

CHARTER TOWNSHIP OF OAKLAND BOARD OF TRUSTEES

March 27, 2012

The March 27, 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
Sharon Creps, Treasurer
Michael Bailey, Trustee
Marc Edwards, Trustee
Sharon McKay, Trustee
Kathrine Thomas, Trustee

James Creech, Manager
Steve Joppich, Attorney

ABSENT: Judy Workings, Clerk

A quorum was present.

PLEDGE OF ALLEGIANCE

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

APPROVAL OF MINUTES

Resident Bob Sirna of 5823 Wellwood Court took issue with the minutes of the March 13, 2012, meeting, stating that he feels they do not accurately represent what was said at that meeting. He proposed that the Board minutes should contain the public hearing comments verbatim. Supervisor Fogler responded that the minutes reflect a summary of the main points of discussion of the meeting.

MOVED BY EDWARDS, SECONDED BY CREPS, to approve the minutes of the March 13, 2012, meeting as presented.

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MOTION CARRIED (Nays: Bailey, Thomas).

AMENDMENTS TO AND APPROVAL OF AGENDA

Trustee Bailey requested that discussion of the engineering proposal be moved up on the agenda, to follow consideration of Resolution 12-03.

MOVED BY BAILEY, SECONDED BY THOMAS, to approve the agenda as presented, with the understanding that the discussion of the engineering proposal be moved up in the agenda, to follow consideration of Resolution 12-03.

MOTION CARRIED.

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CITIZENS

Supervisor Fogler invited those present to comment at this time on an item that is not on this evening's agenda. Further, she stated that if someone wishes to comment on an item that is on this evening's agenda, they may do so at an appropriate time when the Board is considering that item.

Blossom Ridge

Craig Blust of 2222 W. Gunn Road referenced an email correspondence he sent to Board members on March 21st, wherein he questioned certain calculations and whether or not the proposed plan had met the requirements to be eligible to be considered for rezoning. Supervisor Fogler stated that the Township received an email correspondence from Planning Consultant Nix today, responding to Mr. Blust's concerns.

Bob Sirna of 5823 Wellwood Court handed out a letter to the Board, which he read. In his letter, Mr. Sirna states that he does not believe that the Blossom Ridge proposal meets the eligibility criteria as set forth in the Zoning Ordinance. For this reason, he feels the Board must reject the proposal. Further, he feels that a rezoning would be inconsistent with the Township's Master Plan as he feels a rezoning is only appropriate if the result is to *retain* Oakland Township residents (whereas in the instant situation, he feels the plan is to *attract* residents from outside Oakland Township).

Jeanne Langlois of 490 W. Snell Road voiced concerns about the traffic study. She said that the traffic conditions reported do not appear to reflect what residents have been experiencing. Further, she said that the developer presented this senior housing development as something that Oakland Township *needs*. However, she said she is not aware of Township residents who are asking for this type of senior housing opportunity; in her opinion, people are content to look outside the Township for this.

Dominic Mocerri of 3495 Mocerri Court responded to Mr. Blust's and Mr. Sirna's assertions, and suggested that perhaps the residents do not have a full understanding of how certain calculations are made. He continued by saying that he is an expert on fair housing, and that he understands housing needs and demographics, citing that his family has been in the business of planning housing developments for thousands of households in southeastern Michigan. Finally, he said that Oakland Township is an *inclusionary* – not an *exclusionary* – community.

John Markel of 245 Birch Hill Drive said that it is important to know which "hat" a speaker is wearing, and questioned if Mr. Mocerri was speaking this evening as a resident or as a developer. Further, he questioned Mr. Mocerri's qualifications as an "expert."

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Mr. Blust said that he briefly reviewed Planning Consultant Nix's email, that he disagrees with certain items contained therein, and will forward a responsive email to the Board.

Mr. Sirna reiterated his position that he does not object to senior housing in Oakland Township. However, he is very concerned that the size and density of the proposed Blossom Ridge development are not appropriate for Oakland Township.

Supervisor Fogler recalled that the Board held a public hearing on this matter at the March 13th meeting, and said that at this time the Board needs to address the items on this evening's agenda.

Televised Meetings

Maureen Thalmann of 3240 Lake George Road urged the Board to consider televising Board meetings on the local cable channel. She said this would allow many more residents to be current on what is taking place in Oakland Township. She continued that she recently spoke with the Executive Director of the local government access channel, and he indicated that it would not be expensive to, at a minimum, prepare a PowerPoint informational presentation that could be shown on Oakland Township's public access channel.

Supervisor Fogler said the staff will look into this.

Expenditures

Joe Langlois of 409 W. Snell Road asked if Manager Creech and/or Supervisor Fogler has authority to spend money without the Board's approval. Manager Creech responded that he has authority to spend up to \$2,500 without Board authority. Mr. Langlois questioned if this is a written policy. Supervisor Fogler and Manager Creech responded that this is a policy that the Board has followed for some time, and agreed to research if the Board passed a motion to this effect.

Questioning by Resident

Mr. Langlois recalled the February 14, 2012, meeting. At that meeting, he had been asking questions of the Board and staff, and Attorney Joppich had reminded Mr. Langlois that this was an opportunity for residents to make comments, but that he should not be conducting a "cross examination" of the Board and staff. Mr. Langlois said that residents should have the opportunity to ask questions, regardless of whether or not they are attorneys, and he took exception to Attorney Joppich's handling of the matter.

RESOLUTION 12-03: MICHIGAN NATURAL RESOURCES TRUST FUND GRANT APPLICATION

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Park and Trails Planner Melinda Milos-Dale was present along with the Township's engineering consultant, Jeff Smith of Professional Engineering Associates ("PEA"), to present the application for a grant through the Michigan Natural Resources Trust Fund ("MNRTF"). The grant would fund a multi-use trail connection between the Paint Creek Trailway and proposed support facilities located at the Paint Creek Cider Mill (including a pedestrian/bicycle bridge over Paint Creek that would connect the Paint Creek Trailway with the Paint Creek Cider Mill, a platform for fishing and nature observation/education on Paint Creek, directional and interpretive signage, outdoor restrooms, two outdoor drinking fountains, and universally accessible pedestrian routes between these proposed facilities).

Ms. Milos-Dale explained that the Township has long wanted to implement these proposed improvements, which are included in the Paint Creek Trail Master Plan, the Oakland Township Parks, Recreation, Land Preservation and Trails Master Plan, and the 2012 draft of the Oakland Township Goodison Sub-Area Master Plan. The recommendations contained in these plans were based on the results of resident surveys, evaluations of current and future facilities improvements, and national guidelines.

Parks and Trails Planner Milos-Dale continued that the proposed project will satisfy needs that Oakland Township residents and Trailway users have had for some time. Currently, if Trailway users wish to get to the Paint Creek Cider Mill, they must exit the trail at the Gallagher Road crossing, and follow the shoulders of Gallagher Road and Orion Road. The proposed bridge will allow for a much safer connection, and will allow Trailway users to access the proposed amenities (including drinking fountains and restrooms) at the Paint Creek Cider Mill facility. It will also allow them to connect to future safety paths, which are planned to branch from this location.

Ms. Milos-Dale stated that the projected cost of this project, which includes engineering and construction, is approximately \$337,000. If Oakland Township is successful in receiving the MNRTF grant, the grant monies would cover 74 percent of the project cost. Oakland Township would be responsible for the remaining 26 percent, the local matching amount. Half of the local match would be paid from the voter-approved Trails Millage Fund (which would be allocated towards the cost of the bridge), and the other half would be paid from Oakland Township's General Fund (which would be allocated towards the other proposed improvements). There are monies in both funds that are available for this purpose.

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Finally, she stated that the Paint Creek Trailways Commission held a public hearing on this matter on March 20, 2012. At that meeting, they passed a motion supporting this MNRTF grant application, and committing to providing an easement for the western half of the pedestrian bridge, which would be located on the Trailways property.

Engineer Jeff Smith reviewed the specific proposed improvements, which include the pedestrian/bicycle bridge, fishing platform, waterless restroom facility, drinking fountains, and directional and interpretive signage. With respect to the proposed location of the bridge, he explained that the goal was to create a strong connection between the Paint Creek Trailway and the Paint Creek Cider Mill. Therefore, the bridge is proposed to be located where it will be easily viewed by people pulling into the Cider Mill parking lot. The striped walkway will allow people to safely go along the outskirts of the parking lot, between the bridge and the building.

Supervisor Fogler invited those present to comment.

Mr. Sirna of 5823 Wellwood Court asked if the Township has plans to construct a parking lot at the Adams Road crossing of the Paint Creek Trailway. Parks and Trails Planner Milos-Dale responded that his question would be better addressed to the Paint Creek Trailways Commission. However, she said it is her belief that the Trailways Commission is interested in this.

John Markel of 245 Birch Hill Drive had several questions. He asked when the Trails millage will expire, and how the Township proposes to maintain these facilities in the event that the millage is not renewed. Ms. Milos-Dale responded that the Trails millage will expire in 2016. She estimates that it will cost an average of approximately \$4,200 per year for maintenance (including maintenance to the improvements – bridge, fishing platform, paths, restroom facility, etc.; pumping the restroom vaults; cleaning the toilets; providing toilet paper, hand sanitizer, etc.). She believes that if the Trails millage were not renewed, the Township would take on these maintenance responsibilities.

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Mr. Markel also inquired about the drinking fountains, and noted that there is a drinking fountain not far down the Trailway, by the Flagstar Bank. Parks and Trails Planner Milos-Dale acknowledged the other drinking fountain, but said that the proposed drinking fountains will be run from an existing hose bib (potable water) on the Cider Mill building. Additionally, she feels that it makes sense to include a drinking fountain in an area where Trailway users will be enjoying a break and using the restroom, picnic tables, etc.

Mr. Markel then asked about the materials that will be used for the fishing platform. Mr. Smith said that the decking will be a composite material, and the structure itself will be made from treated lumber that will be cantilevered out over the creek.

Finally, Mr. Markel inquired about the hours of operation of the restrooms. Ms. Milos-Dale explained that Trailway users currently only have access to the restrooms that are located inside the Cider Mill during regular business hours, Monday through Friday. The new restrooms will be accessible from the parking lot area, and will be available for use from 6 a.m. to 10 p.m. seven days a week, the regular hours of the Trailways. If we receive this grant, the Board of Trustees will need to determine how the restrooms will be locked and unlocked, and who will do this.

Judy Spitz of 4210 Orion Road said she likes the plans. However, she pointed out that since the dam was removed from Paint Creek, water has not been able to flow into the Mill Race. Consequently, the Mill Race, as well as the pool with the large wheel located just in front of the Cider Mill, now contain stagnant water. She anticipates these areas will soon be full of mosquitoes. Ms. Spitz asked that the Township restore flowing water to the Mill Race.

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Trustee Thomas commented that she used to live in the Goodison Hills subdivision, located just behind the Cider Mill. She acknowledged that this is a busy area, particularly during cider season. She feels that the proposed improvements will make this area much safer, and that the restrooms, drinking fountains, etc. will be a good addition.

MOVED BY THOMAS, SECONDED BY EDWARDS, to adopt Resolution 12-03, a Resolution for Application to the Michigan Natural Resources Trust Fund.

MOTION CARRIED.

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

PAINT CREEK MILL RACE: Engineering Proposal

Jason Kenyon, an engineer with WadeTrim, was present. He stated that he discussed this matter with Trustee Bailey, and met on site with area residents. Mr. Kenyon made a brief PowerPoint presentation, which reviewed WadeTrim's proposal as set forth in their March 27, 2012, letter, and which also included photos of the Mill Race as it currently exists.

In order to reenergize the Mill Race, and to potentially even get the mill wheel working, WadeTrim is proposing to do the following in its evaluation of the Mill Race: (1) data collection and site visit, (2) hydraulic evaluation, (3) development of alternate solutions and cost estimates, and (4) presentation of a final report of findings, evaluations and recommendations. This work will take place over an approximately six to eight week period. The cost for these professional services is \$7,500.

Bob Sirna of 5823 Wellwood Court asked if WadeTrim will also assess the work of Hubbel, Roth and Clark, the engineers who worked with the Clinton River Watershed Council regarding the dam removal project. Mr. Kenyon said WadeTrim's approach is to move forward and try to develop solutions, and said that the proposal does not include analysis of another firm's work. However, when pressed by Mr. Sirna, Mr. Kenyon said that WadeTrim would be capable of conducting such an evaluation. Mr. Sirna asked that the Board direct WadeTrim do this.

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Terry Gonser of 4200 Heron Road said he feels the Clinton River Watershed Council is disingenuous, and feels that they should pay for this remediation work.

Jan Olson of 4190 Orion Road asked that the Board move forward with WadeTrim's proposal. She said that she has been very pleased with the way that Mr. Kenyon has listened to residents' concerns. She added that it is her understanding that WadeTrim has worked with communities and residents in the past, and was able to reach compromises.

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Joe Langlois of 490 W. Snell Road thanked Trustee Bailey for pursuing this matter, and said he hopes the Board will move forward with WadeTrim's proposal. He suggested that at some time the Board may wish to review work that was done previously to determine if another entity/entities should contribute to the costs for this work.

John Markel of 245 Birch Hill Road said that, whereas residents were opposed to the expenditure of some \$700,000 for the dam removal project, which they felt would not work, he and other residents are in support of the proposed \$7,500 expenditure to try to find a solution to the current problem. He stated that he feels it is the Board's fiduciary responsibility to fix this situation and to obtain an "accounting" of how we got here.

Judy Spitz of 4210 Orion Road commented that this has been a warm winter and exceptionally advanced spring; there are already "green slime and bugs" on the Mill Race.

Judy Keyes of 1887 High Meadows Boulevard concurred with Maureen Thalmann's previous comments that she would like to see Board meetings televised. She continued by recalling that either Hubbell, Roth and Clark and/or the Clinton River Watershed Council had made statements indicating that they would make sure that water would flow in the Mill Race, and that there would be money set aside to accomplish this at no cost to Oakland Township. She was upset that now Oakland Township is considering spending money to try to fix the problem because there is no water in the Mill Race.

Beth Markel of 245 Birch Hill Road said she is in support of making the Mill Race functional so that it is no longer a "pit of green slime," but added that she finds it "somewhat appalling" that now Oakland Township's taxpayers are paying to fix this mistake. She suggested that the costs should instead be paid for by those Board members who voted in favor of allowing the dam removal project to move forward.

Trustee Edwards pointed out that the Board did not approve the project, the project's engineering, etc. Rather, they granted access across the Township's property. He said that he agrees with the residents that we should accept WadeTrim's proposal to evaluate the situation and make recommendations as to how to proceed to restore flow to the Mill Race.

Greg Olson of 4190 Orion Road asked the Board to accept WadeTrim's proposal. He added that his neighbor, the Nightingales, have indicated to him that they have no objection to fill being removed from their property in order to restore flow to the Mill Race.

Robin Buxar of 1540 W. Gunn Road said she is upstream from the site where the dam was removed. Since the dam's removal, the speed of Paint Creek has increased, and the

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banks along her property have been eroding. She inquired about the status of “phase II” of the project.

Jan Olson corrected other residents: she recalled that Hubbell, Roth and Clark had discussed that it might cost \$250,000 to have the sediment removed from the Mill Race, but that the Clinton River Watershed Council would apply for grants to try to obtain these monies. She also noted that, while Oakland Township granted access for the dam removal, the filling of the entry to the Mill Race was not a part of the agreement.

Don and Heidi Patterson of 1370 W. Gunn Road were present on behalf of themselves as well as on behalf of the estate of Nancy Mikesch of 4014 Orion Road. Mr. Patterson said that he recently saw someone from a construction company at the site. When he inquired about what the worker was doing, he was told that there would be more work at some time in the future. Mr. Patterson continued that the tip of Ms. Mikesch’s property abuts the Nightingale property. When the dam was removed, a part of Ms. Mikesch’s property was cleared. He does not believe that Ms. Mikesch had signed any sort of agreement to permit this.

MOVED BY BAILEY, SECONDED BY McKAY, to approve a third party engineering investigation into the possibility of restoring flow to the Mill Race, to be conducted by WadeTrim as outlined in their proposal of March 27, 2012, at a cost of \$7,500.

MOTION CARRIED.

Supervisor Fogler pointed out that WadeTrim will need permission to access residents’ properties to conduct soil borings. She also inquired about an MDEQ permit. Mr. Kenyon responded that at this time the firm will just be studying the site, so he does not anticipate that a permit will be necessary. He explained that this will allow WadeTrim to then develop an idea of what will be required to resolve the problem, including a projected cost. The MDEQ permit will be a part of the actual project (not just development of the plan).

Jan Olson thanked Trustee Bailey for working with residents on this matter, and Mr. Kenyon for meeting with residents and developing his proposal.

BUDGET AMENDMENTS: FISCAL YEAR 2011-2012

The Board reviewed the proposed amendments to the 2010-2011 fiscal year budgets.

MOVED BY BAILEY, SECONDED BY EDWARDS, to approve the amendments to the fiscal year 2011-2012 budgets as presented.

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MOTION CARRIED.

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SALARY AND WAGE SCHEDULE

Manager Creech reviewed the Salary and Wage Schedule for the 2012-2013 fiscal year. He said that, while he is not recommending an across-the-board increase, he is recommending a one-time payment of \$1,000 per full time employee and \$500 per regular part time employee, for a total one-time cost of \$22,500. He recalled that the Board approved a similar payment in 2010, and the Township's financial situation has substantially improved since that time. Additionally, he said that the Township will be able to commit to funding the Health Savings Account for the high deductible health insurance plan, which allows employees to control out-of-pocket costs; this will take place in September.

Trustee Bailey pointed out that the per diem paid to the Board of Trustees (Trustees only) is not reflected on this schedule.

MOVED BY BAILEY, SECONDED BY CREPS, to approve the Salary and Wage Schedule for the 2012-2013 fiscal year as presented, with a one-time payment of \$1,000 per full time employee and \$500 per regular part time employee, for a total one-time cost of \$22,500, as recommended by Manager Creech.

MOTION CARRIED.

DUST CONTROL SERVICE

The Township has 190,831 linear feet (36.15 miles) of gravel road, which require a minimum of five applications of calcium chloride solution at 2,000 gallons per mile over the season.

The Board reviewed three quotes for this service. The lowest bid was from Road Maintenance Corporation, which serviced the Township last year, and a number of years ago. Supervisor Fogler said that Road Maintenance Corporation worked well with the Township staff to coordinate chloride applications with the Road Commission grading, and was very responsive if there was an issue that needed attention.

Road Maintenance Corporation is the lowest qualified bidder for this service.

MOVED BY CREPS, SECONDED BY EDWARDS, to contract with Road Maintenance Corporation, the lowest bidder, for dust control services for the 2012 season.

MOTION CARRIED.

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COST PARTICIPATION AGREEMENT REGARDING USE OF TRI-PARTY FUNDS

The Board reviewed a Cost Participation Agreement with Oakland County for the use of Oakland Township's Tri-Party funds to add limestone to various gravel roads within the Township. Manager Creech explained that, over the past several years, Oakland Township has used its Tri-Party funds to have limestone applied to unpaved roads. These limestone-surfaced roads (approximately 11 miles in total) have held up much better than the gravel surfacing. At this time, Manager Creech is recommending that the 2012 Tri-Party funds be used to have additional limestone applied to approximately four miles of unpaved roads (approximately a half mile on Kline road, north of the mobile home park entrance, approximately one-and-a-half miles on Buell Road, west of Collins Road to Adams Road), and to do some top dressing on existing limestone roads (including approximately one-half of a mile on Mead Road to Sheldon Road).

Resident Bob Sirna of 5823 Wellwood Court asked how Oakland Township handles maintenance of Dutton Road, which lies half in Oakland Township and half in the City of Rochester Hills. Supervisor Fogler responded that the two communities share the maintenance of this road.

Jean Lyons of 2725 Clarkston Road inquired about the speed limit on unpaved roads. Supervisor Fogler responded that there is legislation being considered to return control of speed limits to the communities. Oakland Township is in favor of this.

MOVED BY BAILEY, SECONDED BY THOMAS, to approve the Cost Participation Agreement with Oakland County for the use of Oakland Township's Tri-Party funds to add limestone to various gravel roads within Oakland Township as recommended in Manager Creech's memorandum of March 23, 2012.

MOTION CARRIED.

TOWNSHIP HALL ROOF REPLACEMENT

Building Director Benoit was present. He reviewed his memorandum of March 26th. Mr. Benoit stated that he received three quotes to replace the roof on the Township Hall, which is 15 years old and in need of replacement. This project would include tearing off the old shingles down to the wood decking, replacing wood as necessary, installing ice and water shield and roofing paper, replacing all edge flashing and ridge vents, installing three solar vents, and re-shingling with a Certainteed 50 year dimensional shingle. Building Director Benoit recommended that the Township contract with Constantine Roofing, the low bidder.

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Resident Bob Sirna of 5823 Wellwood Court asked if it would be more economical over time to instead install a metal roof system. Building Director Benoit said he did not look into this, but he understands it is considerably more expensive (perhaps three times) than asphalt shingles.

MOVED BY McKAY, SECONDED BY THOMAS, to contract with Constantine Roofing for replacement of the roof on the Township Hall at a cost not to exceed \$27,000.

MOTION CARRIED.

FISCAL YEAR 2012-2013 MEETING SCHEDULE

The Board reviewed the proposed meeting schedule for the period of April 2012 through March 2013. In the past, meetings of the Board of Trustees have been held on the second and fourth Tuesdays of each month at 7:00 p.m. However, over the past year, the Board has often cancelled the second meeting of the month. The Board discussed reducing the meetings to the second Tuesday of the month, with additional meetings planned for September and March, and with the understanding that special meetings may be scheduled as necessary.

MOVED BY BAILEY, SECONDED BY EDWARDS, to adopt the following meeting schedule for the period of April 2012 through March 2013, with the understanding that additional special meetings may be scheduled as necessary:

April 10, 2012	October 9, 2012
May 8, 2012	November 13, 2012
June 12, 2012	December 11, 2012
July 10, 2012	January 8, 2013
August 14, 2012	February 12, 2013
September 11 and 25, 2012	March 12 and 26, 2013

MOTION CARRIED.

RECORDING EQUIPMENT

Supervisor Fogler said that Clerk Workings had looked into this matter, but noted that she is not present this evening. Trustee Edwards suggested, and the Board agreed, that the Board table discussion of this item until Clerk Workings is present.

MANAGER'S REPORTS

Dutton Road Resident

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Manager Creech reported that he has been working with the City of Rochester Hills to try to resolve a problem for a homeowner on Dutton Road whose well failed.

Blue Heron Environmental Area Encroachments

Manager Creech reported that the Parks and Recreation Commission is working with the Six Rivers Regional Land Conservancy to address encroachments on the Blue Heron Environmental Area park property (which is also covered by a conservation easement).

TRUSTEE EDWARDS'S REPORT

Curamus Terram Race

Trustee Edwards stated that he has worked with Terry Dibble in past years to organize the race held in conjunction with the Goodison Good Tyme event. However, both he and Mr. Dibble have other commitments, and Trustee Edwards said they likely will not be able to coordinate the race this year.

SUPERVISOR FOGLER'S REPORT

Household Hazardous Waste Events

Supervisor Fogler reviewed the schedule for upcoming Household Hazardous Waste events. Trustee Bailey will volunteer at the April 28th event to be held at the Oxford Middle School, Supervisor Fogler and Treasurer Creps will volunteer at the June 2nd event to be held at Oakland University, Trustee Edwards will volunteer at the August 18th event to be held at Oakland Community College (Highland Lakes campus), and Trustee Thomas will volunteer (Trustee McKay will be the alternate) at the September 22nd event to be held at Orion Township's Wildwood Amphitheater.

APPROVAL OF INVOICES

The Board reviewed the list of invoices.

MOVED BY CREPS, SECONDED BY THOMAS, to approve payment of the invoices as presented dated March 27, 2012, in the amount of \$16,182.16.

MOTION CARRIED.

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

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ADJOURNMENT

There being no further business before the Board, the meeting was adjourned at 9:10 p.m.

Respectfully submitted,

Approved,

Ingrid R. Kliffel
Recording Secretary

Judy Workings
Clerk