

CHARTER TOWNSHIP OF OAKLAND BOARD OF TRUSTEES
AUGUST 12, 2014 – REGULAR MEETING
APPROVED MINUTES

CALL TO ORDER

The August 12, 2014 Regular Meeting of the Charter Township of Oakland Board of Trustees was called to order by Supervisor Gonser at 6:05 PM in the Township Hall, 4393 Collins Rd., Rochester, MI.

ROLL CALL

Clerk Reilly called the Roll.

PRESENT: Terry R. Gonser, Supervisor
Jeanne Langlois, Treasurer
Karen Reilly, Clerk
Robin Buxar, Trustee
Michael Bailey, Trustee
Maureen Thalmann, Trustee
John Giannangeli, Trustee

Ann Capela, Township Manager
Daniel Kelly, Township Attorney
John Clark, Attorney
Dave Bommorito, The Benefits Group

ABSENT: NONE

A quorum was present.

CLOSED SESSION

MOVED BY BAILEY, SECONDED BY BUXAR to approve going into closed session at 6:10 PM for the purpose of MCL 15.268 (e) Review of written legal opinion.

Clerk Reilly took a roll call vote:

AYES: GONSER, LANGLOIS, REILLY, BUXAR, BAILEY,
THALMANN, GIANNANGELI

NAYS: NONE

MOTION PASSED: UNANIMOUS

MEETING RECONVENED

MOVED BY LANGLOIS, SECONDED BY GIANNANGELI to reconvene into open session at 7 PM.

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MOTION PASSED: UNANIMOUS

CALL TO ORDER

Supervisor Gonser reconvened the Regular meeting at 7:03 PM in the Township Hall.

PLEDGE OF ALLEGIANCE AND ROLL CALL

Supervisor Gonser led the Pledge of Allegiance.

Clerk Reilly called the Roll.

PRESENT: Terry R. Gonser, Supervisor
Jeanne Langlois, Treasurer
Karen Reilly, Clerk
Robin Buxar, Trustee
Michael Bailey, Trustee
Maureen Thalmann, Trustee
John Giannangeli, Trustee

Ann Capela, Township Manager
Daniel Kelly, Township Attorney
Mary Purcell, Recording Secretary

ABSENT: NONE

A quorum was present.

CITIZENS COMMENTS

The Board heard public comment from:

Greg Olson, 4190 Orion Rd., OT
Ron Cuddy, 3105 Clarkston Rd., OT
Jan Olson, 4190 Orion Rd., OT
Jim Carter, Planning Commission
Frank Ferriolo, 5600 Kirkridge Tr., OT

AMENDMENTS/APPROVAL OF THE AGENDA

MOVED BY BAILEY, SECONDED BY THALMANN to approve the agenda as amended.

MOTION FAILS

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MOVED BY LANGLOIS, SECONDED BY BAILEY to leave item #8 on the agenda.

AYES: BUXAR, BAILEY, LANGLOIS, REILLY, THALMANN,
GIANNANGELI

NAYS: GONSER

MOTION PASSED: 6 – 1

MOVED BY BAILEY, SECONDED BY BUXAR to leave item #13 on the agenda.

AYES: BUXAR, BAILEY, LANGLOIS, REILLY, GIANNANGELI
NAYS: GONSER, THALMANN

MOTION PASSED: 5 – 2

MOVED BY LANGLOIS, SECONDED BY BAILEY to add discussion of the Master Plan Survey to the agenda.

AYES: BUXAR, BAILEY, LANGLOIS, REILLY, GIANNANGELI
NAYS: GONSER, THALMANN

MOTION PASSED: 5 – 2

MOVED BY BAILEY, SECONDED BY BUXAR to approve the agenda amended.

MOTION PASSED: UNANIMOUS

CONSENT AGENDA

The Board considered approval of the following items on the consent agenda containing:

- I. 1(a). Approval of the minutes for the July 8, 2014 Regular and Special (Closed Session) meetings.
- 1(b). Approval of the minutes for the July 14, 2014 Regular meeting.
- II. 2(a). July 17, 2014 bills in the amount of \$229,024.51
- 2(b) July 25, 2014 bills in the amount of \$1,651.34
- 2(c) July 31, 2014 bills in the amount of \$1,155.00
- 2(d) August 12, 2014 bills in the amount of \$389,224.30

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A copy of the lists of invoices is attached as part of these minutes.

- III. HDC 2013 Annual Report.
- IV. Approval of Ballot Language for Fire Millage.
- V. Approval of Second Stipulated Amendment to Order dated March 12, 1987 – Rochester Cider Mill.
- VI. Approval of Oakland-Macomb Interceptor Drain (OMID) bond pre-payment for \$161,272.00.

MOVED BY BAILEY, SECONDED BY LANGLOIS to approve the consent agenda minus items #1(a) and #6.

MOTION PASSED: UNANIMOUS

MINUTES

The following words were struck under Fire Millage on page 8 of the July 8, 2014 minutes: “approve ~~renewal of the~~ ...” It was changed to: “ballot language for the renewal of...”

On page 9, top of the page, Thalmann/Bailey the words “To approve ballot language to authorize...” were added.

On page 9, Langlois/Buxar, the word “...ballot language...” was added.

On page 9 under Paint Creek Cider Mill repairs, the words “...~~appointed a subcommittee to develop a project outline...~~” were struck. “reviewed a project outline...” was added.

MOVED BY LANGLOIS, SECONDED BY BAILEY to approve the amended minutes of July 8, 2014.

MOTION PASSED: UNANIMOUS

There were no changes to the Special (Closed Session) of that July 8, 2014 meeting and the Board accepted those minutes as presented.

OAKLAND – MACOMB INTERCEPTOR DRAIN BOND

MOVED BY BAILEY, SECONDED BY BUXAR to adopt Resolution No. 14-14 Oakland – Macomb Interceptor Drain (OMID) Bond pre-payment for \$161,272.00.

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Clerk Reilly took a roll call vote:

AYES: BUXAR, BAILEY, LANGLOIS, GONSER, REILLY,
THALMANN, GIANNANGELI

NAYS: NONE

MOTION PASSED: 7 – 0

A copy of this Resolution is attached as part of these minutes.

PLANNING COMMISSION APPOINTMENT

Mr. Danny Beer, President of Lyon Gear & Machine addressed the Board.

MOVED BY THALMANN, SECONDED BY GIANNANGELI to appoint Mr.
Danny Beer as Planning Commission member.

The Board heard public comment from:
Frank Ferriolo, 5600 Kirkridge Tr., OT
John Markel, 245 Birch Hill Dr., OT
Reg Brown, 3666 Locust, OT

AYES: GONSER, REILLY, THALMANN, GIANNANGELI
NAYS: LANGLOIS, BAILEY, BUXAR

MOTION PASSED: 4 – 3

KOZYRA CLASS SETTLEMENT

MOVED BY BAILEY, SECONDED BY LANGLOIS to approve the Kozyra
class settlement agreement and authorize the supervisor to sign the same.

MOTION PASSED: UNANIMOUS

CAUSE OF ACTION FOR BREACH OF CONTRACT

MOVED BY LANGLOIS, SECONDED BY BAILEY to authorize the Township
attorney to file a cause of action against the Clinton River Watershed
Council (CRWC) for breach of contract.

MOTION PASSED: UNANIMOUS

COST ALLOCATION AND FEE STUDY

MOVED BY THALMANN, SECONDED BY GIANNANGELI to direct
Township Manager and Township Attorney to prepare a service agreement
with Maximus for a cost allocation study for a one year period at a cost of
\$5,000 to be completed within 60 days. Contract shall be signed by the Township
Supervisor as soon as it is prepared.

MOTION PASSED: UNANIMOUS

MOVED BY THALMANN, SECONDED BY GIANNANGELI to direct
Township Manager and Township Attorney to prepare a service agreement
with Maximus for a Building Department fee study prepared concurrently with
the allocation study at a cost of \$3,000 to be completed within 60 days.
Contract shall be signed by the Supervisor as soon as it is prepared.

AYES: BUXAR, BAILEY, GONSER, REILLY THALMANN
GIANNANGELI

NAYS: LANGLOIS

MOTION PASSED: 6 – 1

CHARITABLE GAMING LICENSE – BALDWIN SCHOOL

MOVED BY BAILEY, SECONDED BY BUXAR to approve Resolution 14-12
to recognize Baldwin Elementary PTA of Rochester, MI as defined under
MCL 432.103 (K) (ii) as a local civic organization for the purpose of qualifying
for a charitable gaming license.

MOTION PASSED: UNANIMOUS

A copy of this resolution is attached as part of these minutes.

EMPLOYEE HEALTH BENEFIT PLAN – PUBLIC ACT 152 of 2011

MOVED BY LANGLOIS, SECONDED BY THALMANN to approve Charter
Township of Oakland opt out of the cost sharing obligations of Public Act
152 of 2011.

MOTION PASSED: UNANIMOUS

The Township Board and administration intend to study the various health plans and other options provided under Public Act 152 even though they voted to opt out.

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MOVED BY GIANNANGELI, SECONDED BY THALMANN to approve the
right to current benefit plan the Township has for its employees but reserves the
review it over the next 12 months.

MOTION PASSED: UNANIMOUS

BOARD RECESS

MOVED BY BUXAR, SECONDED BY BAILEY to take a break for 10 minutes
starting at 9:38 PM.

MOTION PASSED: UNANIMOUS

MEETING RECONVENED at 9:47 PM.

BOARD OF REVIEW APPOINTMENT

MOVED BY THALMANN, SECONDED BY BAILEY to appoint Ms. Sandra
Stefanski to the Board of Review for the Charter Township of Oakland.

MOTION PASSED: UNANIMOUS

ZONING BOARD OF APPEALS APPOINTMENT

MOVED BY BAILEY, SECONDED BY LANGLOIS to appoint Mr. Larry
Tomczak to the Zoning Board of Appeals.

MOTION PASSED: UNANIMOUS

PLANNING COMMISSION APPOINTMENTS (2)

The Board heard public comment from:
Janine Saputo, Planning Commission
Frank Ferriolo, 5600 Kirkridge Tr., OT
Reg Brown, 3666 Locust Dr., OT
John Markel, 245 Birch Hill Dr., OT
Larry Tomczak, 3550 Mountain Laurel Ct., OT

MOVED BY THALMANN, SECONDED BY GIANNANGELI to appoint Mr.
Gary Kwapis to the Planning Commission.

AYES: LANGLOIS, GONSER, REILLY, THALMANN,
GIANNANGELI

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NAYS: BUXAR, BAILEY

MOTION PASSED: 5 – 2

The Board heard public comment from:
Frank Ferriolo, 5600 Kirkridge Tr., OT
John Markel, 245 Birch Hill Dr., OT
Joerg Hensel, 970 Parkway Trail, OT

MOVED BY THALMANN, SECONDED BY GIANNANGELI to appoint Mr.
Anthony Scaccia to the Planning Commission.

AYES: GONSER, REILLY, THALMANN, GIANNANGELI,
NAYS: LANGLOIS, BAILEY, BUXAR

MOTION PASSED: 4 – 3

PAINT CREEK CIDER MILL NATIONAL REGISTER OF HISTORIC PLACES

MOVED BY BAILEY, SECONDED BY LANGLOIS to support the application
to include the Paint Creek Cider Mill Building in the National Register of
Historic Places.

The Board heard public comment from:
Danny Beer, President of Lyon Gear
Barbara Barber, Historic Preservation Planner
Jan Olson, 4190 Orion Rd., OT
Heidi Paterson, Historic District Commission

MOTION PASSED: UNANIMOUS

MOTION TO SUSPEND MEETING

MOVED BY BUXAR, SECONDED BY LANGLOIS to withdraw motion to
suspend meeting.

The Board heard public comment from:
Bruce Ohms, 4847 Woodland Hills Dr., OT

MOTION PASSED: UNANIMOUS

PARKLAND HILLS ROAD WORK

MOVED BY BAILEY, SECONDED BY GIANNANGELI to release funds for the wearing course in Parkland Hills Subdivision pursuant to the Township attorney preparing a document which control that release and without mitigating remainder of developer restrictions.

The Board heard public comment from:
Bruce Ohms, 4847 Woodland Hills Dr., OT

MOTION PASSED: UNANIMOUS

MEETING SUSPENDED

MOVED BY BUXAR, SECONDED BY LANGLOIS to suspend meeting at 11:30 PM to a mutually viable date.

AYES: BUXAR, BAILEY, LANGLOIS, GONSER, REILLY,
THALMANN

NAYS: GIANNANGELI

MOTION PASSED: 6 - 1

NEXT SCHEDULED MEETING

Tuesday, September 9, 2014 at 7 PM
Oakland Township Hall – 1st Floor Meeting Room

Respectfully submitted,

Karen Reilly, Clerk
OT Board of Trustees

Approved,

Terry R. Gonser, Supervisor
OT Board of Trustees