



# Rochester Hills

## Minutes

### Brownfield Redevelopment Authority

1000 Rochester Hills Dr  
Rochester Hills, MI  
48309  
(248) 656-4600  
Home Page:  
[www.rochesterhills.org](http://www.rochesterhills.org)

*Chairperson Robert Justin*  
*Vice-Chairperson James Nachtman*  
*Members: Werner Richard Braun III,*  
*Mark Sera, Del Stanley, Thomas Turnbull*  
*Council Member Ryan Deel*

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Thursday, February 29, 2024

7:00 PM

1000 Rochester Hills Drive

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## CALL TO ORDER

*Vice Chairperson Nachtman called the Brownfield Redevelopment Authority meeting to order at 7:00 p.m. Michigan Time.*

## ROLL CALL

**Present** 5 - Werner Richard Braun III, James Nachtman, Mark Sera, Thomas Turnbull and Ryan Deel  
**Excused** 2 - Del Stanley and Robert Justin

## Others Present:

*Sara Roediger, Planning and Economic Development Director*  
*Jennifer MacDonald, Recording Secretary*  
*Thomas Wackerman, ASTI Environmental*

*Robert Justin and Del Stanley provided prior notice that they were unable to attend and were excused.*

## APPROVAL OF MINUTES

[2024-0119](#) Minutes - Brownfield Redevelopment Authority Meeting of April 21, 2022

**A motion was made by Deel, seconded by Turnbull, that this matter be Approved. The motion carried by the following vote:**

**Aye** 5 - Braun III, Nachtman, Sera, Turnbull and Deel  
**Excused** 2 - Stanley and Justin

## COMMUNICATIONS

*None.*

## PUBLIC COMMENT

*None.*

## NEW BUSINESS

### 2024-0118

Request for review and approval of the first reimbursement request associated with the cost for eligible activities completed for the Rochester Avon retail development brownfield cleanup, located at the northeast corner of Rochester and Avon, 945 and 975 S. Rochester Rd., zoned NB Neighborhood Business with the FB Flex Business Overlay, Parcel No. 15-14-351-069 (formerly known as 15-14-351-011, -012 and -068), Rochester Avon Partners, LLC, Applicant  
*(Reference: Roediger memo dated 2-22-24, ASTI memo dated 1-23-24, Reimbursement Request #1, Subcontract Blue Star, Rochester-Avon Reimbursement Agreement, and Brownfield Plan dated 11-2-21 had been placed on file and by reference became part of the record thereof.)*

*Present for the applicant was Doraid Markus, developer for the property.*

*Ms. Roediger noted that this is the first reimbursement request from this project that was approved in 2022 for the corner of Avon and Rochester Roads. She introduced Tom Wackerman, the City's environmental consultant, and noted that he prepared a memo reviewing all of the submitted documentation of the efforts. She invited the applicant to join them at the presenters' table.*

*Mr. Wackerman stated that his job is to make sure that the reimbursement request is consistent with the Brownfield Plan Act 381 and the City's policies. He explained that the request is for \$315,083.93, and he noted that this particular plan is limited to local-only capture; therefore, it is limited to the proportional share of local taxes. He stated that consequently, only 46.86% of each invoice is eligible for reimbursement.*

*He noted that all of the documentation was in order, and there was a very minor adjustment. He stated that all of the truck tickets and landfill tickets were there, and all of the expenses are eligible expenses that were included in the plan.*

*He pointed out that the one issue, which he commented was not unusual, was that the subcontractor Blue Star which did the demolition had no invoice. He explained that typically they require an invoice against the Brownfield Plan estimate and then a waiver of lien or some proof of payment. He noted that in this case, there was no invoice; however, a contract was provided later which the Board has as a handout tonight and an application for full payment. He stated that the City's policy requires proof of payment, but it does not specify what constitutes proof of payment. Typically, it is an invoice with a cancelled check or an invoice with cancelled check and waiver of lien. In this case, an application and a certificate for payment is a good indication of payment.*

*He stated that he is recommending reimbursement of the proportional share of the requested amount, which would be a reimbursement of \$147,576.87. He noted that there are two attachments to the agenda item, one of which looks at every single invoice and determines whether it is eligible and what percentage is eligible. The second attachment is a summary of costs to date and reimbursement requests to date compared to the Brownfield Plan.*

*Vice Chairperson Nachtman stated that he did not see anything included regarding the actual remediation and tank removals. He commented that he has worked with Blue Star before and they are a good and reputable remediation contractor.*

*Mr. Wackerman responded that for context, the function of his review is solely to ensure that the expenses are eligible, reasonable and can be reimbursed. Any other documents would be available from the applicant.*

*Mr. Markus apologized for the absence of his consultant this evening, noting that he had a medical emergency and was unable to attend. He asked the Board to approve the recommendation for reimbursement.*

*Vice Chairperson Nachtman asked if a Phase II was done on the site, and he asked what was incorporated into the Phase II section of the assessment, especially relative to tank removal.*

*Mr. Markus responded that there was a Phase II.*

*Mr. Wackerman explained that this project had two different funding sources which included the Brownfield Plan the City approved, and funding through the Michigan Underground Storage Tank Authority program (MUSTA). He noted that those invoices relative to tank removal went to the State through MUSTA, and he added that EGLE would be the State agency to approve the tank closure.*

*Mr. Markus offered to follow up through PM Environmental and provide an answer if needed.*

*Council President Deel offered a motion to approve the reimbursement. The motion was seconded by Mr. Turnbull. After the voice vote, Vice Chairperson Nachtman announced that the motion passed unanimously.*

**A motion was made by Deel, seconded by Turnbull, that this matter be Approved. The motion carried by the following vote:**

**Aye** 5 - Braun III, Nachtman, Sera, Turnbull and Deel

**Excused** 2 - Stanley and Justin

## **ANY OTHER BUSINESS**

*Vice Chairperson Nachtman requested some clarity be provided as to whether the Board's function went beyond financial oversight into environmental concerns.*

*Mr. Wackerman responded that the Authority exists under Act 381, which is primarily a financial act which has a function of reimbursement through incremental tax capture from the developers and owners for the initial extraordinary cost of environmental activities. He likened it to leveling the playing field, and explained that it intends that the cost of building on a brownfield*

*to be the same as the cost of building on a green field. He added that it has evolved to actually be an incentive to provide more than that and it can be a financial tool.*

*He noted that EGLE is the agency that enforces environmental regulations, and he explained that the environmental cleanup is covered by Part 201 of Act 451, which puts the burden of compliance on the owner or purchaser. He stated that in this particular case, EGLE was involved in the underground storage tank portion of the project because it was funded under MUSTA.*

*Vice Chairperson Nachtman asked if the Board could require additional testing regarding the potential for any orphan underground storage tanks.*

*Mr. Wackerman responded that the Board's only option would be to withhold funding; however, he stressed that it is EGLE that is the regulatory agency relative to the tanks.*

**2024-0124**

Request for Election of Officers 2024

*Ms. Roediger noted that the Board was requested to set its officers for the coming year.*

*Council President Deel moved to keep the same slate of officers in existence for the coming year. The motion was seconded by Mr. Turnbull.*

*After calling for a vote, Vice Chairperson Nachtman noted that the motion passed unanimously.*

**A motion was made by Deel, seconded by Turnbull, that this matter be Approved. The motion carried by the following vote:**

**Aye** 5 - Braun III, Nachtman, Sera, Turnbull and Deel

**Excused** 2 - Stanley and Justin

**Resolved**, that the Rochester Hills Brownfield Redevelopment Authority hereby reappoints the current slate of officers, including Robert Justin as Chairperson, James Nachtman as Vice Chairperson, the Planning and Economic Development Department (currently Jennifer MacDonald representing) as Secretary, and Joe Snyder as Treasurer, each for a term to expire the first meeting in 2025.

**2024-0120**

Approval of 2024 Meeting Schedule

*Ms. Roediger noted that the Board is asked to set its quarterly meeting schedule; however, meetings are only held based on whether there is a request for a brownfield reimbursement. She mentioned that the City has recently received \$75 million that goes directly to the City, and with the assistance of the Mayor's office, City Council, Staff and Mr. Wackerman in the lead, a process has been developed in which property owners can approach the City. A subcommittee has been formed and a process developed with City Council to distribute those funds. She explained that the City has until July of 2027 to*

*spend those dollars.*

*She stated that if a project comes in that will be using EGLE funds in conjunction with a brownfield plan, then that would come before the Authority. If they choose to use the State funding exclusively then that would not come to this body and would go through City Council.*

*Council President Deel stated that given the nature of many of these sites that are looking at for the EGLE grant, he would say that nearly all of them will also be coming to the Authority for additional funding. He commented that even with \$75 million, when it comes to cleaning up and remediating these sites, it is not a lot of money.*

*Ms. Roediger explained that if there is a need to meet other than the quarterly schedule, staff will poll the Board and see when a meeting can be held. She stated that she would ask for a motion to approve the 2024 meeting schedule as presented.*

*Council President Deel moved, and it was seconded by Mr. Turnbull, to approve the schedule as presented. After calling for a vote, Vice Chairperson Nachtman noted that the motion passed unanimously.*

**A motion was made by Deel, seconded by Turnbull, that this matter be Approved. The motion carried by the following vote:**

**Aye** 5 - Braun III, Nachtman, Sera, Turnbull and Deel

**Excused** 2 - Stanley and Justin

**Resolved**, that the Brownfield Redevelopment Authority hereby approves the 2024 meeting schedule at the February 29, 2024 special meeting, consisting of the remaining quarterly meetings to be held on April 18, 2024, July 18, 2024 and October 17, 2024, and acknowledges that Special Meetings may be scheduled throughout the year if necessary.

## **NEXT MEETING DATE**

*- April 18, 2024*

## **ADJOURNMENT**

*There being no further business it was moved by Deel, seconded by Turnbull, to adjourn the meeting at 7:26 p.m.*

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*Robert Justin, Chairperson  
Rochester Hills Brownfield Redevelopment Authority*

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*Jennifer MacDonald, Recording Secretary*

