

CHARTER TOWNSHIP OF CLINTON
SPECIAL MEETING OF THE BOARD OF TRUSTEES
MONDAY, APRIL 3RD, 2017

PRESENT:	ROBERT J. CANNON	SUPERVISOR
	KIM MELTZER	CLERK
	JOE A. ARAGONA	TRUSTEE
	MIKE KEYS	TRUSTEE
	KENNETH PEARL	TRUSTEE (ARR. 6:38 P.M.)
ABSENT:	PAUL GIELEGHEM	TREASURER (EXCUSED)
	JENIFER WEST	TRUSTEE (EXCUSED)

The Special Meeting of the Board of Trustees was called to order at 6:30 p.m. in the Township Board Chambers, Clinton Township Civic Center. Also in attendance was Mr. Tim Tomlinson, Township Attorney. The Pledge of Allegiance was recited.

APPROVAL OF AGENDA

Ms. Meltzer stated there are no additions or deletions to tonight's agenda.

Motion by Mr. Pearl, supported by Mr. Aragona, to approve tonight's agenda as presented. Roll Call: Ayes – Pearl, Aragona, Cannon, Meltzer. Nays – None. Absent – Gieleghem, Keys, West. Motion carried.

1. PUBLIC HEARING ON NUISANCE ABATEMENT

Ms. Mary Bednar, Director of the Department of Public Services, explained that this is a public hearing for the abatement. She replied to inquiry that she hopes to see this corrected in a timely manner. She emphasized that it does impact the public sewer as well as create a dangerous situation at the surface because there is a sinkhole.

Mr. Tim Tomlinson, Township Attorney, reviewed that, pursuant to Township ordinance regarding the procedure for abatement, notice must occur by an Ordinance official, and that has occurred, a copy of which has been included in the documentation provided in the Board packet. The notice of violation was also included, which was served to the property owner by both by first-class mail and personal service. To date, the property owner has failed to comply and that is

the purpose of this meeting tonight. It is being requested that the Board order the abatement of the nuisance, and in the event the individual does not abate the nuisance, the expense, including administrative costs of the Township and incurred by the Township, be placed as a lien against the real property and assessed the same as taxes.

Mr. Pearl stated that a lot of homeowners do not understand that the lead coming from their house to the point of tap-in for sewers is their responsibility. He requested that the ordinance be explained.

Ms. Bednar read Ordinance 1040.05-(b), which states “All sewer service pipe laid within a right-of-way, easement, street or alley shall be furnished, installed and maintained at the expense of the owner or user.” She replied to inquiry that the page reflects an amendment date of 1997; however, she does not know when that ordinance was originally adopted.

Mr. Pearl stated builders always put the lead in for new apartments, businesses and homes, and tap in to the community services, but did not feel many people know that was done by the builder on behalf of the owner of the home. He noted some of these homes are now 40 or 50 years old, and the infrastructure is starting to go bad.

Mr. Cannon estimated that about one-half of the homes in Clinton Township are in a situation where this could occur. He stressed the Township is aggressively working with the State to make changes so there is an avenue for these property owners to pay for these repairs spread out over several years rather than having to pay it all at once. He compared it to a roof that goes bad and is the homeowner’s responsibility to repair.

Mr. Aragona explained there are three bills right now in the Local Government Committee in the House of Representatives in Lansing, Michigan. The purpose of these bills is to enable the ability for homeowners to spread payments for repairs resulting from a problem such as this over a ten-year period rather than having to pay it all at once. The owners of the property will be able to enter a “Special Assessment District” and pay for the repairs over time for work done right away.

Mr. Cannon stated he would like Mr. Aragona to provide a periodic update on the progress of these bills. He emphasized this is extremely important, not only to Clinton Township but to any community with aging homes. He anticipated this situation will continue to occur, not only in Clinton Township, but throughout Michigan.

Mr. Pearl reiterated that people are often not aware that they are responsible for this infrastructure. He mentioned the Governor addressed this issue earlier

today, and is going to propose a plan for not only the roads but the infrastructure to be proactive.

Ms. Meltzer inquired as to whether this situation is considered a “long lead”, and she inquired as to how many homes in the Township are designed this way.

Ms. Bednar clarified this is a short lead, and they are currently working with residents on several of these.

Mr. Pearl confirmed that a long lead would be going across the street.

Ms. Bednar explained that half of the properties have long leads and half have short leads. She noted that there are typically sanitary sewer lines running on one side of the street, and the water main on the other side of the road, so if a resident has a short lead to the sewer, they would have a long lead for water service that would go under the road. If they have a long lead for the sewer, then they have a short lead for water service.

Ms. Meltzer inquired as to whether the homeowner is made aware of this when they purchase their home.

Mr. Cannon stated that is not information that is on a purchase agreement, and he commented it is not something that a homeowner typically looks at.

Ms. Meltzer inquired as to the difference in cost repairs between a long lead and a short lead.

Ms. Bednar replied the cost depends on whether it is a simple fix or whether it is already into a sinkhole situation. She estimated that a simple fix would cost about \$5,000 for a short lead and \$8,000 for a long lead; however, those costs could rise to \$10,000 to \$20,000 if it is a complicated fix. She stated factors such as soil conditions, other utility problems, and how deep they must go are all factors that can affect those prices.

Ms. Meltzer agreed with Mr. Cannon that these issues will be popping up because the infrastructure is older. Many people have been living in neighborhoods for forty or fifty years and have not had to deal with this, but it is something that will need to be addressed. She was glad to hear the Governor is considering this, and she likes the provision they are looking at in Lansing to give the homeowner more time to pay for the repairs. She inquired as to whether Mr. Aragona suspects there will be any pushback from Lansing in getting this language approved.

Mr. Aragona stated he has talked with all committee members and they seem very open to this idea and are willing to look at it. He indicated the Chairman

want to look at it closer before it comes back to the Committee, although he stated he is trying to educate the Chairman and the members as to the details. He stressed it is not just a problem in Clinton Township but is statewide.

Ms. Meltzer inquired as to whether this homeowner will be helped by this bill if it passes and is signed by the Governor.

Mr. Cannon replied it will not help this homeowner because this work must be done now. He stated there is a hole in front of this home that must be fixed.

Ms. Meltzer understood the work must be done right away, but she inquired as to whether it could help him with payment arrangements.

Mr. Cannon replied this homeowner will not be helped at all by this bill. He understood that the Department of Planning and Community Development was contacted to see if this homeowner could get any financial assistance through the Community Development Block Grant (CDBG) program, but the answer was no. He agreed with Ms. Meltzer that he would like to see this homeowner have the ability to spread payments for this over several years; however, he stressed the hole must be fixed, and the problem is clogging up drains downstream, which could possibly result in sewage backups in basements. He stressed townships do not get to participate in Lansing the way cities do, even though their population is higher. They need this legislation to be passed to help homeowners. Most townships, which are rural, have a lot of their residents on septic systems so they are not affected. If a septic field goes bad, homeowners expect to fix that, but they do not expect to fix their sewers in their front yard. He emphasized, however, that it is still the homeowner's responsibility to fix the sewer, just as it is their responsibility to fix their roof.

Mr. Pearl requested that Ms. Bednar review the picture of the TV inspection.

Ms. Bednar replied that there are three pictures. The above-ground pictures were taken this morning, and the below ground picture was taken last October. She explained they run a camera down into the sewer, and when they get to the leads, they can turn the camera and look up into the leads. She stated the picture shows how the sewer lead has failed at the tap. She pointed out the half-moon toward the bottom of the picture, explaining that is the top of the pipe that has fallen through.

Mr. Pearl stated the camera picked up that it was not the main that broke but it was the lead. He explained he has used these cameras before, and they are accurate.

Mr. Keys noted it was mentioned that the Planning Department was contacted to see if CDBG funds could be used, and the answer was no. He questioned whether the reason was because the homeowner did not qualify.

Mr. Cannon knew they investigated that option but he did not know the final answer.

Ms. Bednar was not sure whether the property owner met with the Planning Department. She knows they were informed that the CDBG program may be an option for them but it is based on income.

Mr. David Yates, property owner, was present and stated the CDBG program was not able to help him. He commented that the Township is telling him this is his problem, but he pointed out that Ms. Bednar indicated this ordinance was amended in 1997, and he had the house before that.

Ms. Bednar clarified that the overall ordinance was amended in 1997, but she does not know when that particular portion went into effect.

Mr. Yates explained his father originally bought this property in 1965, and it was always his understanding that the Township maintained the sewer and water lines from the sidewalk out. He complained that this issue has been ongoing since 2009, and when the Township contracted to have the relining of the water main done, he started having issues about 12 months later. He talked with the contractors about how this is done, and they indicated when they got to his section, they had to ream it out. He felt it was possible that they could have cracked it at that time. Mr. Yates explained that in 2010, Consumer's Power came out and replaced the line because the ground was sinking. They filled it in, reconstructed the drain basin, and he had no problems for 18 months. He noted his front yard started sinking in 2012, at which time he contacted the Township Water Department. They brought out a camera and informed him after looking at it that it was his side that was cracked, and it would be his responsibility to fix. He stressed he did not have \$10,000 to fix it then, and he does not have the \$10,000 to fix it now. Mr. Yates stated it is his contention that the contractor broke his lead.

Mr. Cannon stated there is no evidence of that. He explained they have relined all through the Township to take care of their ACO, and there have been hundreds and hundreds of homes that they have gone by just like Mr. Yates' home, and this is the first time anyone has ever mentioned anything like this. He stated that when things get old, they break, and that is what they think happened in this case.

Mr. Pearl explained they switched over to plastic piping material in 1972, and the newer material is much stronger, whereas the previous product is in sections and tends to pull apart. He commented the older material does not hold up as well.

Mr. Cannon pointed out that if the damage was caused from the relining process, this same problem would have occurred throughout the Township.

Mr. Yates stated he should have written everything down as it was happening, but he reiterated his dad was previously told that everything from the sidewalk out to the street was the responsibility of the Township to repair. He added that Consumer's Energy replaced the gas line and there was no charge to him.

Mr. Pearl explained that the Michigan Public Services Commission requires Consumer's Energy to update their system, so they have a program to do so. He added the cost is incorporated into their bills. They are replacing their lines with the plastic material, and they can then charge the cost back to the customers through a rate increase.

Mr. Yates replied to inquiry that the highest estimate he received for the repairs is \$10,000, and he stressed he does not have that money. He replied to further inquiry that the lowest estimate is \$6,000.

Ms. Meltzer inquired as to where the lining was placed.

Mr. Cannon clarified he was referring to the sewer relining, and that was done per the Department of Environmental Quality's (DEQ's) requirements.

Ms. Bednar explained the leads are offset from the leads across the street by several feet. She assured that they look at all the leads, and before they line the system, they pre-clean it. She added that this location showed a defect in the line at the time they performed the pre-clean feed.

Mr. Yates questioned why he was not notified of the defect when it was detected. He felt he should have been notified of that at the time they discovered it.

Ms. Bednar replied she does not know the history, but when they looked at the taps as part of their investigation, that is when they discovered it.

Mr. Yates, felt he should have been notified. He also pointed out that the address on the underground picture of the sewer reflects his neighbor's address at 37105 Kellogg, which is the house across the street. He acknowledged the hole is in his yard, but he questioned whether the problem could be his neighbor's lead.

Mr. Cannon replied they are certain it is Mr. Yates' lead.

Ms. Bednar replied to inquiry that the storm structure was built on top of the sanitary sewer. She stated the Township does not oversee the storm sewer in the road. She noted Ms. Meltzer's earlier question about the cost to fix a lead, and pointed out when another utility is involved, the cost can go up. She explained there is another utility in this case which could affect the cost.

Mr. Pearl stated when someone buys a home, they do not know the condition of their sanitary sewer.

Mr. Yates stated he would have appreciated notice of the issue when the Township first discovered it.

Mr. Cannon stated that would have occurred prior to Ms. Bednar being appointed to her current position.

Motion by Mr. Cannon, supported by Ms. Meltzer, regarding Violation Notice No. 43734 issued on March 13th, 2017 by the Building Department to David and Diane Yates, homeowners of 37104 Kellogg, to require the homeowner to get a contractor out within one week to start the repairs of the sinkhole that is in his front yard. Roll Call: Ayes – Cannon, Meltzer, Aragona, Keys, Pearl. Nays – None. Absent – None. Motion carried.

Mr. Roger Holtslander, 23140 Wellington Crescent, Clinton Township, Michigan 48036, recalled when he lived on 15 Mile Road, adjacent to the Fire Station, and when he upgraded his bathroom, it turned out to be a huge project because everything was lead. He stated when a person owns a home and property, they end up paying unexpected costs. He noted that the south end of the Township is older, and he felt the Township can help by putting something on the cable channel to explain that the infrastructure in some areas of the Township is 50 to 70 years old, and residents should plan ahead for these types of repairs. He pointed out it is not just in this area but it is occurring all over because the infrastructure is getting old.

Mr. Cannon agreed with Mr. Holtslander, and stressed that is why the Township has been working diligently to have legislation enacted so it will be easier for people to pay for these repairs that will be coming. As he mentioned earlier, he noted these repairs are no different than a homeowner having to pay for a roof replacement.

Mr. Holtslander felt that getting information out to the public is a good thing, and he pointed out there are a lot of renters in the south end of the Township who should be aware of this.

Mr. Cannon clarified that the renters would not be responsible, but it would be the owner's responsibility. He recommended that everyone in this neighborhood should have someone look at their lines to determine whether there is something they can do now to prevent this situation.

Mr. Keys felt therefore it is important for the Board members to educate themselves and why he and Mr. Aragona, as new trustees, have been taking this up. He thanked the Planning Department for educating him at the last meeting on the CDBG program, and thanked Ms. Bednar and her staff because earlier in the week they had taken him through a couple of these videos and pointed out the structural signs to look for. He noted this helps him to go out and educate the public as well.

Mr. Pearl stated the Township is doing their part, having spent tens of millions of dollars by state mandate, mainly in the south end of the community, and have been working on this for over ten years. He clarified that the Township cannot, by law, take on the homeowner's portion of these repairs.

Mr. Cannon agreed and stated they cannot legally help homeowners in the way he would have liked to have been able to help this homeowner this evening.

Ms. Meltzer stated she will be looking to see if there are other opportunities, possibly a graduated opportunity for payment over a longer period. She recognized that this is the homeowner's responsibility, but admitted it is a large repair cost that must be paid all at once. She felt bad for him and others who will also be facing this same situation in the future, and she hoped they will be able to look at something, possibly at the state level.

Mr. Cannon emphasized that this is not easy for the Board or for the homeowner; however, he reminded the homeowner has had this situation since October, so he has had an opportunity to obtain estimates and try to resolve the situation, but he has chosen not to do so.

ADJOURNMENT

Motion by Mr. Keys, supported by Mr. Aragona, to adjourn the meeting. Roll Call: Ayes – Keys, Aragona, Pearl, Cannon, Meltzer. Nays – None. Absent – Gielegem, West. The meeting adjourned at 7:01 p.m.

Respectfully submitted,

KIM MELTZER, CLERK
CHARTER TOWNSHIP OF CLINTON

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