

**CHARTER TOWNSHIP OF LYON  
BOARD OF TRUSTEES  
MEETING MINUTES  
September 8, 2003**

Approved as submitted October 6, 2003.

DATE: September 8, 2003  
TIME: 7:00 PM  
PLACE: 58000 Grand River

Call to Order: Supervisor Shigley called the meeting to order at 7:00 PM.

Roll Call: Present: Joseph Shigley, Supervisor  
Patricia Carcone, Treasurer  
Pamela Johnson, Clerk  
Ray Bisio, Trustee  
Daniel Cash, Trustee  
Steven Adams, Trustee  
Lannie Young, Trustee

Also Present: Matt Quinn, Township Attorney  
Chris Olson, Township Superintendent  
Chris Doozan, Township Planner  
Loren Crandell, Township Engineer  
Larry Phillips, Building Official  
Les Cash, Fire Chief

Guests: 62

**1. APPROVAL OF THE CONSENT AGENDA**

- Approval of Regular Meeting Minutes of August 4, 2003
- Approval of Special Meeting Minutes of August 11, 2003
- Approval of Disbursements
- Resolution of Approval of Deficit Elimination Plans
- Approval of Financial Statements through July, 2003
- Superintendent Report
- Engineer Monthly Report
- Building Department Monthly Report
- Fire Department Monthly Report
- Sheriff Department Report
- Zoning Officer Report
- Earth Tech – WWTP Operating Report

Mr. Shigley requested that the Resolution of Approval of Deficit Elimination Plans be

removed from  
the Consent Agenda for discussion and action at the end of the agenda.

Mr. Bisio made a motion to approve the consent agenda as amended. Ms. Carcone supported the motion.

Roll Call Vote:	Ayes:	Bisio, Carcone, Cash, Shigley, Young, Adams
	Nays:	Johnson

Motion approved.

**2. CALL TO THE PUBLIC ON NON-AGENDA ITEMS**

Judy Roscoe, 25700 Milford Road, discussed the water problems that they are having in her area because of the work that is being on the adjoining property. Mr. Shigley noted that he has tried to contact Ms. Roscoe several times, but has been unsuccessful. He suggested that Ms. Roscoe give him a call on his cell phone. She stated that she would contact him this week. Ms. Roscoe noted that she has pictures of a hole that is approximately four stories deep on the property that is being worked on. She stated that this could be a potential safety problem. She indicated that there are a couple people living in her neighborhood that are having a lot of problems with their wells because of this construction.

Dave Talaga, 25001 Douglas Drive, stated that there is a petition that is being filed with regard to the Phoenix development and questioned what would happen. Mr. Quinn responded that if the petitions meet the statutory requirements and require an election to be called, an election date would be selected. The issue would be to either let the Ordinances stand or they would be repealed. If they stand, then the zoning would continue as is. If they are repealed, then the land would revert back to the original zoning.

Mr. Talaga discussed the newsletters going around the community, which he felt were pretty political and sometimes distort the truth. It was noted that Mr. Adams and Mr. Bisio's names seem to appear in the newsletter quite often. Mr. Adams and Mr. Bisio both stated that they do not have anything to do with the newsletters, they too receive the newsletters in their mailboxes.

Darcy Hollon, 24300 Martindale Road, stated that she was talking with a resident in Carriage Club the other day who requested that she inform the Board that the section that they live in is supposed

to have sidewalks, but does not at this time. They questioned when the sidewalks would be put in.

Jim Hamilton, 24200 Martindale Road, stated that he has noticed some sidewalks around the Carriage Club perimeter that are in need of repair. He stated that he just wanted to inform the Board that the repair work was supposed to be done last year, but has not been done as of yet.

Bill Altgilbers, 794 Huntington Drive, President of Continental Aluminum, stated that in Thursday's South Lyon Herald there will be an announcement that they will open up the plant next Monday for a plant tour. He stated that they will be limiting the tour to approximately eight people.

Jeff Potter, Oakland County Commissioner, updated the Board on the happenings at the County level.

Robin Allen, 28550 Tindale Trail, stated that at the May 5th meeting Mr. Altgilbers stated that a firm contract has been entered into with an acoustical company to investigate the noise problem at Continental. He stated that it has now been over four months and questioned what the status is of this investigation.

Bill Altgilbers, Continental Aluminum, stated that with the pending class-action lawsuit, Continental's Attorneys have advised him not to discuss this. He did state that the investigation is still ongoing.

### **3. APPROVAL OF AGENDA**

Mr. Adams stated that they just received information tonight on two of the agenda items. He felt that it is unwise and unfair to the people to be able to vote on something that the Board members have not been able to review properly. The two issues are: Arbors of Lyon – Request for approval of final preliminary plan and Second reading and proposed adoption of Kirkway Estates – Final Planned Development. He stated that he did not believe that he is ready to vote on either of these issues tonight.

Mr. Adams made a motion to remove these two issues from the agenda and place them

on the next agenda to allow the Board members time to review the information.

Ms. Johnson noted that they had Kirkway Estates last month, this is the second reading.

Mr. Adams amended his motion only to include Item 9c, Arbors of Lyon, which he requested to be removed from the agenda. Mr. Bisio supported the motion.

Mr. Shigley asked if there were any comments regarding the motion from the Board.

Mr. Young stated that he would like to see this issue left on the agenda and then if they need to table it at that time, they can do so. Mr. Adams stated that he would be agreeable to this.

Mr. Shigley asked if there were any public comments.

Larry Wilkinson, Beztak Company, stated that he would appreciate it if this issue could be left on the agenda.

Mr. Bisio stated that he would like to have Mr. Adams revise his motion to include the Resolution regarding transfer of well ownership. Mr. Adams agreed to the amendment. Mr. Bisio supported the amendment.

Mr. Shigley asked if there were any other comments regarding the motion. There were none.

Roll Call Vote:	Ayes:	Shigley, Adams, Bisio
	Nays:	Carcone, Cash, Johnson, Young

Motion failed.

Mr. Quinn noted that he would like the following added to the agenda:

- Bonding Resolution (this would be discussed and acted upon after 9b, Resolution confirming roll for Pontiac Trail/Martindale Road Sanitary Sewer Improvements Special Assessment District).

Ms. Carcone made a motion to approve the agenda as modified. Mr. Cash supported the motion.

Voice Vote:	Ayes:	All
	Nays:	Adams

Motion approved.

#### 4. ANNOUNCEMENTS AND COMMUNICATIONS

- Michigan Department of Community Health will be holding a meeting September 16, 2003 at 7:00 PM at the Township Hall.
- Mr. Adams updated the residents of the road improvements on Milford Road.
- Ms. Carcone reminded the residents that taxes are due by September 15, 2003.
- Mr. Olson reminded the Board that they have mandatory meeting on Tuesday, September 30, 2003 for Zoning Liability seminar. He noted that this is also mandatory for the Planning Commission and the Zoning Board of Appeals.

#### 5. UNFINISHED BUSINESS

##### a. Jim Meenahan Proposal

Mr. Meenahan stated that he is an Independent Environmental Engineer Consultant. He stated that several months ago he read in the newspapers about the struggle that the Township is having with the gas recovery system. He noted that he has spoken with Mr. Shigley and felt that he could provide some assistance with this issue. He briefly discussed how he could be of service to the Township and the Township Attorney in their pursuit to recoup the funds for the gas recovery system. He noted that he has provided the Township with a proposal for his services.

Mr. Olson stated that the proposal that was submitted is in the amount of \$1,500.00. He stated that the Board would need to approve this.

Mr. Bisio questioned what type of information a consultant could bring to the table for \$1,500.00 since this issue has been going on for 1-1/2 years now. Mr. Quinn stated that he never has any objection to getting more information on any topic that they are investigating for the Township. He stated that it appears, from the proposal, that the consultant is indicating that upon review of any written contracts and their knowledge in this field, they may be able to provide some assistance to the Township.

Mr. Bisio stated that they have been looking for documentation regarding this issue at the Township. He questioned if the documentation has been found. Mr. Olson responded the case has not been the documentation, it has been GRS' willingness to continue the contract which was

signed by a predecessor. He stated that if necessary, the consultants could possibly serve as expert witnesses.

Mr. Young stated that \$1,500 is \$1,500 and if it is going to be beneficial to the Township to spend it then they should spend it. He stated that at this point he is not sure, since he has not reviewed the files, that if the Township Attorney and Superintendent feel it is necessary to spend the money, this is the type of feedback he is looking for.

Mr. Adams stated that they were received approximately \$90,000 from the gas recovery. He felt that if spending \$1,500 would help them win the case, then it would be money well spent.

Ms. Carcone stated that she is very familiar with this case. She noted that this is simply a matter of GPS not wanting to pay. She stated that it really boils down to the interpretation of the contract.

The Township interprets the contract differently than GPS. She asked Mr. Meenahan what type of information he would be looking for in the contract. Mr. Meenahan responded that one of the things that he would look at is the provisions in the contract and how they are structured. He further explained the items that they would be examining in the contracts and documents.

Mr. Adams made a motion to employ James Meenahan, Environmental Energy Consultant, to review the contracts and give recommendations regarding the land gas recovery to the Township Attorney for an amount not to exceed \$1,500.00. Mr. Young supported the motion.

Mr. Shigley asked if there were any comments regarding the motion from the Board. There were none. He then asked if there were any public comments.

John Hicks, 29393 Tonester Circle, stated that the Township pays a fair amount for legal services. He stated that he would feel more comfortable with the Attorney's representing the Township. The Attorney's usually have their own expert witnesses.

Dave Talaga, 25001 Douglas Drive, stated that he concurs with Mr. Hicks' comments. He stated that this proposal is for \$1,500, but questioned what would it be if they had to bring this consultant into court.

Mr. Talaga questioned what Mr. Meenahan's expertise is. Mr. Shigley noted that they have received a resume from Mr. Meenahan which indicates his experience.

Mr. Cash stated that \$375.00 per hour seems like a lot for someone to look at the paperwork.

Ms. Carcone stated that she is very impressed with Mr. Quinn's work, especially on this case. She noted that \$375.00 a hour is a lot of money.

John Hicks, 29393 Tonester Circle, questioned if he would take this on contingency.

Voice Vote:                   Ayes:           Shigley, Young, Adams, Bisio  
                                      Nays:           Cash, Johnson, Carcone

Motion approved

**b. Second Reading and Proposed Adoption of Kirkway Estates (Northridge Estates Planned Development) – Final Planned Development Approval**

Mr. Doozan reviewed the comments indicated in the September 4, 2003 McKenna Associates, Inc. letter regarding this issue.

Mr. Cash made a motion to approve the final planned development for Kirkway Estates subject to the conditions cited in the September 4, 2003 McKenna Associates, Inc. letter. Mr. Bisio supported the motion.

Mr. Shigley asked if there was any discussion on the motion from the Board.

Mr. Young questioned if the Master Deed and By-laws still have to go for a final draft approval by the Planning Commission and the Board. Mr. Doozan responded that the condominium documents still need to be approved. Mr. Young stated that even though they are approving this tonight as a final, it still has to go back to the Planning Commission and then to the Board. Mr. Doozan stated that this is correct.

Mr. Adams asked Mr. Doozan if he recommends approval of this. Mr. Doozan responded that he does.

Mr. Shigley asked if there was any discussion on the motion from the public.

Mark Minnock, Curtis Building Company, thanked the Board and stated that it has been a pleasure working with the Township.

Roll Call Vote:                   Ayes:           Johnson, Shigley, Young, Adams, Bisio,

Carcone, Cash

Nays: None

Motion approved.

## 6. NEW BUSINESS

### a. Public Hearing on the Roll for Pontiac Trail/Martindale Road Sanitary Sewer Improvements Special Assessment District

Ms. Carcone made a motion to close the regular meeting of September 8, 2003 and open a public hearing for the Roll for Pontiac Trail/Martindale Sanitary Sewer Improvements Special Assessment District. Ms. Johnson supported the motion.

Voice Vote:	Ayes:	All
	Nays:	None

Motion approved. The public hearing opened at 8:01 PM.

Mr. Quinn explained that this is the public hearing for the Resolution confirming the Pontiac Trail/Martindale Road Special Assessment Roll. He stated that the final roll amount is \$2,318,124.88. This roll will cover the project improvements as described and also includes the purchase of 196 REU's. He further explained that the interest for this special assessment will begin on December 1, 2003. The amount of the special assessment will be paid in ten equal installments beginning on September 14, 2004 through the year 2013. The amount of the unpaid special assessment will accrue at the special interest rate of 1% above the bond rate that will be sold by the Township. The bond sale is scheduled to be held on November 19, 2003.

Mr. Quinn stated that according to State Law, that if any property owner desires to preserve their right of protest to the special assessment costs to their property, they had the opportunity to do so either in writing prior to tonight's meeting or to appear tonight and make their objection known. He asked the Clerk to note that there is one letter of objection from Daniel J. Woodcock regarding his parcel 21-04-301-024. Mr. Woodcock's letter is dated September 5, 2003 will be provided to the Recording Secretary to be included in today's record.

Daniel Woodcock, 58050 Pontiac Trail, expressed his objection to the special assessment for this property. He stated the reasons for his objections to this.

Stan Carnes, 30620 Martindale Road, requested that the Board postpone their vote on this SAD until the October meeting. He explained his reasons for this request.

Sharon Chalifour, 57620 Pontiac Trail, stated that she concurs with Mr. Carnes request.

Rick DesJardins, 30159 Martindale Road, stated that he is here on behalf of his parents who reside

at 30159 Martindale Road. He discussed the formula that was used to determine the special assessment on his parent's property. He noted that the SAD is \$130,000.00 for the eleven acre parcel.

Mr. Young questioned if Mr. DesJardins' parents property is zoned multiple. Mr. DesJardins responded that it is.

Ms. Carcone asked Mr. Crandell to explain how the cost amounts were figured, which he did.

Stan Carnes, 30620 Martindale Road, indicated that he has a list of what the original SAD was. He stated that the original assessment on the DesJardins property was originally \$180,000. He noted that the money was not shifted from the residents who are paying \$1.00 to any other residents.

Kamran Qadeer, Beztak Company, stated that the total cost of the SAD was \$1,600,000 when they began this. He stated that through the help of the Township Engineers and Planners they found a lot of areas where they could reduce the cost. He noted that the bids came out to be about \$80,000 less than what they originally estimated.

Larry Wilkinson, Beztak Company, stated that he felt that it is testament to the work that Beztak has done that they only have three or four negative comments rather than 48 or 50 that they would have had six months ago. He stated that they have spent a lot of time on this plan. He stated that those who will not reap the benefits from this will not be pay large amounts but those who will be reaping benefits from this will be paying increased assessments.

Darcy Hollon, 24300 Martindale Road, stated that if they stuck to one acre lot sizes, they would not need the sewers. She questioned if the sewers will be run down the side of the roads so that they won't have to cut down a lot of trees. Mr. Crandell responded that they will go along the edge. Ms. Hollon stated that if they could try to minimize the impact, she would appreciate it. She questioned how many REU's would be consumed by this. Mr. Quinn responded that there will be 196 REU's used. Ms. Hollon questioned how many REU's are available right now. Mr. Crandell responded that there are 12,500 capacity with 2,600 sold. Ms. Hollon questioned if the developer will be getting density bonuses because of the sewers.

Ms. Carcone made a motion to close the public hearing and re-open the regular meeting. Mr. Bisio supported the motion.

Voice Vote:	Ayes:	All
	Nays:	None

Motion approved. The regular meeting re-opened at 8:23 PM.

## **b. Resolution Confirming the Roll for the Pontiac Trail/Martindale Road Sanitary Sewer Improvements**

## Special Assessment District

Mr. Quinn explained that the this is the resolution which confirms the roll. It is in the amount of \$2,318,124.88. This resolution is in the proper format for the Board's consideration and approval this evening.

Ms. Carcone noted that she has heard comments from several residents who are concerned about the trees. She noted that the trees have been marked. Mr. Crandell stated that they will not be able to save every tree, but they are going to save as many as possible.

Mr. Shigley stated that he would hate to see residents go broke because of the assessment. He stated that he feels that if the property is their homestead, the cost to them should be \$1.00 or less. He stated that even though a resident is paying \$1.00, it does not include the cost of the tap fees. He stated that he would like to know what the tap fees would be. Mr. Crandell briefly explained what some of the costs would be.

Ms. Carcone stated that she feels that the Township did the right thing. She stated that if they would have assessed the 48 homeowners \$5,000, she wasn't sure how many of these people would ever use the sewer system. She stated that if their septic fields never failed and they did not have to hook up, then they would have been assessed \$5,000 for nothing. She further discussed her reasons for this.

Mr. Young made a motion to adopt the Resolution for the Pontiac Trial/Martindale Sanitary Sewer Improvements Special Assessment Roll for the amount of \$2,318,124.88 on the form provided. Ms. Carcone supported the motion.

Mr. Shigley asked if there were any comments regarding the motion from the Board. There were none. He then asked if there were any public comments.

Paul Graf, 59120 Trelawney, noted that he is not in the district but feels that he is impacted by the district. He explained why he feels this way. He noted that the way that the sewers are outlined and that they are making two jogs that don't make any sense.

Rick DesJardins, 30159 Martindale Road, stated that he would like to formally issue protest to the SAD for his parent's property.

Roll Call Vote:	Ayes:	Young, Adams, Bisio, Carcone, Cash, Johnson
	Nays:	Shigley

Motion approved.

### **b1. Bonding Resolution**

Mr. Quinn stated that in the Board's packets there is a Bond Resolution that was received from Paul Wyzgoski. He noted that this resolution outlines the procedure and authorization for the application for the State of Michigan for the process of selling the bonds. He noted that the Bond Resolution is in the proper form for the Board's consideration.

Mr. Bisio made a motion to approve the Bond Resolution, Special Assessment Bonds, Series 2003. Mr. Cash supported the motion.

Mr. Shigley asked if there were any comments from the Board regarding the motion. There were none. He then asked if there were any public comments. There were none.

Roll Call Vote:	Ayes:	Young, Adams, Bisio, Carcone, Cash, Johnson, Shigley
	Nays:	None

Motion approved.

Mr. Young made a motion to take a five minute recess. Ms. Johnson supported the motion.

Voice Vote:	Ayes:	All
	Nays:	None

Motion approved. The Board took a five minute recess.

### **c. Arbors of Lyon – Request for approval of Final Preliminary Plan**

Mr. Doozan reviewed the comments indicated in the September 8, 2003 McKenna Associates, Inc. letter regarding this issue. He noted that he received a copy of a letter tonight dated June 5, 2003

from Paul Graf, 59120 Trelawney, discussing an agreement with Beztak for a fence to be installed along his eastern property line.

Kamran Qadeer, Beztak Company, stated that this plan was submitted and approved a while back, but because of sewer reasons they were not able to proceed with the final. He noted that the plan has not changed at all.

Mr. Bisio questioned the percentage of brick on the homes, the cost of the homes and the size of the homes. Mr. Wilkinson responded that the homes will be similar to what is in Carriage Club. The brick, depending on the elevation, will be approximately 40% on four sides. The cost of the homes will be approximately \$325,000.

Mr. Qadeer stated that he is pretty sure that the fence is shown on the plan. He stated that if it is not, they do have an agreement and they will install the fence.

Ms. Carcone discussed some of the road names and asked if the developer would consider changing the names of a couple of the roads. Mr. Wilkinson stated that they would look into this and change the names.

Ms. Carcone made a motion to approve AP-01-05, Arbors of Lyon, final site condominium plan subject to the recommendations cited in the September 8, 2003 McKenna Associates, Inc. letter and the changing of some of the street names which were discussed. Mr. Adams supported the motion.

Mr. Shigley asked if there were any comments on the motion from the Board. There were none. He then asked if there were any public comments.

Paul Graf, 59120 Trelawney, stated that all he would like to do is make sure that his letter becomes a legal part of the documents.

Les Cash, Fire Chief, stated that a letter dated August 27, 2003 to the Planning Commission there are seven items listed. Number five discusses the street names, which had to have the approval of the Oakland County Road Commission and the Lyon Township Fire Chief. He noted that this is the first time he has seen the street names.

Roll Call Vote:	Ayes:	Adams, Bisio, Carcone, Cash, Johnson, Shigley. Young
	Nays:	None

Motion approved.

#### **d. South Lyon Jaycees Request for Haunted House at Township Park**

April Cluckey, South Lyon Jaycees distributed some information to the Board that was requested by Mr. Olson. Mike Harris, South Lyon Jaycees, briefly explained that they would like to hold a Haunted House in the park again this year. He recited the Jaycees Creed so that the Board would understand what the Jaycees stand for and are all about.

Mr. Shigley stated that based on what happened last year, he would request that the Jaycees find some other alternative for fuel. Mr. Harris stated that he has had ongoing conversations with Mr. Olson with regard to the fuel and the clean-up at the park. He noted that they were instrumental in reducing the cost of the clean-up from \$30,000 to approximately \$5,600, which the Jaycees incurred. He stated that the fuel is cleaned up and the Environmental Company has provided the Township with documentation. The soil has been returned to acceptable levels.

Mr. Harris stated that for the past several years they have used diesel powered generators. He stated that they could have the diesel fuel company fill the generators directly on an as needed basis rather than the Jaycees filling them from barrels. By doing this they would not have any fuel storage on site at all.

Mr. Harris noted that he will be in charge of the Haunted House this year. He indicated that in the packets they provided there is a timeline that they plan to follow.

Mr. Olson briefly discussed the timeline submitted as it relates to the fuel clean-up. He noted that Allied had to bring in approximately 20 yards of fill. Work was disrupted during the summer because of a conflict between Allied and their contractor. He noted that the area at the pavilion may not be ready for another two weeks. He felt that moving the trailers on site and some of the other things listed in the timeline may be unrealistic.

Mr. Olson stated that the insurance information needs to be provided. Mr. Harris noted that the insurance policy is not issued until approximately one week before they open. Mr. Olson noted that the insurance policy should be in effect for the entire time that the Jaycees are on site and not for the specific dates of September 27th through October 31st. He noted that the Jaycees are on site before and after these dates. Mr. Olson stated that the Township would prefer to have coverage for the time that there are people working on the site.

Ms. Carcone requested that Mr. Harris attend every Board meeting until the event and clean-up is over. Mr. Harris responded that he will be at every Board meeting. Ms. Carcone stated that she is a huge supporter of the Jaycees and would really like to see them have the Haunted House.

Mr. Harris stated that he discussed with April Cluckey, Jaycees President, the possibility of the Jaycees contributing to a Lyon Township Park Improvement Fund. He suggested that they contribute \$1,000 a year to the fund.

Mr. Bisio stated that they have had two years of bad luck and he felt that this year would be better. If they have a problem, he stated that the Board has Mr. Harris' 24 hour cell number.

Mr. Olson felt that there should be some sort of contractual arrangement made so that there is no expectations that are not covered.

Ms. Carcone made a motion to approve the South Lyon Jaycees request for the Haunted House at the Township Park for the year 2003. Mr. Bisio supported the motion.

Mr. Bisio questioned if they should add the two points to the motion, when the park is ready and provided the insurance coverage is in effect.

Mr. Quinn stated that they should incorporate the conditions made by the Superintendent as notification as to when the Jaycees can first enter the site and the requirement that the Jaycees have to have a form of insurance during construction, the actual event and during clean-up time.

Ms. Carcone amended her motion to include the comments made by Mr. Quinn. Mr. Bisio supported the amendment to the motion.

Mr. Shigley asked if there were any comments regarding the motion from the Board.

Les Cash, Fire Chief, questioned if anybody has looked at the floor in the park pavilion. He noted that the floor is cracked and has some large gaps in it.

Darcy Hollon, 24300 Martindale, stated that besides the structural issues and the grading issues, she felt that when the park is ready they should give the Jaycees a second chance.

Roll Call Vote:	Ayes:	Bisio, Carcone, Cash, Johnson, Shigley, Young, Adams
	Nays:	None

Motion approved.

**e. Woodwind Planned Development – Approval of Final Development Plan**

Mr. Doozan reviewed the comments indicated in the September 5, 2003 McKenna Associates, Inc. letter regarding this issue.

Ray Cusineau, Woodwind Development, stated that they don't have any problem with the recommendations indicated in the McKenna Associates, Inc. letter. He stated that they are in the process of wrapping up their issues with the wetlands and MDEQ. He noted that Mr. Harris has signed the agreement and it has been forwarded to MDEQ for their signature. He stated that it is their intention to get final approval for the middle section and then they would come back to the Planning Commission and the Township Board for the other two sections.

Ms. Carcone asked Mr. Harris to get with Judy Roscoe to discuss what is happening on her property. Mr. Harris stated that he would contact Ms. Roscoe to discuss this. Mr. Shigley stated that he would go with Mr. Harris to Ms. Roscoe's house.

Ms. Johnson questioned how many of the outstanding items can be addressed and reduced by the next time they come before the Board. Mr. Cusineau responded that they have already addressed some of them.

Mr. Quinn questioned if the wetland mitigation would be done within the current common areas. Mike Warren, Engineer, responded that it would be within the current described common areas. Mr. Quinn questioned if there is a separate legal description being created for the well house property and the access to it. Mr. Warren responded that there has already been a split for the well house property.

Mr. Adams questioned if there is a design on the well house that would make it presentable and blend in. Mr. Cusineau responded that they do have a preliminary design for the well house but they have not shown it to the Board because it is pending MDEQ approval. Once they have the MDEQ approval for the construction phase, they will provide the design to the Township. He noted that the well house would look like a home.

Mr. Young made a motion to approve the first reading of the final plan review for AP-00-32, Woodwind Planned Development, subject to the conditions cited in the September 5, 2003 McKenna Associates, Inc. letter and subject to the terms of the consent agreement between Woodwind and MDEQ dated August 15, 2003. Ms. Carcone supported the motion.

Mr. Shigley asked if there were any comments regarding the motion from the Board.

Mr. Doozan questioned if they should require that the wetland mitigation be shown on the PD plan.

Mr. Young amended his motion to include that the six acres of recreated wetlands will be delineated to the satisfaction of the MDEQ. Ms. Carcone supported the amendment to the motion.

Mr. Shigley asked if there were any public comments. There were none.

Roll Call Vote:	Ayes:	Carcone, Cash, Johnson, Shigley, Young, Adams, Bisio
	Nays:	None

Motion approved.

Mr. Cusineau questioned when they can expect to come back before the Board for the second reading. Ms. Johnson responded that it would be at the October 6th meeting. Mr. Cusineau questioned if it is possible to get something sooner than this. Mr. Olson responded that they could not schedule a meeting until all the materials have been received.

**f. CDBG Agreement with the South Lyon Community School District**

Mr. Doozan explained that the funds have already been allocated for the Senior Program. This is just the agreement that needs to be approved.

Mr. Cash made a motion to approve the CDBG Agreement with South Lyon Community Schools and the Charter Township of Lyon for the 2003 program year for the amount of \$16,363.00. Mr. Bisio supported the motion.

Mr. Shigley asked if there were any comments regarding the motion by the Board. There were none. He then asked if there were any public comments.

Roll Call Vote:	Ayes:	Cash, Johnson, Shigley, Young, Adams Bisio, Carcone
	Nays:	None

Motion approved.

**g. Resolution Opposing House Bills No. 4820-4828 referred to as "Election Consolidation"**

Ms. Johnson stated that this Bill has currently passed the House of Representatives. This Bill will

mandate four election dates per year and could turn those school elections over to the local Clerk.

She noted that there is a letter in the Board's packet from Dr. Pearson, who indicates that they are against this as well.

Ms. Johnson made a motion to approve the Resolution Opposing House Bills No. 4820-4828, commonly referred to as Election Consolidation. Ms. Carcone supported the motion.

Mr. Shigley asked if there were any comments from the Board regarding the motion. There were none. He then asked if there were any public comments.

James Huffman, 58560 Grand River, questioned why the State is trying to do this. Ms. Johnson responded that they are trying to mandate certain dates for school elections in conjunction with already mandated election schedules. She stated that the State wants the local Clerk's office to run the elections. Mr. Huffman questioned who runs them now. Ms. Johnson responded that the schools run them now, but they work hand-in-hand with the Clerk's office.

Roll Call Vote:	Ayes:	Johnson, Shigley, Adams, Carcone, Cash
	Nays:	Young, Bisio

Motion approved.

**h. Revisions to Engineering Design Standards – First Reading**

Mr. Crandell explained that these are mostly minor revisions to the Engineering Design Standards. He reviewed the revisions that are proposed for the Board.

Ms. Carcone stated that the Design Standards are kept at the Township. She questioned who would be requesting copies of this from the Township. Mr. Crandell responded that it would be mostly Engineers who would request this.

Mr. Young questioned if the Design Standards would be available on line. Mr. Crandell responded that they would not.

Mr. Johnson asked Chief Cash if he has had a chance to review these revisions and if he had any problem with them. Chief Cash responded that he has not completely read them yet, but will let the Board know if he sees a problem.

Mr. Cash made a motion to consider this the first reading of the proposed Engineering Design Standards. Ms. Carcone supported the motion.

Mr. Shigley asked if there were any comments regarding the motion by the Board. There were none. He then asked if there were any public comments. There were none.

Roll Call Vote:	Ayes:	Shigley, Young, Adams, Bisio, Carcone, Cash, Johnson
	Nays:	None

Motion approved.

**i. Resolution of Tentative Declaration of Intention to Make Improvements for the New Hudson Drain/Lyon Crossing Storm Sewer Improvements Special Assessment District**

Mr. Quinn stated that Mr. Olson asked that this resolution be put together. He stated that there are two ways to prepare an SAD, which he explained. He noted that this matter has been under discussion for over nine months. He stated that in the PD Agreement, Lyon Crossing did agree to enter into a special assessment district for drainage improvements. At that time the Engineers were instructed to come up with a cost estimate for the drainage improvements. He stated that the original cost estimate, which was provided by the Engineers, was \$710,000. He noted that the County has received several grants totaling \$262,500. He stated that Mr. Olson felt that it was necessary to get this process started as soon as possible. By doing this it would hopefully get Kojaian back together with the Township before the public hearing on November 3, 2003 to finalize what their intentions are with regard to participating in this SAD.

Mr. Olson stated that they have received a letter from Tony Antone, Kojaian, dated September 8, 2003 regarding this issue. Mr. Crandell briefly discussed the drainage and the design of the basin on the Lyon Crossing site. He also discussed the cost estimate that they provided. He noted that there are some options, i.e., chapter 20 drains.

Mr. Quinn stated that if the County Road Commission voluntarily agrees to be part of this petition, regardless of the chapter 20, then they would be assessed. Mr. Crandell stated that it would not be the Road Commission, it would be the County at large.

Mr. Quinn explained that if the Board chooses to approve the Resolution tonight, it would call for a public hearing on November 3, 2003. He noted that in the meantime, there could be additional discussions with Kojaian. He noted that the Board could also table this issue until next month.

Mr. Young made a motion to adopt the Resolution of Tentative Declaration of Intention to Make Improvements for the New Hudson Drain/Lyon Crossing Storm Sewer Improvements as presented. Ms. Carcone supported the motion.

Mr. Shigley asked if there were any comments or questions regarding the motion from the Board.

Mr. Bisio asked Mr. Crandell is Board would have a significant amount of information before the public hearing on November 3, 2003. Mr. Crandell explained the type of information that the Board would receive.

Mr. Shigley asked if there were any public comments. There were none.

Roll Call Vote:           Ayes:           Young, Adams, Bisio, Carcone, Cash, Johnson, Shigley  
                              Nays:           None

Motion approved.

## j. Resolution regarding Request to Transfer Ownership of Wells from Oakland County to the Township

Mr. Olson stated that before the Board this evening is a proposal which requests that the water systems at Carriage Club and Tanglewood be transferred from the County to the Township at no charge. He further explained what this entails.

Mr. Quinn stated that by approving this resolution, it does not finalize this, it simply indicates that the Township would like to look into doing this. He noted that there would be a lot of details that the Engineers would have to work out.

Mr. Crandell explained the purpose for bringing all of these water systems under one entity. He noted that the County has indicated that if they are going to give the Township Carriage Club and Tanglewood, they would also give them Kensington Park Apartments as well.

Mr. Bisio stated that he does not see an advantage to this. Mr. Crandell explained that as they expand the system, they don't want to have each development with their own well system. They should be tied together.

Mr. Bisio questioned if they should wait until Woodwind puts their well in and then tie it to Tanglewood. Mr. Crandell responded that he did not believe that this would necessarily help.

There was further discussion with regard to the feasibility of doing this.

Mr. Quinn stated that if the Board is going to consider adopting this Resolution tonight, he suggested a few changes that he would recommend after re-reading the document tonight. He stated that if the Board is going to table this resolution, he will make the changes and bring it back to the Board next month.

Mr. Shigley stated that there has been a lot of questions and discussion on this resolution. He wasn't sure if the Board was ready to adopt it. He opened the floor for a motion.

Mr. Cash made a motion to approve the Resolution to request the transfer the ownership of wells from the County to the Township with the following changes:

- Second paragraph – remove “wishes” and insert “desires to investigate acquiring ownership”
- Paragraph 1 – “access easements to the Charter Township of Lyon **pursuant to terms to be agreed upon.**” Bold text to be inserted.

Mr. Young supported the motion.

Mr. Shigley asked if there were any comments regarding the motion from the Board.

Mr. Bisio stated that he would go on record that he feels that they should table this issue because there is not enough time or information. He questioned if there would be a public hearing for this process. Mr. Quinn responded that there would not be, it is an inter-governmental contract.

Mr. Cash stated that he would like to see this get started. Mr. Young stated that this is just an

intent to begin investigating. He stated that if they are going to investigate this, the Board needs to take the first step so that the Engineers can go out and get the answers they need in order to make a valued determination.

Mr. Adams stated that he would rather have the information from the Engineers before acting on this. Mr. Young asked Mr. Crandell if the Board were to table this, would they have more information next month. Mr. Crandell responded that he could provide some information but is not sure how much information he can get from the County without a resolution from the Board.

Mr. Shigley asked if there were any public comments.

Mike Buck, 55221 Nine Mile Road, stated that his concern, looking at it from a property owner who will probably never have the water, would be the taxes. The Township will taking over the water system which will then allow more builders to come in and not have to put in their own water system. He stated that they will be punching holes for them.

James Huffman, 585600 Grand River, questioned the treatment of the water. He questioned that if they have a bunch of wells, will they ever be able to soften the water. Right now it is just plain old rock hard water and he can get that out of his well any time. Mr. Crandell responded that it is a significant investment to soften water. They need a customer base to do this.

Roll Call Vote:	Ayes:	Carcone, Cash, Johnson, Young
	Nays:	Adams, Bisio, Shigley

Motion approved.

**7. Items Removed from Consent Agenda for Action or Discussion**

**a. Resolution of Approval of Deficit Elimination Plans**

Mr. Olson stated that this resolution was put together by the Township Auditors. The Auditors included numbers and projections for the next fiscal year. He discussed the upcoming fiscal year for the Building Department. He noted that on the East Grand River Sewer, the Board last year approved the transfers.

Ms. Carcone made a motion to approve the Resolution 2003-10 for the Lyon Township Deficit Elimination Plan, for the Building Department Fund and the East Grand River Sanitary Sewer Construction. Ms. Johnson supported the motion.

Mr. Shigley asked if there were any comments from the Board on the motion. There were none. He then asked if there were any public comments. There were none.

Roll Call Vote:                   Ayes:           Carcone, Cash, Johnson, Shigley, Young  
                                          Nays:           Bisio, Adams

Motion approved.

**8.        Executive Session regarding Pending Litigation**

Mr. Bisio made a motion to close the regular meeting and go into an Executive Session to discuss pending litigation. Ms. Carcone supported the motion.

Voice Vote:                   Ayes:           All  
                                          Nays:           None

Motion approved. The regular meeting closed at 10:43 PM.

Mr. Quinn updated the Board on the status of pending litigation.

Mr. Adams made a motion to close the Executive Session and reopen the regular meeting. Ms. Carcone supported the motion.

Voice Vote:                   Ayes:           All  
                                          Nays:           None

Motion approved. The regular meeting reopened at 11:12 PM.

**10.       Adjournment**

Mr. Adams made a motion to adjourn the meeting. Ms. Carcone supported the motion.

Voice Vote:                   Ayes:           All  
                                          Nays:           None

Motion approved. The regular meeting was adjourned at 11:12 PM.

Respectfully Submitted,

**Deby Cothery**

Deby Cothery  
Recording Secretary

Pamela Johnson  
Clerk