



Thomas Ryan &lt;sylvanlawtr@gmail.com&gt;

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## Muffler Shop

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newall@aol.com <newall@aol.com>  
 To: sylvanlawtr@gmail.com

Mon, Feb 23, 2015 at 12:17 PM

Tom:

After receiving Mr. Tressel's email below last week, it is apparent he is insisting that my client procure a particular approval of the MDEQ.

My clients and I have taken the time to carefully consider the options before responding. What is not an option is complying with his demand, as the City Manager, Carol Eberhardt, has suggested in her email, also included below.

The Tressel email directly states this requirement is being made "**notwithstanding the Agreement**"—His acknowledgement that the contract limitation applies. Obviously the City's contract means nothing to him. The key then is does the Contract mean anything to the City?

Neither of these emails address that no such permit, approval, or process for a "letter" exists.

Also Mr Tressel fails to indicate, in any communication I have seen, that he was provided with the data that demonstrates the proposed system will not adversely affect the plume. We went to a great deal of trouble and expense to provide him this information, which apparently HRC is not capable of assessing?

Although I have raised these concerns before, to date no one from the City, other than Mr Tressel's repudiation, has addressed the application of either of these limitations.  
 Again, I am not asking that you or any other representative of the City call the MDEQ.

Before we make a decision whether to go forward with this project, I write to ask that you explain to me how Mr. Tressel's letter is not a violation of the Conditional Rezoning Agreement. If you acknowledge that it is a violation then we need to know what if anything the City is going to do about it other than insist we comply with his demand. It would be helpful if you would provide this to me promptly and in writing, so that I can share it directly with my client.

If I do not hear back from you I will assume that Mr. Tressel's directive stands regardless of our concerns and the City's contractual obligations.

Neil

From: Tressel Gary <GTressel@hrc-engr.com>  
 To: 'Carol Eberhardt' <eberhardtc@villageofclarkston.org>; 'Thomas Ryan' <sylvanlawtr@gmail.com>; 'Joe Luginski' <luginskij@villageofclarkston.org>  
 Cc: 'newall@aol.com' <newall@aol.com>; Biehl Thomas <tbiehl@hrc-engr.com>; 'Gleeson, Kevin J.' <kgleeson@swappc.com>; Slicker, Matt <mslicker@hrc-engr.com>; Cecil, John <jcecil@hrc-engr.com>; Fortino Nicole <NFortino@hrc-engr.com>  
 Sent: Wed, Feb 18, 2015 11:56 am  
 Subject: RE: This is what Neil needs to move forward....  
 To all—HRC is not going to approve the vertical discharge of storm water into

2h.

the ground without some sort of concurrence from MDEQ, as our approval brings liability to HRC and the City if we do not see that in writing. Not knowing how the "Agreement" is structured to the City Ordinances without a detailed review, if someone else within the City wants to approve these documents, please proceed, but we will not be doing that with the background knowledge of what exist on this site.

HRC is not going to withdraw that requirement with or without a meeting, and notwithstanding the Agreement.

If everyone wants to meet to discuss, that is fine, but otherwise we are not going to approve these documents, even though his two comments are not attached to this e-mail.

Gary J. Tressel  
Senior Associate  
Hubbell, Roth & Clark, Inc.  
555 Hulet Drive  
P.O. Box 824  
Bloomfield Hills, MI 48303-0824  
Phone: (248) 454-6300  
Direct: (248) 454-6373  
Cell: (248) 535-3312  
Fax: (248) 454-6312  
E-mail: gtressel@hrc-engr.com

From: Carol Eberhardt <eberhardtc@villageofclarkston.org>  
To: newall <newall@aol.com>; 'Thomas Ryan' <sylvanlawtr@gmail.com>; 'Tressel Gary' <GTressel@hrc-engr.com>; 'Joe Luginski' <luginskij@villageofclarkston.org>; 'Carol' <eberhardtc@villageofclarkston.org>  
Sent: Wed, Feb 18, 2015 12:09 pm  
Subject: Here is all you need to do  
I've just gotten off the phone from Gary. This should be simple. Do your final site plan and simply come for final site plan approval with a letter from the LUST division of the MDEQ stating they will allow storm water into the plume based on the storm water plan you've engineered.

Carol Eberhardt  
City Manger  
City of the Village of Clarkston  
248-625-1559