decision-making process for the sewer retention basin, reviewed the timeline for adopting a marijuana ordinance, and discussed procedures and documentation for Board meetings,

ADJOURNMENT

- ▶ **Motion:** Chockley moved, Otto supported, that the meeting be adjourned. **Motion carried 7—0 on a voice vote.**

The meeting adjourned at 11:00 P.M.

Kathleen Manley, Clerk

Official minutes of all meetings are available on the Township's website at http://www.twp-northfield.org/government/township_board_of_trustees/