

FINK & FINK

PLLC

ATTORNEYS AND COUNSELORS

320 North Main Street, Suite 420
Ann Arbor, MI 48104

Phone: (734) 994-1077 • Fax: (734) 994-3737
www.finkandfink.com

Joshua R. Fink
also admitted in Florida

Konrad L. Siller

Mariah Evans Fink
Of Counsel

James A. Fink

Parisa Ghazaeri

Jillianne Engen

MEMO

To: Pittsfield Charter Township Board of Trustees

From: Mariah Evans Fink

Re: Pittsfield Township Historical Society request for matching funds for MACC grant

Date: November 2, 2022

ISSUE:

The Pittsfield Township Historical Society applied for a grant from the Michigan Arts and Culture Council to perform work on structures at the Sutherland-Wilson Farm and is now asking the Board of Trustees to contribute “matching funds”. Can the Township retroactively approve this?

BACKGROUND:

1. The Sutherland-Wilson Farm is owned by Pittsfield Charter Township (“Township”).
2. The Sutherland-Wilson Farm is an Historic District within the Township and is governed by the Pittsfield Charter Township Historic District Commission Ordinance, as amended.
3. The Pittsfield Township Historic Society (“Society”) and the Township have an agreement dated February 10, 2010 (“Agreement”), that outlines their intent “to form a united effort... to preserve the Sutherland-Wilson property...”
4. This Agreement also details the responsibilities of the Society to the Township Board in relation to the Sutherland-Wilson Farm.

5. The Society applied for a grant from the Michigan Arts and Culture Council (“MACC”) in early 2022.
6. In the grant application, the Society outlined work to be done and stated specific contractors who would be doing the work.
7. The Society requested \$44,925 from MACC for the project stating that the entire project would cost \$89,850.
8. It was awarded \$17,970.
9. The Society is seeking approximately \$17,970 from the Township Board of Trustees.

CONCERNS:

- A. All grant applications related to Township property, particularly those that request/require matching funds from the Township require approval from the Supervisor/Board of Trustees prior to submission.
- B. Until October 11, 2022, the Township was unaware of the grant application and award, the plan to request funding from the Township, and the Society’s intent to conduct work on Township property.
- C. The Agreement between the Society and the Township is clear that the “primary financial responsibility for Sutherland-Wilson is the Township.” This means that if the project is over budget, and if the Society does not have the additional funding needed to complete the project, the Township would be responsible for paying all the costs.
- D. Because it appears there has been no professional assessment of the scope of work, it is difficult to know if the projected costs in the grant application are appropriate.
- E. The grant application costs estimates are also from April/May 2022, and those amounts may have drastically changed. The quotes are not “locked in” and are not a fixed cost proposal. If contractors are not paid, they could potentially place a lien on the property.
- F. The Agreement between the Society and the Township states that “no work shall be done by contractors without the specific authorization of the Township under such terms and conditions as required by the Township.”

- G. The Agreement also states that the Society “may recommend but the Township Administration will select contractors and authorize any work to be done by contractors at the property.”
- H. The Township has bidding and purchasing policies and requirements that have not been considered or met by the choice of a “preferred vendor” in the grant.
- I. The grant application did not include any “in-kind” contributions, or administrative costs, such as the cost of permits, Township staff to manage the funding, etc.

RECOMMENDATIONS:

- 1. If no professional assessment has been conducted, it should be done prior to any commitment of funds.
- 2. After the assessment, a more detailed scope of work should be drafted. This may require engineering review.
- 3. New quotes from contractors that can meet the Township’s bidding and purchasing policies and requirements should be obtained for the detailed scope of work.
- 4. The Township should then choose the contractor to perform the work.
- 5. Under the Agreement, the Township must authorize all work to be performed.
- 6. Although the Township owns the property, it is within a designated Historic District and is subject to the Historic District Commission Ordinance and the statute under which the Commission was established. Both the statute and the Ordinance require any work proposed within a Historic District to have a permit issued by the Historic District Commission.