

NORTHFIELD TOWNSHIP Township Board Meeting Minutes April 14, 2015

CALL TO ORDER/PLEDGE

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

Supervisor Engstrom led those present in the Pledge of Allegiance.

ROLL CALL

Marilyn Engstrom, Supervisor	Present
Kathy Braun, Treasurer	Present
Angela Westover, Clerk	Present
Janet Chick, Trustee	Absent with notice
Wayne Dockett, Trustee	Present
Jacki Otto, Trustee	Present
Tracy Thomas, Trustee	Present

Also present:

Township Manager Howard Fink
Township Attorney Paul Burns
Members of the community

ADOPT CONSENT AGENDA

- **Minutes: February 27, March 10, and March 24, 2015**
- **Bills**
- **Authorization of Settlement for Michigan Tax Tribunal Lawsuit for Whitmore Lanes**

- **Motion:** Engstrom moved, Thomas supported, that the agenda be adopted as presented.
Motion carried 6—0 on a voice vote.

ADOPT AGENDA

Thomas asked that discussion of a BMX park—a Parks & Recreation item—be added to the agenda. Fink reported People's Express has asked that their consideration of their request be postponed. He also noted that Chick had requested that consideration of the Planning Commission Survey be postponed until The Planning Commission has had a chance to consider this. Engstrom asked that authorization of a settlement discussed in an attorney-client privileged communication be added.

- **Motion:** Engstrom moved, Thomas supported, that the agenda be adopted as amended.
Motion carried 6—0 on a voice vote.

FIRST CALL TO THE PUBLIC

Mike Cicchella, 7789 Sutton Road, spoke in opposition to the Township spending money on planning issues and a meeting room, likening it to bad decisions made before he served as Supervisor that endangered the Township's financial condition.

David Gordon, 5558 Hellner Road, made a suggestion for improving communications between public officials and the public. He also said the premise of a consultant's

proposal to conduct a citizen survey in the Township is false.

Craig Warburton, 450 West Joy Road, said it is clear no discussion of amending the Master Plan would have happened without a request from a developer which would go into the prettiest part of the Township near protected lands. He asked the Board to stop these plans.

James Gordinier, 6690 Earhart Road, said a natural retention pond in the area was filled in by the Wildwood Meadow developer resulting in serious flooding. He said the proposal for a special assessment district would cost him at least \$25,000, and the Township would be charged \$106,000 for this man-made problem.

BOARD MEMBER COMMENTS

Dockett said he agrees the Township should not be spending money on a Board meeting room.

CORRESPONDENCE & ANNOUNCEMENTS

None.

REPORTS

Department Heads

Wastewater Treatment Plant. Hardesty referred to his March report.

Police. Chief Wagner read the summary of the March report and updated the conditions of two officers injured at the Pond Hockey Tournament, noting that one will be off-duty following surgery for most of the year and that will impact the department's budget.

Fire. Chief Wagner read the summary of the March report and relayed a proposal from Salem Township to share the cost of two warning sirens.

Treasurer. Braun referred to the revenue and expenditure reports, and reports showing taxes transmitted to the County and taxes remaining unpaid.

Community Center. Averill referred to her written report. She said 24 people are signed up for lunches at the center, and plans are continuing to start Meals on Wheels in June.

Manager. Fink referred to his written report. In answer to a question from Dockett, Fink explained that the Washtenaw Area Transportation Study (WATS) Technical Committee recommended approval of the US-23 project, and the Policy Committee votes tomorrow.

Other

Planning Commission. No report.

**Northfield Township Board Meeting
Minutes of Workshop Meeting
Public Safety Building; 8350 Main Street
April 14, 2015**

Zoning Board of Appeals. Otto reported that on March 30th the ZBA approved variances for projects on Lakeshore Drive and Five Mile Road.

Parks and Recreation. Thomas said the Parks & Recreation Master Plan will be completed soon.

AGENDA ITEMS

1.

**Earhart Road
Drainage Special Assessment District**

Fink reported the Township filed an appeal to reserve the right of the Board to decide how to respond to a \$106,000 draining assessment, but an initial \$650 bond requirement was increased to \$25,000 with very little notice, the Township could not file on time, and the Probate Court rejected its appeal to accept the bond late. He said an appeal of that decision could be filed.

Dennis Wojcik, Deputy Water Resources Commissioner for Washtenaw County, made a presentation showing that the natural drain in this area was blocked a former natural detention area being filled and by construction of a house. He said prior to a massive flood in 2011—which closed Earhart Road for 10 days and prevented residents of Wild Meadows Circle from getting to their homes—he had advised other residents of the area to work with the owner of that house to install a drainage pipe, but they were not successful. He said as a result of the flood residents started the petition process in 2011.

Wojcik explained that there were higher-than usual engineering and easement condemnation costs for this project, and 51% of the benefit and cost of the project was assigned to Northfield Township. In answer to another question from Dockett, Wojcik said maintenance of the drain is paid for by the property owners.

Dockett said more of the cost should be assigned to the people who changed the drainage. Wojcik said he does not disagree, but the assessment cannot be legally structured that way. In answer to questions from Engstrom, Wojcik said no action has been taken against the parties who changed the drainage pattern, and the house was built in about 2005. Otto said the Township must have issued building permits for the house.

Fink said Burns believes legal action in the Probate Court is possible to appeal the Township's assessment, but, if successful, that would shift the cost to the homeowners in the area. Otto asked if more fill can be legally prevented by the Township. Fink said the area was determined to not be a regulated wetland, but the developer still needed a fill permit that they did not seek.

Burns said the question is whether the Drain Commissioner, Evan Pratt, will agree to re-open the apportionment hearing. Pratt said this type of thing happens frequently, and case law supports a suit against a neighbor that changes drainage, but neighbors did not do that in this case.

James Gordinier said only 10 people signed the petition and they own the smallest parcels in the district so will pay the least.

Pratt said if he is legally allowed to do so he would consider re-opening the apportionment hearing, but questioned how the outcome could be improved. Fink said he needs to have a discussion with the County Board of Trustees about this. Burns said at least an opportunity to stay the process would be appreciated so the Township has time to consider the issue. Pratt said he is willing to do what is legally allowed.

- ▶ **Motion:** Thomas moved, Otto supported, to authorize Paul Burns to either pursue an appeal of the Probate Court's denial of the acceptance of a bond, and/or use any other legal proceedings, including any appellate rights to preserve the Township's rights going forward, and to authorize Burns to engage in a negotiated order or agreement with the County that would allow proceedings to be stayed and not proceed further while the Board can get more information
Motion carried 6—0 on a voice vote.

The Board agreed Fink should take this issue to the County Board.

2.

Washtenaw County Road Commission Projects

- ▶ **Motion:** Otto moved, Thomas supported, that \$120,000 be approved for road improvements as outlined in Fink's memo, with the \$9,004.36 difference between the projects listed being included for miscellaneous approved road improvements, and authorizing the Township Manager to sign the road project contract.
Motion carried 6—0 on a voice vote.

3.

**Wastewater Treatment Plant Request
for Rebuild of Tertiary Sand Filters**

- ▶ **Motion:** Otto moved, Engstrom supported, that the Wastewater Treatment Plant Request for rebuilding of tertiary sand filters, including vacuum truck rental, for a total of \$159,683 be approved, and that the Township Manager be authorized to sign the contract.
Motion carried 6—0 on a voice vote.

4.

**Civic Event Permit:
Meet on Main**

- ▶ **Motion:** Otto moved, Thomas supported, that the Civic Event Permit for Meet on Main be approved subject to the following prior to the event: submittal of a more detailed site plan, the Township being named as an additional insured on the Chamber's policy, and receipt of the \$100 permit fee.
Motion carried 6—0 on a voice vote.

5.

Civic Event Permit: German Park

- ▶ **Motion:** Otto moved, Thomas supported, that the Civic Event Permit for German Park be approved subject to confirmation of liquor liability coverage.
Motion carried 6—0 on a voice vote.

6.
People's Express Contract Revisions

Removed from the agenda.

7.
Board Room Construction: Construction Manager

Thomas said given the news about the potential cost to the Township of the Earhart Road Special Drainage Assessment District it is unclear whether the Township will be able to afford this project.

- ▶ **Motion:** Thomas moved, Dockett supported, that the Board Room Construction Project be tabled indefinitely. **Motion carried 6—0 on a voice vote.**

8. **Planning Commission Survey**

Removed from the agenda.

9.
Authorization of Settlement

- ▶ **Motion:** Engstrom moved, Braun supported, to authorize settlement as set forth in the attorney-client privileged communication in the Nowatzke matter.

Dockett said he wants it on the record that three Nowatzke L.L.C.s owe the Township \$25,000 for sewer service, and Nowatzke wants to settle for 50% of that, but he does not support that. He asked for a roll call vote.

Motion carried 4—2 on a roll call vote, Dockett and Thomas opposed.

10.
BMX Park

Thomas explained that the Parks & Recreation Committee has been working on development of a BMX (bicycle motocross) park next to the Bark Park, and the school district seems amenable. He said this would probably require a \$2,000 contribution per year for increased insurance premiums and maintenance of the facility. He asked for a consensus of the Board about this. Dockett

said he would like to see a park that serves everyone, not just dog owners and bike racers. Thomas said the Committee is also working on that. Other Board members indicated support.

SECOND CALL TO THE PUBLIC

Earhart Road Drainage Special Assessment District. Mary Devlin, 9211 Brookside Drive, and Chuck Steuer, 760 Six Mile Road, asked whether legal action against the property owner who caused the problem could be filed, or if a class action suit could be initiated.

Township Finances. David Gordon, 5558 Hellner Road, supported delaying the meeting room construction, and questioned whether it would be legal under one of the two bonds used for construction the Public Safety Building two rent out the second floor of the building.

Northfield Neighbors. Jim Nelson, 7777 Sutton Road, listed items related to Township government available on the website www.northfieldneighbors.today.

BOARD MEMBER COMMENTS

Millages. Dockett commented on the cost to taxpayers for the Township's millages and said he will vote no on the May ballot millage proposal.

Road Improvements. Thomas noted the Board spent quite a bit of time at the last Board workshop discussing the County Road Commission projects approved earlier in the meeting.

Bonds/Building Rental. Fink said he has looked into the issue of renting out the second floor of the Public Safety Building and welcomed ideas for legally doing this to a governmental or non-profit entity, but knows of no legal opinion that would allow other rentals.

ADJOURNMENT

- ▶ **Motion:** Engstrom moved, Thomas supported, that the meeting be adjourned.
Motion carried 6—0 on a voice vote.

The meeting adjourned at 9:28 P.M.

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 _____, 2015.

Angela Westover, Clerk

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