



(248)608-9250 Fax (844)270-7115

www.tri-countycourtreporters.com

Transcript of the Testimony of
Michael Darga

Date: March 13, 2019

Volume:

Case: Hack and Beaulieu-Hack v. The Charter Township of
Milford, et al.

Printed On: May 27, 2019

Michael Darga
3/13/2019

<p style="text-align: right;">Page 140</p> <p style="text-align: center;">UNITED STATES DISTRICT COURT EASTERN DISTRICT OF MICHIGAN SOUTHERN DIVISION</p> <p>JOEL Q. HACK, an individual, and WREN BEAULIEU-HACK, an individual,</p> <p style="text-align: center;">Plaintiff,</p> <p>vs. Case No. 2:18-cv-1333 Hon. Marianne O. Battani</p> <p>THE CHARTER TOWNSHIP OF MILFORD, a Michigan municipal corporation, TOWNSHIP OF MILFORD BOARD, a public body, DONALD D. GREEN, in his personal capacity and in his official capacity as Supervisor of Milford Township, and TIMOTHY C. BRANDT, in his personal capacity and in his official capacity as Building and Zoning Administrator of Milford Township,</p> <p style="text-align: center;">Defendants.</p> <p>-----</p> <p style="text-align: center;">VOLUME II OF THE DEPOSITION OF MICHAEL DARGA, taken on Wednesday, March 13, 2019, at 25800 Northwestern Highway, Suite 400, Southfield, Michigan, at 9:23 a.m., pursuant to notice.</p> <p style="text-align: center;">REPORTED BY: LAURI A. SHELDON, RPR, CSR 4045</p>	<p style="text-align: right;">Page 142</p> <p style="text-align: center;">WITNESS INDEX</p> <p>1 2 Witness Page 3 MICHAEL DARGA, VOLUME II 4 Examination by MR. CRONKHITE144 5 6 Examination by MR. TAMM185 7 8 Examination by MR. CRONKHITE231 9 10 Examination by MR. TAMM255 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p>
<p style="text-align: right;">Page 141</p> <p>1 2 APPEARANCES 3 Appearing for Plaintiff: 4 R.J. CRONKHITE (P78374) 5 MADDIN, HAUSER, ROTH & HELLER, P.C. 6 28400 Northwestern Highway Second Floor 7 Southfield, Michigan 48034 8 248-351-7017 9 rcronkhite@maddinhauser.com 10 Appearing for Plaintiffs. 11 12 Appearing for Defendant: 13 14 JAMES E. TAMM (P38154) 15 O'CONNOR, DEGRAZIA, TAMM & O'CONNOR, P.C. 16 40701 Woodward Avenue, Suite 105 17 Bloomfield Hills, Michigan 48303 18 248-433-2000 19 jetamm@odtlegal.com 20 Appearing for Defendants. 21 22 KEVIN J. GLEESON 23 SULLIVAN, WARD, ASHER & PATTON, PC 24 25800 Northwestern Highway, 25 1000 Maccabees Center Southfield, Michigan 48075 248-746-0700 Appearing for witness, Michael Darga.</p>	<p style="text-align: right;">Page 143</p> <p style="text-align: center;">EXHIBIT INDEX (Exhibits attached)</p> <p>1 2 3 4 Exhibit Description Page 5 Exhibit 17 Letter144 6 Exhibit 18 Notice of Deposition145 7 Exhibit 19 Project List146 8 Exhibit 20 Letters150 9 Exhibit 21 Engineering Design Standards151 10 Exhibit 22 Emails163 11 Exhibit 23 Answers to Interrogatories182 12 Exhibit 24 GIS Map238 13 14 15 16 17 18 19 20 21 22 23 24 25</p>

1 (Pages 140 to 143)

Michael Darga
3/13/2019

Page 144

1 March 13, 2019
2 Southfield, Michigan
3 9:23 a.m.
4
5
6
7
8 MICHAEL DARGA
9 having been duly sworn testified as follows:
10 *** ** ** **
11 CONTINUING DIRECT EXAMINATION
12 BY MR. CRONKHITE:
13 Q Good morning, Mr. Darga. Good to see you again.
14 A Hello.
15 Q I want to show you what I'm going to mark as Exhibit 17.
16 (Exhibit 17 marked for identification)
17 Q (Continuing by Mr. Cronkhite): There you go. Have you
18 seen this document before, sir?
19 A No.
20 Q Does this appear to be -- Well, I'll tell you this is
21 the, quote, "approval," end quote, that the Township of
22 Milford issued to the Hacks on October 18, 2018. Does
23 this Exhibit 18 {sic} appear to contain the
24 recommendations or conditions that you set forth in your
25 October 8th, 2018, letter?

Page 145

1 A Yes, it does.
2 Q Okay. And just to be clear, that October 8, 2018,
3 letter is what we had previously marked as Exhibit 14?
4 A Yes.
5 (Exhibit 18 marked for identification)
6 Q (Continuing by Mr. Cronkhite): Okay. Sir, I'm going to
7 show you what is marked as Exhibit 18.
8 MR. TAMM: So that was -- You referred to this
9 as 18 on the record, R.J. That's actually 17.
10 MR. CRONKHITE: Thank you for correcting me.
11 Yeah, 17. 17 is the October 18th, 2018, Township of
12 Milford, quote, "approval," end quote. This is
13 Exhibit 18.
14 Q (Continuing by Mr. Cronkhite): Have you seen this
15 document before, sir? You can take a look at it.
16 A Yes.
17 Q Okay. Do you have any documents with you today?
18 A Yes.
19 Q Okay. Can you show me those?
20 A Sure.
21 Q Well, and specifically I -- So I requested four specific
22 types of items in this --
23 A Yes.
24 Q -- deposition notice marked as Exhibit 18. Can you show
25 me documents that relate to those four items? So let's

Page 146

1 go one by one, sir.
2 A All right.
3 Q The first thing, the list or summary of plan reviews
4 that you've done on behalf of Milford Township since
5 1999 which you identified in your first deposition
6 session.
7 A Yes.
8 Q Let's mark this Exhibit 19.
9 (Exhibit 19 marked for identification)
10 Q (Continuing by Mr. Cronkhite): This Exhibit 19, when did
11 you create this document?
12 A It would have been a couple days after I received this.
13 Q Okay. So you --
14 A Last Friday.
15 Q So this was after your deposition.
16 A Yes. Correct.
17 Q All right. So when you were here last time being
18 deposed, you had indicated that you had a preexisting
19 list already, correct?
20 A Preexisting list of . . .
21 Q Of projects that you had done on behalf of Milford since
22 1999.
23 A Yes.
24 Q Okay. So I guess I'm confused. Why did you have to
25 create a new list?

Page 147

1 MR. GLEESON: I think he printed off the list.
2 THE WITNESS: Correct.
3 Q (Continuing by Mr. Cronkhite): I see. So you have an
4 electronic file that was preexisting at your deposition.
5 A Well, yes. I mean, a job number is assigned to each
6 project. I have access to those.
7 Q This document is an in electronic form? Do you have an
8 electronic form of this document?
9 A No.
10 Q Okay. So when you were testifying during your first
11 deposition session, what list were you referring to that
12 you said was already in existence?
13 A Well, we have a job number list, and that's kind of what
14 that is. I mean, I have access to any file that we
15 opened up for Milford.
16 Q Okay.
17 A So I don't . . . I don't know.
18 Q The job number list, is it actually a list such as this
19 one marked as Exhibit 19?
20 A Yes.
21 Q Okay. Where is that at?
22 A I mean, I don't . . . It's on our system.
23 Q You can print it out, can't you?
24 A That's what I did. That's what that is.
25 Q So that electronic list that you just testified to now,

Michael Darga
3/13/2019

Page 148

1 that's what this is?
 2 A Correct.
 3 Q Exhibit 19.
 4 A Sure. Yes.
 5 Q And so that it matches -- that list that's electronic on
 6 HRC's server somewhere matches this Exhibit 19 list
 7 identically.
 8 A Yes.
 9 Q Yeah. Okay. Is this list ordered in any particular
 10 manner?
 11 A It would probably be the most recent -- starting with
 12 the most recent all the way back to 1999.
 13 Q Okay. Reverse chronological order.
 14 A Correct.
 15 Q Okay. So you had testified previously that there were
 16 four or five residential plan reviews that you had done
 17 on behalf of Milford since 1999 that would have involved
 18 a grading {sic} fill permit.
 19 A Fill and grade permit, yes.
 20 Q Okay. Can you mark for me on this Exhibit 19 where
 21 those projects are or which of those projects relate to
 22 those four or five projects that you testified to
 23 earlier?
 24 MR. GLEESON: You want a pen?
 25 THE WITNESS: Yeah. I need one.

Page 149

1 Q (Continuing by Mr. Cronkhite): And you can refer to your
 2 other documents that you brought with you if that will
 3 help.
 4 A I mean, I just have those documents with me. That's
 5 what we're getting at. Maybe it would be quicker --
 6 Q Yeah, well, maybe what you can do is look at the
 7 documents, the other documents you brought, and then
 8 match them up with what's ever on the list.
 9 A Yeah, I don't have numbers on here.
 10 Q How about this: Is there anything in that packet of
 11 documents that you have with you that will allow me to
 12 identify in this --
 13 A Sure.
 14 Q -- Exhibit 19?
 15 A That probably would be better, yeah.
 16 Q Yeah. What is it?
 17 A I have the letters for those four.
 18 Q May I see them?
 19 So this -- You've stapled three, four, five,
 20 six, seven, eight, nine, ten -- looks like you stapled
 21 ten letters together, and it looks like the method you
 22 followed is you have -- in your "re" line of these
 23 letters you have, what is it, the property owner's name?
 24 For instance, Welsh Fill and Grade?
 25 A That would be -- Yes.

Page 150

1 Q The property -- Welsh is the property owner.
 2 A I don't know. That's just the name that the Township
 3 gave me. That's how the Township referred to it. I
 4 don't know if it's the name or a street or a business.
 5 Q What method do you use to identify the projects referred
 6 to in this list of -- or this compilation of letters?
 7 What method did you follow to identify them in
 8 Exhibit 19? How could I match these two items up?
 9 A The name on the letter should match the name on there.
 10 Q Show one example.
 11 A If it was alphabetical, it would be easier.
 12 Q 2005 should be there. All right. Let's mark this as
 13 Exhibit 20.
 14 (Exhibit 20 marked for identification)
 15 Q (Continuing by Mr. Cronkhite): Some of these letters in
 16 Exhibit 20 refer to the same project, it looks like.
 17 A Correct. That's pretty typical of the plan review.
 18 Q So I am looking at these letters briefly. It looks like
 19 there's four projects. The rose project is one, the
 20 Stoney Court project is another, the Welsh is a third,
 21 and then the Shiposh is a fourth. Does that appear to
 22 be correct?
 23 A That sounds correct. Yes.
 24 Q Okay. And these letters relate to the residential site
 25 reviews that you had done for Milford as testified

Page 151

1 during your last session that involved grade and fill.
 2 A Fill and grade permit, yes.
 3 Q And what other documents did you bring?
 4 A I brought the Township's engineering design standards.
 5 Q These are the Milford Township Engineering Design
 6 Standards that you referred to during your last
 7 deposition session, correct?
 8 A Yes. They're on the website.
 9 Q Of what, Milford?
 10 A Yes.
 11 Q And I'm going to mark this as Exhibit 21.
 12 (Exhibit 21 marked for identification)
 13 Q (Continuing by Mr. Cronkhite): I think you testified
 14 earlier that these are the engineering design standards
 15 that you used in reviewing Boss' proposed plan for the
 16 Hacks' property, correct?
 17 A Correct.
 18 Q All right. And you determined that Boss' plan complied
 19 with these engineering design standards marked as
 20 Exhibit 21, correct?
 21 MR. TAMM: Objection. Form and foundation.
 22 Q (Continuing by Mr. Cronkhite): You can answer.
 23 A I would say the plans that they submitted with the
 24 information for the driveway did.
 25 Q And that's why you issued your August 24th, 2018,

Michael Darga
3/13/2019

Page 152

1 approval letter, correct?
 2 MR. TAMM: Objection to form.
 3 THE WITNESS: Which date?
 4 Q (Continuing by Mr. Cronkhite): You can answer that,
 5 correct?
 6 A Which date? What --
 7 Q The August 24th, 2018, your first approval letter.
 8 A The first one?
 9 Q Yes.
 10 A Correct.
 11 Q Where are the -- You had testified during your first
 12 deposition day that you had files that related to each
 13 of your site plan reviews for Milford, correct?
 14 A Right.
 15 Q Where are the files for these four projects referred to
 16 throughout Exhibit 20?
 17 A I couldn't obtain those in time for this deposition.
 18 Q Okay. You don't have an electronic file on-site?
 19 A No. All I could get electronically was the letters I
 20 printed.
 21 Q I believe you testified earlier during your first day of
 22 deposition that HRC has an off-site location where the
 23 hard files would be kept?
 24 A Possibly. I don't know of our . . . I would assume
 25 they're there, yes.

Page 153

1 Q Have you --
 2 A Those are pretty old jobs. I don't know if they . . .
 3 MR. GLEESON: HRC has a policy after a certain
 4 period of years those are all disposed of except for the
 5 design drawings.
 6 Q (Continuing by Mr. Cronkhite): So the design drawings,
 7 where are those at?
 8 MR. TAMM: Objection. Form and foundation.
 9 THE WITNESS: What design drawings?
 10 Q (Continuing by Mr. Cronkhite): The design drawings --
 11 A For these?
 12 Q -- relating to these four projects.
 13 A They would probably be in the file.
 14 Q Okay. So have you asked someone at HRC to look for any
 15 hard-copy documents that relate to these four projects?
 16 A No.
 17 Q Okay. I'm going to ask you to do that.
 18 MR. GLEESON: You're going to pay for it,
 19 then, because it's going to --
 20 MR. CRONKHITE: Certainly.
 21 MR. GLEESON: -- cost a whole lot of money for
 22 them to go back in all the archives.
 23 MR. CRONKHITE: Well, we can discuss costs,
 24 but --
 25 THE WITNESS: If --

Page 154

1 MR. TAMM: And I'm going to object to the
 2 proportionality. It's not relevant to the claims and
 3 it's out of proportion for the discovery in the case,
 4 but if you want to pay for it and Mr. Gleeson agrees to
 5 it.
 6 MR. CRONKHITE: Jim, you've got no standing to
 7 make an objection.
 8 MR. TAMM: I have --
 9 MR. CRONKHITE: You have no standing to make
 10 an objection.
 11 MR. TAMM: Look --
 12 MR. CRONKHITE: It's not a subpoena directed
 13 to you. It's not going to --
 14 MR. TAMM: Mr. Cronkhite --
 15 MR. CRONKHITE: Are you going to talk over me?
 16 MR. TAMM: Yeah, I'm not --
 17 MR. CRONKHITE: I let you talk, then you let
 18 me talk. That's how it works.
 19 MR. TAMM: I'm not going to argue, okay? I've
 20 made my objection. You don't need to respond. I've
 21 made my objection.
 22 MR. CRONKHITE: I'm going to make for the
 23 record, since you're doing speaking objections, despite
 24 having no standing, including the record, I am going to
 25 say something. So the proportionality, you're being

Page 155

1 sued for hundreds of thousands of dollars, your client
 2 is, okay, and you have no standing, so I think looking
 3 for four documents or four files relating to four
 4 projects is very much proportional to the amount in
 5 controversy.
 6 MR. TAMM: Thank you, sir. I appreciate that.
 7 Q (Continuing by Mr. Cronkhite): So in this January 12,
 8 2006, letter relating to the Rose fill and grade
 9 project, you write -- Well, you authored all these
 10 letters, correct, in Exhibit 20?
 11 A Correct.
 12 Q Okay. You write here -- and you're writing to
 13 Mr. Brandt, who's Tim Brandt with Milford, correct?
 14 A Yes.
 15 Q And you write here that, number one, "The driveway has
 16 not been paved. Also, a circular section of drive has
 17 been added," end quote, correct? You write that?
 18 A Well, you're -- this is not a plan review letter. That
 19 is a final inspection letter. So this is our inspection
 20 after the work was done. So these are probably items
 21 that don't match the approved plan.
 22 Q Okay. And then you -- But that's what you wrote,
 23 correct, that I just read into the record, number one?
 24 A What did you say? You said number one --
 25 Q Number one.

Michael Darga
3/13/2019

Page 156

1 A -- the driveway is -- Okay.
 2 Q You wrote that.
 3 A That's what it says, yes.
 4 Q And then you write later on in the letter, "The above
 5 items were not included on the approved plans," end
 6 quote. What plans are you talking about?
 7 A Probably the plans that were submitted for the fill and
 8 grade permit.
 9 Q And it says they're to be considered part of residential
 10 improvements to the site. What do you mean by that?
 11 A It wasn't -- The fill and grade plan is kind of basic of
 12 what's going on on the site, and that would fall more
 13 under Mr. Brandt's review of the site.
 14 Q Such as driveway.
 15 A Well, it . . . I don't know. We didn't have any
 16 problems with drainage.
 17 Q And this letter of January 12, 2006, they're talking
 18 about a driveway, yes, in part? You're talking about a
 19 driveway, yes?
 20 A The word "driveway" is on there, yeah.
 21 Q Okay.
 22 A Yes, I would assume they're talking about a driveway.
 23 Q That you were talking about a driveway.
 24 A Yes.
 25 Q This is your letter.

Page 157

1 A Sure.
 2 Q And you're saying that -- to Mr. Brandt -- that this is
 3 considered a residential improvement, correct?
 4 A Paving on the driveway.
 5 Q And it's not typically reviewed by your office, right?
 6 A Well, if -- I'd have to see the plans. I mean, their
 7 grading plan probably showed a driveway, but paving on
 8 the driveway would probably -- wouldn't fall under ours.
 9 Q You don't recall whether the Rose project involved the
 10 grading of a driveway.
 11 A Off the top of my head, no.
 12 Q Do you remember whether any of these four projects
 13 identified in Exhibit 20 involved a driveway?
 14 A No, I do not.
 15 Q You don't have any reason to believe they do, do you?
 16 A I don't know that they do or they don't.
 17 Q You have no specific recollection of any of these four
 18 projects involving a driveway, do you?
 19 A I don't know if they do or don't.
 20 Q I asked a specific question. You don't have any
 21 specific recollection that any of these four projects
 22 involved a driveway, correct?
 23 A At this time, no.
 24 Q For these four projects in Exhibit 20 did the property
 25 owners or their agents submit a proposed plan similar to

Page 158

1 what Boss submitted in connection with the Hacks'
 2 property?
 3 A They would have, but it would have been more complete
 4 than what was submitted for the Boss plan.
 5 Q How do you know that?
 6 A Because that's usually what's submitted for a fill and
 7 grade permit is the entire site.
 8 Q You approved the Boss plan on August 24th, 2018,
 9 correct?
 10 A Yes, based on the owner's agent's statement that they
 11 didn't touch anything in the back, so it was assuming
 12 that only the driveway area was going to be modified.
 13 Q Who told you that?
 14 A It was in the email from Don Green from Bill Rogers.
 15 Q You didn't request any additional information from Boss,
 16 the Hacks, or any of their agents on top of the Boss
 17 plan before you issued your August 24th, 2018, letter,
 18 correct?
 19 A Based on the assumption that nothing was changed in the
 20 back, yes.
 21 Q The assumption and the representations by Boss and the
 22 Hacks, correct?
 23 A Correct.
 24 Q Have you spoken with anyone from Milford between the day
 25 of your last deposition and today?

Page 159

1 A No.
 2 Q Have you spoken with Mr. Tamm?
 3 A No.
 4 Q What specifically -- What specific email are you
 5 referring to in terms of you relying on a specific email
 6 regarding the back of the property before you issue your
 7 August 24th letter?
 8 A It was an email that Don Green had forwarded me with a
 9 list of Bill Rogers' responses to some questions, if I
 10 remember correctly.
 11 Q And you didn't request a topography to be done on the
 12 back of the site before you issued your August 24th
 13 letter, did you?
 14 A No.
 15 Q I think you testified earlier that was at least in part
 16 based on the fact that Mamo's claims regarding what was
 17 going on on the Hacks' property struck you as
 18 inaccurate, correct?
 19 MR. TAMM: Objection to form and foundation.
 20 THE WITNESS: If you're talking about filling
 21 in the front of the house 6 feet, that is what you're
 22 getting at?
 23 Q (Continuing by Mr. Cronkhite): Actually, the fill of the
 24 elevation being raised 6 feet related to the house, not
 25 the driveway.

Michael Darga
3/13/2019

Page 160

1 MR. GLEESON: So what's the question?
 2 THE WITNESS: Yeah.
 3 Q (Continuing by Mr. Cronkhite): So you understand that
 4 David Mamo was claiming that the elevation on the Hacks'
 5 property was really 6 feet, correct?
 6 A Yes, I've seen that, that he's questioned that.
 7 Q That was before -- You saw that before you issued your
 8 August 24th, 2018, approval letter.
 9 A Correct.
 10 Q And you dismissed that because it seemed inaccurate
 11 based on the information you had in your possession,
 12 correct?
 13 MR. TAMM: Objection to form and foundation.
 14 THE WITNESS: Information -- Yes, the
 15 information provided by Boss.
 16 Q (Continuing by Mr. Cronkhite): And also the information
 17 that you had reviewed that you had in your possession
 18 outside of Boss, what Boss had provided to you, correct?
 19 MR. TAMM: Objection to form and foundation.
 20 THE WITNESS: Yes.
 21 Q (Continuing by Mr. Cronkhite): Such as the map . . .
 22 Such as this map that's part of Exhibit 2 that you
 23 talked about during your last deposition, yes?
 24 A I think I said that that gave me a general idea of what
 25 was going on out there, but I mean the house isn't --

Page 161

1 the location of the house isn't shown, so.
 2 Q I understand. My point, sir, is that you, when you were
 3 reviewing the site plan that Boss submitted to you
 4 before your August 24th, 2018, approval, you not only
 5 had Boss' proposed plan, you examined and considered
 6 other evidence before you issued your August 24th, 2018,
 7 approval, yes?
 8 A Yes.
 9 Q And that included this map that is part of Exhibit 2,
 10 correct?
 11 A Yes.
 12 Q At some point you spoke with Bill Mazzara regarding the
 13 Hacks' property, correct?
 14 A Yes.
 15 Q And was that a phone call?
 16 A Yes.
 17 Q Who initiated that call?
 18 A He did.
 19 Q And what did Bill tell you?
 20 A It sounded like it was after the board meeting, and he
 21 was questioning the information that was in the back of
 22 the house that was not provided on the Boss plans. That
 23 was pretty much the extent of our conversation was what
 24 wasn't shown that could be causing the drainage problem.
 25 Q Is it your understanding that Bill Mazzara was the

Page 162

1 individual at Milford that initiated the rereview of
 2 Boss' site plan?
 3 A I don't know that.
 4 Q Anyone else from --
 5 A Don Green would have been my main contact. I mean,
 6 that . . . I think Don, I think we talked and said let's
 7 have a meeting to talk about what we need to do to get
 8 this driveway approved and, you know, make sure the
 9 neighbor's property is not affected.
 10 Q And my question is is it your understanding that Bill
 11 Mazzara was the individual who initiated the rereview of
 12 your August 24th, 2018, approval?
 13 A No. I don't know that.
 14 Q Did anyone else at Milford, before Bill reached out to
 15 you on the phone, raise issues regarding your August
 16 24th letter?
 17 A No.
 18 Q In fact, Don Green approved it as well, your August
 19 24th, 2018, letter, yes?
 20 MR. TAMM: Objection. Form. Foundation.
 21 THE WITNESS: I assume so, but I don't
 22 remember seeing a formal approval.
 23 Q (Continuing by Mr. Cronkhite): You had spoken with Don
 24 Green before your August 24th, 2018, approval letter and
 25 Don had indicated that he was agreeable to Boss'

Page 163

1 proposed plan, yes?
 2 A On the information provided, yes.
 3 (Exhibit 22 marked for identification)
 4 Q (Continuing by Mr. Cronkhite): All right. This
 5 Exhibit 22 has an email from you to Don Green dated
 6 September 25th, 2018, in which you write, "I talked to
 7 Bill Mazzara a little about this. We should probably
 8 set a meeting so we are all in the same room looking at
 9 the same drawings and pictures and talk about it. I
 10 think he is going to request a meeting."
 11 You drafted -- You authored this email,
 12 correct?
 13 A That portion of it, yes.
 14 Q The entire portion of this September 25th email on this
 15 Exhibit 22.
 16 A From me, yes.
 17 Q The email below it is from September 20th and that's
 18 from Dave Mamo to --
 19 A Well, there's the 25th from -- Well, yes.
 20 Q Okay. You're talking about Don Green --
 21 A Don Green forwarded it to me.
 22 Q Don Green forwarded the September 20th email from Dave
 23 Mamo.
 24 A Correct.
 25 Q Yes.

6 (Pages 160 to 163)

Tri-County Court Reporters
248-608-9250

Michael Darga
3/13/2019

Page 164

1 A Yes.
 2 Q Okay. So is this conversation with Bill Mazzara that
 3 you reference in your September 25th email what you just
 4 testified to?
 5 A Yes.
 6 Q When you say, "I think he is going to request a
 7 meeting," end quote, is that Bill Mazzara that --
 8 A Yes.
 9 Q -- you're referring to?
 10 A Yes.
 11 Q Why did you think Bill Mazzara was going to request a
 12 meeting?
 13 A Because we talked about everyone meeting, what I said
 14 here to Don. Talked about everyone sitting down and
 15 looking at the same pictures and plans.
 16 Q And who was to be involved in that meeting as you
 17 understood it?
 18 A Me, Don, and Bill, I would assume.
 19 Q Did Bill tell you who he wanted to meet with?
 20 A No.
 21 Q And then I believe you testified last time that you
 22 eventually did have a meeting, yes?
 23 A Correct.
 24 Q Okay. And it was you, Bill, Don Green, and who else at
 25 the meeting?

Page 165

1 A Township attorney.
 2 Q Jennifer Elowsky.
 3 A Jennifer Elowsky.
 4 Q Was litigation discussed during that meeting?
 5 A No.
 6 Q Was my name mentioned during that meeting?
 7 A No. Not that I recall.
 8 Q You guys were strictly focused on discussing the project
 9 that was proposed on the Hacks' property, correct?
 10 MR. TAMM: Objection. Form and foundation.
 11 MR. GLEESON: Go ahead.
 12 THE WITNESS: We were focused on, yes, what
 13 needed to be shown to get the plan approved, yes.
 14 Q (Continuing by Mr. Cronkhite): What documents were
 15 discussed during that meeting?
 16 A The Boss plan. That, was it Exhibit 2, the area map?
 17 Correct? I think that was it. I think we looked at the
 18 building permit also, but that didn't include any grades
 19 or anything, so pretty much just the Boss plan and that
 20 area map.
 21 Q When did that meeting occur? I mean, it would have been
 22 sometime after September 25th, 2018, and before your
 23 August 8, 2018, letter, correct?
 24 A Yes.
 25 MR. TAMM: Did you say August 8th?

Page 166

1 MR. CRONKHITE: August 8th. His letter -- His
 2 second letter is August 8, 2018.
 3 MR. TAMM: No, it's October --
 4 MR. CRONKHITE: I'm sorry. October. October.
 5 Thank you. Thank you, Jim.
 6 THE WITNESS: Yes.
 7 Q (Continuing by Mr. Cronkhite): So between -- So your
 8 meeting with Bill Mazzara and Don Green and Jennifer
 9 Elowsky to discuss the Hacks' project would have
 10 occurred sometime between September 25th, 2018, and
 11 October 8th, 2018, correct?
 12 A Yes.
 13 Q And when do you think that occurred?
 14 A Closer to October 8th, I would -- Without looking at a
 15 calendar, October 6th. 5th/6th.
 16 Q Couple days before.
 17 A Yes. Yes.
 18 Q Did you have any other meetings with Bill Mazzara other
 19 than that one meeting?
 20 A No.
 21 Q To date have you had any other meetings regarding the
 22 Hacks' property with Bill Mazzara?
 23 A No.
 24 Q So that was the sole meeting.
 25 A Correct.

Page 167

1 Q The same with Jennifer Elowsky?
 2 A Correct.
 3 Q Did you have telephone conversations with Jennifer
 4 Elowsky?
 5 A No.
 6 Q Did you meet with Don Green at any other time regarding
 7 the Hacks' property aside from this meeting that
 8 occurred sometime in October of 2018?
 9 A No.
 10 Q Okay. They were all phone calls and emails before that?
 11 A Correct.
 12 Q Have you corresponded with Mr. Green in 2019 relating to
 13 the Hacks' property?
 14 A Not -- No.
 15 Q Anyone at Milford in 2019?
 16 A No.
 17 Q You reviewed -- You testified that Don Green forwarded
 18 to you Mr. Mamo's September 20th, 2018, email, yes,
 19 that's reflect reflected in Exhibit 22?
 20 A Correct.
 21 Q Okay. You read Mr. Mamo's email?
 22 A Yes.
 23 Q Before you issued your October 8th letter?
 24 A Yes.
 25 Q Okay. And Mr. Mamo's concerns were discussed at this

7 (Pages 164 to 167)

Tri-County Court Reporters
248-608-9250

Michael Darga
3/13/2019

Page 168

1 meeting that took place between you, Jennifer Elowsky,
2 Don Green, and Bill Mazzara. Yes?
3 A Correct.
4 Q And Mr. Mamo writes that, "My concern and damaged" -- I
5 think he means "damage" -- "occurred when the water was
6 diverted from the north side of the house to the east
7 onto our property at 2488 Pearson," end quote, correct?
8 A Correct.
9 Q It was your understanding based on not only this email,
10 but previous correspondence from Mr. Mamo, that he was
11 complaining about what's happening on the north end --
12 on the property north of the Hacks' home, correct?
13 MR. TAMM: Objection to form and foundation.
14 THE WITNESS: To the north -- the northeast
15 corner of the house is what I think he's getting at.
16 Q (Continuing by Mr. Cronkhite): Okay. But it was north
17 of the home.
18 A The rear yard, yes.
19 Q It wasn't where the driveway was located, correct?
20 A Correct.
21 Q Between your October 2018 meeting with these three folks
22 and your October 8th letter, did you review any other
23 documents in connection with the Hacks' property or
24 Boss' plans?
25 MR. TAMM: You said October 18th meeting and

Page 169

1 October 8th letter, just so you know.
2 MR. CRONKHITE: Okay.
3 MR. TAMM: So it's clear.
4 MR. CRONKHITE: I mean, I meant 2018, but
5 that's ambiguous.
6 Q (Continuing by Mr. Cronkhite): So between your October
7 of 2018 meeting with these three folks and your issuance
8 of your October 8th letter, did you review any other
9 documents relating to the Hacks' property or the Boss'
10 plan.
11 A Not that I remember, no.
12 Q In your August 24th, 2018, letter -- this is
13 Exhibit 5 -- you wrote that, "It is noted that we are
14 assuming that the existing contours on the plan are from
15 the predevelopment of the property and accurately
16 reflect the predevelopment conditions," end quote. Do
17 you remember writing that?
18 A Yes.
19 Q You're talking about -- When you say "on the plan,"
20 you're talking about Boss' proposed plan, correct?
21 A Correct.
22 Q Okay. And the contours on Boss' plan that you reviewed
23 did not include contours north of the home, correct?
24 A Correct. They stopped at the south end of the home.
25 Q So it's fair to say that when you wrote that you're

Page 170

1 assuming that the existing contours on the plan are from
2 the predevelopment of the property and accurately
3 reflect the predevelopment conditions," you're referring
4 to the contours that were actually provided on Boss'
5 proposed plan, correct?
6 MR. TAMM: Objection to form and foundation.
7 THE WITNESS: Yes.
8 Q (Continuing by Mr. Cronkhite): In your October 8th,
9 2018, letter you wrote, "Through a subsequent review of
10 related materials, it appears that certain
11 predevelopment conditions may have been different than
12 originally presented by the applicant," end quote. Do
13 you remember writing that?
14 A Yes.
15 Q We established that your review of -- your subsequent
16 review, you're talking about in-between your August
17 24th, 2018, letter and your October 8, 2018, letter,
18 correct?
19 A Yes.
20 Q We established that you only looked at the map that's
21 part of Exhibit 2.
22 A Yes.
23 Q And in addition to Boss' proposed plan, correct?
24 A Yes.
25 Q There was no other subsequent review of related

Page 171

1 materials other than those two items between those --
2 your two letters, correct?
3 A There wasn't additional information, but we looked at --
4 It was more the information that wasn't provided on the
5 Boss plan.
6 Q Right. I had asked you earlier what documents did you
7 actually review in-between your August 24th letter and
8 your October 8th letter and you identified Boss'
9 proposed plan and you identified this -- you call it GIS
10 map that's part of Exhibit 2, yes?
11 A Correct.
12 Q You didn't review any other documents.
13 A Right.
14 Q You didn't find a map that showed that the elevation
15 levels depicted in Boss' plan were accurate, correct?
16 MR. TAMM: Objection to form and foundation.
17 THE WITNESS: Correct.
18 Q (Continuing by Mr. Cronkhite): You didn't find any map
19 or other evidence that showed that the elevations north
20 of the Hacks' home had been raised, correct?
21 A That's the issue, is we couldn't confirm that they were
22 or they weren't. That's why we asked for the additional
23 information.
24 Q I understand. My question is very specific. I'm asking
25 were you able to identify any map, documentation,

8 (Pages 168 to 171)

Tri-County Court Reporters
248-608-9250

Michael Darga

3/13/2019

Page 172

1 evidence that actually showed that the elevation levels
 2 north of the Hacks' home had been raised before you
 3 issued your October 8th, 2018, letter?
 4 MR. TAMM: Objection to form and foundation.
 5 THE WITNESS: No.
 6 Q (Continuing by Mr. Cronkhite): And since you've issued
 7 your October 8th, 2018, letter you still don't have any
 8 maps, evidence, documents of any kind that actually show
 9 that the Hacks' property north of their home has been
 10 elevated, do you?
 11 A Well, we had the site visit, and from that I would say
 12 the grade is draining away from the house and in that
 13 northeast corner possibly could be draining continuing
 14 east to the neighbor's property.
 15 Q Okay. That's from a site visit. That's your sole basis
 16 for saying that there might be raised elevations north
 17 of the Hacks' home, correct?
 18 MR. TAMM: Objection to form and foundation.
 19 THE WITNESS: Yes.
 20 Q (Continuing by Mr. Cronkhite): You know, as an engineer
 21 you generally understand that with residential homes you
 22 have to have sloping away from the home, correct?
 23 A Correct.
 24 Q For water amounts --
 25 A Yes. Yes.

Page 173

1 Q You don't have any information, including your walk of
 2 the Hacks' property, that indicates that the Hacks'
 3 sloping away from their home is unusual in terms of what
 4 you would find with the typical residential home.
 5 MR. TAMM: Objection to form to foundation.
 6 THE WITNESS: It looks like in the northeast
 7 corner the grade's been disturbed, possibly filled, and
 8 blocking drainage from the rear to get to the front of
 9 the house, because the house is right where the drainage
 10 used to go. Now it comes down, hits the house, moves to
 11 the east, and I do not think it goes around the house to
 12 the south where it used to go.
 13 Q (Continuing by Mr. Cronkhite): You didn't have that
 14 information at the time that you authored your
 15 October 8th, 2018, letter, correct?
 16 A Correct.
 17 Q Help me understand as a lay person, given your
 18 expertise, what did you identify on the Hacks' property
 19 when you walked it in November of 2018 that would have
 20 indicated the elevation was actually raised?
 21 MR. TAMM: Other than the testimony he gave?
 22 MR. CRONKHITE: It's pretty unclear to me.
 23 Q (Continuing by Mr. Cronkhite): You said the property,
 24 you said it was disturbed, yes?
 25 A Correct.

Page 174

1 Q You confirmed it was disturbed.
 2 A The vegetation was missing, yes.
 3 Q Okay. And then you're speculating in terms of whether
 4 elevation may have actually occurred as part of that
 5 disturbance.
 6 MR. TAMM: Objection to form and foundation.
 7 THE WITNESS: What's the question?
 8 Q (Continuing by Mr. Cronkhite): And you're speculating in
 9 terms of whether elevation actually occurred based on
 10 the disturbance you witnessed.
 11 MR. TAMM: Objection.
 12 THE WITNESS: I think it looks like it.
 13 Q (Continuing by Mr. Cronkhite): But you don't know. You
 14 don't know whether the elevation has been raised, do
 15 you?
 16 MR. TAMM: Objection to form and foundation.
 17 THE WITNESS: No. The information was never
 18 provided, no.
 19 Q (Continuing by Mr. Cronkhite): Okay. This is why you
 20 used the language in your October 8th, 2018, letter
 21 where you say the predevelopment conditions may have
 22 been different, correct, meaning you used "may have
 23 been" because you don't know.
 24 MR. TAMM: Objection to form and foundation.
 25 MR. GLEESON: Go ahead and answer.

Page 175

1 THE WITNESS: I had information from the
 2 builder saying they didn't disturb it and I had
 3 information from the neighboring property saying they
 4 did, so I was stuck in the middle of it.
 5 Q (Continuing by Mr. Cronkhite): My question is you didn't
 6 know when you issued your October 8th, 2018, letter
 7 whether predevelopment conditions were different than
 8 what the Hacks' engineer had provided to you.
 9 MR. TAMM: Objection. Asked and answered.
 10 THE WITNESS: Correct.
 11 Q (Continuing by Mr. Cronkhite): The full quotation says
 12 that, "Through a subsequent review of related materials,
 13 it appears that certain predevelopment conditions may
 14 have been different than originally presented by the
 15 applicant." The applicant being the Hacks.
 16 MR. TAMM: Objection to form and foundation.
 17 Q (Continuing by Mr. Cronkhite): Through Boss.
 18 A Through Boss.
 19 Q Correct?
 20 A Correct.
 21 Q Okay. I hand you what's been marked previously as
 22 Exhibit 4-1. What predevelopment conditions --
 23 That's -- This exhibit marked 4-1 is Boss' proposed plan
 24 for the Hacks' property, correct?
 25 A Correct.

Michael Darga

3/13/2019

Page 176

1 Q Okay. What on Exhibit 4-1 was inaccurate?
 2 A It . . . The whole back of the property is not --
 3 There's no information given on the back of the
 4 property.
 5 Q Okay. So you wrote in your October 8th letter that
 6 certain predevelopment conditions may have been
 7 different than originally presented by the applicant,
 8 but there was no information presented by the applicant
 9 relating to the back of the property, correct?
 10 A Well, I was under the assumption that, stated by Bill
 11 Rogers, that they didn't touch that back there, and at
 12 that point we're looking at it saying, yes, something
 13 did happen back there.
 14 Q You just testified that the Boss plan was what you're
 15 referring to in your October 8th letter. Are you saying
 16 now that you're also saying that "originally presented
 17 by the applicant" relates to more than the Boss plan?
 18 A Yes. Bill Rogers' email saying they didn't touch back
 19 here or didn't alter it back there.
 20 Q The email that you're referring to from Bill Rogers, is
 21 it this August 14th, 2018, email from Bill Rogers to Don
 22 Green?
 23 A Yes.
 24 Q Where does he say -- Where does Bill Rogers -- And just
 25 for the record, that August 14th email from Bill Rogers

Page 177

1 is a part of Exhibit 2.
 2 MR. GLEESON: Two?
 3 MR. CRONKHITE: Exhibit 2.
 4 Q (Continuing by Mr. Cronkhite): Where does Bill Rogers
 5 say that the back of the property was not touched?
 6 A "Per our excavator, we did not change grade in the rear.
 7 Backfilled to code."
 8 Q He says he didn't change the grade in the rear, correct?
 9 A Correct.
 10 Q He doesn't say that "We didn't touch the back," correct?
 11 MR. TAMM: Objection.
 12 THE WITNESS: Well, if he didn't --
 13 MR. TAMM: Form and foundation.
 14 THE WITNESS: -- change the grade, he probably
 15 didn't touch it.
 16 Q (Continuing by Mr. Cronkhite): Well, for instance,
 17 clearing vegetation to create a backyard would be
 18 touching the property, wouldn't it?
 19 A Could be.
 20 MR. TAMM: Objection.
 21 Q (Continuing by Mr. Cronkhite): Okay. So Bill Rogers,
 22 it's safe to say, didn't actually represent that nothing
 23 in the back of the property had been touched. Rather,
 24 he represented to Milford that the grade in the rear of
 25 the home had been elevated, correct?

Page 178

1 MR. TAMM: Objection. That document speaks
 2 for itself.
 3 MR. CRONKHITE: Objection. Form and
 4 foundation.
 5 Q (Continuing by Mr. Cronkhite): And you can answer the
 6 question.
 7 A I would say that that is the whole reason we're talking,
 8 is that they're talking about the grade not being
 9 touched, and it looks like it's been touched.
 10 Q Which you haven't been able to confirm.
 11 MR. TAMM: Objection to form and foundation.
 12 THE WITNESS: Other than the site visit.
 13 Q (Continuing by Mr. Cronkhite): And you said just a
 14 moment ago that when you walked on the site you could
 15 confirm a disturbance, yes? Yes?
 16 A Yes.
 17 Q But you don't have any actual confirmation to date that
 18 the elevation has been raised other than you seeing
 19 disturbed land there.
 20 MR. TAMM: Objection to form and foundation
 21 formed. Asked and answered.
 22 THE WITNESS: And the grade coming away from
 23 the house.
 24 Q (Continuing by Mr. Cronkhite): Which would be part of
 25 any residential home construction, yes?

Page 179

1 MR. TAMM: Objection to form and foundation.
 2 THE WITNESS: With it -- Yeah, going to a side
 3 yard swale being directed to where it did before
 4 construction.
 5 Q (Continuing by Mr. Cronkhite): My point is you
 6 understand that a residential home has to have grading
 7 with sloping off it from its walls, correct?
 8 A Yes, but not on neighboring property.
 9 Q There's at least 90 feet between the Hacks' home and the
 10 Mamos' property, correct?
 11 MR. TAMM: Objection to form.
 12 THE WITNESS: Possibly.
 13 Q (Continuing by Mr. Cronkhite): Mr. LaVanway, after your
 14 November 2018 site inspection, sent you information
 15 confirming the distance between the Hacks' home and the
 16 Mamos' property, did he not?
 17 A I don't remember that.
 18 Q Okay. Who came up with the idea of requiring a drainage
 19 area map for the entire tributary system?
 20 A I did.
 21 Q Who came up with the idea of determining the retention
 22 volume created by a ten-year storm?
 23 A I did.
 24 Q And this was after your meeting with Bill Mazzara and
 25 Don Green, correct?

Michael Darga

3/13/2019

Page 180

1 A Correct.

2 Q And based in part on what was discussed during that

3 meeting, yes?

4 A Yes.

5 Q You wrote in your October 8th, 2018, letter that it

6 appears that the current site grading may be impeding

7 the flow of water from the east and not allowing it to

8 make it to the low area. Do you remember writing that?

9 A Yes.

10 Q And you're talking about the north of the -- north of

11 the home?

12 A Northeast corner, yes.

13 Q When Mr. Mamo wrote that August 20th, 2018, email to Don

14 Green talking about his concerns and the damage

15 regarding the property north of the Hacks' home, it

16 wasn't your understanding that he was complaining about

17 the driveway, was it?

18 A No.

19 Q Correct?

20 A Correct.

21 Q He was complaining about an unrelated issue north of the

22 home, yes?

23 MR. TAMM: Objection to form.

24 THE WITNESS: Correct.

25 Q (Continuing by Mr. Cronkhite): Maybe you testified to

Page 181

1 this during your first day, but you had never been to

2 the Hacks' property predevelopment, correct?

3 A No. I -- Well, I drove by it, but I never was on it,

4 no.

5 Q So you had driven by the Hacks' property before they

6 started construction?

7 A Oh, no.

8 Q That's what I meant.

9 A No, no.

10 Q Okay.

11 A I thought you meant before the plan.

12 Q Okay. So I think you had testified during your last day

13 of deposition testimony that you drove by the property

14 after Don Green got you involved --

15 A Yes.

16 Q -- and reviewing the site plan.

17 A Correct.

18 Q And before your August 24th, 2018, letter.

19 A Correct.

20 Q Does your office maintain records of precipitation in

21 Michigan?

22 A No.

23 Q Are you familiar with the precipitation levels in the

24 winter of '17 and '18 in Michigan?

25 A No.

Page 182

1 Q Where do you live?

2 MR. TAMM: Objection.

3 THE WITNESS: Highland.

4 Q (Continuing by Mr. Cronkhite): Highland?

5 A Yep.

6 Q That's urban, isn't it?

7 A Semi urban.

8 Q How many acres do you live on?

9 A Three-quarter.

10 Q Do you remember getting a lot of rain or precipitation

11 in 2017/2018?

12 MR. TAMM: Objection.

13 THE WITNESS: I don't remember.

14 Q (Continuing by Mr. Cronkhite): Do you remember Milford

15 asking you to provide information related to this

16 lawsuit other than what you've testified to already?

17 A Milford Township?

18 Q Or their counsel.

19 A I -- No.

20 (Exhibit 23 marked for identification)

21 Q (Continuing by Mr. Cronkhite): I hand you what's been

22 marked as Exhibit 23. Do you have -- Have you seen this

23 document before? You can take a second to look through

24 it, of course.

25 A I don't recall seeing this, no.

Page 183

1 Q Mr. Mamo made some specific claims regarding the Hacks'

2 project and I've requested documents that supported

3 those claims, and I just want to know whether you have

4 any documents that corroborate or otherwise support the

5 specific allegations made by Mr. Mamo, so one of the

6 things I asked for is all documents supporting the

7 allegation that construction on the Hacks' property

8 forced water onto any other property. Do you have any

9 documents that support that?

10 MR. CRONKHITE: Let me -- Hang on a second.

11 MR. TAMM: Objection.

12 MR. GLEESON: The request was to City of

13 Milford, not HRC. I want to be clear on the record.

14 MR. CRONKHITE: Absolutely. And I'm not

15 saying that --

16 MR. GLEESON: That wasn't clear on the record,

17 so.

18 MR. CRONKHITE: Okay. No, I understand. And

19 I -- But I'm going to say -- I agree with you.

20 MR. GLEESON: All right.

21 MR. CRONKHITE: I'm not saying that they

22 failed to produce documents, but you are the engineer,

23 and I think if anyone has responsive documents, you

24 would be one of them.

25 MR. TAMM: Objection to form and foundation.

11 (Pages 180 to 183)

Tri-County Court Reporters
248-608-9250

Michael Darga
3/13/2019

Page 184

1 MR. CRONKHITE: So I'm going to -- I'll ask
2 the question, but I'm not trying to play a game of
3 gotcha. I just want to know, do you have --
4 MR. TAMM: Can you tell us which question
5 you're referring to, since you're --
6 MR. CRONKHITE: Sure. Sure. Sure. It's
7 discovery request 11 on page 9.
8 MR. GLEESON: Nine?
9 MR. CRONKHITE: Yes.
10 Q (Continuing by Mr. Cronkhite): So what I'm asking for of
11 you right now is can you identify -- I know you can't
12 provide anything other than what you've already
13 provided, but can you identify any documents that
14 support the allegation that construction on the Hacks'
15 home forced water onto any other property?
16 A I don't have any.
17 Q Okay. And then do you have any documents that support
18 the allegation that construction at the Hacks' property
19 caused the home on the property to be raised or
20 elevated?
21 MR. TAMM: Objection to form and foundation.
22 Asked and answered.
23 Q (Continuing by Mr. Cronkhite): Any documents?
24 A I don't have any.
25 Q And then do you have any documents that support the

Page 185

1 allegation that construction on the Hacks' property
2 caused the septic system to be raised or elevated?
3 A No.
4 Q Do you have any documents that support the allegation
5 that construction at the Hacks' home caused the material
6 on the east side of the Hacks' property to be pushed up
7 at the property line?
8 MR. TAMM: Objection. Form and foundation.
9 THE WITNESS: No, I do not.
10 Q (Continuing by Mr. Cronkhite): I believe you testified
11 though, and I'm almost done, guys, but I just want to
12 confirm that after you issued your October 8th letter
13 you haven't received any evidence, documents, maps,
14 anything that shows that the elevation levels depicted
15 in Boss' engineering plan were accurate.
16 A No.
17 Q No further questions.
18 MR. TAMM: Good morning, Mr. Darga. My name
19 is Jim Tamm. I represent the Defendants in this case.
20 I want to ask you just a few questions. Well, a number
21 of questions. I'm going to cover things that
22 Mr. Cronkhite asked you or didn't ask you, but I also
23 just want to find out a little bit more about what you
24 do.
25 ** * * * * *

Page 186

1 CROSS EXAMINATION
2 BY MR. TAMM:
3 Q You testified earlier that you're a consulting engineer?
4 A Correct.
5 Q Your particular area of expertise is civil engineering.
6 A Correct.
7 Q And what you do as a civil engineer from time to time is
8 evaluate things just like you were asked to do in this
9 case with regard to site grading; is that true?
10 MR. CRONKHITE: Objection. Foundation and
11 it's leading.
12 MR. TAMM: It's cross examination.
13 MR. CRONKHITE: I'm actually -- Just for the
14 record, I'll move for a continuing objection --
15 MR. TAMM: Yeah, I'll give you a continuing
16 objection.
17 MR. CRONKHITE: And so -- Let me just say it
18 for the record. I don't believe it's appropriate for
19 you to ask leading questions of somebody who you're
20 representing as an agent, and I'm going to reserve the
21 right to move to strike all testimony that you elicit
22 that's leading in form, and I am understanding that I
23 have a right to a continuing objection as to any leading
24 questions.
25 MR. TAMM: FRE 611 is the basis.

Page 187

1 Q (Continuing by Mr. Tamm): Mr. Darga, is what you were
2 asked to do in this case similar to what you do for
3 other communities?
4 A Yes.
5 Q From your earlier testimony, I understand that Milford
6 is not the only community that you do work like this as
7 a consulting engineer.
8 A Correct.
9 Q And your firm, Hubbell, Roth, and Clark, essentially
10 does work only for municipalities.
11 A For the most part, yes.
12 Q And when you're called upon to do plan reviews, is it
13 fair to say that what you're usually looking at is
14 documents that are produced by other engineering
15 companies?
16 A Yes.
17 Q And when you look at that information, are you trying to
18 determine whether or not, like, for example, in a fill
19 and grade permit, whether or not the activity on one
20 parcel will not only affect that property, but may
21 impact other property as well?
22 A Yes.
23 Q And in all types of construction is it fair to say that
24 there can be runoff or drainage that's associated with
25 the construction?

Michael Darga

3/13/2019

Page 188

1 A Yes.

2 Q In this particular case, for example, this was a

3 vacant -- you understand this was a vacant lot before

4 the Hacks purchased it?

5 A Yes.

6 Q The elevations on that site were whatever they were

7 preconstruction, true?

8 A Yes.

9 Q And when construction occurs, in your experience, does

10 it alter the preconstruction drainage patterns?

11 A Yes.

12 Q Is one of the things that you're looking at as a

13 consulting engineer to determine whether any

14 construction on a site will adversely affect not only

15 the property in question, but adjacent parcels?

16 A Yes.

17 Q Is that something that you do regularly in your role as

18 a consulting engineer?

19 A Yes.

20 Q Do you do that for communities other than Milford

21 Township?

22 A Yes.

23 Q Okay. And is it also fair to say that each property has

24 its unique characteristics?

25 A Yes.

Page 189

1 Q And that there's no one-size-fits-all review that you do

2 when you're looking at, under the circumstances in this

3 case, an application for a fill and drain -- or a fill

4 and grade permit?

5 MR. CRONKHITE: Objection. Foundation.

6 Q (Continuing by Mr. Tamm): Correct?

7 A Correct.

8 Q All right. The topography would vary from site to site.

9 A Yes.

10 Q And because you require one applicant to provide certain

11 information, doesn't mean the same information would be

12 applicable to another site; is that --

13 A Not always.

14 Q Okay. And as a consulting engineering do you typically

15 review the building permits that come into the

16 municipalities?

17 A No.

18 Q When do you become involved?

19 A Well, a lot of the site plan reviews that we do is more

20 for commercial properties, which go through a formal

21 site plan process. Fill and grade permits would be --

22 would be where we get involved with the residential

23 property.

24 Q Okay. And you've done it in the past for Milford

25 Township, reviewed fill and grade permits?

Page 190

1 A Yes.

2 Q And in this case when you were contacted to look at

3 this, did you know who the property owner was?

4 A No.

5 Q Now, I want to go through exhibits. Did anybody ever,

6 as far as you know, identify who the property owner was

7 when you were initially contacted about this case?

8 A No.

9 Q And did anyone mention who the applicant was?

10 A No, I -- Nope. I only refer to it as the address or

11 Pearson Road.

12 Q And is that commonly the way you do it is refer it by --

13 refer to it by the parcel or address?

14 A Yeah, sometimes. I mean, it's whatever the Township

15 kind of sends me the plans and tells me it's called is

16 kind of -- I try to use the same name that the Township

17 uses.

18 Q So I want to show you what's been marked as Exhibit --

19 previously marked as Exhibit 3, and that's a letter

20 dated June 13th, 2018, from Timothy Brandt of Milford

21 Township to EBI, Incorporated, correct?

22 A Yes.

23 Q And that's the first notation that you're aware of where

24 there was an issue about a fill and grade permit,

25 correct?

Page 191

1 A I guess. I don't -- I was not aware of it at that time,

2 so I can't say yes to that.

3 Q All right. But your involvement in the typical case

4 wouldn't occur until a fill and grade permit was

5 submitted for a residential property.

6 MR. CRONKHITE: Objection. Foundation.

7 Leading.

8 THE WITNESS: A lot of times it's prior to

9 construction.

10 Q (Continuing by Mr. Tamm): All right. So how are you --

11 In Milford Township how is it that you are usually

12 contacted when there is something that needs to be

13 reviewed as in this case?

14 A They usually mail it to me.

15 Q Okay. Do you know how you got the first communication

16 from the Township in this case?

17 A Don Green contacted me at --

18 Q How did he contact you?

19 A He emailed me. And I didn't know what he was talking

20 about.

21 Q Okay. And that's part of Exhibit 2, your email to

22 Mr. Green?

23 A Yes.

24 Q And --

25 MR. CRONKHITE: Objection as to which email.

Michael Darga

3/13/2019

Page 192

1 I'm sorry.

2 Q (Continuing by Mr. Tamm): Okay. Well, let's -- There

3 is . . . I want to show you Exhibit 2 and -- But your

4 understanding is that you were initially contacted by

5 Mr. Green.

6 A Yes.

7 Q Is that consistent with the way you're commonly

8 contacted?

9 MR. CRONKHITE: Objection. Asked and

10 answered. It's contrary to his testimony.

11 Q (Continuing by Mr. Tamm): You can answer.

12 A Usually they mail me the plans from the building

13 department.

14 Q Are you usually contacted by attorneys?

15 A No.

16 Q Are you usually contacted by attorneys from the --

17 representing a property owner or builder?

18 A No.

19 Q Do you remember being contacted by the attorney in this

20 case?

21 MR. CRONKHITE: Which attorney?

22 MR. TAMM: By Mr. Cronkhite.

23 THE WITNESS: Yes.

24 Q (Continuing by Mr. Tamm): And that was between the time

25 that you first did your initial review letter and the

Page 193

1 time that this went to the Township Board?

2 A I don't know the exact date of the communication. I

3 would -- But it was right around the time of the August

4 24th letter.

5 Q Okay. And you mentioned that you had driven by the

6 property at some point --

7 A Yes.

8 Q -- after being contacted.

9 A Hm-hmm.

10 Q And before you received the communication, had you ever

11 had any need to go out and visit the site?

12 A No.

13 Q Is the typical -- What's the typical process in terms of

14 your review?

15 A For --

16 MR. CRONKHITE: Objection. It's vague and

17 ambiguous.

18 Q (Continuing by Mr. Tamm): For a fill and grade permit.

19 A The Township would mail me the plans, I'd review the

20 proposed grades, and issue a letter.

21 Q And does it sometimes require more than one review by

22 you?

23 A Yes.

24 Q Is it common that there can be more than one review of a

25 project by you?

Page 194

1 A Yes.

2 Q Do you rely on the information that's submitted by the

3 applicant in terms of it being accurate?

4 A Yes.

5 Q You mentioned previously that Milford Township has

6 design standards.

7 A Yes.

8 Q What do those design standards apply to?

9 A Site improvements, utilities, drainage, paving.

10 Q So if somebody submits an application for a fill and

11 grade permit, is it required to comply with the

12 Township's engineering design standards?

13 A Yes.

14 Q And in particular when a grade -- when grade is at

15 issue, are there requirements that need to be included

16 within a site plan for you to be able to make an

17 assessment of what needs to be done?

18 A Yes.

19 Q I want to show you what Plaintiff's counsel previously

20 marked as deposition Exhibit 21. Are those the design

21 standards?

22 A Yes.

23 Q And with regard to grading, is there a section within

24 these design standards that indicate what should be

25 included for a site plan?

Page 195

1 A Yes.

2 Q Is that included on page 17 of 67?

3 A Yes.

4 Q And what's typically required or what's required by the

5 development standards if somebody is submitting a site

6 plan for grading?

7 A You would need the existing grades and the proposed

8 grades.

9 Q Okay. Are you required to -- And these standards that

10 have been marked as Exhibit 21, do they apply to all

11 properties in Milford Township where a grading permit is

12 sought?

13 A Yes.

14 Q Okay. So these -- Exhibit 21, the Milford Building

15 Design Standards, those apply to all properties that you

16 would be reviewing; is that fair?

17 A Correct.

18 Q And we had previously marked as Exhibit No. 13 the --

19 MR. CRONKHITE: 4-2?

20 MR. TAMM: I'm sorry, Exhibit 4-2.

21 Q (Continuing by Mr. Tamm): Which is the site plan that

22 you reviewed in connection with the application that's

23 at issue in this case for 2610 Pearson Road; is that

24 correct?

25 A Correct.

Michael Darga

3/13/2019

Page 196

1 Q All right. Now, I just want to -- and the application
 2 was for a fill and grade permit, correct?
 3 A Yes.
 4 Q And does the site plan that is marked as Exhibit 4-2
 5 meet the requirements for the design standards?
 6 A For the driveway area, yes.
 7 Q Well, let me read to you, Mr. Darga, what the design
 8 requirements indicate. The design requirements indicate
 9 that -- under 6.2 that the first floor and basement,
 10 where applicable, elevation for each proposed structure
 11 or building shall be shown on the plans, correct?
 12 A Correct.
 13 Q All right. And does that show -- Does Exhibit 4.2 show
 14 those things?
 15 A It shows the first floor elevation and the garage
 16 elevation.
 17 Q And it shows elevations for the southern portion of the
 18 property, correct?
 19 A Correct.
 20 Q And the issue here is nothing on the plan shows any
 21 elevations north of the residence.
 22 A Correct.
 23 Q And in your initial review letter you indicated that you
 24 were assuming that there had been no changes to the
 25 grade.

Page 197

1 MR. CRONKHITE: Objection. Ambiguous.
 2 Q (Continuing by Mr. Tamm): Is that correct?
 3 A Changes to the grade.
 4 Q Okay. On the --
 5 A That weren't shown.
 6 Q That weren't shown. But the only -- There is -- Is it
 7 fair to say that the area on Exhibit 4.2 where the house
 8 is shown and the area north of the house does not have
 9 any elevations that are depicted?
 10 MR. CRONKHITE: Objection. Foundation.
 11 THE WITNESS: Correct.
 12 Q (Continuing by Mr. Tamm): Okay. And because if there
 13 were elevations, you would expect to see contour lines.
 14 A Correct.
 15 Q And under section 6.22 of the Milford Township
 16 engineering design standards it requires that the grades
 17 of existing houses, building, drainage structures and
 18 streets shall be shown. Is that shown?
 19 A No.
 20 Q It also shows that the -- it requires that the actual
 21 survey grades of existing adjacent ground and yards be
 22 shown on a grid pattern up to a minimum hundred feet
 23 from the property line. Is that shown?
 24 A No.
 25 Q So the plan that was submitted by Boss Engineering, is

Page 198

1 it fair to say, does not comply with the Milford
 2 Township Engineering and Design Standards?
 3 A I mean . . . It doesn't have that information.
 4 Q Okay. And one of the things that you need to know as a
 5 consulting engineer to advise the Township is is there
 6 an adverse impact from whatever is being done on this
 7 property on adjacent property?
 8 A Correct.
 9 Q And when you initially looked at this site plan,
 10 primarily what you were noting was that they were
 11 putting in a certain amount of fill material and they
 12 were excavating more than the fill material that was
 13 being deposited.
 14 MR. CRONKHITE: Objection. Leading.
 15 Foundation.
 16 MR. GLEESON: Go ahead.
 17 THE WITNESS: That's what the plan shows, yes.
 18 Q (Continuing by Mr. Tamm): And the design standards for
 19 the Township, as well as other municipalities you worked
 20 for, one of the things you want to know is whether or
 21 not the construction or grading is going to have an
 22 adverse impact on surrounding parcels.
 23 A Yes.
 24 Q And that's the reason why when you drafted the
 25 requirements for Milford Township you wanted to see what

Page 199

1 the structures were on other sites.
 2 MR. CRONKHITE: Objection. Asked and
 3 answered. Leading. Foundation.
 4 Q (Continuing by Mr. Tamm): Is that correct?
 5 A Yes.
 6 Q From your view -- or strike that.
 7 When a structure is placed on a property does
 8 it alter the preconstruction drainage?
 9 A It could, yes.
 10 Q Okay. And does the structure also add impervious
 11 surface that wasn't previously there?
 12 A Yes.
 13 Q Do you want to, in reviewing a grading permit, know
 14 whether or not the structure is altering the drainage
 15 on-site?
 16 A Yes.
 17 Q Is that something that you normally require when you
 18 evaluate fill and drain -- fill and grading permits?
 19 A Yes.
 20 Q And is that something that's also in the design
 21 standards that were drafted?
 22 A That would -- Yes. I think so.
 23 Q Okay. And from Exhibit 4.2, the plan prepared by Boss
 24 Engineering, are you able to determine what affect on
 25 drainage the house has?

Michael Darga
3/13/2019

Page 200

1 A No.
 2 Q Are you able to determine what affect on drainage
 3 anything on the site plan north of the house had?
 4 A No.
 5 Q And when you issued your initial review letter -- that's
 6 Exhibit 5 -- did you indicate in your letter that you
 7 were assuming that the grade had not changed on the
 8 north part of the property?
 9 MR. CRONKHITE: Objection. Foundation.
 10 THE WITNESS: Yeah, there's a note here that
 11 says that we're assuming the existing contours are
 12 plan-approved {sic} predevelopment of the property and
 13 accurately reflect the predevelopment conditions.
 14 Q And that includes the house and everything north of
 15 that.
 16 MR. CRONKHITE: Objection.
 17 MR. TAMM: Is that fair?
 18 MR. CRONKHITE: Objection. Asked and
 19 answered. Foundation. Form.
 20 THE WITNESS: Correct.
 21 Q (Continuing by Mr. Tamm): And it was based on the
 22 assumption that you noted that you recommended that the
 23 drainage plan be approved?
 24 MR. CRONKHITE: Objection. Asked and
 25 answered. Form and foundation.

Page 201

1 THE WITNESS: Yes.
 2 Q (Continuing by Mr. Tamm): When you were -- When you
 3 reviewed the drainage plan, were you aware of complaints
 4 that had been made by Mr. Mamo?
 5 A I didn't know specifically what the problem was, but I
 6 just know that there was a neighbor complaining about
 7 the drainage.
 8 Q And that's something that you would at least want to
 9 know about.
 10 A Yes.
 11 Q In connection with this case, do you know whether or not
 12 the elevation for the structure, the house that was
 13 placed at 2610 Pearson Road, changed the flow --
 14 preexisting flow of drainage on-site?
 15 A What was the question?
 16 Q Yeah. Did the structure that was placed on the Hacks'
 17 property change the flow of drainage?
 18 MR. CRONKHITE: Calls for speculation.
 19 Objection.
 20 Q (Continuing by Mr. Tamm): If you know.
 21 A Based on information, yes.
 22 Q Okay. And what caused you to arrive at that opinion,
 23 Mr. Darga?
 24 A That the drainage used to come down kind of where the
 25 house is to this low area in the front and now there's a

Page 202

1 house there.
 2 Q And there's a structure that impedes the flow?
 3 A Correct.
 4 Q And you were asked a series of questions as to whether
 5 or not you knew if there was a change in the grade of
 6 the portion of the parcel where the house is located,
 7 correct?
 8 A Correct.
 9 Q On the plan that's been marked as Exhibit 4.2 it doesn't
 10 specifically show all of the elevations north of the
 11 driveway.
 12 A North of the house.
 13 Q North of the house.
 14 A Right.
 15 Q Including the house, correct?
 16 A Correct.
 17 Q And do you remember when Mr. Cronkhite was asking you
 18 previously during the deposition about topographical
 19 maps you had looked at a base map that was prepared by
 20 Oakland County, correct?
 21 A Yes.
 22 Q And there were a series of questions asked by
 23 Mr. Cronkhite as to what those plans showed with regard
 24 to preconstruction elevation; is that correct?
 25 A Yes.

Page 203

1 Q And he asked you about Exhibit No. 13 and where the
 2 preconstruction elevations were. Do you remember that?
 3 A Yes.
 4 Q Do you typically rely on the type of elevations that are
 5 shown in Exhibit No. 13 when doing a grading plan?
 6 A No. Usually you would have a topographic survey of the
 7 property.
 8 Q And at least somebody had done a topographic survey
 9 because it's reflected in Exhibit 4.2.
 10 A Yes.
 11 Q But when Exhibit 4.2 was prepared it only showed a
 12 portion of the property at issue; is that fair?
 13 A Yes.
 14 Q The entire property the elevations are not shown.
 15 A Correct.
 16 Q And when you ask for elevations or a topographical
 17 survey, what type of contours, contour intervals, are
 18 you requesting?
 19 A One-foot intervals.
 20 Q And why do you want one-foot intervals?
 21 A Because it's more detailed, more accurate.
 22 Q Okay. Than what's on Exhibit 13 --
 23 A Correct.
 24 Q -- which are the two-foot contours.
 25 A Correct.

Michael Darga

3/13/2019

Page 204

1 Q But from the contours that are shown on Exhibit 13, what
2 does it show the preconstruction contours in the area
3 where the house was placed?
4 A 960 through the middle of the house.
5 Q Okay. And what does it show that the first floor
6 elevation is of the house -- the ground floor elevation,
7 I'm sorry -- on Exhibit No. 4.2?
8 A It says 962.67.
9 Q Okay. So is that higher than what's shown on Exhibit
10 13?
11 A Yes.
12 Q Does that reflect that there was a change in the grade
13 where the house was placed?
14 MR. CRONKHITE: Objection. Form. Foundation.
15 Calls for speculation.
16 THE WITNESS: Yes.
17 Q (Continuing by Mr. Tamm): And I'm just asking you, when
18 you compare Exhibit 13, which is the Oakland County
19 contour elevations for the property, with what Boss
20 Engineering reports on Exhibit 4.2, does it show that
21 there is a change in the ground elevation at the house?
22 A Yes.
23 Q And how much has it changed based on --
24 A 2.67 feet.
25 Q So almost --

Page 205

1 A Two --
2 Q Two-and-a-half feet.
3 A Sure. Yes.
4 Q Would a change in elevation of two-and-a-half feet have
5 a potential impact on a site drainage?
6 MR. CRONKHITE: Objection. Calls for
7 speculation.
8 THE WITNESS: Yes, it could.
9 Q (Continuing by Mr. Tamm): Well, based on your experience
10 as a consulting engineer and your education and
11 training, would a change in elevation of 2.67 feet
12 affect the drainage conditions from preconstruction to
13 post construction?
14 MR. CRONKHITE: Objection. Asked and
15 answered.
16 THE WITNESS: Yes.
17 Q (Continuing by Mr. Tamm): All right. And when you
18 issued your letter, Exhibit No. 5, you were assuming
19 that there hadn't been a change, correct?
20 A Which letter? That --
21 Q Exhibit No. 5. Your August 24th review letter.
22 A What was the question?
23 Q You were assuming that there hadn't been a change in the
24 grade.
25 A Correct.

Page 206

1 Q And it wasn't part of -- The site plan was incomplete to
2 the extent that it didn't show grading for the entire
3 property; would that be fair?
4 A Correct.
5 Q In your experience with Milford Township, once you issue
6 a review letter for a fill and grade permit, does the
7 application then get reviewed by the Township Board?
8 A I don't know. I just issue the letter.
9 Q But you understood that at the September 19th, 2018,
10 meeting of the Township Board there were issues raised
11 about the affect of construction on the Hacks' property
12 at 2610 Pearson Road on the adjoining property to the
13 east.
14 A Yes.
15 Q And that wasn't something that you evaluated initially;
16 is that fair?
17 A Correct.
18 Q And then when it was brought to your attention, you had
19 a meeting with Mr. Mazzara and Miss Elowsky and
20 Mr. Green?
21 A Yes.
22 Q During that meeting did anybody tell you that they
23 wanted to have a specific result?
24 A They wanted the driveway approved, get this thing done,
25 and not impact the neighbor.

Page 207

1 Q And you mentioned earlier in your deposition that the
2 purpose of the meeting was to see -- to find out a way
3 that the Hacks could show that their construction wasn't
4 having an impact on the adjoining property owner.
5 A Yeah, and that's the whole basis of the follow-up
6 letter. Yes.
7 Q And in your -- in your October 8th letter did you set
8 forth the things that you thought needed to be done in
9 order to allow the Hacks to show that this -- their
10 construction wouldn't -- wasn't having an impact?
11 A Yes.
12 Q And if it did show that there was an impact on the
13 adjoining property, would they have been required then
14 to take steps to make sure that their construction
15 wasn't negatively impacting surrounding property?
16 MR. CRONKHITE: Objection. Calls for a legal
17 conclusion.
18 THE WITNESS: Yes.
19 Q (Continuing by Mr. Tamm): Okay. That's what you
20 typically -- That's something that you do as a
21 consulting engineer.
22 A Yes.
23 Q And when construction occurs on one property, you want
24 to make sure that it's not negatively affecting an
25 adjacent site, correct?

Michael Darga
3/13/2019

Page 208

1 A Correct.

2 Q And Mr. Darga, do you know with regard to your letter of

3 October 8th how much would it have cost for the Hacks or

4 the builder to do the things that you suggest in your

5 letter?

6 A I would imagine it was a few thousand dollars.

7 Q When you say "a few thousand," what do you mean?

8 A Between two and three thousand.

9 Q Okay. Not tens of thousands of dollars?

10 A I wouldn't think so, no.

11 Q Okay. And the way that this happens when you're

12 reviewing other permits is the applicant's engineer

13 submits a letter -- or submits a plan, correct?

14 A Correct.

15 Q You then review the plan.

16 A Yes.

17 Q And from time to time you have more than one review.

18 A Usually that's the case.

19 Q And so the fact that you had a letter in August, on

20 August 24th, and then a subsequent letter on

21 October 8th, is that an unusual occurrence for you?

22 A Multiple letters wouldn't be, no. I mean, it's . . .

23 Given the information provided, no.

24 Q I want to show you what's been marked as Exhibit No. 8,

25 and do you remember receiving Exhibit 8 as part of your

Page 209

1 review?

2 A Yeah, I've seen this before. Yes.

3 Q Does Exhibit 8 comply -- And let me just lay the

4 foundation. That's a drawing prepared by Chris Nelson

5 and it's dated 12-28-2017.

6 MR. CRONKHITE: Objection to foundation.

7 Q (Continuing by Mr. Tamm): Is that correct?

8 A Correct.

9 Q Does that comply with the Milford Township Engineering

10 Design Standards?

11 A No.

12 Q Is Exhibit 8 something that you could determine was even

13 prepared by an engineer?

14 A No.

15 Q Is it -- Do you typically require stamped drawings?

16 A Usually for the final approved set, then yes.

17 Q And the process would typically be after you do your

18 review letter it gets forwarded on to the Township?

19 A Yes.

20 Q And then the information gets forwarded on to the

21 engineering firm?

22 A Yes.

23 Q And then improvements would be made consistent with your

24 recommendations?

25 A Yes.

Page 210

1 Q And then after those improvements are made, did you then

2 go out and do a site inspection?

3 A Typically, no.

4 Q And the reason I ask is --

5 MR. TAMM: Mr. Cronkhite, do you have the

6 exhibit?

7 MR. CRONKHITE: Which one?

8 MR. TAMM: The one -- I think it was 22.

9 MR. GLEESON: 22 are the standards.

10 MR. CRONKHITE: No, that was 21.

11 MR. GLEESON: Is that 21?

12 MR. CRONKHITE: What is 22 that you recall?

13 What is the subject of it?

14 MR. TAMM: It's the multiple letters. Prior

15 review letters.

16 MR. GLEESON: Oh, okay.

17 COURT REPORTER: It's right here.

18 Q (Continuing by Mr. Tamm): And Exhibit 20 are documents

19 that you produced today in response to the subpoena for

20 the deposition?

21 A Correct.

22 Q And this includes several different projects,

23 residential projects that you reviewed for Milford

24 Township.

25 A Yes.

Page 211

1 Q And is it your understanding that these were all for

2 fill and grade reviews for residential properties?

3 A Yes.

4 Q And as you sit here today, you don't remember the

5 specifics about any of these sites that you looked at;

6 is that fair?

7 A No. It was a few years ago.

8 Q And you didn't have the opportunity to go and look at

9 what these letters referenced, correct?

10 A Correct.

11 Q But the first page of Exhibit 20 is a September 16

12 review of the fill and grade permit for, you note, it's

13 the Rose fill and grade?

14 A Yes.

15 Q And you have an initial review letter, correct?

16 A Correct.

17 Q Dated September 16th of 2005, correct?

18 A Correct.

19 Q And then there's yet another -- there's another review

20 of that same property, correct?

21 A Correct.

22 Q So you did your initial review and then there were

23 additional plans that were submitted, correct?

24 A Correct.

25 Q So that's consistent with the indication that you

18 (Pages 208 to 211)

Tri-County Court Reporters
248-608-9250

Michael Darga
3/13/2019

Page 212

1 might -- you can review a plan, the initial plan, and
 2 then subsequent plans are submitted after that.
 3 A Correct.
 4 Q And you may have -- you may request the engineering
 5 company to evaluate issues further.
 6 A Correct.
 7 Q The drainage problem in terms of the front yard and the
 8 southern portion of 2610 Pearson Road, is it your
 9 understanding based on what you were provided that there
 10 was an existing drainage problem on that site?
 11 MR. CRONKHITE: Objection. Foundation.
 12 THE WITNESS: Yes.
 13 Q (Continuing by Mr. Tamm): Were you provided with
 14 photographs that showed that there was -- had been
 15 flooding on the property before construction occurred?
 16 A Not before construction, no.
 17 Q Okay. Was it your understanding that there -- that
 18 flooding on the property was a precondition that existed
 19 before any construction?
 20 A Yes.
 21 Q And the driveway that was proposed was going to cross
 22 this area where flooding occurred.
 23 A Correct.
 24 Q And that was a preexisting condition, correct?
 25 A Yes.

Page 213

1 Q And without elevating the driveway, at certain times of
 2 the year it would likely be that the driveway would be
 3 under water; is that fair?
 4 A At that location, yes.
 5 Q And that's all I'm talking about is the property at 2610
 6 Pearson Road, correct?
 7 A Yes.
 8 Q Without elevating the driveway, because the area where
 9 it traverses is low, it would be under water during
 10 certain times of the year, correct?
 11 A Yes.
 12 Q And the Boss Engineering plan shows that fill material
 13 would be placed in the -- from Pearson Road traveling
 14 north to raise the existing grade, correct?
 15 A Yes.
 16 Q And that's primarily what you looked at in connection
 17 with your initial review.
 18 A Yes.
 19 Q And your issue was, from an engineering perspective,
 20 that the water that would be displaced by that
 21 particular fill material needed to be accommodated.
 22 A Yes.
 23 Q And it's shown on the plan the way in which that would
 24 be accommodated is that there would be excavation in
 25 another portion of the site, correct?

Page 214

1 A Correct.
 2 Q But when you were -- The plan that was submitted doesn't
 3 address whether, in fact, fill material was placed
 4 around the house.
 5 A Correct.
 6 Q It doesn't -- The plan that's been marked as Exhibit 4-2
 7 doesn't show whether there was any grading that was done
 8 north of the house.
 9 A Correct.
 10 Q Is there anything on Exhibit 4-2 that would allow you to
 11 be able to assess what the preconstruction condition
 12 was?
 13 A No.
 14 Q And when I say "the preconstruction condition," I'm
 15 talking about from anything north of where the contour
 16 lines are drawn on this plan.
 17 A No.
 18 Q And is it fair to say, Mr. Darga, that anything from the
 19 southern portion of the house north on Exhibit 4-2
 20 completely omits contour elevations?
 21 A Correct.
 22 MR. CRONKHITE: Objection. Foundation.
 23 Q (Continuing by Mr. Tamm): Nothing allows you to
 24 determine what the current contour elevations are on
 25 Exhibit 4-2 for the area north of the house.

Page 215

1 A Correct.
 2 Q And typically when you're looking at a fill and grade
 3 permit, do you want to know what's going to occur on the
 4 entire site?
 5 A Usually you would, but I was under the impression that
 6 nothing was disturbed back there. This was the only
 7 spot where there would be filling, so --
 8 Q And let me just back up. The reason you were under the
 9 impression that nothing had been disturbed, because on
 10 the site plan that was submitted as Exhibit 4-2 it
 11 didn't show anything reflecting a change; is that
 12 correct?
 13 MR. CRONKHITE: Objection. Asked and
 14 answered.
 15 Q (Continuing by Mr. Tamm): Correct?
 16 A Correct.
 17 Q And further, you asked the Township, "Hey, has this
 18 changed?" Correct?
 19 A I think I just told them that it -- I'm assuming it
 20 didn't change.
 21 Q All right.
 22 A I don't think I asked them.
 23 Q Okay. But you asked -- In your review letter you note
 24 that you're assuming that the grade hadn't changed?
 25 A Correct.

Michael Darga
3/13/2019

Page 216

1 Q And then after your review letter, part of Exhibit 2 is
2 an email from Bill Rogers, correct?
3 A Yes.
4 Q And that email from Mr. Rogers, which is dated
5 August 14, 2018, was forwarded to you by Mr. Green on
6 August 15th of 2018, correct?
7 A Correct.
8 Q And what you relied on was in paragraph 2 of the
9 August 14th, 2018, email from Mr. Rogers where he
10 indicates, "We did not raise the house"?
11 A Correct.
12 Q But from what I've shown you earlier in the deposition
13 with regard to the contour lines that were on the
14 Oakland County Survey, Exhibit 13, and what's shown on
15 Exhibit 4-2, what Mr. Rogers states in his email is
16 untrue, correct?
17 A Correct.
18 Q Because it was -- the grade was raised by at least
19 2.67 feet, correct?
20 A Correct.
21 Q So he was not being accurate when he told you that, "We
22 did not raise the house."
23 A Correct.
24 Q And he says, "Per the" -- He says, "Per the excavator we
25 did not change the grade in the rear," correct?

Page 217

1 A Correct. That's -- Yes.
2 Q But when you went visited the site, that was
3 inconsistent with your observations.
4 MR. CRONKHITE: Objection. Asked and
5 answered.
6 THE WITNESS: Correct.
7 Q (Continuing by Mr. Tamm): Because it appeared that there
8 had been a change of grade in the site.
9 A Yes.
10 Q In the rear of the house.
11 A Yes.
12 Q And that the -- The placement of the house itself,
13 Mr. Darga, from an engineering perspective, could that
14 have negatively affected the property to the east?
15 A Yes. Without the proper side and rear yard swales, yes.
16 Q And that's what you were asking Boss Engineering to
17 demonstrate, correct?
18 A Correct.
19 Q Show me, show the Township, Milford Township, that
20 what's on the northern portion of this site, including
21 the house, that it's not going to affect the property to
22 the east owned by the Mamos, correct?
23 A Correct.
24 Q That's something that you normally request in an
25 engineering review of a grade and fill permit.

Page 218

1 A Yes. If not shown, yes.
2 Q And also, it's what's included in Exhibit 21, the
3 Milford Township Engineering Design Standards.
4 A Yes.
5 Q Okay. And Exhibit 4-2 doesn't comply with those design
6 standards, does it?
7 A No.
8 Q And, in fact, the -- what Mr. Rogers indicated is a
9 misrepresentation of what's out there, correct?
10 A I'm assuming -- Correct.
11 Q All right. And if the Hacks asked, "Could we proceed
12 with constructing our driveway until we address the
13 other drainage issue," is that something that you would
14 have recommended they allow?
15 A Yeah.
16 Q Okay. And, in fact, when we left -- after you went for
17 the site inspection, was it your understanding that Boss
18 Engineering had essentially agreed to do the things that
19 you recommended?
20 A I don't know. No, because at that point . . . I didn't
21 talk to them till the next day, so it would have been
22 after the meeting.
23 Q So --
24 A Not at the meeting, but after the meeting.
25 Q After the meeting on-site.

Page 219

1 A Yes.
2 Q And after the meeting on-site you understood that Boss
3 Engineering had no problem with your recommendations; is
4 that fair?
5 A They didn't -- They didn't say one way or the other.
6 They just said -- They didn't say anything.
7 Q Okay. Did Don Green ever direct you to make any
8 specific recommendations?
9 A No.
10 Q Did Timothy Brandt ever direct you to make any specific
11 recommendations with regard to the engineering for this
12 site?
13 A No.
14 Q Were the recommendations that were contained in your
15 October 8th, 2018, review letter based on your sound
16 engineering judgment?
17 A Yes.
18 Q Did Jennifer Elowsky ever direct you to do anything in
19 particular with regard to issuing a letter on the Hacks'
20 property?
21 A No.
22 Q Based on your subsequent -- your inspection of the
23 property and the review of other topographic maps, does
24 it appear that your assumption that grading had not
25 occurred that's reflected in your August 24th review

Michael Darga
3/13/2019

Page 220

1 letter was, in fact, untrue?
 2 MR. CRONKHITE: Objection. Foundation. Form.
 3 THE WITNESS: Can you repeat that?
 4 Q (Continuing by Mr. Tamm): Yeah. Based on what you know,
 5 having visited the site and looked at the grading plans,
 6 as well as topographic maps, is it true that the
 7 assumption that nothing had been changed on the
 8 preconstruction part of the north side of the property,
 9 that that was not accurate?
 10 A Correct.
 11 Q What would be required for the applicant to determine
 12 the retention volume that would be created by a 10-year
 13 storm?
 14 A You'd just have to figure out the area, the drainage
 15 area, and kind of the C factor.
 16 Q When you say go about finding out what the drainage area
 17 is, how would an engineer go about doing that?
 18 A That GIS map would have been sufficient.
 19 Q Okay. So it's not something that would require Boss
 20 Engineering to go and do an extensive study to determine
 21 what the 10-year storm volume was.
 22 A No.
 23 Q It's something that was readily available to them based
 24 on the map that they already had?
 25 A Yes.

Page 221

1 Q So it's not something that would have cost tens of
 2 thousands of dollars for them to determine.
 3 A Correct.
 4 Q It's something that they already had in their possession
 5 based on the information that you had.
 6 A They could have obtained it pretty easy, yes.
 7 Q For example, if I Google Oakland County, the Oakland
 8 County elevations, I could get that information?
 9 A Yeah, they have it. Yes, because Brent LaVanway sent me
 10 a picture with it on the site, yes.
 11 Q And Mr. Cronkhite asked, "Well, why couldn't you just do
 12 that calculation?" Is it fair to say that the way in
 13 which it commonly works is the applicant's engineer does
 14 the plans for the improvement?
 15 A Yes.
 16 Q Okay. And then you review them to determine whether or
 17 not they're accurate?
 18 A Correct.
 19 Q That's the way you do it in Milford Township?
 20 A Yes.
 21 Q That's the way you do it in every other Township that
 22 you consult with.
 23 A Correct.
 24 Q And your recommendation that the applicants submit or
 25 determine the retention volume created by a 10-year

Page 222

1 storm, that was requested because of the unique
 2 characteristics of this site?
 3 A Yes.
 4 Q And the affect that had been raised by the neighboring
 5 property owner, correct?
 6 A Correct.
 7 Q And what were you hoping to accomplish by having the
 8 10-year storm calculation in the preconstruction area
 9 included?
 10 A I was hoping to show the neighbor that even with the
 11 10-year storm, the water's not leaving the site.
 12 Q All right. And this was designed to prove that, for the
 13 Hacks, that their property wasn't -- their construction
 14 wasn't having an impact, correct?
 15 A Yeah. Even if the house -- Even if the house was filled
 16 6 feet and they took away volume of that front --
 17 Q You just -- You needed the calculation to be able to --
 18 A I needed a reference point to -- a volume to -- I wanted
 19 to show that it did not leave their site.
 20 Q And you said in the meeting that you had with the
 21 Township, with Mr. Green, Mr. Mazzara, and Miss Elowsky,
 22 the goal of the meeting was what can we do to allow the
 23 Hacks to show easily that their construction's not
 24 affecting Mr. Mamo.
 25 A Correct.

Page 223

1 Q It wasn't -- You weren't directed to put impediments on
 2 the --
 3 A No.
 4 Q -- Hacks; is that fair?
 5 A No.
 6 Q It was, "How can we help them?"
 7 A Correct.
 8 Q And then the second part of your October 8th review
 9 recommendation was that the applicant must improve the
 10 swales according to Township standards.
 11 A Correct.
 12 Q What did you mean by that?
 13 A I think -- I think on one of those pictures the swale
 14 that they had, it's kind of small --
 15 Q When you say "pictures," what are you referring to?
 16 A That one you had earlier, the exhibit that we thought
 17 didn't come from the engineer.
 18 Q Oh, okay. Sorry. I can get that.
 19 A The main thing is --
 20 MR. CRONKHITE: This?
 21 THE WITNESS: -- to get the swale to the back,
 22 to pick up the rear yard drainage.
 23 Q (Continuing by Mr. Tamm): Okay. Because nothing on
 24 Exhibit 4-2 shows what's going on on the north side of
 25 the property.

Michael Darga

3/13/2019

Page 224

1 A Correct.

2 Q And you wanted to know is that causing the flooding.

3 A Right. Because if that same swale is extended to that

4 back area of disturbance, I don't think there would be

5 any issues.

6 Q Okay.

7 A But that's -- I don't see that out there today.

8 Q And in the typical case where you're asked to review a

9 fill and grade permit, it's before anybody brings any

10 dirt onto the property.

11 A Correct.

12 Q And it's before they change any of the preconstruction

13 conditions.

14 A Correct.

15 Q Correct?

16 A Yes.

17 Q And so here you didn't have that opportunity, correct?

18 A Correct.

19 Q Because by the time you saw the plans the house was

20 already there.

21 A Yes.

22 Q And the engineers didn't show you -- the engineers being

23 Boss -- as well as the plans shown by Mr. Nelson,

24 nothing of that -- nothing on either of those shows what

25 happened on the north side of the parcel where the house

Page 225

1 is and to the north of that.

2 A Correct.

3 Q And I just want to direct you to Exhibit 2.1 {sic} on

4 page 17 of 67. At 6.2 {sic} it says the design

5 requirements indicate that, and I'm going to quote, "the

6 grading plan shall be designed to insure that if a

7 failure or overflow occurs within the storm system,

8 water will drain away from -- drain away in overland

9 swales without flooding houses," correct?

10 A Correct.

11 Q And Mr. Cronkhite asked you whether or not drainage, or

12 sloping away from the house, is something that commonly

13 occurs in residential construction, and your response to

14 that is?

15 A Yes.

16 Q Okay. But when they do have grading, it's not to affect

17 the neighboring property owner.

18 A Correct.

19 Q And that's the reason you require swales.

20 A Yes.

21 Q Is to direct the water into an area where it won't

22 affect other property owners, correct?

23 A Correct.

24 Q And with regard to this particular property and the

25 swales, could swales be constructed that would address

Page 226

1 any water coming from the northern portion of the

2 property without affecting the Mamos' land?

3 A Yeah, I would think so. I mean, they did it on the west

4 side of the house. I mean, they just didn't use the

5 extra effort on the west side -- or the northeast side

6 of the house.

7 Q Okay.

8 A So yes, you could do it.

9 Q And so with regard to your letter to the Township dated

10 October 8th, the first part requesting a 10-year storm

11 calculation was to address flooding on the Mamos' site?

12 A Well, it was more to just show that improvements on the

13 Hacks' property did impact the Mamos from the driveway

14 filtration.

15 Q Okay. And then the second part of your review letter to

16 improve the swales was to ensure that water didn't

17 escape from the Hacks' property onto the Mamos'

18 property.

19 A Correct.

20 Q Okay. The third issue was the plans should include

21 calculations to verify any proposed culvert is properly

22 sized.

23 A Correct.

24 Q That deals only with the driveway.

25 A Correct. Well, that was more if the drainage from the

Page 227

1 north came down to the driveway, that culvert's too

2 small, water could back up onto Mamos' property. So if

3 it's got adequate capacity, it's not going to back up on

4 his property and he can --

5 Q Okay. And let's see if we can clear this up on the

6 record.

7 Any grading that would be done to raise the

8 driveway would affect the flow of water from the east

9 side of the Hacks' property to the west side.

10 A It -- Yes.

11 Q Okay. And it's in the area west of where the driveway

12 is proposed that water naturally accumulated on the

13 Hacks' property because it's the lowest spot.

14 A Yes.

15 Q Okay. There's no outlet for that water on the Hacks'

16 property.

17 A Not that I know of.

18 Q And there's no indication that, because there's no

19 outlet, water would collect there in a natural detention

20 basin until it evaporated.

21 A Evaporated or infiltrated, yes.

22 Q Or infiltrated. And that was the preexisting condition,

23 correct?

24 A Correct.

25 Q With the placement of the driveway, in order to ensure

Michael Darga

3/13/2019

Page 228

1 water was still going to that low spot, a culvert or a
 2 pipe would need to be placed to allow the flow of that
 3 water.
 4 A Yes.
 5 Q And that's what you were recommending in your review
 6 letter, that you make sure that that -- the size of that
 7 pipe would adequately drain.
 8 A Correct.
 9 Q Okay. And including any runoff that was associated with
 10 the placement of the house.
 11 A Yes.
 12 Q And on the north side of the property, correct?
 13 A Correct.
 14 Q Did you -- From an engineering perspective, are the
 15 recommendations that you made in your October 8th review
 16 letter unreasonable?
 17 A No.
 18 Q Are they common to what you would typically require?
 19 A Sure. Yeah.
 20 Q Okay. Did anybody ever mention to you the name -- as
 21 far as you know -- the name of the property owner of the
 22 site?
 23 A Of 2610 Pearson?
 24 Q Yes.
 25 A No.

Page 229

1 Q Did anybody mention to you what religious affiliation
 2 they had?
 3 A No.
 4 Q Did anybody suggest to you from the Township that they
 5 wanted to make this review process more difficult?
 6 A No.
 7 Q Is what you did in this case consistent with what you've
 8 done on other projects?
 9 A Yes.
 10 MR. CRONKHITE: What's the rule you're relying
 11 on for leading questions? I'm just curious.
 12 MR. TAMM: 611.
 13 MR. CRONKHITE: Because I move to strike this
 14 that. You're basically testifying. You know that,
 15 right? Completely inappropriate.
 16 MR. TAMM: Okay.
 17 Q (Continuing by Mr. Tamm): As a consulting engineer, on a
 18 daily basis do you review engineering plans from other
 19 professional engineers?
 20 A Yes.
 21 Q On occasion do you have disagreements with what the
 22 other engineers are proposing?
 23 A Yes.
 24 Q In fact, isn't that something you do on a daily basis is
 25 make recommendations or point out deficiencies in what

Page 230

1 engineers have done?
 2 A Yes.
 3 Q Okay. And you've had a number of -- or have you had
 4 prior occasions to work with Boss Engineering?
 5 A Yes.
 6 Q Have you made other recommendations that they change
 7 things that they've included on their plans?
 8 A Yes.
 9 Q Do you do that with other engineering firms in addition
 10 to Boss?
 11 A Yes.
 12 Q Can there be legitimate differences of opinion among
 13 engineers as to potential solutions to a drainage
 14 problem?
 15 A I don't know. I wouldn't think so. I mean, water goes
 16 downhill.
 17 Q Okay.
 18 A We pretty much all rely on that.
 19 MR. GLEESON: We'll take judicial notice of
 20 that.
 21 Q (Continuing by Mr. Tamm): And from what you reviewed,
 22 you were unable to make a determination on the site
 23 plans submitted by the applicant as to what amount of
 24 runoff or drainage was coming from the northern portion
 25 of the site.

Page 231

1 A Correct.
 2 Q That's all I have.
 3 MR. GLEESON: Want to take a quick break?
 4 Want something to drink?
 5 THE WITNESS: Sure. Use the rest room.
 6 (Whereupon a recess was taken at or about the
 7 hour of 11:43 a.m., and the deposition was resumed at or
 8 about the hour of 11:47 a.m.)
 9 ** * * * *
 10 RE - DIRECT EXAMINATION
 11 BY MR. CRONKHITE:
 12 Q You said, Mr. Darga, in response to Mr. Tamm's
 13 questioning that you exercised sound engineering
 14 judgment on October 8th, 2018, when you issued your
 15 differing conclusions from your August 24th, 2018,
 16 letter, correct?
 17 A Yes.
 18 Q And you said that part of what you do as an engineer for
 19 municipalities such as Milford is that you point out
 20 deficiencies in plans that are submitted for plan
 21 review, correct?
 22 A Correct.
 23 Q Okay. Is it your position that you made a mistake in
 24 approving the Boss site plan on August 24th, 2018?
 25 A No, we -- No, not with the information I was provided.

Michael Darga

3/13/2019

Page 232

1 Q Mr. Tamm went through the Milford Township Engineering
 2 Design Standards and pointed out a number of items that
 3 were not included in the original Boss proposed plan,
 4 correct?
 5 A Correct.
 6 Q Okay. You never identified those as items that needed
 7 to be provided by Boss, correct?
 8 A No.
 9 Q Okay. Did you screw up or is it your position that
 10 those requirements weren't necessary for this project?
 11 MR. GLEESON: I'll object to the form of your
 12 question. "Screwing up," what the hell does that mean?
 13 MR. TAMM: Joined.
 14 Q (Continuing by Mr. Cronkhite): You can answer the
 15 question.
 16 A I was looking at the driveway being put in and if it
 17 was affecting the existing conditions of the site.
 18 Q Okay. You -- Let's go over the specific things that
 19 Mr. Tamm went over. So the design requirements in 6.2
 20 of Milford Township Engineering Design Standards, there
 21 were multiple things that were not included in Boss'
 22 proposed plan, correct?
 23 MR. GLEESON: You want to show him it?
 24 MR. CRONKHITE: Yeah.
 25 (Whereupon Mr. Cronkhite handed a document to

Page 233

1 the witness.)
 2 THE WITNESS: Correct.
 3 Q (Continuing by Ms Cockerall): Okay. Are you saying that
 4 when you issued your August 24th, 2018, letter that you
 5 should have requested all those things identified in
 6 6.2?
 7 A No.
 8 Q You didn't think they were necessary given the project,
 9 right?
 10 MR. TAMM: Objection. Form and foundation.
 11 THE WITNESS: At the time, no.
 12 Q (Continuing by Mr. Cronkhite): Okay. What was made
 13 necessary, based on information you received later in
 14 6.2, for instance?
 15 A What do you mean?
 16 Q So in section 6.2 of the engineering standards there are
 17 certain requirements. What was made necessary of those
 18 requirements in 6.2 based on information you later
 19 received after your August 24th letter?
 20 A For the August 8th letter, is that what you're --
 21 Q October 8th letter?
 22 A October 8th.
 23 Q No. What I'm asking is, so on August 24th of 2018 you
 24 had Boss' proposed site plan. It showed what it showed.
 25 We've been over that ad nauseam. It didn't show the

Page 234

1 elevation levels north of the home, right? Correct?
 2 A Correct.
 3 Q I'm trying to understand -- And you didn't require all
 4 the things that are identified in section 6.2 before you
 5 issued your August 24th letter, correct?
 6 A Correct.
 7 Q Okay. What information did you receive after your
 8 August 24th letter required you to impose any of these
 9 requirements set forth in 6.2?
 10 A What -- Dave Mamo going to the Township Board talking
 11 about flooding on his property is what was available.
 12 Q That's it?
 13 A Yeah.
 14 Q Okay. So, for instance, it says the actual -- Section
 15 6.2.2 says, "The actual survey grades of existing
 16 adjacent ground and yards shall be shown on a grid
 17 pattern up to a minimum of 100 feet from the property
 18 line." Do you interpret that to mean that you'd have to
 19 show the grades of elevations a hundred feet from
 20 outside the property line?
 21 A Yes.
 22 Q Okay. So that would actually go onto the Mamos'
 23 property, correct?
 24 A Yes.
 25 Q Okay. You didn't require that before you issued your

Page 235

1 August 24th letter, correct?
 2 A Yes.
 3 Q It wasn't a deficiency, correct?
 4 A Correct.
 5 MR. TAMM: Objection to form.
 6 Q (Continuing by Mr. Cronkhite): I mean, I just want to
 7 make sure that all these requirements that are set forth
 8 in Milford's Engineering Design Standards, you felt that
 9 at the time you issued your August 24th letter those
 10 engineering standards had been complied with, correct?
 11 MR. TAMM: Objection form. Calls for a legal
 12 conclusion.
 13 THE WITNESS: For the driveway, yes.
 14 Q (Continuing by Mr. Cronkhite): It wasn't your
 15 understanding that you were doing a site plan review for
 16 the entire property, right?
 17 A Correct.
 18 Q That's why you --
 19 A At that time.
 20 Q At that time. That's why you didn't require all these
 21 things, correct?
 22 A Yes.
 23 Q This is talking more like an industrial or commercial
 24 site plan would be, correct?
 25 MR. TAMM: Objection. Form.

Michael Darga
3/13/2019

Page 236

1 THE WITNESS: That's -- It can be used for
2 that, yes.
3 Q (Continuing by Mr. Cronkhite): That's typically what
4 it's used for, yes?
5 MR. TAMM: Objection to form and foundation.
6 Objection. It calls for a legal conclusion.
7 Q (Continuing by Mr. Cronkhite): In your experience. I
8 mean --
9 A That's what they follow, yes.
10 Q No, but my question is when you're doing -- when you're
11 looking at engineering design standards for a site plan
12 you're typically doing those for commercial and
13 industrial purposes, correct?
14 MR. TAMM: Objection to form and foundation.
15 THE WITNESS: For a subdivision, yes.
16 Q (Continuing by Mr. Cronkhite): Or a multi-unit
17 residential purpose.
18 A Subs, yes.
19 Q Subs, okay. At the time you issued your October 8,
20 2018, letter you didn't have this document marked as
21 Exhibit 13 in your possession, did you?
22 A No.
23 Q In fact, this document marked as Exhibit 13, you didn't
24 create this, correct?
25 A No.

Page 237

1 Q Correct?
2 A No, I did not. Or correct, I did not.
3 Q Yeah, I just want to be clear for the record. You
4 didn't do the drawings on this Exhibit 13, did you?
5 A No.
6 Q Okay. You don't know whether those drawings are
7 accurate, do you?
8 A I do not.
9 Q For instance, the placement of the home where it's
10 placed, you're not sure whether that's actually where
11 the home's at, are you?
12 A No.
13 Q You're not sure.
14 A I'm not sure.
15 Q Okay. You had testified, I believe, for purposes of
16 topographical surveys your preferred standard, for lack
17 of a better term, is to do it in one-foot increments?
18 A One-foot elevation, yes.
19 Q It calls for one-foot elevation --
20 A One-foot increment.
21 Q One-foot increment. So your preference is at a one-foot
22 increment and that's because that's more accurate,
23 correct?
24 A Correct.
25 Q You don't have a one-foot increment for this property

Page 238

1 predevelopment, do you?
2 A No.
3 Q Exhibit 13 is not a one-foot increment, is it?
4 A I think it's two-foot.
5 Q Okay. Well, you think. Look at it and confirm.
6 A Yeah, it appears to be two-foot.
7 Q Okay. And then this -- I'm actually going to mark this
8 as Exhibit 24. We've been talking about this document a
9 lot, so I think I just want to mark it as a separate
10 exhibit.
11 (Exhibit 24 marked for identification)
12 Q (Continuing by Mr. Cronkhite): This document marked as
13 Exhibit 24, that's the GIS map that you had internally
14 used for your purposes before issuing the August 24th,
15 2018, letter, correct?
16 A Correct.
17 Q Okay. What's the -- This is a two-foot increment
18 topographic survey as well, correct?
19 A Correct.
20 Q Okay.
21 A It's probably the same contours as that.
22 Q As Exhibit 13.
23 A Yes.
24 Q Okay. When you look at -- Did you fold the map up? Oh,
25 okay. You used your copy.

Page 239

1 For Exhibit 4-2, Boss' proposed plan did show
2 some elevations north of the driveway, right? The home.
3 A As a floor elevation, yeah.
4 Q Okay. That's the elevation, correct?
5 A Yes.
6 Q Based on Exhibit -- Whether we're looking at Exhibit 13
7 or we're looking at Exhibit 24, you don't know what the
8 predevelopment elevation was for the home, do you?
9 A Other than -- No. Other than those two documents, no.
10 Q Right. And these two documents don't allow you to
11 precisely tell what actually the land on which the home
12 currently sits was elevation wise predevelopment,
13 correct?
14 A Correct.
15 Q Okay. And that's because you have two-foot increments
16 on both Exhibit 13 and two-foot increments on
17 Exhibit 24, so there could be a two-foot swing in either
18 direction in terms of where this house exists even if
19 you lined it up perfectly to these topographical maps in
20 Exhibit 24 and --
21 MR. TAMM: Objection.
22 MR. CRONKHITE: -- Exhibit 13.
23 MR. TAMM: Objection form and foundation.
24 THE WITNESS: I don't think so. I think if
25 you put the house in the location on those maps it would

Michael Darga

3/13/2019

Page 240

1 be pretty accurate.
 2 Q (Continuing by Mr. Cronkhite): So, for instance, on
 3 Exhibit 13, again, recognizing that we're not even sure
 4 whether this handwritten house diagram is accurate,
 5 right, but looking at it from our purposes right now,
 6 you said there's an elevation line, contour line, of 960
 7 going through the whole house, right?
 8 A Right.
 9 Q Doesn't mean that the elevation of the house was 960
 10 predevelopment, correct? You just don't know.
 11 A If that's the location, I would say yes.
 12 Q Well, some of the house on Exhibit 13 is actually in an
 13 area of contours that would be 962 elevation, correct?
 14 A It would be less than 962. It would be 961.
 15 Q Okay. So it would be somewhere between 960 and 962,
 16 correct?
 17 A I . . . No, it would be between 9 -- It would be between
 18 960 and 961.
 19 Q Correct me if I'm wrong, when we're looking at the
 20 contour lines of 962 and 960 here, it's not necessarily
 21 between 962 and 960 a perfect downward slope, correct;
 22 it could go up and down?
 23 A No, it should be -- 961 should be halfway between those
 24 two elevations.
 25 Q Okay. So the home elevation, assuming Exhibit 13 is

Page 241

1 even accurate in terms of the house placement, the
 2 elevation predevelopment would be somewhere between 960
 3 and 961.
 4 A 961.
 5 Q Okay.
 6 A Sure.
 7 Q But again, you just don't know where the home actually
 8 would be accurately situated in Exhibit 13, correct?
 9 MR. TAMM: Objection to form.
 10 THE WITNESS: I can only assume it was drawn
 11 correctly by whoever did it.
 12 MR. CRONKHITE: Well, we've seen how your
 13 assumptions turn out.
 14 MR. GLEESON: Is that a question?
 15 MR. CRONKHITE: No, it's not.
 16 Q (Continuing by Mr. Cronkhite): And I've been talking
 17 about Exhibit 13 and Exhibit 24, but you don't -- you
 18 don't have any other topographical survey that would
 19 actually show that the elevation for the home depicted
 20 in Exhibit 4-2 has been raised at all. You just don't
 21 know.
 22 MR. TAMM: Objection to form and foundation.
 23 THE WITNESS: Other than those two exhibits, I
 24 don't have any other information.
 25 Q (Continuing by Mr. Cronkhite): Okay. Mr. Tamm asked you

Page 242

1 a question about the fact that -- Well, I'm not going to
 2 call them a fact, but he said that when you build a home
 3 you necessarily are going to change the drainage flow or
 4 the water flow, and you said yes; is that correct?
 5 A Correct.
 6 Q Okay. So that means when any home is built there is
 7 going to be an affect to water flow based on the very
 8 fact that a home is being created, yes?
 9 A Yes.
 10 Q Okay. But Milford doesn't require a site plan for every
 11 home that's constructed in Milford, does it?
 12 MR. TAMM: Objection to form and foundation.
 13 THE WITNESS: Not -- I do not see them. I
 14 don't know if someone else reviews them or not.
 15 Q (Continuing by Mr. Cronkhite): Okay.
 16 A So I can't answer that.
 17 Q You were aware that Mr. Mamo -- Let me rephrase this so
 18 it's clear. Before August 24th, 2018, your letter, your
 19 first letter, you were aware that Mr. Mamo was claiming
 20 that the Hacks were flooding the property, correct? His
 21 property.
 22 A Yes.
 23 Q Okay. To date you haven't corroborated that there's
 24 actually water draining from the Hacks' property onto
 25 Mr. Mamos' property, correct?

Page 243

1 MR. TAMM: Objection. Form and foundation.
 2 Asked and answered.
 3 THE WITNESS: No. I've only seen pictures,
 4 but I've never . . .
 5 Q (Continuing by Mr. Cronkhite): You haven't proved it.
 6 A I haven't done anything myself, no.
 7 Q Okay. And the water on Mr. Mamo's property, you don't
 8 know where that comes from.
 9 MR. TAMM: Objection. Form and foundation.
 10 THE WITNESS: Other than looking at those
 11 exhibits, no.
 12 Q (Continuing by Mr. Cronkhite): It's impossible at this
 13 point to get pre -- what you would consider accurate
 14 predevelopment elevation levels for the Hacks' property,
 15 correct?
 16 A Not unless the builder or someone had it.
 17 Q All right. Not unless, like, the builder had been
 18 requested to actually do pre-elevation surveys before
 19 they -- well, pre-elevation surveys before they broke
 20 ground.
 21 MR. TAMM: Objection. Form.
 22 THE WITNESS: Correct.
 23 Q (Continuing by Mr. Cronkhite): Okay. Do you know
 24 whether that was done in this case?
 25 A I don't know.

Michael Darga

3/13/2019

Page 244

1 Q Okay. It wasn't.
 2 A I was wondering about that.
 3 Q Yeah. Let me ask you this: Have you ever recommended
 4 approval of a grading and filling permit as you did on
 5 August 24th, 2018, and then reversed your decision?
 6 MR. GLEESON: I object to the form of the
 7 question.
 8 MR. TAMM: Joined as to form. It's an
 9 inapplicable hypothetical, one.
 10 Q (Continuing by Mr. Cronkhite): You can answer.
 11 A I don't recall that.
 12 Q You don't recall ever recommending the issuance of a
 13 grading and filling permit and then later recommending
 14 that permit's subject only to certain conditions,
 15 correct?
 16 A Correct.
 17 Q Okay. The Hacks' permit is the first of that type,
 18 correct?
 19 MR. TAMM: Objection to form and foundation.
 20 THE WITNESS: That I recall, yes.
 21 Q (Continuing by Mr. Cronkhite): Okay. For instance, in
 22 this packet of letters that you provided today marked as
 23 Exhibit 20, I believe, those four projects you didn't
 24 recommend approval and then later in a second or third
 25 or subsequent letter recommend approval only to certain

Page 245

1 conditions, correct?
 2 A Correct.
 3 Q Let me ask you this: Have you ever been involved in a
 4 site review project in Milford in which a board member
 5 of Milford asked you to rereview your conclusions?
 6 A I don't recall that, no.
 7 Q In fact, it was unusual even for Supervisor Green to
 8 reach out to you directly regarding the Hacks' property
 9 at the onset, correct?
 10 A No, I--
 11 Q It deviated -- I'm sorry, I interrupted you.
 12 MR. GLEESON: Why don't you let him answer the
 13 question.
 14 THE WITNESS: I mean, no, he's talked to me
 15 before, but it typically would go through the building
 16 department.
 17 Q (Continuing by Mr. Cronkhite): Has Mr. Green ever
 18 reached out to you to get you first involved in a site
 19 plan review other than with the Hacks' property?
 20 A I don't . . . I can't recall that he did, but I don't --
 21 I wouldn't say it's unusual.
 22 Q You just can't recall a single other instance, correct?
 23 A Correct.
 24 Q We spoke about Exhibit 8. Right here. Pardon me. This
 25 Exhibit 8, I think it was unclear on the record, it was

Page 246

1 referred to as a drawing by Chris Nelson, but it's your
 2 understanding that that drawing had subsequently been
 3 marked up by Mr. Mamo, correct?
 4 MR. TAMM: Objection. Leading question.
 5 THE WITNESS: I don't know that.
 6 Q (Continuing by Mr. Cronkhite): The notations --
 7 A There's notations on it, but I don't know if --
 8 Q Who did it.
 9 A Who did it.
 10 Q Okay. The notation on Exhibit 8 that says, "Elevations
 11 set 6 feet higher than grade," that's consistent with
 12 what Mr. Mamo was claiming, correct?
 13 A I would agree, yeah.
 14 Q Okay. No one else was claiming that the elevation had
 15 been raised 6 feet, correct?
 16 A Not that I'm aware of.
 17 Q Okay. That you can deduce or infer because the
 18 handwriting, based on contents that are contained on
 19 Exhibit 8, belong to Mr. Mamo.
 20 A Correct.
 21 Q Okay. And you had this before August 24th, correct?
 22 A Had it possibly.
 23 Q Okay.
 24 A There's not much for me to review on there. I mean,
 25 what Boss provided.

Page 247

1 Q Right. You weren't -- You weren't reviewing this as a
 2 site plan, were you?
 3 A No. No.
 4 Q Correct?
 5 A Correct.
 6 Q Yeah. Sir, in the Engineering Design Standards marked
 7 as Exhibit 21 it reads, "A grading plan is required for
 8 all developments." Do you do the grading plan reviews
 9 for all residential developments in Milford?
 10 A The subdivision or the individual lots, like --
 11 Q Both.
 12 A -- the house? For the subdivision --
 13 Q You do.
 14 A -- I would.
 15 Q For single-family detached residences, no.
 16 MR. TAMM: Objection to form.
 17 THE WITNESS: Correct.
 18 Q (Continuing by Mr. Cronkhite): Do you know who does
 19 that, if anyone?
 20 A I don't know.
 21 Q Do you know whether that's even required --
 22 A I don't.
 23 Q -- by Milford?
 24 A I don't know.
 25 Q Okay. You testified in response to Mr. Tamm's question

Michael Darga

3/13/2019

Page 248

1 that you weren't aware of the specifics of Mr. Mamo's
 2 complaints regarding water drainage before you issued
 3 your August 24th letter. You previously testified in
 4 response to my questioning that you have received
 5 Mr. Mamo's specific complaints that he had sent to
 6 Mr. Green before you issued your August 24th letter. I
 7 just want to clarify --
 8 A No, I saw his comments to what Bill Rogers responded to.
 9 Q Okay. You were aware before August 24th that Mr. Mamo
 10 was claiming that the elevation of the home was raised
 11 6 feet, correct?
 12 MR. TAMM: Objection to form.
 13 THE WITNESS: I don't know if -- At that point
 14 I don't know.
 15 Q (Continuing by Mr. Cronkhite): But you do know that
 16 Supervisor Green had forwarded you before August 24th
 17 Mr. Mamo's complaints regarding the Hacks' property,
 18 correct?
 19 A I don't know if I got his -- I remember seeing his
 20 questions on the plan that was submitted, but I don't
 21 remember his specific complaints.
 22 Q Okay. So take a look at Exhibit 7 and look at the
 23 middle of the page at the August 7th email.
 24 A Okay.
 25 Q In Mr. Mamo's email on that Exhibit 7 he's complaining

Page 249

1 about the elevation being raised 6 feet, correct?
 2 A Correct.
 3 Q And that was forwarded to you, yes?
 4 A Yes.
 5 Q Okay. So you were aware of Mr. Mamo's specific
 6 complaints regarding the Hacks' property and alleged
 7 water issues related thereto, correct, before August
 8 24th?
 9 A Yeah, these -- What he's saying here has to do with the
 10 plan that was submitted, not necessarily everything that
 11 was going on.
 12 Q Okay. Yeah. No, I get that, but he's complaining on
 13 August 7th that, quote, "This does not show the entire
 14 construction project, especially where the water was
 15 backed up from the new house elevation in the back by
 16 6 feet and forced water onto my property," end quote.
 17 A Yep.
 18 Q That's before August 24.
 19 A Correct.
 20 Q You didn't say to Milford, "Wait a sec. Boss' proposed
 21 plan doesn't show the topography on the back of the
 22 house."
 23 A Yeah, but there's a follow-up email to that where Bill
 24 Rogers says, "We didn't do anything back there."
 25 Q Okay.

Page 250

1 A So that is what that August 24th letter was based on.
 2 Q Got it. So -- But to go back to my earlier questioning,
 3 you were aware of Mr. Mamo's specific complaints north
 4 of the home before your August 24th letter, correct?
 5 MR. TAMM: Objection. Asked and answered.
 6 THE WITNESS: Yeah, but that kind of went away
 7 when Bill Rogers said they didn't do anything back
 8 there.
 9 Q (Continuing by Mr. Cronkhite): I understand. And
 10 then -- So then when those issues were brought to your
 11 attention, when Mr. Rogers said, "We didn't -- Look, we
 12 raised -- we did what we did with the grading of the
 13 home per code. We didn't raise the elevations of that
 14 property", you were comfortable issuing your August 24th
 15 letter, correct?
 16 MR. TAMM: Objection to form and foundation.
 17 MR. GLEESON: You can answer.
 18 THE WITNESS: Yes.
 19 Q (Continuing by Mr. Cronkhite): Okay. It's possible that
 20 -- Let me back up.
 21 If the Hacks or their engineer created enough
 22 volume on their property to accommodate a 10-year storm,
 23 it's possible that that would actually constitute an
 24 improvement above and beyond what actually would have
 25 happened on the property predevelopment, correct?

Page 251

1 A I don't know that.
 2 Q But it's possible that being able to accommodate a
 3 10-year storm on the Hacks' property would actually be
 4 better than what that property could accommodate
 5 predevelopment.
 6 MR. TAMM: Objection. Form and foundation.
 7 THE WITNESS: I don't know that.
 8 MR. CRONKHITE: It's possible.
 9 THE WITNESS: I don't know that.
 10 MR. TAMM: He's answered that a few times.
 11 MR. CRONKHITE: I hear you.
 12 Q (Continuing by Mr. Cronkhite): Okay. You testified
 13 earlier in response to Mr. Tamm's questioning that you
 14 would recommend construction of the driveway, but in the
 15 meantime please take care of these issues that we think
 16 might be issues on the northern -- on the property north
 17 of the house, correct?
 18 A Yes.
 19 Q Does that mean that you would recommend approval of
 20 constructing the driveway per Boss' plan that you
 21 previously approved, that would be constructed, and then
 22 there would be continued calculations and other
 23 recommendations that you asked for that would be
 24 occurring north of the home?
 25 MR. TAMM: Objection to form and foundation.

Michael Darga
3/13/2019

Page 252

1 THE WITNESS: Based on our site visit, yes.
 2 Q (Continuing by Mr. Cronkhite): You communicated that to
 3 Milford?
 4 A I don't think I had the chance to.
 5 Q You've been prohibited from picking up the phone and
 6 letting them know that?
 7 MR. TAMM: Objection. It's argumentative.
 8 MR. CRONKHITE: No, it's not.
 9 MR. TAMM: Well --
 10 MR. CRONKHITE: No, it's not. He said he
 11 doesn't {sic} have a chance to. I want to understand
 12 that.
 13 THE WITNESS: Well, I was talking to Boss, and
 14 then I think you came in with the email just saying
 15 boom, nothing, we're done, no one's doing anything, and
 16 so at that point there all communications stopped, so.
 17 MR. GLEESON: That's when I got involved.
 18 Q (Continuing by Mr. Cronkhite): Sitting here today,
 19 though, you believe that the driveway could be
 20 constructed pursuant to Boss' plans and then the issues
 21 north of the home would have to be separately addressed
 22 to deal with those water-related issues, correct?
 23 MR. TAMM: Objection to form and foundation.
 24 THE WITNESS: Yes.
 25 Q (Continuing by Mr. Cronkhite): When you were speaking to

Page 253

1 me the other day during deposition you -- I asked you
 2 did you communicate to Milford in-between your August
 3 24th and your October 8th letter that the missing
 4 information on Boss' plan, specifically the missing
 5 topography north of the home, was immaterial to
 6 construction of the driveway. You told me you informed
 7 them of that, correct?
 8 MR. TAMM: Objection to form and foundation.
 9 THE WITNESS: I don't remember that, if I did
 10 or not.
 11 Q (Continuing by Mr. Cronkhite): Okay. You said Mr. --
 12 Miss Elowsky did not direct you to impose certain
 13 requirements set forth in the October 8th letter,
 14 correct?
 15 A Correct.
 16 Q So what did she tell you?
 17 MR. TAMM: Objection. Form. Don't answer it.
 18 It's attorney-client privilege.
 19 MR. CRONKHITE: That's been waived.
 20 MR. TAMM: Well --
 21 MR. CRONKHITE: Wait a second. I want to
 22 create a record here. You just asked him during your
 23 cross, "Did she direct you to require these things?" and
 24 you're saying that I can't ask him what she did tell
 25 him?

Page 254

1 MR. TAMM: You're assuming she directed him to
 2 do anything.
 3 Q (Continuing by Mr. Cronkhite): I'm asking what was said
 4 by Miss Elowsky to you in connection with this project.
 5 A Issue a new letter asking for the stuff we talked about.
 6 Q How many conversations did you have with her?
 7 A One.
 8 Q During that meeting in October of 2018.
 9 A Yes.
 10 Q Okay. You had email correspondence with her as well.
 11 A Yeah, barely. Yes.
 12 Q Boss' proposed plan, it included a culvert, correct?
 13 A Yes.
 14 Q And that was before your August 24th approval letter.
 15 A Correct.
 16 Q Is Milford still a client of HRC?
 17 A As far as I know, yes.
 18 Q Have you done work for Milford since litigation in this
 19 matter started?
 20 A Yeah. I think I did a plan review or two, yes.
 21 Q Did Mr. Roland ever discuss HRC's relationship with
 22 Milford with you?
 23 MR. TAMM: Objection. Relevance.
 24 THE WITNESS: No.
 25 MR. CRONKHITE: I don't have any further

Page 255

1 questions.
 2 MR. TAMM: Just a couple.
 3 ** * * * * *
 4 R E - C R O S S E X A M I N A T I O N
 5 BY MR. TAMM:
 6 Q Mr. Darga, to your knowledge, after you submitted a
 7 review letter and it went to the Township Board, are you
 8 aware of any Township residents objecting to your
 9 conclusion?
 10 A No.
 11 Q Is this the first time, to your knowledge, that a
 12 resident came in and objected about your
 13 recommendations?
 14 A Yes.
 15 Q Is it your understanding that the subsequent review was
 16 the result of objections raised at a public meeting by a
 17 resident claiming he was negatively affected?
 18 A Definitely.
 19 MR. TAMM: Okay. Nothing further.
 20 MR. CRONKHITE: Thank you, sir.
 21 MR. GLEESON: And the documents that we've
 22 marked as exhibits that he brought with him.
 23 MR. CRONKHITE: Yes?
 24 MR. GLEESON: Can we make some copies of those
 25 before everybody leaves?

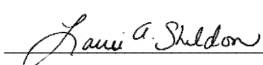
Michael Darga

3/13/2019

Page 256

1 MR. CRONKHITE: Absolutely.
 2 (Whereupon the deposition was concluded at or
 3 about the hour of 12:24 p.m.)
 4
 5
 6
 7
 8
 9
 10
 11
 12
 13
 14
 15
 16
 17
 18
 19
 20
 21
 22
 23
 24
 25

Page 257

1 STATE OF MICHIGAN)
 2)ss.
 3 COUNTY OF MACOMB)
 4
 5
 6 I certify that this transcript is a complete, true
 7 and accurate record of the testimony of MICHAEL DARGA to the
 8 best of my ability.
 9
 10 I also certify that prior to taking this deposition
 11 MICHAEL DARGA was duly sworn by me to tell the truth.
 12
 13 I also certify that I am not a relative or employee
 14 of a party, or a relative or employee of an attorney for a
 15 party, have a contract with a party, or am financially
 16 interested in the aforementioned action.
 17
 18
 19
 20 
 21 Lauri A. Sheldon, RPR, CSR-4045
 22 Notary Public, Macomb County, Michigan
 23 My commission expires: 2-8-2022
 24
 25



30 (Pages 256 to 257)

Tri-County Court Reporters
248-608-9250

Michael Darga
3/13/2019

Page 258

A	address 190:10 190:13 214:3 218:12 225:25 226:11	ahead 165:11 174:25 198:16	219:24	231:24
a.m 140:17 144:3 231:7,8	addressed 252:21	allegation 183:7 184:14,18 185:1,4	appeared 217:7	archives 153:22
ability 257:8	adequate 227:3	allegations 183:5	Appearing 141:2,6,7,11 141:15	area 158:12 165:16,20 179:19 180:8 186:5 196:6 197:7,8 201:25 204:2 212:22 213:8 214:25 220:14,15,16 222:8 224:4 225:21 227:11 240:13
able 171:25 178:10 194:16 199:24 200:2 214:11 222:17 251:2	adequately 228:7	alleged 249:6	appears 170:10 175:13 180:6 238:6	argue 154:19
Absolutely 183:14 256:1	adjacent 188:15 197:21 198:7 207:25 234:16	allow 149:11 207:9 214:10 218:14 222:22 228:2 239:10	applicable 189:12 196:10	argumentative 252:7
access 147:6,14	adjoining 206:12 207:4 207:13	allowing 180:7	applicant 170:12 175:15 175:15 176:7,8 176:17 189:10 190:9 194:3 220:11 223:9 230:23	arrive 201:22
accommodate 250:22 251:2,4	Administrator 140:12	allows 214:23	applicant's 208:12 221:13	ASHER 141:13
accommodated 213:21,24	adverse 198:6 198:22	alphabetical 150:11	applicants 221:24	aside 167:7
accomplish 222:7	adversely 188:14	alter 176:19 188:10 199:8	application 189:3 194:10 195:22 196:1 206:7	asked 153:14 157:20 171:6 171:22 175:9 178:21 183:6 184:22 185:22 186:8 187:2 192:9 199:2 200:18,24 202:4,22 203:1 205:14 215:13 215:17,22,23 217:4 218:11 221:11 224:8 225:11 241:25 243:2 245:5 250:5 251:23 253:1,22
accumulated 227:12	affect 187:20 188:14 199:24 200:2 205:12 206:11 217:21 222:4 225:16 225:22 227:8 242:7	altering 199:14	applicant's 208:12 221:13	asking 171:24 182:15 184:10 202:17 204:17 217:16 233:23 254:3,5
accurate 171:15 185:15 194:3 203:21 216:21 220:9 221:17 237:7,22 240:1 240:4 241:1 243:13 257:7	advise 198:5	ambiguous 169:5 193:17 197:1	applicants 221:24	assessment 194:17
accurately 169:15 170:2 200:13 241:8	aforementioned 257:16	amount 155:4 198:11 230:23	application 189:3 194:10 195:22 196:1 206:7	
acres 182:8	affiliation 229:1	amounts 172:24	apply 194:8 195:10,15	
action 257:16	afforementioned 257:16	answer 151:22 152:4 174:25 178:5 192:11 232:14 242:16 244:10 245:12 250:17 253:17	appreciate 155:6	
activity 187:19	agent 186:20	answered 175:9 178:21 184:22 192:10 199:3 200:19,25 205:15 215:14 217:5 243:2 250:5 251:10	approval 144:21 145:12 152:1,7 160:8 161:4,7 162:12,22,24 244:4,24,25 251:19 254:14	
actual 178:17 197:20 234:14 234:15	agent's 158:10	answers 143:11	appropriate 186:18	
ad 233:25	agents 157:25 158:16	anybody 190:5 206:22 224:9 228:20 229:1,4	approval 144:21 145:12 152:1,7 160:8 161:4,7 162:12,22,24 244:4,24,25 251:19 254:14	
add 199:10	ago 178:14 211:7	appear 144:20 144:23 150:21	approved 155:21 156:5 158:8 162:8,18 165:13 200:23 206:24 209:16 251:21	
added 155:17	agree 183:19 246:13		approving	
addition 170:23 230:9	agreeable 162:25			
additional 158:15 171:3 171:22 211:23	agreed 218:18			
	agrees 154:4			

Michael Darga
3/13/2019

<p>assigned 147:5 associated 187:24 228:9 assume 152:24 156:22 162:21 164:18 241:10 assuming 158:11 169:14 170:1 196:24 200:7,11 205:18,23 215:19,24 218:10 240:25 254:1 assumption 158:19,21 176:10 200:22 219:24 220:7 assumptions 241:13 attached 143:2 attention 206:18 250:11 attorney 165:1 192:19,21 257:14 attorney-client 253:18 attorneys 192:14,16 August 151:25 152:7 158:8,17 159:7,12 160:8 161:4,6 162:12 162:15,18,24 165:23,25 166:1,2 169:12 170:16 171:7 176:21,25 180:13 181:18 193:3 205:21 208:19,20 216:5,6,9 219:25 231:15</p>	<p>231:24 233:4 233:19,20,23 234:5,8 235:1 235:9 238:14 242:18 244:5 246:21 248:3,6 248:9,16,23 249:7,13,18 250:1,4,14 253:2 254:14 authored 155:9 163:11 173:14 available 220:23 234:11 Avenue 141:9 aware 190:23 191:1 201:3 242:17,19 246:16 248:1,9 249:5 250:3 255:8</p> <hr/> <p style="text-align: center;">B</p> <hr/> <p>B 143:1 back 148:12 153:22 158:11 158:20 159:6 159:12 161:21 176:2,3,9,11 176:13,18,19 177:5,10,23 215:6,8 223:21 224:4 227:2,3 249:15,21,24 250:2,7,20 backed 249:15 Backfilled 177:7 backyard 177:17 barely 254:11 base 202:19 based 158:10,19 159:16 160:11 168:9 174:9</p>	<p>180:2 200:21 201:21 204:23 205:9 212:9 219:15,22 220:4,23 221:5 233:13,18 239:6 242:7 246:18 250:1 252:1 basement 196:9 basic 156:11 basically 229:14 basin 227:20 basis 172:15 186:25 207:5 229:18,24 Battani 140:6 BEAULIEU... 140:4 behalf 146:4,21 148:17 believe 152:21 157:15 164:21 185:10 186:18 237:15 244:23 252:19 belong 246:19 best 257:8 better 149:15 237:17 251:4 beyond 250:24 Bill 158:14 159:9 161:12 161:19,25 162:10,14 163:7 164:2,7 164:11,18,19 164:24 166:8 166:18,22 168:2 176:10 176:18,20,21 176:24,25 177:4,21 179:24 216:2</p>	<p>248:8 249:23 250:7 bit 185:23 blocking 173:8 Bloomfield 141:10 board 140:9 161:20 193:1 206:7,10 234:10 245:4 255:7 body 140:9 boom 252:15 Boss 158:1,4,8 158:15,16,21 160:15,18,18 161:3,22 165:16,19 171:5 175:17 175:18 176:14 176:17 197:25 199:23 204:19 213:12 217:16 218:17 219:2 220:19 224:23 230:4,10 231:24 232:3,7 246:25 252:13 Boss' 151:15,18 161:5 162:2,25 168:24 169:9 169:20,22 170:4,23 171:8 171:15 175:23 185:15 232:21 233:24 239:1 249:20 251:20 252:20 253:4 254:12 Brandt 140:11 155:13,13 157:2 190:20 219:10 Brandt's 156:13</p>	<p>break 231:3 Brent 221:9 briefly 150:18 bring 151:3 brings 224:9 broke 243:19 brought 149:2,7 151:4 206:18 250:10 255:22 build 242:2 builder 175:2 192:17 208:4 243:16,17 building 140:12 165:18 189:15 192:12 195:14 196:11 197:17 245:15 built 242:6 business 150:4</p> <hr/> <p style="text-align: center;">C</p> <hr/> <p>C 140:11 141:1 144:11 186:1 220:15 231:10 255:4 calculation 221:12 222:8 222:17 226:11 calculations 226:21 251:22 calendar 166:15 call 161:15,17 171:9 242:2 called 187:12 190:15 calls 167:10 201:18 204:15 205:6 207:16 235:11 236:6 237:19 capacity 140:10 140:10,11,11 227:3</p>
--	---	---	---	---

Michael Darga
3/13/2019

Page 260

care 251:15	CHARTER	257:23	180:14	constructing
case 140:6 154:3	140:8	common 193:24	concluded 256:2	218:12 251:20
185:19 186:9	Chris 209:4	228:18	conclusion	construction
187:2 188:2	246:1	commonly	207:17 235:12	178:25 179:4
189:3 190:2,7	chronological	190:12 192:7	236:6 255:9	181:6 183:7
191:3,13,16	148:13	221:13 225:12	conclusions	184:14,18
192:20 195:23	circular 155:16	communicate	231:15 245:5	185:1,5 187:23
201:11 208:18	circumstances	253:2	condition	187:25 188:9
224:8 229:7	189:2	communicated	212:24 214:11	188:14 191:9
243:24	City 183:12	252:2	214:14 227:22	198:21 205:13
caused 184:19	civil 186:5,7	communication	conditions	206:11 207:3
185:2,5 201:22	claiming 160:4	191:15 193:2	144:24 169:16	207:10,14,23
causing 161:24	242:19 246:12	193:10	170:3,11	212:15,16,19
224:2	246:14 248:10	communicatio...	174:21 175:7	222:13 225:13
Center 141:14	255:17	252:16	175:13,22	249:14 251:14
certain 153:3	claims 154:2	communities	176:6 200:13	253:6
170:10 175:13	159:16 183:1,3	187:3 188:20	205:12 224:13	construction's
176:6 189:10	clarify 248:7	community	232:17 244:14	222:23
198:11 213:1	Clark 187:9	187:6	245:1	consult 221:22
213:10 233:17	clear 145:2	companies	confirm 171:21	consulting 186:3
244:14,25	169:3 183:13	187:15	178:10,15	187:7 188:13
253:12	183:16 227:5	company 212:5	185:12 238:5	188:18 189:14
Certainly	237:3 242:18	compare 204:18	confirmation	198:5 205:10
153:20	clearing 177:17	compilation	178:17	207:21 229:17
certify 257:6,10	client 155:1	150:6	confirmed 174:1	contact 162:5
257:13	254:16	complaining	confirming	191:18
chance 252:4,11	Closer 166:14	168:11 180:16	179:15	contacted 190:2
change 177:6,8	Cockeral 233:3	180:21 201:6	confused 146:24	190:7 191:12
177:14 201:17	code 177:7	248:25 249:12	connection	191:17 192:4,8
202:5 204:12	250:13	complaints	158:1 168:23	192:14,16,19
204:21 205:4	collect 227:19	201:3 248:2,5	195:22 201:11	193:8
205:11,19,23	come 189:15	248:17,21	213:16 254:4	contain 144:23
215:11,20	201:24 223:17	249:6 250:3	consider 243:13	contained
216:25 217:8	comes 173:10	complete 158:3	considered	219:14 246:18
224:12 230:6	243:8	257:6	156:9 157:3	contents 246:18
242:3	comfortable	completely	161:5	continued
changed 158:19	250:14	214:20 229:15	consistent 192:7	251:22
200:7 201:13	coming 178:22	complied 151:18	209:23 211:25	continuing
204:23 215:18	226:1 230:24	235:10	229:7 246:11	144:17 145:6
215:24 220:7	comments 248:8	comply 194:11	constitute	145:14 146:10
changes 196:24	commercial	198:1 209:3,9	250:23	147:3 149:1
197:3	189:20 235:23	218:5	constructed	150:15 151:13
characteristics	236:12	concern 168:4	225:25 242:11	151:22 152:4
188:24 222:2	commission	concerns 167:25	251:21 252:20	153:6,10 155:7

Michael Darga
3/13/2019

Page 261

159:23 160:3 160:16,21 162:23 163:4 165:14 166:7 168:16 169:6 170:8 171:18 172:6,13,20 173:13,23 174:8,13,19 175:5,11,17 177:4,16,21 178:5,13,24 179:5,13 180:25 182:4 182:14,21 184:10,23 185:10 186:14 186:15,23 187:1 189:6 191:10 192:2 192:11,24 193:18 195:21 197:2,12 198:18 199:4 200:21 201:2 201:20 204:17 205:9,17 207:19 209:7 210:18 212:13 214:23 215:15 217:7 220:4 223:23 229:17 230:21 232:14 233:3,12 235:6 235:14 236:3,7 236:16 238:12 240:2 241:16 241:25 242:15 243:5,12,23 244:10,21 245:17 246:6 247:18 248:15 250:9,19 251:12 252:2	252:18,25 253:11 254:3 contour 197:13 203:17 204:19 214:15,20,24 216:13 240:6 240:20 contours 169:14 169:22,23 170:1,4 200:11 203:17,24 204:1,2 238:21 240:13 contract 257:15 contrary 192:10 controversy 155:5 conversation 161:23 164:2 conversations 167:3 254:6 copies 255:24 copy 238:25 corner 168:15 172:13 173:7 180:12 corporation 140:8 correct 146:16 146:19 147:2 148:2,14 150:17,22,23 151:7,16,17,20 152:1,5,10,13 155:10,11,13 155:17,23 157:3,22 158:9 158:18,22,23 159:18 160:5,9 160:12,18 161:10,13 163:12,24 164:23 165:9 165:17,23	166:11,25 167:2,11,20 168:3,7,8,12 168:19,20 169:20,21,23 169:24 170:5 170:18,23 171:2,11,15,17 171:20 172:17 172:22,23 173:15,16,25 174:22 175:10 175:19,20,24 175:25 176:9 177:8,9,10,25 179:7,10,25 180:1,19,20,24 181:2,17,19 186:4,6 187:8 189:6,7 190:21 190:25 195:17 195:24,25 196:2,11,12,18 196:19,22 197:2,11,14 198:8 199:4 200:20 202:3,7 202:8,15,16,20 202:24 203:15 203:23,25 205:19,25 206:4,17 207:25 208:1 208:13,14 209:7,8 210:21 211:9,10,15,16 211:17,18,20 211:21,23,24 212:3,6,23,24 213:6,10,14,25 214:1,5,9,21 215:1,12,15,16 215:18,25 216:2,6,7,11	216:16,17,19 216:20,23,25 217:1,6,17,18 217:22,23 218:9,10 220:10 221:3 221:18,23 222:5,6,14,25 223:7,11 224:1 224:11,14,15 224:17,18 225:2,9,10,18 225:22,23 226:19,23,25 227:23,24 228:8,12,13 231:1,16,21,22 232:4,5,7,22 233:2 234:1,2 234:5,6,23 235:1,3,4,10 235:17,21,24 236:13,24 237:1,2,23,24 238:15,16,18 238:19 239:4 239:13,14 240:10,13,16 240:19,21 241:8 242:4,5 242:20,25 243:15,22 244:15,16,18 245:1,2,9,22 245:23 246:3 246:12,15,20 246:21 247:4,5 247:17 248:11 248:18 249:1,2 249:7,19 250:4 250:15,25 251:17 252:22 253:7,14,15 254:12,15	correcting 145:10 correctly 159:10 241:11 corresponded 167:12 correspondence 168:10 254:10 corroborate 183:4 corroborated 242:23 cost 153:21 208:3 221:1 costs 153:23 counsel 182:18 194:19 County 202:20 204:18 216:14 221:7,8 257:3 257:22 couple 146:12 166:16 255:2 course 182:24 Court 140:1 150:20 210:17 cover 185:21 create 146:11,25 177:17 236:24 253:22 created 179:22 220:12 221:25 242:8 250:21 Cronkhite 141:3 142:4,8 144:12 144:17 145:6 145:10,14 146:10 147:3 149:1 150:15 151:13,22 152:4 153:6,10 153:20,23 154:6,9,12,14 154:15,17,22
---	--	--	--	--

Michael Darga
3/13/2019

Page 262

155:7 159:23	241:25 242:15	date 152:3,6	146:15 147:4	developments
160:3,16,21	243:5,12,23	166:21 178:17	147:11 151:7	247:8,9
162:23 163:4	244:10,21	193:2 242:23	152:12,17,22	deviated 245:11
165:14 166:1,4	245:17 246:6	dated 163:5	158:25 160:23	diagram 240:4
166:7 168:16	247:18 248:15	190:20 209:5	181:13 194:20	differences
169:2,4,6	250:9,19 251:8	211:17 216:4	202:18 207:1	230:12
170:8 171:18	251:11,12	226:9	210:20 216:12	different 170:11
172:6,20	252:2,8,10,18	Dave 163:18,22	231:7 253:1	174:22 175:7
173:13,22,23	252:25 253:11	234:10	256:2 257:10	175:14 176:7
174:8,13,19	253:19,21	David 160:4	Description	210:22
175:5,11,17	254:3,25	day 152:12,21	143:4	differing 231:15
177:3,4,16,21	255:20,23	158:24 181:1	design 143:9	difficult 229:5
178:3,5,13,24	256:1	181:12 218:21	151:4,5,14,19	direct 219:7,10
179:5,13	cross 186:12	253:1	153:5,6,9,10	219:18 225:3
180:25 182:4	212:21 253:23	days 146:12	194:6,8,12,20	225:21 253:12
182:14,21	CSR 140:20	166:16	194:24 195:15	253:23
183:10,14,18	CSR-4045	deal 252:22	196:5,7,8	directed 154:12
183:21 184:1,6	257:21	deals 226:24	197:16 198:2	179:3 223:1
184:9,10,23	CT 144:11	decision 244:5	198:18 199:20	254:1
185:10,22	culvert 226:21	deduce 246:17	209:10 218:3,5	direction 239:18
186:10,13,17	228:1 254:12	Defendant 141:7	225:4 232:2,19	directly 245:8
189:5 191:6,25	culvert's 227:1	Defendants	232:20 235:8	dirt 224:10
192:9,21,22	curious 229:11	140:13 141:11	236:11 247:6	disagreements
193:16 195:19	current 180:6	185:19	designed 222:12	229:21
197:1,10	214:24	deficiencies	225:6	discovery 154:3
198:14 199:2	currently	229:25 231:20	despite 154:23	184:7
200:9,16,18,24	239:12	deficiency 235:3	detached 247:15	discuss 153:23
201:18 202:17		Definitely	detailed 203:21	166:9 254:21
202:23 204:14	D	255:18	detention	discussed 165:4
205:6,14	D 140:9 142:1	DEGRAZIA	227:19	165:15 167:25
207:16 209:6	143:1 144:11	141:9	determination	180:2
210:5,7,10,12	231:10	demonstrate	230:22	discussing 165:8
212:11 214:22	daily 229:18,24	217:17	determine	dismissed
215:13 217:4	damage 168:5	department	187:18 188:13	160:10
220:2 221:11	180:14	192:13 245:16	199:24 200:2	displaced
223:20 225:11	damaged 168:4	depicted 171:15	209:12 214:24	213:20
229:10,13	Darga 140:15	185:14 197:9	220:11,20	disposed 153:4
231:11 232:14	141:15 142:3	241:19	221:2,16,25	distance 179:15
232:24,25	144:8,13	deposed 146:18	determined	DISTRICT
233:12 235:6	185:18 187:1	deposited	151:18	140:1,2
235:14 236:3,7	196:7 201:23	198:13	determining	disturb 175:2
236:16 238:12	208:2 214:18	deposition	179:21	disturbance
239:22 240:2	217:13 231:12	140:15 143:6	development	174:5,10
241:12,15,16	255:6 257:7,11	145:24 146:5	195:5	178:15 224:4

Michael Darga
3/13/2019

Page 263

disturbed 173:7 173:24 174:1 178:19 215:6,9	219:7 DONALD 140:9 downhill 230:16	157:13,18,22 158:12 159:25 162:8 168:19 180:17 196:6 202:11 206:24 212:21 213:1,2 213:8 218:12 226:13,24 227:1,8,11,25 232:16 235:13 239:2 251:14 251:20 252:19 253:6	effort 226:5 eight 149:20 either 224:24 239:17 electronic 147:4 147:7,8,25 148:5 152:18 electronically 152:19 elevated 172:10 177:25 184:20 185:2 elevating 213:1 213:8 elevation 159:24 160:4 171:14 172:1 173:20 174:4,9,14 178:18 185:14 196:10,15,16 201:12 202:24 204:6,6,21 205:4,11 234:1 237:18,19 239:3,4,8,12 240:6,9,13,25 241:2,19 243:14 246:14 248:10 249:1 249:15 elevations 171:19 172:16 188:6 196:17 196:21 197:9 197:13 202:10 203:2,4,14,16 204:19 214:20 214:24 221:8 234:19 239:2 240:24 246:10 250:13 elicit 186:21 Elowsky 165:2,3 166:9 167:1,4	168:1 206:19 219:18 222:21 253:12 254:4 email 158:14 159:4,5,8 163:5,11,14,17 163:22 164:3 167:18,21 168:9 176:18 176:20,21,25 180:13 191:21 191:25 216:2,4 216:9,15 248:23,25 249:23 252:14 254:10 emailed 191:19 emails 143:10 167:10 employee 257:13,14 engineer 172:20 175:8 183:22 186:3,7 187:7 188:13,18 198:5 205:10 207:21 208:12 209:13 220:17 221:13 223:17 229:17 231:18 250:21 engineering 143:9 151:4,5 151:14,19 185:15 186:5 187:14 189:14 194:12 197:16 197:25 198:2 199:24 204:20 209:9,21 212:4 213:12,19 217:13,16,25 218:3,18 219:3 219:11,16
DIVISION 140:3 document 144:18 145:15 146:11 147:7,8 178:1 182:23 232:25 236:20 236:23 238:8 238:12 documentation 171:25 documents 145:17,25 149:2,4,7,7,11 151:3 153:15 155:3 165:14 168:23 169:9 171:6,12 172:8 183:2,4,6,9,22 183:23 184:13 184:17,23,25 185:4,13 187:14 210:18 239:9,10 255:21 doing 154:23 203:5 220:17 235:15 236:10 236:12 252:15 dollars 155:1 208:6,9 221:2 Don 158:14 159:8 162:5,6 162:18,23,25 163:5,20,21,22 164:14,18,24 166:8 167:6,17 168:2 176:21 179:25 180:13 181:14 191:17	downward 240:21 drafted 163:11 198:24 199:21 drain 189:3 199:18 225:8,8 228:7 drainage 156:16 161:24 173:8,9 179:18 187:24 188:10 194:9 197:17 199:8 199:14,25 200:2,23 201:3 201:7,14,17,24 205:5,12 212:7 212:10 218:13 220:14,16 223:22 225:11 226:25 230:13 230:24 242:3 248:2 draining 172:12 172:13 242:24 drawing 209:4 246:1,2 drawings 153:5 153:6,9,10 163:9 209:15 237:4,6 drawn 214:16 241:10 drink 231:4 drive 155:16 driven 181:5 193:5 driveway 151:24 155:15 156:1 156:14,18,19 156:20,22,23 157:4,7,8,10	drove 181:3,13 duly 144:9 257:11 <hr/> E E 141:1,1,8 142:1,1 143:1 143:1 144:11 144:11 186:1 231:10,10,10 255:4,4 earlier 148:23 151:14 152:21 159:15 171:6 186:3 187:5 207:1 216:12 223:16 250:2 251:13 easier 150:11 easily 222:23 east 168:6 172:14 173:11 180:7 185:6 206:13 217:14 217:22 227:8 EASTERN 140:2 easy 221:6 EBI 190:21 education 205:10	effort 226:5 eight 149:20 either 224:24 239:17 electronic 147:4 147:7,8,25 148:5 152:18 electronically 152:19 elevated 172:10 177:25 184:20 185:2 elevating 213:1 213:8 elevation 159:24 160:4 171:14 172:1 173:20 174:4,9,14 178:18 185:14 196:10,15,16 201:12 202:24 204:6,6,21 205:4,11 234:1 237:18,19 239:3,4,8,12 240:6,9,13,25 241:2,19 243:14 246:14 248:10 249:1 249:15 elevations 171:19 172:16 188:6 196:17 196:21 197:9 197:13 202:10 203:2,4,14,16 204:19 214:20 214:24 221:8 234:19 239:2 240:24 246:10 250:13 elicit 186:21 Elowsky 165:2,3 166:9 167:1,4	

Michael Darga
3/13/2019

Page 264

220:20 228:14 229:18 230:4,9 231:13 232:1 232:20 233:16 235:8,10 236:11 247:6 engineers 224:22,22 229:19,22 230:1,13 ensure 226:16 227:25 entire 158:7 163:14 179:19 203:14 206:2 215:4 235:16 249:13 escape 226:17 especially 249:14 essentially 187:9 218:18 established 170:15,20 evaluate 186:8 199:18 212:5 evaluated 206:15 evaporated 227:20,21 eventually 164:22 everybody 255:25 evidence 161:6 171:19 172:1,8 185:13 exact 193:2 examination 142:4,6,8,10 186:12 examined 161:5 example 150:10 187:18 188:2	221:7 excavating 198:12 excavation 213:24 excavator 177:6 216:24 exercised 231:13 exhibit 143:4,5,6 143:7,8,9,10 143:11,12 144:15,16,23 145:3,5,7,13 145:24 146:8,9 146:10 147:19 148:3,6,20 149:14 150:8 150:13,14,16 151:11,12,20 152:16 155:10 157:13,24 160:22 161:9 163:3,5,15 165:16 167:19 169:13 170:21 171:10 175:22 175:23 176:1 177:1,3 182:20 182:22 190:18 190:19 191:21 192:3 194:20 195:10,14,18 195:20 196:4 196:13 197:7 199:23 200:6 202:9 203:1,5 203:9,11,22 204:1,7,9,18 204:20 205:18 205:21 208:24 208:25 209:3 209:12 210:6 210:18 211:11 214:6,10,19,25	215:10 216:1 216:14,15 218:2,5 223:16 223:24 225:3 236:21,23 237:4 238:3,8 238:10,11,13 238:22 239:1,6 239:6,7,16,17 239:20,22 240:3,12,25 241:8,17,17,20 244:23 245:24 245:25 246:10 246:19 247:7 248:22,25 exhibits 143:2 190:5 241:23 243:11 255:22 existed 212:18 existence 147:12 existing 169:14 170:1 195:7 197:17,21 200:11 212:10 213:14 232:17 234:15 exists 239:18 expect 197:13 experience 188:9 205:9 206:5 236:7 expertise 173:18 186:5 expires 257:23 extended 224:3 extensive 220:20 extent 161:23 206:2 extra 226:5 <hr/> F <hr/> fact 159:16 162:18 208:19	214:3 218:8,16 220:1 229:24 236:23 242:1,2 242:8 245:7 factor 220:15 failed 183:22 failure 225:7 fair 169:25 187:13,23 188:23 195:16 197:7 198:1 200:17 203:12 206:3,16 211:6 213:3 214:18 219:4 221:12 223:4 fall 156:12 157:8 familiar 181:23 far 190:6 228:21 254:17 feet 159:21,24 160:5 179:9 197:22 204:24 205:2,4,11 216:19 222:16 234:17,19 246:11,15 248:11 249:1 249:16 felt 235:8 figure 220:14 file 147:4,14 152:18 153:13 files 152:12,15 152:23 155:3 fill 148:18,19 149:24 151:1,2 155:8 156:7,11 158:6 159:23 187:18 189:3,3 189:21,25 190:24 191:4 193:18 194:10 196:2 198:11	198:12 199:18 199:18 206:6 211:2,12,13 213:12,21 214:3 215:2 217:25 224:9 filled 173:7 222:15 filling 159:20 215:7 244:4,13 filtration 226:14 final 155:19 209:16 financially 257:15 find 171:14,18 173:4 185:23 207:2 finding 220:16 firm 187:9 209:21 firms 230:9 first 146:3,5 147:10 152:7,8 152:11,21 181:1 190:23 191:15 192:25 196:9,15 204:5 211:11 226:10 242:19 244:17 245:18 255:11 five 148:16,22 149:19 flooding 212:15 212:18,22 224:2 225:9 226:11 234:11 242:20 floor 141:4 196:9,15 204:5 204:6 239:3 flow 180:7 201:13,14,17 202:2 227:8
---	--	--	--	---

Michael Darga
3/13/2019

Page 265

228:2 242:3,4 242:7 focused 165:8 165:12 fold 238:24 folks 168:21 169:7 follow 150:7 236:9 follow-up 207:5 249:23 followed 149:22 follows 144:9 forced 183:8 184:15 249:16 form 147:7,8 151:21 152:2 153:8 159:19 160:13,19 162:20 165:10 168:13 170:6 171:16 172:4 172:18 173:5 174:6,16,24 175:16 177:13 178:3,11,20 179:1,11 180:23 183:25 184:21 185:8 186:22 200:19 200:25 204:14 220:2 232:11 233:10 235:5 235:11,25 236:5,14 239:23 241:9 241:22 242:12 243:1,9,21 244:6,8,19 247:16 248:12 250:16 251:6 251:25 252:23 253:8,17 formal 162:22	189:20 formed 178:21 forth 144:24 207:8 234:9 235:7 253:13 forwarded 159:8 163:21 163:22 167:17 209:18,20 216:5 248:16 249:3 foundation 151:21 153:8 159:19 160:13 160:19 162:20 165:10 168:13 170:6 171:16 172:4,18 173:5 174:6,16,24 175:16 177:13 178:4,11,20 179:1 183:25 184:21 185:8 186:10 189:5 191:6 197:10 198:15 199:3 200:9,19,25 204:14 209:4,6 212:11 214:22 220:2 233:10 236:5,14 239:23 241:22 242:12 243:1,9 244:19 250:16 251:6,25 252:23 253:8 four 145:21,25 148:16,22 149:17,19 150:19 152:15 153:12,15 155:3,3,3 157:12,17,21 157:24 244:23	fourth 150:21 FRE 186:25 Friday 146:14 front 159:21 173:8 201:25 212:7 222:16 full 175:11 further 185:17 212:5 215:17 254:25 255:19 <hr/> G G 144:11 game 184:2 garage 196:15 general 160:24 generally 172:21 getting 149:5 159:22 168:15 182:10 GIS 143:12 171:9 220:18 238:13 give 186:15 given 173:17 176:3 208:23 233:8 Gleeson 141:12 147:1 148:24 153:3,18,21 154:4 160:1 165:11 174:25 177:2 183:12 183:16,20 184:8 198:16 210:9,11,16 230:19 231:3 232:11,23 241:14 244:6 245:12 250:17 252:17 255:21 255:24 go 144:17 146:1 153:22 165:11	173:10,12 174:25 189:20 190:5 193:11 198:16 210:2 211:8 220:16 220:17,20 232:18 234:22 240:22 245:15 250:2 goal 222:22 goes 173:11 230:15 going 144:15 145:6 151:11 153:17,18,19 154:1,13,15,19 154:22,24 156:12 158:12 159:17 160:25 163:10 164:6 164:11 179:2 183:19 184:1 185:21 186:20 198:21 212:21 215:3 217:21 223:24 225:5 227:3 228:1 234:10 238:7 240:7 242:1,3 242:7 249:11 Good 144:13,13 185:18 Google 221:7 gotcha 184:3 grade 148:19 149:24 151:1,2 155:8 156:8,11 158:7 172:12 177:6,8,14,24 178:8,22 187:19 189:4 189:21,25 190:24 191:4 193:18 194:11	194:14,14 196:2,25 197:3 200:7 202:5 204:12 205:24 206:6 211:2,12 211:13 213:14 215:2,24 216:18,25 217:8,25 224:9 246:11 grade's 173:7 grades 165:18 193:20 195:7,8 197:16,21 234:15,19 grading 148:18 157:7,10 179:6 180:6 186:9 194:23 195:6 195:11 198:21 199:13,18 203:5 206:2 214:7 219:24 220:5 225:6,16 227:7 244:4,13 247:7,8 250:12 Green 140:9 158:14 159:8 162:5,18,24 163:5,20,21,22 164:24 166:8 167:6,12,17 168:2 176:22 179:25 180:14 181:14 191:17 191:22 192:5 206:20 216:5 219:7 222:21 245:7,17 248:6 248:16 grid 197:22 234:16 ground 197:21 204:6,21
---	---	--	---	--

Michael Darga
3/13/2019

Page 266

234:16 243:20 guess 146:24 191:1 guys 165:8 185:11	handwritten 240:4 Hang 183:10 happen 176:13 happened 224:25 250:25 happening 168:11 happens 208:11 hard 152:23 hard-copy 153:15 HAUSER 141:3 head 157:11 hear 251:11 hell 232:12 HELLER 141:3 Hello 144:14 help 149:3 173:17 223:6 Hey 215:17 higher 204:9 246:11 Highland 182:3 182:4 Highway 140:17 141:4,13 Hills 141:10 hits 173:10 Hm-hmm 193:9 home 168:12,17 169:23,24 171:20 172:2,9 172:17,22 173:3,4 177:25 178:25 179:6,9 179:15 180:11 180:15,22 184:15,19 185:5 234:1 237:9 239:2,8 239:11 240:25 241:7,19 242:2 242:6,8,11	248:10 250:4 250:13 251:24 252:21 253:5 home's 237:11 homes 172:21 Hon 140:6 hoping 222:7,10 hour 231:7,8 256:3 house 159:21,24 160:25 161:1 161:22 168:6 168:15 172:12 173:9,9,10,11 178:23 197:7,8 199:25 200:3 200:14 201:12 201:25 202:1,6 202:12,13,15 204:3,4,6,13 204:21 214:4,8 214:19,25 216:10,22 217:10,12,21 222:15,15 224:19,25 225:12 226:4,6 228:10 239:18 239:25 240:4,7 240:9,12 241:1 247:12 249:15 249:22 251:17 houses 197:17 225:9 HRC 152:22 153:3,14 183:13 254:16 HRC's 148:6 254:21 Hubbell 187:9 hundred 197:22 234:19 hundreds 155:1 hypothetical	244:9 <hr/> I <hr/> idea 160:24 179:18,21 identically 148:7 identification 144:16 145:5 146:9 150:14 151:12 163:3 182:20 238:11 identified 146:5 157:13 171:8,9 232:6 233:5 234:4 identify 149:12 150:5,7 171:25 173:18 184:11 184:13 190:6 II 140:15 142:3 imagine 208:6 immaterial 253:5 impact 187:21 198:6,22 205:5 206:25 207:4 207:10,12 222:14 226:13 impacting 207:15 impedes 202:2 impediments 223:1 impeding 180:6 impervious 199:10 impose 234:8 253:12 impossible 243:12 impression 215:5,9 improve 223:9 226:16	improvement 157:3 221:14 250:24 improvements 156:10 194:9 209:23 210:1 226:12 in-between 170:16 171:7 253:2 inaccurate 159:18 160:10 176:1 inapplicable 244:9 inappropriate 229:15 include 165:18 169:23 226:20 included 156:5 161:9 194:15 194:25 195:2 218:2 222:9 230:7 232:3,21 254:12 includes 200:14 210:22 including 154:24 173:1 202:15 217:20 228:9 incomplete 206:1 inconsistent 217:3 Incorporated 190:21 increment 237:20,21,22 237:25 238:3 238:17 increments 237:17 239:15 239:16
--	--	--	--	---

Michael Darga
3/13/2019

Page 267

indicate 194:24 196:8,8 200:6 225:5	162:1,11	159:12 160:7	kept 152:23	226:2 239:11
indicated 146:18 162:25 173:20 196:23 218:8	inspection 155:19,19 179:14 210:2 218:17 219:22	161:6 167:23 172:3,6 175:6 185:12 200:5 205:18 231:14 233:4 234:5,25 235:9 236:19 248:2,6	KEVIN 141:12 kind 147:13 156:11 172:8 190:15,16 201:24 220:15 223:14 250:6	language 174:20 Lauri 140:20 257:21
indicates 173:2 216:10	instance 149:24 177:16 233:14 234:14 237:9 240:2 244:21 245:22	issues 162:15 206:10 212:5 224:5 249:7 250:10 251:15 251:16 252:20 252:22	knew 202:5 know 147:17 150:2,4 152:24 153:2 156:15 157:16,19 158:5 162:3,8 162:13 169:1 172:20 174:13 174:14,23 175:6 183:3 184:3,11 190:3 190:6 191:15 191:19 193:2 198:4,20 199:13 201:5,6 201:9,11,20 206:8 208:2 215:3 218:20 220:4 224:2 227:17 228:21 229:14 230:15 237:6 239:7 240:10 241:7 241:21 242:14 243:8,23,25 246:5,7 247:18 247:20,21,24 248:13,14,15 248:19 251:1,7 251:9 252:6 254:17	LaVanway 179:13 221:9 lawsuit 182:16 lay 173:17 209:3 leading 186:11 186:19,22,23 191:7 198:14 199:3 229:11 246:4
indication 211:25 227:18	insure 225:6	issuing 219:19 238:14 250:14	know 147:17 150:2,4 152:24 153:2 156:15 157:16,19 158:5 162:3,8 162:13 169:1 172:20 174:13 174:14,23 175:6 183:3 184:3,11 190:3 190:6 191:15 191:19 193:2 198:4,20 199:13 201:5,6 201:9,11,20 206:8 208:2 215:3 218:20 220:4 224:2 227:17 228:21 229:14 230:15 237:6 239:7 240:10 241:7 241:21 242:14 243:8,23,25 246:5,7 247:18 247:20,21,24 248:13,14,15 248:19 251:1,7 251:9 252:6 254:17	leave 222:19 leaves 255:25 leaving 222:11 left 218:16 legal 207:16 235:11 236:6
individual 140:4 140:4 162:1,11 247:10	interested 257:16	items 145:22,25 150:8 155:20 156:5 171:1 232:2,6	known 147:17 150:2,4 152:24 153:2 156:15 157:16,19 158:5 162:3,8 162:13 169:1 172:20 174:13 174:14,23 175:6 183:3 184:3,11 190:3 190:6 191:15 191:19 193:2 198:4,20 199:13 201:5,6 201:9,11,20 206:8 208:2 215:3 218:20 220:4 224:2 227:17 228:21 229:14 230:15 237:6 239:7 240:10 241:7 241:21 242:14 243:8,23,25 246:5,7 247:18 247:20,21,24 248:13,14,15 248:19 251:1,7 251:9 252:6 254:17	legitimate 230:12
industrial 235:23 236:13	internally 238:13	issuing 219:19 238:14 250:14	known 147:17 150:2,4 152:24 153:2 156:15 157:16,19 158:5 162:3,8 162:13 169:1 172:20 174:13 174:14,23 175:6 183:3 184:3,11 190:3 190:6 191:15 191:19 193:2 198:4,20 199:13 201:5,6 201:9,11,20 206:8 208:2 215:3 218:20 220:4 224:2 227:17 228:21 229:14 230:15 237:6 239:7 240:10 241:7 241:21 242:14 243:8,23,25 246:5,7 247:18 247:20,21,24 248:13,14,15 248:19 251:1,7 251:9 252:6 254:17	let's 145:25 146:8 150:12 162:6 192:2 227:5 232:18
infer 246:17	interpret 234:18	issued 144:22 151:25 158:17	known 147:17 150:2,4 152:24 153:2 156:15 157:16,19 158:5 162:3,8 162:13 169:1 172:20 174:13 174:14,23 175:6 183:3 184:3,11 190:3 190:6 191:15 191:19 193:2 198:4,20 199:13 201:5,6 201:9,11,20 206:8 208:2 215:3 218:20 220:4 224:2 227:17 228:21 229:14 230:15 237:6 239:7 240:10 241:7 241:21 242:14 243:8,23,25 246:5,7 247:18 247:20,21,24 248:13,14,15 248:19 251:1,7 251:9 252:6 254:17	letter 143:5 144:25 145:3 150:9 152:1,7 155:8,18,19 156:4,17,25 158:17 159:7 159:13 160:8 162:16,19,24 165:23 166:1,2 167:23 168:22 169:1,8,12 170:9,17,17 171:7,8 172:3 172:7 173:15 174:20 175:6 176:5,15 180:5 181:18 185:12 190:19 192:25 193:4,20
infiltrated 227:21,22	interrogatories 143:11	items 145:22,25 150:8 155:20 156:5 171:1 232:2,6	known 147:17 150:2,4 152:24 153:2 156:15 157:16,19 158:5 162:3,8 162:13 169:1 172:20 174:13 174:14,23 175:6 183:3 184:3,11 190:3 190:6 191:15 191:19 193:2 198:4,20 199:13 201:5,6 201:9,11,20 206:8 208:2 215:3 218:20 220:4 224:2 227:17 228:21 229:14 230:15 237:6 239:7 240:10 241:7 241:21 242:14 243:8,23,25 246:5,7 247:18 247:20,21,24 248:13,14,15 248:19 251:1,7 251:9 252:6 254:17	legal 207:16 235:11 236:6
information 151:24 158:15 160:11,14,15 160:16 161:21 163:2 171:3,4 171:23 173:1 173:14 174:17 175:1,3 176:3 176:8 179:14 182:15 187:17 189:11,11 194:2 198:3 201:21 208:23 209:20 221:5,8 231:25 233:13 233:18 234:7 241:24 253:4	interrupted 245:11	issued 144:22 151:25 158:17	known 147:17 150:2,4 152:24 153:2 156:15 157:16,19 158:5 162:3,8 162:13 169:1 172:20 174:13 174:14,23 175:6 183:3 184:3,11 190:3 190:6 191:15 191:19 193:2 198:4,20 199:13 201:5,6 201:9,11,20 206:8 208:2 215:3 218:20 220:4 224:2 227:17 228:21 229:14 230:15 237:6 239:7 240:10 241:7 241:21 242:14 243:8,23,25 246:5,7 247:18 247:20,21,24 248:13,14,15 248:19 251:1,7 251:9 252:6 254:17	legitimate 230:12
informed 253:6	intervals 203:17 203:19,20	issued 144:22 151:25 158:17	known 147:17 150:2,4 152:24 153:2 156:15 157:16,19 158:5 162:3,8 162:13 169:1 172:20 174:13 174:14,23 175:6 183:3 184:3,11 190:3 190:6 191:15 191:19 193:2 198:4,20 199:13 201:5,6 201:9,11,20 206:8 208:2 215:3 218:20 220:4 224:2 227:17 228:21 229:14 230:15 237:6 239:7 240:10 241:7 241:21 242:14 243:8,23,25 246:5,7 247:18 247:20,21,24 248:13,14,15 248:19 251:1,7 251:9 252:6 254:17	let's 145:25 146:8 150:12 162:6 192:2 227:5 232:18
initial 192:25 196:23 200:5 211:15,22 212:1 213:17	involved 148:17 151:1 157:9,13 157:22 164:16 181:14 189:18 189:22 245:3 245:18 252:17	issued 144:22 151:25 158:17	known 147:17 150:2,4 152:24 153:2 156:15 157:16,19 158:5 162:3,8 162:13 169:1 172:20 174:13 174:14,23 175:6 183:3 184:3,11 190:3 190:6 191:15 191:19 193:2 198:4,20 199:13 201:5,6 201:9,11,20 206:8 208:2 215:3 218:20 220:4 224:2 227:17 228:21 229:14 230:15 237:6 239:7 240:10 241:7 241:21 242:14 243:8,23,25 246:5,7 247:18 247:20,21,24 248:13,14,15 248:19 251:1,7 251:9 252:6 254:17	letter 143:5 144:25 145:3 150:9 152:1,7 155:8,18,19 156:4,17,25 158:17 159:7 159:13 160:8 162:16,19,24 165:23 166:1,2 167:23 168:22 169:1,8,12 170:9,17,17 171:7,8 172:3 172:7 173:15 174:20 175:6 176:5,15 180:5 181:18 185:12 190:19 192:25 193:4,20
initially 190:7 192:4 198:9 206:15	involvement 191:3	issued 144:22 151:25 158:17	known 147:17 150:2,4 152:24 153:2 156:15 157:16,19 158:5 162:3,8 162:13 169:1 172:20 174:13 174:14,23 175:6 183:3 184:3,11 190:3 190:6 191:15 191:19 193:2 198:4,20 199:13 201:5,6 201:9,11,20 206:8 208:2 215:3 218:20 220:4 224:2 227:17 228:21 229:14 230:15 237:6 239:7 240:10 241:7 241:21 242:14 243:8,23,25 246:5,7 247:18 247:20,21,24 248:13,14,15 248:19 251:1,7 251:9 252:6 254:17	let's 145:25 146:8 150:12 162:6 192:2 227:5 232:18
initiated 161:17	involving 157:18	issued 144:22 151:25 158:17	known 147:17 150:2,4 152:24 153:2 156:15 157:16,19 158:5 162:3,8 162:13 169:1 172:20 174:13 174:14,23 175:6 183:3 184:3,11 190:3 190:6 191:15 191:19 193:2 198:4,20 199:13 201:5,6 201:9,11,20 206:8 208:2 215:3 218:20 220:4 224:2 227:17 228:21 229:14 230:15 237:6 239:7 240:10 241:7 241:21 242:14 243:8,23,25 246:5,7 247:18 247:20,21,24 248:13,14,15 248:19 251:1,7 251:9 252:6 254:17	letter 143:5 144:25 145:3 150:9 152:1,7 155:8,18,19 156:4,17,25 158:17 159:7 159:13 160:8 162:16,19,24 165:23 166:1,2 167:23 168:22 169:1,8,12 170:9,17,17 171:7,8 172:3 172:7 173:15 174:20 175:6 176:5,15 180:5 181:18 185:12 190:19 192:25 193:4,20
	issuance 169:7 244:12	issued 144:22 151:25 158:17	known 147:17 150:2,4 152:24 153:2 156:15 157:16,19 158:5 162:3,8 162:13 169:1 172:20 174:13 174:14,23 175:6 183:3 184:3,11 190:3 190:6 191:15 191:19 193:2 198:4,20 199:13 201:5,6 201:9,11,20 206:8 208:2 215:3 218:20 220:4 224:2 227:17 228:21 229:14 230:15 237:6 239:7 240:10 241:7 241:21 242:14 243:8,23,25 246:5,7 247:18 247:20,21,24 248:13,14,15 248:19 251:1,7 251:9 252:6 254:17	let's 145:25 146:8 150:12 162:6 192:2 227:5 232:18
	issue 159:6 171:21 180:21 190:24 193:20 194:15 195:23 196:20 203:12 206:5,8 213:19 218:13 226:20 254:5	issued 144:22 151:25 158:17	known 147:17 150:2,4 152:24 153:2 156:15 157:16,19 158:5 162:3,8 162:13 169:1 172:20 174:13 174:14,23 175:6 183:3 184:3,11 190:3 190:6 191:15 191:19 193:2 198:4,20 199:13 201:5,6 201:9,11,20 206:8 208:2 215:3 218:20 220:4 224:2 227:17 228:21 229:14 230:15 237:6 239:7 240:10 241:7 241:21 242:14 243:8,23,25 246:5,7 247:18 247:20,21,24 248:13,14,15 248:19 251:1,7 251:9 252:6 254:17	let's 145:25 146:8 150:12 162:6 192:2 227:5 232:18
	issued 144:22 151:25 158:17	issued 144:22 151:25 158:17	known 147:17 150:2,4 152:24 153:2 156:15 157:16,19 158:5 162:3,8 162:13 169:1 172:20 174:13 174:14,23 175:6 183:3 184:3,11 190:3 190:6 191:15 191:19 193:2 198:4,20 199:13 201:5,6 201:9,11,20 206:8 208:2 215:3 218:20 220:4 224:2 227:17 228:21 229:14 230:15 237:6 239:7 240:10 241:7 241:21 242:14 243:8,23,25 246:5,7 247:18 247:20,21,24 248:13,14,15 248:19 251:1,7 251:9 252:6 254:17	let's 145:25 146:8 150:12 162:6 192:2 227:5 232:18
	issued 144:22 151:25 158:17	issued 144:22 151:25 158:17	known 147:17 150:2,4 152:24 153:2 156:15 157:16,19 158:5 162:3,8 162:13 169:1 172:20 174:13 174:14,23 175:6 183:3 184:3,11 190:3 190:6 191:15 191:19 193:2 198:4,20 199:13 201:5,6 201:9,11,20 206:8 208:2 215:3 218:20 220:4 224:2 227:17 228:21 229:14 230:15 237:6 239:7 240:10 241:7 241:21 242:14 243:8,23,25 246:5,7 247:18 247:20,21,24 248:13,14,15 248:19 251:1,7 251:9 252:6 254:17	let's 145:25 146:8 150:12 162:6 192:2 227:5 232:18
	issued 144:22 151:25 158:17	issued 144:22 151:25 158:17	known 147:17 150:2,4 152:24 153:2 156:15 157:16,19 158:5 162:3,8 162:13 169:1 172:20 174:13 174:14,23 175:6 183:3 184:3,11 190:3 190:6 191:15 191:19 193:2 198:4,20 199:13 201:5,6 201:9,11,20 206:8 208:2 215:3 218:20 220:4 224:2 227:17 228:21 229:14 230:15 237:6 239:7 240:10 241:7 241:21 242:14 243:8,23,25 246:5,7 247:18 247:20,21,24 248:13,14,15 248:19 251:1,7 251:9 252:6 254:17	let's 145:25 146:8 150:12 162:6 192:2 227:5 232:18
	issued 144:22 151:25 158:17	issued 144:22 151:25 158:17	known 147:17 150:2,4 152:24 153:2 156:15 157:16,19 158:5 162:3,8 162:13 169:1 172:20 174:13 174:14,23 175:6 183:3 184:3,11 190:3 190:6 191:15 191:19 193:2 198:4,20 199:13 201:5,6 201:9,11,20 206:8 208:2 215:3 218:20 220:4 224:2 227:17 228:21 229:14 230:15 237:6 239:7 240:10 241:7 241:21 242:14 243:8,23,25 246:5,7 247:18 247:20,21,24 248:13,14,15 248:19 251:1,7 251:9 252:6 254:17	let's 145:25 146:8 150:12 162:6 192:2 227:5 232:18
	issued 144:22 151:25 158:17	issued 144:22 151:25 158:17	known 147:17 150:2,4 152:24 153:2 156:15 157:16,19 158:5 162:3,8 162:13 169:1 172:20 174:13 174:14,23 175:6 183:3 184:3,11 190:3 190:6 191:15 191:19 193:2 198:4,20 199:13 201:5,6 201:9,11,20 206:8 208:2 215:3 218:20 220:4 224:2 227:17 228:21 229:14 230:15 237:6 239:7 240:10 241:7 241:21 242:14 243:8,23,25 246:5,7 247:18 247:20,21,24 248:13,14,15 248:19 251:1,7 251:9 252:6 254:17	let's 145:25 146:8 150:12 162:6 192:2 227:5 232:18

Michael Darga
3/13/2019

Page 268

196:23 200:5,6 205:18,20,21 206:6,8 207:6 207:7 208:2,5 208:13,19,20 209:18 211:15 215:23 216:1 219:15,19 220:1 226:9,15 228:6,16 231:16 233:4 233:19,20,21 234:5,8 235:1 235:9 236:20 238:15 242:18 242:19 244:25 248:3,6 250:1 250:4,15 253:3 253:13 254:5 254:14 255:7	148:5,6,9 149:8 150:6 159:9 litigation 165:4 254:18 little 163:7 185:23 live 182:1,8 located 168:19 202:6 location 152:22 161:1 213:4 239:25 240:11 look 145:15 149:6 153:14 154:11 182:23 187:17 190:2 211:8 238:5,24 248:22,22 250:11	201:25 213:9 228:1 lowest 227:13 <hr/> M M 144:11 186:1 231:10 255:4 Maccabees 141:14 Macomb 257:3 257:22 MADDIN 141:3 mail 191:14 192:12 193:19 main 162:5 223:19 maintain 181:20 Mamo 160:4 163:18,23 168:4,10 180:13 183:1,5 201:4 222:24 234:10 242:17 242:19 246:3 246:12,19 248:9	171:25 179:19 202:19 220:18 220:24 238:13 238:24 maps 172:8 185:13 202:19 219:23 220:6 239:19,25 March 140:16 144:1 Marianne 140:6 mark 144:15 146:8 148:20 150:12 151:11 238:7,9 marked 144:16 145:3,5,7,24 146:9 147:19 150:14 151:12 151:19 163:3 175:21,23 182:20,22 190:18,19 194:20 195:10 195:18 196:4 202:9 208:24 214:6 236:20 236:23 238:11 238:12 244:22 246:3 247:6 255:22	163:7 164:2,7 164:11 166:8 166:18,22 168:2 179:24 206:19 222:21 mean 147:5,14 147:22 149:4 156:10 157:6 160:25 162:5 165:21 169:4 189:11 190:14 198:3 208:7,22 223:12 226:3,4 230:15 232:12 233:15 234:18 235:6 236:8 240:9 245:14 246:24 251:19 meaning 174:22 means 168:5 242:6 meant 169:4 181:8,11 meet 164:19 167:6 196:5 meeting 161:20 162:7 163:8,10 164:7,12,13,16 164:22,25 165:4,6,15,21 166:8,19,24 167:7 168:1,21 168:25 169:7 179:24 180:3 206:10,19,22 207:2 218:22 218:24,24,25 219:2 222:20 222:22 254:8 255:16 meetings 166:18 166:21 member 245:4 mention 190:9
letters 143:8 149:17,21,23 150:6,15,18,24 152:19 155:10 171:2 208:22 210:14,15 211:9 244:22 letting 252:6 levels 171:15 172:1 181:23 185:14 234:1 243:14 line 149:22 185:7 197:23 234:18,20 240:6,6 lined 239:19 lines 197:13 214:16 216:13 240:20 list 143:7 146:3 146:19,20,25 147:1,11,13,18 147:18,25	looked 165:17 170:20 171:3 198:9 202:19 211:5 213:16 220:5 looking 150:18 155:2 163:8 164:15 166:14 176:12 187:13 188:12 189:2 215:2 232:16 236:11 239:6,7 240:5,19 243:10 looks 149:20,21 150:16,18 173:6 174:12 178:9 lot 153:21 182:10 188:3 189:19 191:8 238:9 lots 247:10 low 180:8	Mamo's 159:16 167:18,21,25 243:7 248:1,5 248:17,25 249:5 250:3 Mamos 217:22 226:13 Mamos' 179:10 179:16 226:2 226:11,17 227:2 234:22 242:25 manner 148:10 map 143:12 160:21,22 161:9 165:16 165:20 170:20 171:10,14,18	175:21,23 182:20,22 190:18,19 194:20 195:10 195:18 196:4 202:9 208:24 214:6 236:20 236:23 238:11 238:12 244:22 246:3 247:6 255:22 match 149:8 150:8,9 155:21 matches 148:5,6 material 185:5 198:11,12 213:12,21 214:3 materials 170:10 171:1 175:12 matter 254:19 Mazzara 161:12 161:25 162:11	

Michael Darga
3/13/2019

Page 269

228:20 229:1 mentioned 165:6 193:5 194:5 207:1 method 149:21 150:5,7 Michael 140:15 141:15 142:3 144:8 257:7,11 Michigan 140:2 140:8,17 141:4 141:10,14 144:2 181:21 181:24 257:1 257:22 middle 175:4 204:4 248:23 Milford 140:8,9 140:10,12 144:22 145:12 146:4,21 147:15 148:17 150:25 151:5,9 152:13 155:13 158:24 162:1 162:14 167:15 177:24 182:14 182:17 183:13 187:5 188:20 189:24 190:20 191:11 194:5 195:11,14 197:15 198:1 198:25 206:5 209:9 210:23 217:19 218:3 221:19 231:19 232:1,20 242:10,11 245:4,5 247:9 247:23 249:20 252:3 253:2 254:16,18,22 Milford's 235:8	minimum 197:22 234:17 misrepresenta... 218:9 missing 174:2 253:3,4 mistake 231:23 modified 158:12 moment 178:14 money 153:21 morning 144:13 185:18 move 186:14,21 229:13 moves 173:10 multi-unit 236:16 multiple 208:22 210:14 232:21 municipal 140:8 municipalities 187:10 189:16 198:19 231:19 <hr/> N N 141:1 142:1,1 143:1 144:11 144:11,11,11 144:11 186:1,1 231:10,10 255:4,4 name 149:23 150:2,4,9,9 165:6 185:18 190:16 228:20 228:21 natural 227:19 naturally 227:12 nauseam 233:25 necessarily 240:20 242:3 249:10 necessary 232:10 233:8	233:13,17 need 148:25 154:20 162:7 193:11 194:15 195:7 198:4 228:2 needed 165:13 207:8 213:21 222:17,18 232:6 needs 191:12 194:17 negatively 207:15,24 217:14 255:17 neighbor 201:6 206:25 222:10 neighbor's 162:9 172:14 neighboring 175:3 179:8 222:4 225:17 Nelson 209:4 224:23 246:1 never 174:17 181:1,3 232:6 243:4 new 146:25 249:15 254:5 nine 149:20 184:8 Nope 190:10 normally 199:17 217:24 north 168:6,11 168:12,14,16 169:23 171:19 172:2,9,16 180:10,10,15 180:21 196:21 197:8 200:3,8 200:14 202:10 202:12,13 213:14 214:8	214:15,19,25 220:8 223:24 224:25 225:1 227:1 228:12 234:1 239:2 250:3 251:16 251:24 252:21 253:5 northeast 168:14 172:13 173:6 180:12 226:5 northern 217:20 226:1 230:24 251:16 Northwestern 140:16 141:4 141:13 Notary 257:22 notation 190:23 246:10 notations 246:6 246:7 note 200:10 211:12 215:23 noted 169:13 200:22 notice 140:18 143:6 145:24 230:19 noting 198:10 November 173:19 179:14 number 147:5 147:13,18 155:15,23,24 155:25 185:20 230:3 232:2 numbers 149:9 <hr/> O O 140:6 144:11 144:11 186:1,1 231:10 255:4,4	O'CONNOR 141:9,9 Oakland 202:20 204:18 216:14 221:7,7 object 154:1 232:11 244:6 objected 255:12 objecting 255:8 objection 151:21 152:2 153:8 154:7,10,20,21 159:19 160:13 160:19 162:20 165:10 168:13 170:6 171:16 172:4,18 173:5 174:6,11,16,24 175:9,16 177:11,20 178:1,3,11,20 179:1,11 180:23 182:2 182:12 183:11 183:25 184:21 185:8 186:10 186:14,16,23 189:5 191:6,25 192:9 193:16 197:1,10 198:14 199:2 200:9,16,18,24 201:19 204:14 205:6,14 207:16 209:6 212:11 214:22 215:13 217:4 220:2 233:10 235:5,11,25 236:5,6,14 239:21,23 241:9,22 242:12 243:1,9 243:21 244:19
---	---	--	--	--

Michael Darga
3/13/2019

246:4 247:16 248:12 250:5 250:16 251:6 251:25 252:7 252:23 253:8 253:17 254:23 objections 154:23 255:16 observations 217:3 obtain 152:17 obtained 221:6 occasion 229:21 occasions 230:4 occur 165:21 191:4 215:3 occurred 166:10 166:13 167:8 168:5 174:4,9 212:15,22 219:25 occurrence 208:21 occurring 251:24 occurs 188:9 207:23 225:7 225:13 October 144:22 144:25 145:2 145:11 166:3,4 166:4,11,14,15 167:8,23 168:21,22,25 169:1,6,8 170:8,17 171:8 172:3,7 173:15 174:20 175:6 176:5,15 180:5 185:12 207:7 208:3,21 219:15 223:8 226:10 228:15 231:14 233:21	233:22 236:19 253:3,13 254:8 off-site 152:22 office 157:5 181:20 official 140:10 140:11 Oh 181:7 210:16 223:18 238:24 okay 145:2,6,17 145:19 146:13 146:24 147:10 147:16,21 148:9,13,15,20 150:24 152:18 153:14,17 154:19 155:2 155:12,22 156:1,21 163:20 164:2 164:24 167:10 167:21,25 168:16 169:2 169:22 172:15 174:3,19 175:21 176:1,5 177:21 179:18 181:10,12 183:18 184:17 188:23 189:14 189:24 191:15 191:21 192:2 193:5 195:9,14 197:4,12 198:4 199:10,23 201:22 203:22 204:5,9 207:19 208:9,11 210:16 212:17 215:23 218:5 218:16 219:7 220:19 221:16 223:18,23 224:6 225:16	226:7,15,20 227:5,11,15 228:9,20 229:16 230:3 230:17 231:23 232:6,9,18 233:3,12 234:7 234:14,22,25 236:19 237:6 237:15 238:5,7 238:17,20,24 238:25 239:4 239:15 240:15 240:25 241:5 241:25 242:6 242:10,15,23 243:7,23 244:1 244:17,21 246:10,14,17 246:21,23 247:25 248:9 248:22,24 249:5,12,25 250:19 251:12 253:11 254:10 255:19 old 153:2 omits 214:20 on-site 152:18 199:15 201:14 218:25 219:2 once 206:5 one's 252:15 one-foot 203:19 203:20 237:17 237:18,19,20 237:21,21,25 238:3 one-size-fits-all 189:1 onset 245:9 opened 147:15 opinion 201:22 230:12	opportunity 211:8 224:17 order 148:13 207:9 227:25 ordered 148:9 original 232:3 originally 170:12 175:14 176:7,16 outlet 227:15,19 outside 160:18 234:20 overflow 225:7 overland 225:8 owned 217:22 owner 150:1 190:3,6 192:17 207:4 222:5 225:17 228:21 owner's 149:23 158:10 owners 157:25 225:22	part 156:9,18 159:15 160:22 161:9 170:21 171:10 174:4 177:1 178:24 180:2 187:11 191:21 200:8 206:1 208:25 216:1 220:8 223:8 226:10 226:15 231:18 particular 148:9 186:5 188:2 194:14 213:21 219:19 225:24 party 257:14,15 257:15 pattern 197:22 234:17 patterns 188:10 PATTON 141:13 paved 155:16 paving 157:4,7 194:9 pay 153:18 154:4 PC 141:13 Pearson 168:7 190:11 195:23 201:13 206:12 212:8 213:6,13 228:23 pen 148:24 perfect 240:21 perfectly 239:19 period 153:4 permit 148:18 148:19 151:2 156:8 158:7 165:18 187:19 189:4 190:24 191:4 193:18 194:11 195:11
--	--	---	--	---

Michael Darga
3/13/2019

Page 271

196:2 199:13 206:6 211:12 215:3 217:25 224:9 244:4,13 244:17 permit's 244:14 permits 189:15 189:21,25 199:18 208:12 person 173:17 personal 140:9 140:11 perspective 213:19 217:13 228:14 phone 161:15 162:15 167:10 252:5 photographs 212:14 pick 223:22 picking 252:5 picture 221:10 pictures 163:9 164:15 223:13 223:15 243:3 pipe 228:2,7 place 168:1 placed 199:7 201:13,16 204:3,13 213:13 214:3 228:2 237:10 placement 217:12 227:25 228:10 237:9 241:1 Plaintiff 140:5 141:2 Plaintiff's 194:19 Plaintiffs 141:6 plan 146:3 148:16 150:17	151:15,18 152:13 155:18 155:21 156:11 157:7,25 158:4 158:8,17 161:3 161:5 162:2 163:1 165:13 165:16,19 169:10,14,19 169:20,22 170:1,5,23 171:5,9,15 175:23 176:14 176:17 181:11 181:16 185:15 187:12 189:19 189:21 194:16 194:25 195:6 195:21 196:4 196:20 197:25 198:9,17 199:23 200:3 200:23 201:3 202:9 203:5 206:1 208:13 208:15 212:1,1 213:12,23 214:2,6,16 215:10 225:6 231:20,24 232:3,22 233:24 235:15 235:24 236:11 239:1 242:10 245:19 247:2,7 247:8 248:20 249:10,21 251:20 253:4 254:12,20 plan-approved 200:12 plans 151:23 156:5,6,7 157:6 161:22	164:15 168:24 190:15 192:12 193:19 196:11 202:23 211:23 212:2 220:5 221:14 224:19 224:23 226:20 229:18 230:7 230:23 231:20 252:20 play 184:2 please 251:15 point 161:2,12 176:12 179:5 193:6 218:20 222:18 229:25 231:19 243:13 248:13 252:16 pointed 232:2 policy 153:3 portion 163:13 163:14 196:17 202:6 203:12 212:8 213:25 214:19 217:20 226:1 230:24 position 231:23 232:9 possession 160:11,17 221:4 236:21 possible 250:19 250:23 251:2,8 possibly 152:24 172:13 173:7 179:12 246:22 post 205:13 potential 205:5 230:13 pre 243:13 pre-elevation 243:18,19 precipitation 181:20,23	182:10 precisely 239:11 precondition 212:18 preconstruction 188:7,10 199:8 202:24 203:2 204:2 205:12 214:11,14 220:8 222:8 224:12 predevelopment 169:15,16 170:2,3,11 174:21 175:7 175:13,22 176:6 181:2 200:12,13 238:1 239:8,12 240:10 241:2 243:14 250:25 251:5 preexisting 146:18,20 147:4 201:14 212:24 227:22 preference 237:21 preferred 237:16 prepared 199:23 202:19 203:11 209:4,13 presented 170:12 175:14 176:7,8,16 pretty 150:17 153:2 161:23 165:19 173:22 221:6 230:18 240:1 previous 168:10 previously 145:3 148:15 175:21	190:19 194:5 194:19 195:18 199:11 202:18 248:3 251:21 primarily 198:10 213:16 print 147:23 printed 147:1 152:20 prior 191:8 210:14 230:4 257:10 privilege 253:18 probably 148:11 149:15 153:13 155:20 156:7 157:7,8 163:7 177:14 238:21 problem 161:24 201:5 212:7,10 219:3 230:14 problems 156:16 proceed 218:11 process 189:21 193:13 209:17 229:5 produce 183:22 produced 187:14 210:19 professional 229:19 prohibited 252:5 project 143:7 147:6 150:16 150:19,20 155:9 157:9 165:8 166:9 183:2 193:25 232:10 233:8 245:4 249:14 254:4 projects 146:21
--	---	--	--	--

Michael Darga
3/13/2019

Page 272

148:21,21,22	211:20 212:15	provided 160:15	186:19,24	reads 247:7
150:5,19	212:18 213:5	160:18 161:22	202:4,22	really 160:5
152:15 153:12	217:14,21	163:2 170:4	229:11 248:20	rear 168:18
153:15 155:4	219:20,23	171:4 174:18	255:1	173:8 177:6,8
157:12,18,21	220:8 222:5,13	175:8 184:13	quick 231:3	177:24 216:25
157:24 210:22	223:25 224:10	208:23 212:9	quicker 149:5	217:10,15
210:23 229:8	225:17,22,24	212:13 231:25	quotation	223:22
244:23	226:2,13,17,18	232:7 244:22	175:11	reason 157:15
proper 217:15	227:2,4,9,13	246:25	quote 144:21,21	178:7 198:24
properly 226:21	227:16 228:12	public 140:9	145:12,12	210:4 215:8
properties	228:21 234:11	255:16 257:22	155:17 156:6	225:19
189:20 195:11	234:17,20,23	purchased 188:4	164:7 168:7	recall 157:9
195:15 211:2	235:16 237:25	purpose 207:2	169:16 170:12	165:7 182:25
property 149:23	242:20,21,24	236:17	225:5 249:13	210:12 244:11
150:1,1 151:16	242:25 243:7	purposes 236:13	249:16	244:12,20
157:24 158:2	243:14 245:8	237:15 238:14		245:6,20,22
159:6,17 160:5	245:19 248:17	240:5	R	receive 234:7
161:13 162:9	249:6,16	pursuant 140:18	R 141:1 144:11	received 146:12
165:9 166:22	250:14,22,25	252:20	186:1 231:10	185:13 193:10
167:7,13 168:7	251:3,4,16	pushed 185:6	231:10 255:4,4	233:13,19
168:12,23	proportion	put 223:1	R.J 141:3 145:9	248:4
169:9,15 170:2	154:3	232:16 239:25	rain 182:10	receiving 208:25
172:9,14 173:2	proportional	putting 198:11	raise 162:15	recess 231:6
173:18,23	155:4		213:14 216:10	recognizing
175:3,24 176:2	proportionality	Q	216:22 227:7	240:3
176:4,9 177:5	154:2,25	question 157:20	250:13	recollection
177:18,23	proposed 151:15	160:1 162:10	raised 159:24	157:17,21
179:8,10,16	157:25 161:5	171:24 174:7	171:20 172:2	recommend
180:15 181:2,5	163:1 165:9	175:5 178:6	172:16 173:20	244:24,25
181:13 183:7,8	169:20 170:5	184:2,4 188:15	174:14 178:18	251:14,19
184:15,18,19	170:23 171:9	201:15 205:22	184:19 185:2	recommendati...
185:1,6,7	175:23 193:20	232:12,15	206:10 216:18	221:24 223:9
187:20,21	195:7 196:10	236:10 241:14	222:4 241:20	recommendati...
188:15,23	212:21 226:21	242:1 244:7	246:15 248:10	144:24 209:24
189:23 190:3,6	227:12 232:3	245:13 246:4	249:1 250:12	219:3,8,11,14
191:5 192:17	232:22 233:24	247:25	255:16	228:15 229:25
193:6 196:18	239:1 249:20	questioned	rcronkhite@...	230:6 251:23
197:23 198:7,7	254:12	160:6	141:5	255:13
199:7 200:8,12	proposing	questioning	reach 245:8	recommended
201:17 203:7	229:22	161:21 231:13	reached 162:14	200:22 218:14
203:12,14	prove 222:12	248:4 250:2	245:18	218:19 244:3
204:19 206:3	proved 243:5	251:13	read 155:23	recommending
206:11,12	provide 182:15	questions 159:9	167:21 196:7	228:5 244:12
207:4,13,15,23	184:12 189:10	185:17,20,21	readily 220:23	244:13

Michael Darga
3/13/2019

Page 273

record 145:9 154:23,24 155:23 176:25 183:13,16 186:14,18 227:6 237:3 245:25 253:22 257:7	148:21 150:24 153:15 related 152:12 159:24 170:10 170:25 175:12 182:15 249:7 relates 176:17 relating 153:12 155:3,8 167:12 169:9 176:9	represented 177:24 representing 186:20 192:17 request 158:15 159:11 163:10 164:6,11 183:12 184:7 212:4 217:24	resident 255:12 255:17 residential 148:16 150:24 156:9 157:3 172:21 173:4 178:25 179:6 189:22 191:5 210:23 211:2 225:13 236:17 247:9	213:17 215:23 216:1 217:25 219:15,23,25 221:16 223:8 224:8 226:15 228:5,15 229:5 229:18 231:21 235:15 245:4 245:19 246:24 254:20 255:7 255:15
records 181:20 refer 149:1 150:16 190:10 190:12,13 reference 164:3 222:18 referenced 211:9 referred 145:8 150:3,5 151:6 152:15 246:1 referring 147:11 159:5 164:9 170:3 176:15 176:20 184:5 223:15	relationship 254:21 relative 257:13 257:14 Relevance 254:23 relevant 154:2 relied 216:8 religious 229:1 rely 194:2 203:4 230:18 relying 159:5 229:10 remember 157:12 159:10 162:22 169:11 169:17 170:13 179:17 180:8 182:10,13,14 192:19 202:17 203:2 208:25 211:4 248:19 248:21 253:9	requested 145:21 183:2 222:1 233:5 243:18 requesting 203:18 226:10 require 189:10 193:21 199:17 209:15 220:19 225:19 228:18 234:3,25 235:20 242:10 253:23 required 194:11 195:4,4,9 207:13 220:11 234:8 247:7,21	residents 255:8 respond 154:20 responded 248:8 response 210:19 225:13 231:12 247:25 248:4 251:13 responses 159:9 responsive 183:23 rest 231:5 result 206:23 255:16 resumed 231:7 retention 179:21 220:12 221:25 Reverse 148:13 reversed 244:5 review 150:17 155:18 156:13 168:22 169:8 170:9,15,16,25 171:7,12 175:12 189:1 189:15 192:25 193:14,19,21 193:24 196:23 200:5 205:21 206:6 208:15 208:17 209:1 209:18 210:15 211:12,15,19 211:22 212:1	reviewed 157:5 160:17 167:17 169:22 189:25 191:13 195:22 201:3 206:7 210:23 230:21 reviewing 151:15 161:3 181:16 195:16 199:13 208:12 247:1 reviews 146:3 148:16 150:25 152:13 187:12 189:19 211:2 242:14 247:8 right 146:2,17 150:12 151:18 152:14 157:5 163:4 171:6,13 173:9 183:20 184:11 186:21 186:23 189:8 191:3,10 193:3 196:1,13 202:14 205:17 210:17 215:21 218:11 222:12 224:3 229:15 233:9 234:1 235:16 239:2 239:10 240:5,5 240:7,8 243:17
regarding 159:6 159:16 161:12 162:15 166:21 167:6 180:15 183:1 245:8 248:2,17 249:6 regularly 188:17 relate 145:25	REPORTED 140:20 REPORTER 210:17 reports 204:20 represent 177:22 185:19 representations 158:21	requirements 194:15 196:5,8 196:8 198:25 225:5 232:10 232:19 233:17 233:18 234:9 235:7 253:13 requires 197:16 197:20 requiring 179:18 rereview 162:1 162:11 245:5 reserve 186:20 residence 196:21 residences 247:15	reversal 148:13 reverses 244:5 review 150:17 155:18 156:13 168:22 169:8 170:9,15,16,25 171:7,12 175:12 189:1 189:15 192:25 193:14,19,21 193:24 196:23 200:5 205:21 206:6 208:15 208:17 209:1 209:18 210:15 211:12,15,19 211:22 212:1	

Michael Darga
3/13/2019

Page 274

245:24 247:1	says 156:3,9	septic 185:2	shows 185:14	218:17 219:12
Road 190:11	175:11 177:8	series 202:4,22	196:15,17,20	220:5 221:10
195:23 201:13	200:11 204:8	server 148:6	197:20 198:17	222:2,11,19
206:12 212:8	216:24,24	session 146:6	213:12 223:24	226:11 228:22
213:6,13	225:4 234:14	147:11 151:1,7	224:24	230:22,25
Rogers 158:14	234:15 246:10	set 144:24 163:8	sic 144:23	231:24 232:17
176:11,20,21	249:24	207:7 209:16	148:18 200:12	233:24 235:15
176:24,25	screw 232:9	234:9 235:7	225:3,4 252:11	235:24 236:11
177:4,21 216:2	Screwing 232:12	246:11 253:13	side 168:6 179:2	242:10 245:4
216:4,9,15	sec 249:20	seven 149:20	185:6 217:15	245:18 247:2
218:8 248:8	second 141:4	Sheldon 140:20	220:8 223:24	252:1
249:24 250:7	166:2 182:23	257:21	224:25 226:4,5	sites 199:1 211:5
250:11	183:10 223:8	Shiposh 150:21	226:5 227:9,9	sits 239:12
Rogers' 159:9	226:15 244:24	show 144:15	228:12	sitting 164:14
176:18	253:21	145:7,19,24	similar 157:25	252:18
Roland 254:21	section 155:16	150:10 172:8	187:2	situated 241:8
role 188:17	194:23 197:15	190:18 192:3	single 245:22	six 149:20
room 163:8	233:16 234:4	194:19 196:13	single-family	size 228:6
231:5	234:14	196:13 202:10	247:15	sized 226:22
rose 150:19	see 144:13 147:3	204:2,5,20	sir 144:18 145:6	slope 240:21
155:8 157:9	149:18 157:6	206:2 207:3,9	145:15 146:1	sloping 172:22
211:13	197:13 198:25	207:12 208:24	155:6 161:2	173:3 179:7
Roth 141:3	207:2 224:7	214:7 215:11	247:6 255:20	225:12
187:9	227:5 242:13	217:19,19	sit 211:4	small 223:14
RPR 140:20	seeing 162:22	222:10,19,23	site 150:24	227:2
257:21	178:18 182:25	224:22 226:12	152:13 156:10	sole 166:24
rule 229:10	248:19	232:23 233:25	156:12,13	172:15
runoff 187:24	seen 144:18	234:19 239:1	158:7 159:12	solutions 230:13
228:9 230:24	145:14 160:6	241:19 249:13	161:3 162:2	somebody
	182:22 209:2	249:21	172:11,15	186:19 194:10
S	241:12 243:3	showed 157:7	178:12,14	195:5 203:8
S 141:1 142:1,1	Semi 182:7	171:14,19	179:14 180:6	sorry 166:4
186:1,1 255:4	sends 190:15	172:1 202:23	181:16 186:9	192:1 195:20
255:4	sent 179:14	203:11 212:14	188:6,14 189:8	204:7 223:18
safe 177:22	221:9 248:5	233:24,24	189:8,12,19,21	245:11
saw 160:7	separate 238:9	shown 161:1,24	193:11 194:9	sought 195:12
224:19 248:8	separately	165:13 196:11	194:16,25	sound 219:15
saying 157:2	252:21	197:5,6,8,18	195:5,21 196:4	231:13
172:16 175:2,3	September	197:18,22,23	198:9 200:3	sounded 161:20
176:12,15,16	163:6,14,17,22	203:5,14 204:1	205:5 206:1	sounds 150:23
176:18 183:15	164:3 165:22	204:9 213:23	207:25 210:2	south 169:24
183:21 233:3	166:10 167:18	216:12,14	212:10 213:25	173:12
249:9 252:14	206:9 211:11	218:1 224:23	215:4,10 217:2	southern 140:3
253:24	211:17	234:16	217:8,20	196:17 212:8

Michael Darga
3/13/2019

Page 275

214:19	232:2,20	subject 210:13	supported 183:2	248:22 251:15
Southfield	233:16 235:8	244:14	supporting	taken 140:16
140:17 141:4	235:10 236:11	submit 157:25	183:6	231:6
141:14 144:2	247:6	221:24	sure 145:20	talk 154:15,17
speaking 154:23	standing 154:6,9	submits 194:10	148:4 149:13	154:18 162:7
252:25	154:24 155:2	208:13,13	157:1 162:8	163:9 218:21
speaks 178:1	stapled 149:19	submitted	184:6,6,6	talked 160:23
specific 145:21	149:20	151:23 156:7	205:3 207:14	162:6 163:6
157:17,20,21	started 181:6	158:1,4,6	207:24 228:6	164:13,14
159:4,5 171:24	254:19	161:3 191:5	228:19 231:5	245:14 254:5
183:1,5 206:23	starting 148:11	194:2 197:25	235:7 237:10	talking 156:6,17
219:8,10	STATE 257:1	211:23 212:2	237:13,14	156:18,22,23
232:18 248:5	stated 176:10	214:2 215:10	240:3 241:6	159:20 163:20
248:21 249:5	statement	230:23 231:20	surface 199:11	169:19,20
250:3	158:10	248:20 249:10	surrounding	170:16 178:7,8
specifically	states 140:1	255:6	198:22 207:15	180:10,14
145:21 159:4	216:15	submitting	survey 197:21	191:19 213:5
201:5 202:10	steps 207:14	195:5	203:6,8,17	214:15 234:10
253:4	Stoney 150:20	subpoena	216:14 234:15	235:23 238:8
specifics 211:5	stopped 169:24	154:12 210:19	238:18 241:18	241:16 252:13
248:1	252:16	Subs 236:18,19	surveys 237:16	Tamm 141:8,9
speculating	storm 179:22	subsequent	243:18,19	142:6,10 145:8
174:3,8	220:13,21	170:9,15,25	swale 179:3	151:21 152:2
speculation	222:1,8,11	175:12 208:20	223:13,21	153:8 154:1,8
201:18 204:15	225:7 226:10	212:2 219:22	224:3	154:11,14,16
205:7	250:22 251:3	244:25 255:15	swales 217:15	154:19 155:6
spoke 161:12	street 150:4	subsequently	223:10 225:9	159:2,19
245:24	streets 197:18	246:2	225:19,25,25	160:13,19
spoken 158:24	strictly 165:8	sued 155:1	226:16	162:20 165:10
159:2 162:23	strike 186:21	sufficient	swing 239:17	165:25 166:3
spot 215:7	199:6 229:13	220:18	sworn 144:9	168:13,25
227:13 228:1	struck 159:17	suggest 208:4	257:11	169:3 170:6
ss 257:2	structure 196:10	229:4	system 147:22	171:16 172:4
stamped 209:15	199:7,10,14	Suite 140:17	179:19 185:2	172:18 173:5
standard 237:16	201:12,16	141:9	225:7	173:21 174:6
standards 143:9	202:2	SULLIVAN		174:11,16,24
151:4,6,14,19	structures	141:13	T	175:9,16
194:6,8,12,21	197:17 199:1	summary 146:3	T 142:1 143:1	177:11,13,20
194:24 195:5,9	stuck 175:4	Supervisor	144:11,11	178:1,11,20
195:15 196:5	study 220:20	140:10 245:7	186:1 231:10	179:1,11
197:16 198:2	stuff 254:5	248:16	231:10 255:4	180:23 182:2
198:18 199:21	subdivision	support 183:4,9	take 145:15	182:12 183:11
209:10 210:9	236:15 247:10	184:14,17,25	182:23 207:14	183:25 184:4
218:3,6 223:10	247:12	185:4	230:19 231:3	184:21 185:8

Michael Darga
3/13/2019

Page 276

185:18,19	ten 149:20,21	159:15 160:24	213:1,10	217:19,19
186:2,12,15,25	ten-year 179:22	162:6,6 163:10	251:10	218:3 221:19
187:1 189:6	tens 208:9 221:1	164:6,11	Timothy 140:11	221:21 222:21
191:10 192:2	term 237:17	165:17,17	190:20 219:10	223:10 226:9
192:11,22,24	terms 159:5	166:13 168:5	today 145:17	229:4 232:1,20
193:18 195:20	173:3 174:3,9	168:15 173:11	158:25 210:19	234:10 255:7,8
195:21 197:2	193:13 194:3	174:12 181:12	211:4 224:7	Township's
197:12 198:18	212:7 239:18	183:23 199:22	244:22 252:18	151:4 194:12
199:4 200:17	241:1	208:10 210:8	told 158:13	training 205:11
200:21 201:2	testified 144:9	215:19,22	215:19 216:21	transcript 257:6
201:20 204:17	147:25 148:15	223:13,13	253:6	traveling 213:13
205:9,17	148:22 150:25	224:4 226:3	top 157:11	traverses 213:9
207:19 209:7	151:13 152:11	230:15 233:8	158:16	tributary 179:19
210:5,8,14,18	152:21 159:15	238:4,5,9	topographic	true 186:9 188:7
212:13 214:23	164:4,21	239:24,24	203:6,8 219:23	220:6 257:6
215:15 217:7	167:17 176:14	245:25 251:15	220:6 238:18	truth 257:11
220:4 223:23	180:25 181:12	252:4,14	topographical	try 190:16
229:12,16,17	182:16 185:10	254:20	202:18 203:16	trying 184:2
230:21 232:1	186:3 237:15	third 150:20	237:16 239:19	187:17 234:3
232:13,19	247:25 248:3	226:20 244:24	241:18	turn 241:13
233:10 235:5	251:12	thought 181:11	topography	two 150:8 171:1
235:11,25	testifying 147:10	207:8 223:16	159:11 189:8	171:2 177:2
236:5,14	229:14	thousand 208:6	249:21 253:5	205:1 208:8
239:21,23	testimony	208:7,8	touch 158:11	239:9,10
241:9,22,25	173:21 181:13	thousands 155:1	176:11,18	240:24 241:23
242:12 243:1,9	186:21 187:5	208:9 221:2	177:10,15	254:20
243:21 244:8	192:10 257:7	three 149:19	touched 177:5	two-and-a-half
244:19 246:4	Thank 145:10	168:21 169:7	177:23 178:9,9	205:2,4
247:16 248:12	155:6 166:5,5	208:8	touching 177:18	two-foot 203:24
250:5,16 251:6	255:20	Three-quarter	Township 140:8	238:4,6,17
251:10,25	thereto 249:7	182:9	140:9,10,12	239:15,16,17
252:7,9,23	thing 146:3	till 218:21	144:21 145:11	type 203:4,17
253:8,17,20	206:24 223:19	Tim 155:13	146:4 150:2,3	244:17
254:1,23 255:2	things 183:6	time 146:17	151:5 165:1	types 145:22
255:5,19	185:21 186:8	152:17 157:23	182:17 188:21	187:23
Tamm's 231:12	188:12 196:14	164:21 167:6	189:25 190:14	typical 150:17
247:25 251:13	198:4,20 207:8	173:14 186:7,7	190:16,21	173:4 191:3
telephone 167:3	208:4 218:18	191:1 192:24	191:11,16	193:13,13
tell 144:20	230:7 232:18	193:1,3 208:17	193:1,19 194:5	224:8
161:19 164:19	232:21 233:5	208:17 224:19	195:11 197:15	typically 157:5
184:4 206:22	234:4 235:21	233:11 235:9	198:2,5,19,25	189:14 195:4
239:11 253:16	253:23	235:19,20	206:5,7,10	203:4 207:20
253:24 257:11	think 147:1	236:19 255:11	209:9,18	209:15,17
tells 190:15	151:13 155:2	times 191:8	210:24 215:17	210:3 215:2

Michael Darga
3/13/2019

Page 277

228:18 236:3 236:12 245:15	192:14,16 203:6 208:18 209:16 215:5	231:3,4 232:23 235:6 237:3 238:9 248:7 252:11 253:21	238:8 241:12 255:21 website 151:8 Wednesday 140:16 Welsh 149:24 150:1,20 went 193:1 217:2 218:16 232:1,19 250:6 255:7 weren't 171:22 197:5,6 223:1 232:10 247:1,1 248:1 west 226:3,5 227:9,11 winter 181:24 wise 239:12 witness 141:15 142:2 147:2 148:25 152:3 153:9,25 159:20 160:2 160:14,20 162:21 165:12 166:6 168:14 170:7 171:17 172:5,19 173:6 174:7,12,17 175:1,10 177:12,14 178:12,22 179:2,12 180:24 182:3 182:13 185:9 191:8 192:23 197:11 198:17 200:10,20 201:1 204:16 205:8,16 207:18 212:12 217:6 220:3 223:21 231:5	233:1,2,11 235:13 236:1 236:15 239:24 241:10,23 242:13 243:3 243:10,22 244:20 245:14 246:5 247:17 248:13 250:6 250:18 251:7,9 252:1,13,24 253:9 254:24 witnessed 174:10 wondering 244:2 Woodward 141:9 word 156:20 work 155:20 187:6,10 230:4 254:18 worked 198:19 works 154:18 221:13 wouldn't 157:8 177:18 191:4 207:10 208:10 208:22 230:15 245:21 WREN 140:4 write 155:9,12 155:15,17 156:4 163:6 writes 168:4 writing 155:12 169:17 170:13 180:8 wrong 240:19 wrote 155:22 156:2 169:13 169:25 170:9 176:5 180:5,13
U	utilities 194:9	wanted 164:19 198:25 206:23 206:24 222:18 224:2 229:5 WARD 141:13 wasn't 156:11 161:24 168:19 171:3,4 180:16 183:16 199:11 206:1,15 207:3 207:10,15 222:13,14 223:1 235:3,14 244:1 water 168:5 172:24 180:7 183:8 184:15 213:3,9,20 225:8,21 226:1 226:16 227:2,8 227:12,15,19 228:1,3 230:15 242:4,7,24 243:7 248:2 249:7,14,16 water's 222:11 water-related 252:22 way 148:12 190:12 192:7 207:2 208:11 213:23 219:5 221:12,19,21 We'll 230:19 we're 149:5 176:12 178:7 200:11 239:6,7 240:3,19 252:15 we've 233:25	V vacant 188:3,3 vague 193:16 vary 189:8 vegetation 174:2 177:17 verify 226:21 view 199:6 visit 172:11,15 178:12 193:11 252:1 visited 217:2 220:5 volume 140:15 142:3 179:22 220:12,21 221:25 222:16 222:18 250:22 vs 140:6	W W 142:1 Wait 249:20 253:21 waived 253:19 walk 173:1 walked 173:19 178:14 walls 179:7 want 144:15 148:24 154:4 183:3,13 184:3 185:11,20,23 190:5,18 192:3 194:19 196:1 198:20 199:13 201:8 203:20 207:23 208:24 215:3 225:3
U 144:11 unable 230:22 unclear 173:22 245:25 understand 160:3 161:2 171:24 172:21 173:17 179:6 183:18 187:5 188:3 234:3 250:9 252:11 understanding 161:25 162:10 168:9 180:16 186:22 192:4 211:1 212:9,17 218:17 235:15 246:2 255:15 understood 164:17 206:9 219:2 unique 188:24 222:1 UNITED 140:1 unreasonable 228:16 unrelated 180:21 untrue 216:16 220:1 unusual 173:3 208:21 245:7 245:21 urban 182:6,7 use 150:5 190:16 226:4 231:5 uses 190:17 usually 158:6 187:13 191:11 191:14 192:12				

Michael Darga
3/13/2019

X	251:3	185 142:6	167:8,18	248-746-0700
X 142:1 143:1,1	100 234:17	18th 145:11	168:21 169:4,7	141:15
144:11 186:1	1000 141:14	168:25	169:12 170:9	2488 168:7
231:10 255:4	105 141:9	19 143:7 146:8,9	170:17,17	24th 151:25
Y	11 184:7	146:10 147:19	172:3,7 173:15	152:7 158:8,17
yard 168:18	11:43 231:7	148:3,6,20	173:19 174:20	159:7,12 160:8
179:3 212:7	11:47 231:8	149:14 150:8	175:6 176:21	161:4,6 162:12
217:15 223:22	12 155:7 156:17	1999 146:5,22	179:14 180:5	162:16,19,24
yards 197:21	12-28-2017	148:12,17	180:13 181:18	169:12 170:17
234:16	209:5	19th 206:9	190:20 206:9	171:7 181:18
yeah 145:11	12:24 256:3	2	216:5,6,9	193:4 205:21
148:9,25 149:6	13 140:16 144:1	2 160:22 161:9	219:15 231:14	208:20 219:25
149:9,15,16	195:18 203:1,5	165:16 170:21	231:15,24	231:15,24
154:16 156:20	203:22 204:1	171:10 177:1,3	233:4,23	233:4,19,23
160:2 179:2	204:10,18	191:21 192:3	236:20 238:15	234:5,8 235:1
186:15 190:14	216:14 236:21	216:1,8	242:18 244:5	235:9 238:14
200:10 201:16	236:23 237:4	2-8-2022 257:23	254:8	242:18 244:5
207:5 209:2	238:3,22 239:6	2.1 225:3	2019 140:16	246:21 248:3,6
218:15 220:4	239:16,22	2.67 204:24	144:1 167:12	248:9,16 249:8
221:9 222:15	240:3,12,25	205:11 216:19	167:15	250:1,4,14
226:3 228:19	241:8,17	2:18-cv-1333	20th 163:17,22	253:3 254:14
232:24 234:13	13th 190:20	140:6	167:18 180:13	255 142:10
237:3 238:6	14 145:3 216:5	20 143:8 150:13	21 143:9 151:11	25800 140:16
239:3 244:3	144 142:4 143:5	150:14,16	151:12,20	141:13
246:13 247:6	145 143:6	152:16 155:10	194:20 195:10	25th 163:6,14,19
249:9,12,23	146 143:7	157:13,24	195:14 210:10	164:3 165:22
250:6 254:11	14th 176:21,25	210:18 211:11	210:11 218:2	166:10
254:20	216:9	244:23	247:7	2610 195:23
year 213:2,10	150 143:8	2005 150:12	22 143:10 163:3	201:13 206:12
years 153:4	151 143:9	211:17	163:5,15	212:8 213:5
211:7	15th 216:6	2006 155:8	167:19 210:8,9	228:23
Yep 182:5	16 211:11	156:17	210:12	28400 141:4
249:17	163 143:10	2017/2018	23 143:11	3
Z	16th 211:17	182:11	182:20,22	3 190:19
Zoning 140:12	17 143:5 144:15	2018 144:22,25	231 142:8	4
0	144:16 145:9	145:2,11	238 143:12	4-1 175:22,23
1	145:11,11	151:25 152:7	24 143:12 238:8	176:1
10-year 220:12	181:24 195:2	158:8,17 160:8	238:11,13	4-2 195:19,20
220:21 221:25	225:4	161:4,6 162:12	239:7,17,20	196:4 214:6,10
222:8,11	18 143:6 144:22	162:19,24	241:17 249:18	214:19,25
226:10 250:22	144:23 145:5,7	163:6 165:22	248-351-7017	215:10 216:15
	145:9,13,24	165:23 166:2	141:5	218:5 223:24
	181:24	166:10,11	248-433-2000	
	182 143:11		141:10	

Michael Darga
3/13/2019

239:1 241:20	245:25 246:10		
4.2 196:13 197:7	246:19		
199:23 202:9	8th 144:25		
203:9,11 204:7	165:25 166:1		
204:20	166:11,14		
400 140:17	167:23 168:22		
4045 140:20	169:1,8 170:8		
40701 141:9	171:8 172:3,7		
48034 141:4	173:15 174:20		
48075 141:14	175:6 176:5,15		
48303 141:10	180:5 185:12		
	207:7 208:3,21		
5	219:15 223:8		
5 169:13 200:6	226:10 228:15		
205:18,21	231:14 233:20		
5th/6th 166:15	233:21,22		
	253:3,13		
6			
6 159:21,24	9		
160:5 222:16	9 184:7 240:17		
246:11,15	9:23 140:17		
248:11 249:1	144:3		
249:16	90 179:9		
6.2 196:9 225:4	960 204:4 240:6		
232:19 233:6	240:9,15,18,20		
233:14,16,18	240:21 241:2		
234:4,9	961 240:14,18		
6.2.2 234:15	240:23 241:3,4		
6.22 197:15	962 240:13,14		
611 186:25	240:15,20,21		
229:12	962.67 204:8		
67 195:2 225:4			
6th 166:15			
7			
7 248:22,25			
7th 248:23			
249:13			
8			
8 145:2 165:23			
166:2 170:17			
208:24,25			
209:3,12			
236:19 245:24			