

CHARTER TOWNSHIP OF OAKLAND BOARD OF TRUSTEES

January 10, 2012

The January 10, 2012, meeting of the Charter Township of Oakland Board of Trustees was called to order at 7:00 p.m. in the Township Hall.

PRESENT: Joan Fogler, Supervisor
Judy Workings, Clerk
Michael Bailey, Trustee
Marc Edwards, Trustee
Sharon McKay, Trustee
Kathrine Thomas, Trustee

James Creech, Manager
Steve Joppich, Attorney

ABSENT: Sharon Creps, Treasurer

A quorum was present.

PLEDGE OF ALLEGIANCE

Supervisor Fogler led the Board, staff and those present in the Pledge of Allegiance.

APPROVAL OF MINUTES

MOVED BY BAILEY, SECONDED BY THOMAS, to approve the minutes of the December 13, 2011, meeting as presented.

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MOTION CARRIED (Abstention: Workings).

There were no changes to the minutes of the closed session of that meeting.

AMENDMENTS TO AND APPROVAL OF AGENDA

There were no changes proposed to this evening's agenda.

MOVED BY BAILEY, SECONDED BY McKAY, to approve the agenda as presented.

MOTION CARRIED.

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CITIZENS

Paint Creek Dam Removal Project/Mill Race

Jan Olson of 4190 Orion Road was present. She shared several documents, including warranty deeds transferring property in 1836 and later in 1944. She stated that these documents highlight the importance of the Mill Race, and the requirement that the Mill Race not be dammed up or interfered with. She asked that this requirement continue to be upheld, and that the area be restored to allow water to flow in the Mill Race. Supervisor Fogler asked Attorney Joppich to review these documents.

Mrs. Olson continued that the topic of the Mill Race is very emotional for her. It is a part of her home, which she views every day. She feels as though her property has been vandalized by the removal of the dam and the subsequent damage to the Mill Race.

Mrs. Olson commented that there has been name calling in the past, and asked that this and any perceived “game playing” cease. She said that her only agenda is to restore flowing water to the Mill Race.

Supervisor Fogler responded that she has scheduled a meeting with Anne Vaara of the Clinton River Watershed Council for Thursday, January 12th at 7:00 p.m., and invited Mrs. Olson and other homeowner to attend. Supervisor Fogler said that she, too, wants to restore flowing water to the Mill Race.

Greg Olson of 4190 Orion Road said that the Clinton River Watershed Council has created an “environmental nightmare” with this project. He said the bottom of the Mill Race used to be rocky, but now is covered with approximately two inches of silt. He said the Mill Race is “dead.” Mr. Olson continued that he believes the Clinton River Watershed Council and the project engineers, Hubbel, Roth and Clark, planned for the

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Mill Race to fail, and referenced a memorandum from the Michigan Department of Environmental Quality to the engineers thanking them for “killing” the Mill Race.

Mr. Olson noted that one area has been filled in, and questioned if this is intended to become a park. Supervisor Fogler asked Mr. Olson to attend the January 12th meeting and pose his questions at that time.

Joe Langlois of 490 W. Snell Road was present. He reviewed the timeline of when the Township accepted the Paint Creek Cider Mill from the Nicholsons, the Township accepted the dam and weir, Anne Vaara and Jim Francis (MDNR) made a presentation to the Parks and Recreation Commission stating that the dam should be removed, Ms. Vaara first presented this argument to the Board of Trustees, and when approval of the dam removal project was finally granted. Mr Langlois questioned if anyone was aware of the CRWC’s or MDNR’s desire to remove the dam prior to the Township’s acceptance of the Paint Creek Cider Mill, dam and weir. Attorney Joppich said the Township viewed this as a substantial gift of a building, which is now used to house Township offices. Manager Creech recalled that, some years prior, Matt Vance, the Parks and Recreation Department’s stewardship manager, had been looking into this matter.

Mr. Langlois also inquired regarding the due diligence that the Township performed prior to accepting the property, including the dam and weir.

John Markel of 245 Birch Hill Drive asked who owns the water, and who owns the property where the dam is located. Supervisor Fogler responded that it is her understanding that the MDNR owns the water, and the Township owns the land that contains the dam.

Mr. Markel said the area near where the dam once was looks terrible, and asked why. He also reported that there are sharp cut-off limbs stuck in the mud in this area; he feels they are very dangerous.

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Name Calling

Beth Markel of 245 Birch Hill Drive said that she and other residents were offended by name calling that has taken place, particularly surrounding the Paint Creek dam removal project. In particular, she recalled comments made by Trustee Edwards.

Bidding Protocol

Terry Gonser of 4200 Heron Road questioned if there is any statute or other regulation that regulates the bidding process for the purchase of goods or services by the Township. Attorney Joppich responded that there is no statute that controls this activity. Manager Creech stated that typically the Township will seek bids when a purchase is \$2,500 or more unless there is only one provider of the good or service.

Mr. Markel reviewed arrangements for waste hauling of other municipalities. He noted that the Board did not obtain bids before it approved a contract for this service last month, and questioned why.

Supervisor Fogler responded that the Township has worked extensively with Waste Management, but said the Board will obtain bids the next time.

RESOLUTION 12-01: HOUSEHOLD HAZARDOUS WASTE CONSORTIUM

The Board reviewed Resolution 12-01, the Resolution Regarding the North Oakland Household Hazardous Waste Consortium. In the past, Supervisor Fogler and Executive Assistant Elaine Leven have served as Oakland Township's representatives to the NO HAZ Advisory Board, and the Board agreed that they should continue to serve in this capacity.

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Trustee Thomas referenced paragraph 12.2.1, which specifies how a municipality that hosts a hazardous waste collection event will be reimbursed. She questioned if this amount would be adjusted if that municipality's expenses were less than the set amount determined by the NO HAZ Advisory Board.

Trustee McKay questioned if the \$10 per resident participation amount is considered a "fee" or a "donation." The Board discussed this, and Supervisor Fogler explained that this contribution from the residents not only helps offset the cost of holding the event, but also encourages residents to bring larger quantities of materials for recycling (as opposed to one small bag of batteries, for example), noting that Oakland Township is charged by the vehicle for this service. It was noted that if a resident brings computer and/or electronic waste, the charge is \$35.

Attorney Joppich stated that he reviewed the Interlocal Agreement, which has the same provisions as in previous years (although he did not compare the actual charges with previous years). Attorney Joppich pointed out that, as with other Oakland County contracts, this contract contains certain provisions that Oakland County is unwilling to modify.

MOVED BY BAILEY, SECONDED BY THOMAS, to adopt Resolution 12-01, a Resolution Regarding the North Oakland Household Hazardous Waste Consortium, and to appoint Supervisor Fogler and Executive Assistant Leven as Oakland Township's representatives to the NO HAZ Advisory Board.

AYES: Fogler, Workings, Bailey, Edwards, McKay, Thomas

NAYS: None

ABSENT: Creps

MOTION CARRIED.

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

INCOME STANDARD FOR BOARD OF REVIEW HARDSHIP APPLICATIONS

In order to be eligible for a poverty exemption from the Board of Review, an applicant must meet federal income standards or alternate guidelines established by the governing body. These income guidelines change yearly. The Board typically considers the Community Development Block Grant limits and federal poverty guidelines as set forth by the U. S. Department of Housing and Urban Development.

The County has suggested that municipalities clearly state whether they will allow the Board of Review to grant full or partial exemptions.

MOVED BY McKAY, SECONDED BY THOMAS, to adopt the 2012 Community Development Block Grant “very low income” limits as the eligibility guidelines for Board of Review hardship applications, with a total asset level not to exceed \$129,290, subject to the following conditions:

1. Total assets shall exclude the first \$129,290 of the homestead;
2. Total assets shall exclude the first \$7,758 of one car;
3. Total household income shall include the income of all persons residing in the homestead;
4. The Board of Review shall have the discretion to grant hardship exemptions for non-qualifying applicants if, after consideration, in the Board’s opinion, unusual or extreme circumstances exist where granting relief would be justifiable and appropriate; and
5. The Board of Review has the discretion to grant full or partial exemptions.

AYES: Fogler, Workings, Bailey, Edwards, McKay, Thomas

NAYS: None

ABSENT: Creps

MOTION CARRIED.

BOARD OF REVIEW – RESIDENT TAXPAYER APPEALS BY LETTER

The Board reviewed the January 3, 2012, memorandum from Manager Creech. If the Board approves the procedure and follows proper notification requirements, a resident

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taxpayer may appeal their taxes to the Board of Review by letter. Oakland Township has allowed this in the past.

MOVED BY EDWARDS, SECONDED BY BAILEY, that the Charter Township of Oakland shall allow resident taxpayers to file a Board of Review protest by letter for the 2012 assessment year, and the Township shall notify citizens of this option by public notice, as required.

AYES: Fogler, Workings, Bailey, Edwards, McKay, Thomas

NAYS: None

ABSENT: Creps

MOTION CARRIED.

MANAGER'S REPORT

Updated Revenue and Expenditure Reports

Manager Creech stated that he has provided Board members with the third quarter (through December 31st) revenue and expenditure reports in budget form for their review, as well as a summary version. The Board will hold a public hearing on February 14th, and the Board typically considers adoption of the budgets at the first meeting in March.

Trustee McKay said she would like to work with others to review the budget. She said it would be very helpful to her if each department and commission could provide more detail. Specifically, she would like to know what they accomplished last year, what challenges/problems they faced and how they resolved them, and what their plans are for using their allocated funds for the 2012-2013 fiscal year. Manager Creech said he will provide this information.

Clerk Workings also had questions regarding the budget, particularly the personnel summary. She pointed out that this reflects a full-time staff person for the Historic District Commission. Manager Creech explained that, while he puts together the personnel summary, it is the Historic District Commission that is proposing to have a full-time staff member starting on April 1, 2012, the beginning of the new fiscal year. Supervisor Fogler questioned who will pay for this employee if the Historic Preservation millage is not approved by the electorate. Manager Creech responded that if the millage is not approved, the Historic District Commission will not be able to execute the programs that they had planned for in their budget.

MOVED BY WORKINGS, SECONDED BY EDWARDS, to table any decision regarding whether or not we should create a historic district management position,

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or whether or not the Historic District Commission should have a full-time staff person until after December 2012, given that we do not know if the Historic Preservation millage will be approved by the electorate and, therefore, we do not know if there will be funding available for these purposes.

MOTION CARRIED.

ATTORNEY'S REPORT

Waste Hauling

Attorney Joppich stated that, in response to questions raised at the last meeting, he has started to review Oakland Township's ordinances with respect to waste hauling. Specifically, the Board had inquired if we can require service providers to also offer curbside recycling. Supervisor Fogler asked that Mr. Joppich also look into what we currently charge service providers for the opportunity to collect in Oakland Township, what other communities charge, and if we could/should increase this amount. Attorney Joppich hopes to provide a report at the next meeting.

TRUSTEE EDWARDS'S REPORTS

Blossom Ridge Senior Housing – Proposed Development

Trustee Edwards reported that the Planning Commission again discussed this matter at their meeting last week. Planning Commission Chairman James Carter has called for a vote at the next meeting.

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Paint Creek Dam Removal Project

Trustee Edwards responded to earlier comments regarding Clinton River Watershed Council (“CRWC”) Executive Director Anne Vaara. He said that Ms. Vaara used to work for Oakland Township as an environmental consultant prior to starting with the CRWC. Mr. Edwards said he has known her for many years, has discussed this matter with her, and that she has assured him that she wants what is best for the residents.

Trustee Bailey commented that when he voted in favor of the project, it was his understanding that water would continue to flow in the mill race, and that the mill race would continue to function at the same level as it did when the dam was in place. However, now that the dam has been removed, there is no water in the mill race. He wants to understand from the engineers and other experts why this is so. Trustee Edwards responded that the problem is not the removal of the dam, but rather the silt in the mill race.

Supervisor Fogler acknowledged that residents and Board members have many unanswered questions. She has arranged for a meeting with Ms. Vaara and residents on Thursday, January 12th at 7:00 p.m. She will attend along with Clerk Workings and Trustee Bailey. Trustee Bailey said he only learned of this meeting today, and would have appreciated more notice; Supervisor Fogler apologized for the short notice.

CLERK WORKINGS’S REPORTS

Election Commission

Clerk Workings stated that she recently learned that the only Board members who may serve on the Election Commission are the Supervisor, Clerk and Treasurer.

MOVED BY EDWARDS, SECONDED BY McKAY, to appoint Supervisor Fogler, Clerk Workings and Treasurer Creps to serve on the Election Commission.

MOTION CARRIED.

Vision for Oakland Township

Clerk Workings said that at a recent Michigan Townships Association meeting, they discussed creating a vision for a municipality. She shared a “Vision Self-Assessment” document. Clerk Working invited the Board members to review it, and the Board can discuss this at the next meeting if there is interest.

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Updating Recording Equipment for Meetings

Clerk Workings noted that we currently usually record Board meetings on a cassette tape. She said that if she misses a meeting, she can later listen to it. She suggested that the Board consider updating the Township Hall's recording equipment to instead record on a CD, which would be easy to duplicate if necessary. The Board was in agreement with this concept. Clerk Workings will look into this matter with Township staff.

Policies

Clerk Workings said that other municipalities have various policies (e.g., for cellular phones, municipal credit cards, etc.). Manager Creech said that Oakland Township also has a number of policies, and he will make them available for her to review.

Board Member Code of Conduct

Clerk Workings also inquired about whether we have a "code of conduct" or similar guidelines for Board members. Manager Creech responded that we have a conflict of interest policy. Clerk Workings and Trustee Edwards will review the policy and make suggestions if they feel it should be updated. Trustee Edwards suggested that we also develop or tailor such a policy for the Planning Commission.

List Serve to Share Time-Sensitive Information with Residents

Clerk Workings said that various other entities use a list serve to email time-sensitive information. She suggested that Oakland Township look into creating a list serve, which would be a more direct way to contact residents than by posting something on the website, and faster and less expensive than sending out a mailing.

Manager Creech said Oakland Township is signed up with Oakland County. However, Clerk Workings said she is unaware that the Township has ever used this service. Manager Creech will look into this and will report back to the Board.

Board members considered a number of ways that Oakland Township could use such a list serve (e.g., to notify residents of the change in the recycling program, to solicit volunteers for events such as Clean Scene, etc.).

TRUSTEE THOMAS'S REPORT

Waste Hauling/Recycling

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Trustee Thomas reported that the postcards have been sent out advising residents of changes in the recycling offered at the Township Hall, asking homeowners to contact their service provider to learn about curbside recycling, etc. She stated that residents may

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use their postcard to drop off recycling at Eagle Valley at their convenience and at no charge.

Supervisor Fogler thanked Trustee Thomas for all her work on this matter.

SUPERVISOR FOGLER'S REPORT

Manager's Evaluation

Supervisor Fogler stated that she will get evaluation documents to Board members at a later date. She hopes that the Board will be able to conduct the Manager's evaluation next month.

APPROVAL OF INVOICES

The Board reviewed the lists of invoices. Trustee Thomas pointed out that checks 49385, 49386 and 49387 to Waste Management reflect incorrect account numbers and/or incorrect amounts. Supervisor Fogler asked Manager Creech to look into this matter.

MOVED BY THOMAS, SECONDED BY WORKINGS, to approve payment of the invoices as presented dated December 13, 2011, in the amount of \$28,921.41, December 1, 2011, in the amount of \$248,039.40, December 21, 2011, in the amount of \$211,764.95, and January 10, 2012, in the amount of \$39,252.81.

MOTION CARRIED.

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

CLOSED SESSION

MOVED BY BAILEY, SECONDED BY EDWARDS, to move to a closed session of this meeting at 8:27 p.m. for the purpose of discussing property acquisition.

AYES: Fogler, Workings, Bailey, Edwards, McKay, Thomas

NAYS: None

ABSENT: Creps

MOTION CARRIED.

The regular session of the meeting was reconvened at 9:07 p.m.

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ADJOURNMENT

There being no further business before the Board, the meeting was adjourned at 9:07 p.m.

Respectfully submitted,

Approved,

Ingrid R. Kliffel
Recording Secretary

Judy Workings
Clerk