

**CHARTER TOWNSHIP OF LYON  
BOARD OF TRUSTEES  
SPECIAL MEETING MINUTES  
October 27, 2005**

Approved as submitted December 5, 2005.

DATE: October 27, 2005  
TIME: 6:00 PM  
PLACE: 58000 Grand River

1. **Call to Order:** Supervisor Young called the meeting to order at 6:05 PM.

2. **Roll Call:** Present: Lannie Young, Supervisor  
Patricia Carcone, Treasurer  
Pamela Johnson, Clerk  
Brent Hemker, Trustee  
John Hicks, Trustee  
Troy Schilling, Trustee

Absent: Dan Cash, Trustee

Also Present: Matthew Quinn, Township Attorney  
Chris Doozan, Township Planner  
Chris Olson, Township Superintendent  
Leslie Zawada, Township Engineer  
Loren Crandell, Township Engineer  
Al Hogan, Building Official

Guests: 3

3. **Pledge of Allegiance**

4. **Approval of Agenda**

Ms. Carcone made a motion to approve the agenda as submitted. Mr. Hemker supported the motion.

Voice Vote: Ayes: All  
Nays: None  
Absent: Cash

Motion approved.

5. **Call to the Public** None

6. **Public hearing on revised project description, revised cost estimate and special assessment roll for the Mill River Sanitary Sewer and Water Main Improvements**

Mr. Crandell gave a brief Power Point presentation of several options that the Township has for the Mill River/ Spaulding Road Off-Site Sanitary Sewer.

Option 1: Pump Station	S.A.D. total cost of \$7,731,100.13
Option 2: Spaulding Road Sewer with payback from future capital charges	S.A.D. total cost of \$7,983,416.96 Payback total cost of \$291,992.83 (\$1,459.96 per future connection, to be taken out of the Township's portion of the capital charge)
Option 3: Spaulding Road Sewer with payback from future customers	S.A.D. total cost of \$7,983,416.96 Payback total cost of \$291,992.83 (\$1,459.96 per connection, to be in addition to the capital charge)
Option 4: Spaulding Road Sewer from Sewer Enterprise Fund	S.A.D. total cost of \$7,731,100.13 Sewer Enterprise Fund \$236,927.75

Mr. Crandell explained that option 1 is just to let Mill River go ahead and put the pump station in as the consent judgment allows. Option 2 would be to extend the gravity sewer down Spaulding Road and have a payback from future capital charges. He stated that the difference would be \$291,992.83. Option 3 would be a payback from future customers. Ms. Zawada stated that the payback would be in addition to the capital charges. Mr. Crandell stated that option 4 would be to build the Spaulding Road sewer by taking the funds out of the Sewer Enterprise Fund.

Ms. Zawada explained the following chart of benefits of constructing an off-site sewer:

Savings in pump station abandonment	\$220,000.00
Savings in pump station operations	\$7,500.00 per year
Savings in relief sewers (in 2016)	\$420,000.00
Savings in relief sewers (ultimate)	\$110,000.00

Mr. Young questioned what a relief sewer is. Ms. Zawada explained what a relief sewer is.

Mr. Crandell briefly discussed the expansion of the waste water treatment plant and the costs involved in doing this.

Cost of next WWTP Expansion	\$12,657,000.00
Township's Capital Charge from Mill River	- \$ 998,517.02
Township's Capital Charge from Southwest	- \$ 2,920,068.32
Total remaining cost for WWTP Expansion	= \$ 8,738,414.66

Ms. Carcone questioned when the Township will be getting the funds. Mr. Crandell responded that they will get the funds when the bonds are sold.

Mr. Olson stated that if they expand the plant to 2,000,000 gallons a day this would be approximately 8,300 REU's. He noted that there is an issue that will be coming up that goes beyond anything that has been Master Planned within the Township. He questioned if they will be capable of handling this parcel, which will be tripling in density.

Mr. Crandell noted that it is more cost effective to do a larger expansion. He stated that if they were to do smaller expansions, it would be more costly to operate in the long term. He noted that they expect to bring more information back to the Board regarding this after the first of the year.

Mr. Young stated that when they get to the approval of the resolution, they are actually being

asked to choose one of the four options discussed earlier. Mr. Young asked Mr. Crandell if the Engineer's had a recommendation of one of the four options. Mr. Crandell responded that the long term perspective would be that the Township would want to avoid the pump station, if they could find a way to avoid this.

Mr. Young questioned how much more de-watering will take place. Mr. Crandell responded that they will be de-watering in front of Spaulding. He noted that one of the advantages would be that they could pump the water right back into the lake.

Mr. Young stated that if they were to choose option four, it seems that it would be less complicated than to try and get the paybacks from either the capital charges or the future customers. He questioned if the money taken out of the Sewer Enterprise Fund would be refunded as people tap into the system. Mr. Crandell responded that the capital charges has a component for trunk sewers, which is what this is and as people connect, they would be basically paying for the trunk sewer.

Mr. Olson stated that the Sewer Enterprise Fund still owes the General Fund approximately \$383,000 from a number of years ago. He noted that they could probably go another year for the payback to the General Fund. He stated that he does not want to put the Sewer Enterprise Fund in a bad position for any future projects.

Mr. Quinn questioned if the funds in the Sewer Enterprise Fund are all un-encumbered monies or is any of the money currently in the fund designated for sewer plant expansion. Mr. Olson responded that they would have to examine this further to make sure that they are not over extending this fund in order to do everything they would like to do by the end of the year.

Mr. Quinn discussed a conversation that he had with Paul Wygowski today. He noted that they would need a description of where the money is going. They would need a draft of the planned expansion, a time table for the expansion and the estimated cost of the expansion before he will allow the \$998,000 of the Township's portion of the REU's to actually come to the Township. There was further discussion with regard to the plant expansion.

Mr. Young opened the public hearing at 6:38 PM.

Dave Pawlaczyk stated that he is concerned with the timing, the permitting and any possible engineering issues that could hold up this project. He stated that if they were to put in the pump station they could probably have service by April or May.

There was discussion regarding easements. Mr. Crandell noted that they would probably put this in the right-of-way. Mr. Young stated that easement would probably not be an issue then.

Mr. Young closed the public hearing at 6:42 PM.

Mr. Quinn asked the Engineers if anything in the project description in the resolution comes out, i.e., reference to the pump station. Ms. Zawada responded that the pump station would not be necessary, so that it will come out. She noted that they would still have treatment plant improvements in there because this is allocated toward the affluent portion of the treatment plant. She stated that they would have to add another line item for the Spaulding Road off-site sewer.

**7. Resolution approving the revised project description, approving the revised cost estimate and confirming the Mill River Sanitary Sewer and Water Main Improvements Special Assessment Roll.**

Mr. Quinn stated that he can answer any questions regarding the resolution. He stated that before there is a motion on this resolution he does have the following proposed language change:

- Paragraph 1 on Page 2 – added to the end of the paragraph “The Township is purchasing capacity (420.6 REU’s) within the Lyon Township Wastewater Treatment Plant. The project also includes improvements at the Lyon Township Wastewater Treatment Plant in the amount of \$706,525.00.”

Ms. Carcone had a lot of concerns as to how this would break down for the SAD with fractions. She stated that she would have to look each parcel up and then determine the size of the building in order to divide these up. She felt that it was out of line to ask them to do something like this. Mr. Crandell stated that it is not a question of asking, it is what the consent judgment says that they have to do.

Mr. Olson stated that the breakdown is:

- 97 Single Family at one REU each
- 56 Cottages at one REU each
- 74 Duplexes at one REU each
- 177 Twelveplex Condo units at one REU each
- 87 Twelveplex Condo units at a 40% break to get 52.2 REU units

He stated that the total would be 456.2 REU’s and not 420.6 REU’s. He stated that this total does not include the Senior Citizen Center, Library or Daycare.

Mr. Quinn stated that the issue of this resolution, which is to confirm the roll, is easy to change the number of REU’s, but they cannot change the resolution to more than \$7,983,416.96. He stated that

they cannot exceed this figure because this is the maximum amount. If they were to exceed this figure, then they would have to send out another notice, hold another public hearing and adopt a new resolution.

Mr. Olson stated that there is no bonding for this project until 2006. He stated that they are looking at 35.6 REU’s will have to be paid for in cash.

Mr. Quinn stated that in paragraph 1 the REU’s being purchased would be 456.2. He stated that the amount for the improvements in the wastewater treatment plant would still be the same. He stated that the maximum project cost will also remain the same. He stated that the only change would be the REU’s. He stated that the Engineers would be changing their project cost sheet to decrease the construction costs and increase the sewer tap costs accordingly. He stated that the Township would be pulling out of the Sewer Enterprise Fund \$236,927.75. He stated that the project description would remain the same, the only thing that changes is the breakdown of the project costs. It does not affect any of the bonding or financial fees.

Mr. Young made a motion to approve the resolution revising the project description, approving the revised cost estimate and confirming the Mill River Sanitary Sewer Water Main Special Assessment District Roll with the changes as state:

1. Paragraph 1 on Page 2 – added to the end “The Township is purchasing capacity (456.2 REU’s) within the Lyon Township Wastewater Treatment Plant. The project also includes improvements at the Lyon Township Wastewater Treatment Plant in the amount of \$706,525.00.”

The balance of the resolution is still in tact meaning that the total amount is not to exceed \$7,983,416.96. This is a twenty-year special assessment district running from February 14, 2006 through the year 2025. Any amount not paid before November 30, 2005 shall begin accruing interest on December 1, 2005 at a rate which is .25% of the rate on the bonds being sold by the Township. The rest of the collection language is included with the rights to appeal within thirty days if there is objections. Mr. Hicks supported the motion.

Mr. Young asked if there were any comments. Ms. Carcone questioned if this would have to be

rolled onto the December 1<sup>st</sup> tax bill. Mr. Quinn responded yes, that it would be due February 14, 2006.

Roll Call Vote:           Ayes: Young, Hicks, Carcone, Johnson, Schilling  
                                  Nays: Hemker  
                                  Absent: Cash

Motion approved.

**8. TVS Motors – Special Land Use Review for State Licensing – John Simpson**

Mr. Olson stated that what they found is that this particular license is that car dealers, used cars, parts of vehicles, trailers, etc. seem to be now under an annual licensing requirement. He stated that the State now requires that the applicant get the municipal to sign off on this as well as the Zoning Official. He noted that Al Hogan has been doing the inspections on a number of these uses. He stated that in this particular case there is a written agreement between the applicant

and

the Township Board that goes back to 1998 of things that they have pledged to do. He stated that there are some items in that contract that have not been fulfilled, therefore, this issue is before the Board at this time to provide extensions or some other form of relief.

Mr. Hogan briefly reviewed the issues that he found upon doing an inspection of the site.

Frank "John" Simpson, TVS Motors, stated that he has brought receipts with him for tire removal and for the pick up of the waste oil and anti-freeze.

Mr. Hemker questioned how often the waste oil and anti-freeze is picked up. Mr. Simpson responded that it varies depending upon how many cars they process. He stated that it has been approximately every three months. He noted that they have three 55 gallon drums, which are stored inside of a trailer, that they use to store this material in until it is picked up.

Mr. Simpson discussed the area that they shaved 8" and completely filled in with gravel to help alleviate any mud from getting on Griswold Road. He noted that they occasionally go out and shovel any gravel that gets into Griswold Road back onto their site.

Mr. Simpson discussed the clean-up and removal of the tires. He noted that it is very expensive to bring in a semi and fill it. He noted that they have removed a lot of tires already. He stated that they do have every intention of continuing to remove the tires because they don't want them there and that they have every intention in purchasing the property. He noted that the way that things are going, the tires will probably all be gone before they purchase the property.

Ms. Johnson stated that over the years there have been a lot of violations with this site, but the applicant has come a long way in correcting these.

Mr. Simpson noted that in the last three years they have filled nine semi's with tires that were removed. He stated that in order to get a semi in there it is \$600, but the biggest expense is the labor they have to pay in order to get the tires into the truck. He noted that there is also a charge for disposal of the tires.

Mr. Young stated that the understanding would be that the applicant would continue to pursue the tire issue and with regard to the paving issue, the applicant would maintain the gravel to provide a mud mat for Griswold Road. Mr. Simpson indicated that this is their intention.

Mr. Hicks questioned if the paving that was requested in the contract was done, would it be in

violation of the Township's new impervious surface ordinance. Mr. Doozan responded that he would have to look at this because he is not sure of how much area needs to be paved.

Ms. Johnson questioned if the property owner has given the applicant any time frame as to the date that the property must be purchased. Mr. Simpson responded that they have not. He stated that they did try to get the property owner to assist in the removal of the tires, but he refused.

Ms. Johnson noted that there have been minimal complaints about this site over the years.

Mr. Young made a motion to authorize Township Administration to sign the license agreement for the State contingent upon the continued fulfillment of the agreement dated April 22, 1998 with exception of number seven in that they are waiving the paving requirement providing that adequate gravel is maintained in the area to prevent mud from being tracked out onto Griswold Road causing a safety hazard. Ms. Johnson supported the motion.

Roll Call Vote:           Ayes: Carcone, Schilling, Young, Hemker, Johnson, Hicks  
                                  Nays: None  
                                  Absent: Cash

Motion approved.

**9. 7:00 PM – Public Hearing CDBG to Reprogram from PY 2001 and PY 2002**

Mr. Doozan explained that this item was discussed at the last meeting. They are proposing to reprogram funds from the 2001 and 2002 program years that was set aside for condemnation, demolition and minor home repairs. The proposal is to reprogram the funds for sidewalk installation in the City of South Lyon. He noted that the Board agreed with this in concept, but they needed to go through the public hearing process before the funds can be reprogrammed.

Mr. Young opened the public hearing at 7:30 PM. There were no public comments. He then closed the public hearing at 7:31 PM.

**a. Resolution Reprogramming Program Year 2001 and Program Year 2002 to Sidewalks Project.**

Mr. Hemker made a motion to approve the resolution reprogramming program year 2001 and program year 2002 CDBG allocation for the sidewalk project. Mr. Hicks supported the motion.

Roll Call Vote:           Ayes: Young, Hemker, Carcone, Johnson, Hicks, Schilling  
                                  Nays: None  
                                  Absent: Cash

Motion approved.

**10. ADJOURNMENT:**

Ms. Johnson made a motion to adjourn the meeting. Ms. Carcone supported the motion.

Voice Vote:            Ayes: All  
                                  Nays: None  
                                  Absent: Cash

Motion approved. The meeting was adjourned at 7:32 PM.

Respectfully Submitted,

*Deby Cothery*

Deby Cothery  
Recording Secretary

Pamela Johnson  
Clerk