

HARTLAND TOWNSHIP BOARD OF TRUSTEES REGULAR MEETING FINAL MINUTES
October 19, 2021 – 7:00 PM

1. Call to Order

The meeting was called to order by Supervisor Fountain at 7:00 p.m.

2. Pledge of Allegiance

3. Roll Call

PRESENT: Supervisor Fountain, Clerk Ciofu, Treasurer Horning, Trustee Germane, Trustee McMullen, Trustee O’Connell (7:35pm) attending remotely from Georgia, Trustee Petrucci attending remotely from Fort Myers, Florida.

ABSENT: None

Also present were Hartland Township Manager Robert West and Public Works Director Michael Luce.

4. Approval of the Agenda

Move to approve the agenda for the October 19, 2021, Hartland Township Board meeting as presented.

Motion made by Treasurer Horning, Seconded by Clerk Ciofu.

Voting Yea: Supervisor Fountain, Clerk Ciofu, Treasurer Horning, Trustee Germane, Trustee McMullen, Trustee Petrucci

Voting Nay: None

Absent: Trustee O’Connell

5. Call to the Public

No one came forward.

6. Approval of the Consent Agenda

Move to approve the consent agenda for the October 19, 2021, Hartland Township Board meeting as presented.

Motion made by Trustee Germane, Seconded by Clerk Ciofu.

Voting Yea: Supervisor Fountain, Clerk Ciofu, Treasurer Horning, Trustee Germane, Trustee McMullen, Trustee Petrucci

Voting Nay: None

Absent: Trustee O’Connell

- a. Approve Post Audit of Disbursements Between Board Meetings
- b. Approve Payment of Bills
- c. 09-21-2021 Hartland Township Board Regular Meeting Minutes
- d. 10-05-2021 Hartland Township Board Regular Meeting Minutes

7. Pending & New Business

- a. Livingston County Convention & Visitors Bureau Update

An update was going to be given to the Board as a courtesy, but no one from the Livingston County Convention and Visitors Bureau was able to attend.

b. Hartland Woods Road SAD - Resolution 2 / Public Hearing

Supervisor Fountain gave a brief overview of the Special Assessment District (SAD) process and stated that this is a public hearing and is the second of four meetings in the SAD process. He stated the Township does not actively go out and look for SADs but that this is an opportunity for a subdivision, such as Hartland Woods, to file a petition with the Township for an SAD for road improvements. The Township requires a majority of the people to sign the petition and the Township would then go out with the County to obtain an estimated cost for the project. If approved, the special assessment fee will be added to the resident's tax bill for a 10-year duration. The public hearing this evening is to listen to resident's comments to allow the Township Board to obtain as much information as possible. The next step is to decide whether or not the Board will act on the SAD Resolution based on all of the information and comments. If the process goes forward, there will be a second public hearing prior to confirming the assessment role which will be the final resolution. Township Manager Bob West reported that this is a Township resident-initiated petition process. He stated that this is the third or fourth time Hartland Woods has attempted this process for road improvements and that this is the first time the subdivision was able to secure enough signatures for the Township to entertain the idea of moving forward with the financing of the project. The project will be completed by the Livingston County Road Commission (LCRC) as the road is under their jurisdiction. The road does not belong to Hartland Township, but it is a public road. Manager West restated, that is a resident-initiated petition for a road project and Hartland Township would act as a fiduciary in the project and that the Township has the authority to complete the assessment process. The LCRC would perform the work, and the Township will perform the assessment over a 10-year period. There is currently some drainage work going on around the S-curve in the subdivision and he stated that the original scope of the project did not include any formal drainage improvements. However, the Township did work with the LCRC and the Livingston County Drain Commission (LCDC) and the work that is being done now is not part of this project. They are doing this work out of their maintenance fund and the residents of Hartland Woods will not pay for that drainage work. There are two culverts that go under the Hartland Woods Drive in the S-curve area, one of them was plugged 100%, and the other culvert did have some problems and they are both being restored. To complete the drainage ditching work, there are a couple of trees that will have to come out because they have grown out in the path. Manager West also reviewed an aerial imagery using Nearmap to show the changes of the road and the worsening conditions from 2015 to today.

Supervisor Fountain opened the public hearing and residents then came forward to speak about this project.

Curt Pollack of 1789 Hartland Woods Drive came forward. He agreed that the road needed to be paved but had questions as it related to the State, County, and Townships paying a part of the cost to fix it, future maintenance plans after the road is fixed, subsurface remediation and asphalt thickness, width of new road, whether there will be any warranties on the road, and the effects of potential cost overruns to the residents.

Jim Tomlinson at 1670 Deanna Drive came forward and stated he is in favor of maintenance to this road. He agreed with Mr. Pollack regarding the questions he outlined and he stated he would like to see a crown in the road for water drainage.

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Dianne Chamberlain at 9355 Placid Way came forward and inquired about the owner of the duplexes behind their subdivision that has bulldozed strips of land up to their road and the legitimacy of draining his property down to their road. She also inquired as to whether there would be curbs installed and whether the drainage culvert at the corner of Harold and Placid Way will be repaired.

Karen Stratford at 1838 Hartland Woods Drive came forward and expressed her concern regarding the curb that comes out into the road when you enter the subdivision making you have to slow down to go around this curb. She also inquired as to who will be doing the road construction and felt that the residents should have a say in who will be doing the road. She also inquired as to the interest rate on the assessment.

Joseph Lacelle at 9322 Placid Way came forward and confirmed Ms. Chamberlain's issue with the drainage culvert at Harold and Placid Way. Mr. Lacelle had concerns with the petition process with regards to signature collection, lack of cost of the project on the petition, the tone of the letter he received, and the countability of signatures of voters that have since moved. He also thought the County should pay a portion of the cost due to their neglect in maintaining the road over the past 20 years, and he inquired as to why the business owners in front of the subdivision were not included in the assessment. Mr. Lacelle stated that if this passes, he would like to see limits on garbage trucks and would like to see a gate on the back subdivision to reduce speeding cars through the subdivision. He also questioned why residents of Deanna Way were allowed to sign the petition as Deanna Way is not part of the subdivision. He also had a concern as to the financial effects this assessment would have on the retirees in the subdivision.

Jim Montroy at 9278 Placid Way came forward and inquired as to what happens to the assessment if he were to sell his home before it is paid off. Supervisor Fountain stated the assessment runs with the property and the new owner would be responsible for any remaining assessment balance. Treasurer Horning stated that they are allowed to be assumed with the property, but most mortgage companies don't allow it because the Township is a lien holder on the property and the mortgage company will not take a second lien position. He also inquired as to why the County was not present at this meeting. Manager West stated that the County does not have the authority to assess the residents for this project. Treasurer Horning stated that Hartland Woods is one of the last subdivisions with county roads, as subdivision roads are now all private roads.

Michael Kalowick at 9275 Placid Way came forward and agreed with most of what everyone stated. His concern was with the lack of maintenance of the road over the years and now the residents have to pay for a road that they have been paying taxes to maintain but has not been maintained by anyone. He stated he was against the residents having to pay for this road due to lack of maintenance by the LCRC and the LCDC.

Kenneth Kurtz at 1650 Hartland Woods Drive came forward and stated he is in favor of the project and that he also would like more details as outlined by Mr. Pollack.

Manager West stated that based on the feedback provided tonight he would like to have another informal meeting with the residents of Hartland Woods regarding their comments and questions prior to the next formal Board meeting on the SAD process. Manager West stated he will try to have a LCRC representative at the informal meeting. The resolution will be tabled so that an informal discussion meeting can be held.

Motion to close the Public Hearing on the Hartland Woods Road SAD.

Motion made by Clerk Ciofu, Seconded by Treasurer Horning.

Voting Yea: Supervisor Fountain, Clerk Ciofu, Treasurer Horning, Trustee Germane,
Trustee McMullen, Trustee Petrucci

Voting Nay: None

Absent: Trustee O'Connell

c. Water Main Extension Construction Contract

Manager West gave a brief overview of the water main extension stating that the Township Board approved the water extension agreement for two developers that are participating in this water main construction last month. This is the second part which is the actual water main construction contract. Manager West is seeking authorization for the Township Supervisor and Township Clerk to proceed in executing the forthcoming contract books. The contract books generally take ten days to develop upon the Board approval. HRC has already begun that process as we executed the first part of the water main extension agreement, and we have received payment. The second developer is wiring the payment on Thursday, October 21. We do have proof and confirmation that their parent company has put the money into escrow, and they go in front of the State of Michigan for a hearing in Lansing for approval of their project. Upon approval from the State, they are going to drive right over to the Township and wire the money. This gives us the leeway to not sign the agreement until that money is deposited, but that is planned for this Thursday and subsequently the following week we will have the contract books. Manager West noted that this project was bid out in April, and we have a contractor that is continuing to hold the price. Time is of the essence primarily because M-59 will be resurfaced next year and we want to try to get this project off the ground before next construction season. DVM Utilities of Sterling Heights was the lowest bidder for this project. Manager West stated that as soon as the contracts are signed, DVM Utilities will start with the mobility and order supplies, and you could see ground preparation as early as late November. (Trustee O'Connell joined the meeting remotely from Georgia)

Move to award the contract for the water main extension project to DVM Utilities and authorize the Township Supervisor and Township Clerk to execute the forthcoming contact contingent, and in accordance with the water extension agreement.

Motion made by Clerk Ciofu, Seconded by Trustee Germane.

Voting Yea: Supervisor Fountain, Clerk Ciofu, Treasurer Horning, Trustee Germane,
Trustee McMullen, Trustee O'Connell, Trustee Petrucci

Voting Nay: None

8. Board Reports

Treasurer Horning - No report.

Trustee Germane - The basketball hoop that was ordered has been delivered and installation is pending at the HERO Teen Center.

Trustee O'Connell - No report.

Trustee McMullen - No report.

Trustee Petrucci - No report.

Clerk Ciofu - No report.

Supervisor Fountain - No report.

[BRIEF RECESS]

9. Information / Discussion

a. Manager's Report

Manager West reported that Hartland Glen signed the water extension agreement and delivered their cashier's check for their full amount of the project. PIHRL has their funds in escrow, and they have a hearing with the State of Michigan for approval on Thursday afternoon and they will be here on Thursday to sign the documents and the parent company will wire the funds. Manager West provided an update on the Plantwise Settler's Park invasive species study proposal that was approved by the Board but delayed due to the COVID situation. He inquired of the Board as to whether we would like to move forward on this as it would be time sensitive to complete this year. Plantwise would like to actively perform the work in the fall, just prior to winter. The project plan is for Plantwise to go in and identify all invasive species in Settler's Park. Township staff would go with them to train on what to look for and subsequently Plantwise would just be on call. In the future we would just be doing preventative maintenance with our staff. After further discussion, the Board decided to move forward with this project. Manager West will bring the revised proposal to the Board at the next Board meeting. Manager West stated that the sewer settlement has been recorded and is official. He also stated that a potential road project SAD being discussed by Tipsico Lake residents appears to be very challenging and may not come to fruition. This project would involve the Oakland County Road Commission which is somewhat reluctant to pave their portion of a border road. There are also some legal issues regarding properties that would benefit from the project. Manager West commended the efforts of the LCRC in trying to get this project finalized. Manager West informed the Board that the Long Lake Pines community sewer system is under investigation by the State, and they believe it is failing. There may be a mandate that the residents must connect to the public sewer system and we may be approached from a finance standpoint. The LCDC will perform the construction and realistically it may be another year before action will need to be taken. The LCDC is exploring whether ARPA funds can be used for this project. Trustee Germane inquired as to the status of the Newberry Place project. Manager West stated that they have been in default and Township Attorney Mike Homier has been working with them regarding an extension and receiving the first payment on an extension. Negotiations have not been successful, and we are in the process of taking the next legal action. Trustee Germane inquired as to the revised Newberry pattern book that was submitted to the Planning Department. Manager West stated that they have not been recognizing the PC feedback and they have just submitted a new plan. Township Attorney Homier is looking into whether we need to entertain any new plans while the developer is in default.

b. Boards and Commission Compensation Analysis

Manager West presented the 2021 Regional Compensation Analysis for Board, PC, Zoning Board of Appeals (ZBA) and Board of Review (BOR). The analysis looked at compensation of five different townships that we have historically looked at for comparison purposes in our local area. The analysis also included two bordering townships in Oakland County for reference purposes, but they were not used in the calculations. Based on the averages of neighboring communities, of like size and services, increases appear to be warranted for the Board of Trustees. PC, ZBA and BOR appear to be more in line with the analysis averages. Discussion was held on implementing increases immediately, implementing a cost-of-living increase, a phased in approach over three years to reaching the average, and the process for determining the supervisor salary. Trustee O'Connell and Trustee Petrucci would like to review the Compensation Analysis report before making any determination as they were both

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attending remotely. Manager West will forward the document to them, and we will have further discussions on this matter at another meeting.

Treasurer Horning commended the work of Manager West is getting the sewer lawsuit finalized.

Supervisor Fountain reminded the Board that the Board Retreat with Dr. Lew Bender is next Friday, October 29, 2021, at 8:30 a.m. at the Township Hall.

10. Adjournment

Move to adjourn the meeting at 8:10 p.m.

Motion made by Treasurer Horning, Seconded by Clerk Ciofu.

Voting Yea: Supervisor Fountain, Clerk Ciofu, Treasurer Horning, Trustee Germane, Trustee McMullen, Trustee O'Connell, Trustee Petrucci

Voting Nay: None

Submitted by



Larry N. Ciofu
Clerk