

CHARTER TOWNSHIP OF OAKLAND BOARD OF TRUSTEES

November 9, 2011

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The November 9, 2011, 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  
Sharon Creps, Treasurer  
Michael Bailey, Trustee  
Marc Edwards, Trustee  
Sharon McKay, Trustee

James Creech, Manager  
Steve Joppich, Attorney

ABSENT: Kathrine Thomas, Trustee

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 McKAY, to approve the minutes of the October 11, 2011, meeting with the following correction: on page 77 under Oakland County Sheriff's Office 2012 Law Enforcement Services Agreement," the third line should read, "...reduce our law enforcement staff by one ~~captain~~ lieutenant and two deputies over the last several years..."

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MOTION CARRIED (Abstention: Fogler, Workings).

**AMENDMENTS TO AND APPROVAL OF AGENDA**

MOVED BY BAILEY, SECONDED BY CREPS, to approve the agenda as presented with the deletion of discussion regarding Wi-Fi Service.

MOTION CARRIED.

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## CITIZENS

### Jan Olsen: Mill Race

Jan Olson of 4190 Orion Road was present. She read a statement, dated November 9, 2011, on behalf of herself and her husband, Michael Krust of 4366 Orion Road, Alan and Diane Praet of 4330 Orion Road, Sue and Orville Brown of 4310 Orion Road, and Bob and Judy Spitz of 4210 Orion Road. The statement reflects that the homeowners would like to see running water in the mill race. However, they are requesting that if access to their properties is necessary, they want at least 30 days' written notice detailing plans, grants, etc.

Mrs. Olson continued that the homeowners would like the Historic District Commission to coordinate any such mill race restoration project, and they would like to see the role of the Clinton River Watershed Council limited to applying for grants for the cleanout and restoration of the mill race. Further, they are requesting that the Township use engineers who are familiar with the historic preservation of mill races and mills.

Mrs. Olson said the pipe that allows water to flow into the mill race is no longer working. The homeowners are very concerned about potential flooding in the spring, and are requesting that this matter be resolved before the pipe freezes. She said that when she advised the Board and Manager Creech of the problem, all she received was a forwarded email from the project engineer, Jamie Burton. She and the homeowners are upset because they feel the Township Manager should be listening to their concerns, trying to resolve the problems, and responding to them. She noted that the Village of Lake Orion is drawing down the lake by one foot, so this should provide adequate water into the Paint Creek to help resolve this problem.

In conclusion, Mrs. Olson and the residents asked that the Township Board and administration work with them to protect their properties, and advocate for them as necessary.

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**John Markel: Mill Race/Tree Replacement Concerns, Digital Communication**

Mill Race/Tree Removal Concerns – Mr. Markel of 245 Birch Hill Drive recalled that at the last meeting he had expressed his concerns about the number of large trees that were removed in conjunction with the Paint Creek dam removal project. At that time, he had asked what the plans were to replace these trees, and had asked about the applicability of the tree ordinance.

This evening, Mr. Markel stated that he counted as many as 50 trees that were removed, and said that some were as large as 36” in diameter. Manager Creech said that the tree ordinance does not apply to this project, and that both the Department of Natural Resources and the Department of Environmental Quality are satisfied with the project.

Mr. Markel asked why the tree ordinance does not apply.

Trustee Edwards said he discussed Mr. Markel’s concerns about the trees with the Clinton River Watershed Council. They advised him that the state oversees the project. Further, a number of the trees that were removed were either elm or ash trees, which needed to be removed because of disease. Further, they informed him that it was also necessary to remove these trees to restore the flood plain. Mr. Edwards said he would be pleased to meet with Mr. Markel to further discuss his concerns.

Supervisor Fogler commented that the project is not complete.

Mr. Markel said he feels it is inappropriate that the tree ordinance should apply to developers but should not apply to a project such as this.

Digital Communication – Mr. Markel asked if the Township has plans to broadcast the Board meetings. He recently paid \$45 for a copy of an audio tape from one of the meetings. Manager Creech responded that this was the first time anyone has made this request, and suggested that Mr. Markel is free to bring his own audio recording device to future meetings.

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## **COMMUNITY DEVELOPMENT BLOCK GRANT: ALLOCATION OF 2012 PROJECT YEAR FUNDS**

At the last meeting, the Board held a public hearing to accept comments and suggestions for the use of Oakland Township's Community Development Block Grant (hereinafter "CDBG") funds for the 2012 project year. Oakland Township will receive approximately \$18,930 in CDBG funds for the 2012 project year. The public service cap has been reduced to 15 percent of the total allocation, and the minimum allocation amount is \$2,500. Given these restrictions, Oakland Township only has \$2,840 available in funding to go to one public service organization such as Neighborhood House or HAVEN.

Manager Creech is recommending that the Board allocate \$2,840 to HAVEN, which is a sole source provider, and contracts directly with Oakland County. He said the Board may choose to provide additional financial support to Neighborhood House through our General Fund budget, as we do to help other service providers such as Rochester Area Youth Association and the Older Persons' Commission.

Additionally, Manager Creech is recommending that the balance of \$16,090 be allocated to the Oakland Livingston Human Service Agency (OLHSA) for their Mobile Home Minor Repair Program, which is also administratively handled through Oakland County, and which will directly benefit low to moderate income residents in Oakland Township.

Carolyn Phelps was present. She is a volunteer at Neighborhood House, and said their program offers a great service to Oakland Township residents. In response to her question, Manager Creech explained that HAVEN is a sole source provider, so they contract directly with Oakland County. However, Neighborhood House needs to go through a bidding/procurement process for their services, which puts an administrative burden on Oakland Township's staff. Instead, he is recommending that the Board consider allocating a like amount (i.e., \$2,840) from Oakland Township's General Fund budget to Neighborhood House.

Linda Riggs, Director of Neighborhood House, was present. She thanked the Board for their past support of the program through the allocation of CDBG funds, and for their willingness to continue to support Neighborhood House as proposed by Manager Creech this evening. She said that there is still much need for their services. Further, she asked that the Township let her know how Neighborhood House needs to proceed in order to be considered for General Fund monies.

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Trustee Edwards commented that at the last meeting he had asked if Neighborhood House needed any capital improvement funding requests, which could be eligible for CDBG funds. This is something Neighborhood House should consider in anticipation of the next CDBG year.

Supervisor Fogler thanked Neighborhood House for their service, which helps Oakland Township residents.

Joan Leshley of OLSHA was present. She thanked the Board for allocating money for this program, and reviewed projects that were accomplished this past year using CDBG funds. Ms.Leshley noted that OLSHA has been partnering with other programs to leverage their monies and be able to help more households.

MOVED BY WORKINGS, SECONDED BY BAILEY, to approve the allocation of Project Year 2012 Community Development Block Grant funds in the approximate amount of \$18,930 as follows, and to authorize the Township Supervisor to sign the application and sub-recipient agreement and submit the documents to Oakland County:

HAVEN	\$ 2,840
Mobile Home Repair Program – OLHSA	\$16,090
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Total	\$18,930

MOTION CARRIED.

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Treasurer Creps commented that we are fortunate to live in a community where we are able to help these organizations.

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**SNOW PLOWING BIDS**

The Board reviewed the memorandum dated October 25<sup>th</sup> from Building Director Benoit. Mr. Benoit obtained bids for plowing and salting the parking lots at the Oakland Township Hall municipal complex on Collins Road, and the Paint Creek Cider Mill this season. He is recommending that we contract with Environment by Design, the low bidder, for the 2011-2012 season, with the option to extend the contract for two additional years if both parties agree.

The Board noted that the past several years we have contracted with Quality Landscape, but they were not the low bidder this year.

MOVED BY CREPS, SECONDED BY BAILEY, to contract with Environment by Design for snow plowing and salting services for the 2011-2012 season at a cost of \$847.00 per push, as recommended by Building Director Benoit.

MOTION CARRIED.

**LAND DIVISION VARIANCE: SERIO PROPERTY**

Valerie and Tony Serio were present. Mr. Serio explained that he and his wife purchased this 10.22 acre property in 1990. At that time, they understood that they could split off 3.33 acres. They are now requesting that they be allowed to divide the parcel into a 3.327 gross acre parcel, and a 6.695 gross acre parcel. They have discussed this matter with Manager Creech, and feel that they have addressed his concerns.

It was noted that the Oakland County Health Department has not issued a septic permit for the proposed new lot. Mr. Serio said he is aware of this, and will be looking into the possibility of installing an engineered septic field. Manager Creech explained that the

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applicant will need to show proof that the lot is buildable (including a septic permit) before Oakland Township can approve the land split.

MOVED BY McKAY, SECONDED BY BAILEY, to grant the land division as requested by Mr. and Mrs. Serio for parcel 10-01-200-030 located on Piney Hill Road, granting an area variance of 1.7 acres for parcel "A" from the 5.0 acre minimum, with the following conditions:

1. A deed restriction approved by the Township Attorney shall be established and recorded prohibiting any further divisions for the two resulting lots;
2. Underground electrical service shall be available and shall be utilized for the resulting parcels;
3. A copy of the permit for the septic system or engineered field, with a copy of the plan for that field, as well as a recorded copy of the approved survey are to be filed with the Township;
4. The applicant shall provide past history of land divisions involving the property for review by the Township Attorney for documentation; and
5. This is subject to review by the Township Attorney and, if necessary, the private road maintenance agreement should be amended and re-recorded to account for this additional parcel on this private road.

MOTION CARRIED.

## **FISCAL YEAR 2011-2012 BUDGETS**

Manager Creech presented the draft budgets for the 2012-2013 fiscal year, which runs from April 1, 2012, to March 31, 2013. He explained that these draft budgets are required to be submitted to and received by the Board 120 days before the end of the current fiscal year. He anticipates that there will be some minor modifications to the budgets as we get closer to the end of the current fiscal year.

The public hearing for the proposed final budgets will be held on February 14<sup>th</sup>, and the Board typically considers adoption of the budgets at the first meeting in March.

The Board received the draft budgets.

## **OAKLAND FARMS: Road Paving Project**

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The homeowners of Oakland Farms have petitioned the Road Commission for Oakland County for street paving through the special assessment district process. Manager Creech stated that the homeowners have enough signatures to proceed with the project, which will include replacing the curb, drainage improvements, and replacing the asphalt and concrete pavement with asphalt, at a cost of approximately \$2.2 million, with an additional \$500,000 for engineering, inspection and contingencies. The Road Commission will hold a hearing regarding this proposed matter on December 1<sup>st</sup> at the Township Hall.

In the past, Oakland Township has made a one-time incentive contribution for projects such as this in an amount of 10% of the cost of the project, up to a total contribution of \$25,000. When Manager Creech spoke with a representative from the Oakland Farms Homeowners' Association, they requested that the Township offer this incentive to them.

Trustee Bailey said it does not seem that these roads have lasted a long time. He noted that the Road Commission patches the roads in his subdivision on an as-needed basis.

Mr. Markel inquired if the Township offers this incentive only when a community wants to pave a gravel road. Supervisor Fogler responded that the Township makes this match incentive available for improvement of both paved and unpaved roads. Manager Creech added the General Fund budget includes an allocation of funds for this type of project.

MOVED BY EDWARDS, SECONDED BY McKAY, to offer a subsidy of 10 percent, not to exceed \$25,000, towards the road improvement project proposed for the Oakland Farms development.

MOTION CARRIED.

### **CRANBERRY LAKE FARM: Authority to Maintain and Manage**

Historic District Commission ("HDC") members Bob Matouka, Josie Whitson and Amy Boltz were present, as well as Barb Barber, administrative assistant to the HDC. Also present were members of the Oakland Township Historical Society ("OTHS"), including Janine Saputo, Diana Borrusch and JoAnne Kelly Bourrez. It was noted that there was no representative from the Parks and Recreation Commission ("PRC") present, and there was a question as to whether or not they had been given notice that this matter would be on this evening's agenda. Supervisor Fogler felt that, since members of the HDC and OTHS were present, the Board would hear their comments this evening.

The Board recalled that, at the August 24, 2011, meeting, the PRC adopted a resolution in response to the HDC's request to take over the maintenance and management of the

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Cranberry Lake Farm Historic District (“CLFHD”). The CLFHD consists of a 16 acre area within Cranberry Lake Park, and includes the Main House and approximately 10 accessory structures.

Supervisor Fogler expressed concerns regarding the second paragraph of the resolution, which proposes that the Board and/or the HDC should assume future financial and operational responsibilities for the CLFHD, even if the Historic Preservation millage renewal fails in 2012. She feels that the historic district has always been a part of Cranberry Lake Park, and that the PRC should use the Park Fund millage monies to cover costs related to the CLFHD. Supervisor Fogler added that the Historic Preservation millage monies need to go towards other projects besides the CLFHD.

Trustee Edwards said he feels it is appropriate for the HDC to assume control of the facility, but concurred with Supervisor Fogler that the financial responsibility should stay with the PRC.

Manager Creech said it is his opinion that the PRC wants to have a clear understanding of their financial obligations, as they have other parks and recreation projects and expenses. He also believes the HDC wants to answer to one “boss,” and does not want to have to coordinate between the Board and the PRC.

HDC Vice-Chairperson Josie Whitson confirmed that the HDC does not want to have two “masters.” She continued that the HDC would like to work under the direction of the Board for most matters (she feels the HDC is the most appropriate body for both maintaining the historic structures on the site, as well as developing appropriate programming). However, she said the HDC would still like to involve the PRC with matters such as mowing, plowing, etc. (although she pointed out that the HDC will be responsible for restoring the historic landscape).

HDC Chairman Matouka commented that the HDC discussed the PRC’s resolution and they have some concerns. In particular, he said the HDC feels any agreement should be between the PRC and the Board of Trustees. He continued that the HDC feels the CLFHD is a gem, and they want the authority to be able to show it off, and generate revenue so that the site can ultimately be self-sustaining.

Mr. Markel of 245 Birch Hill Drive asked how the Township acquired the property. Supervisor Fogler said the Township purchased the land, which included the house and accessory structures, using Parks and Recreation Fund monies. Mr. Markel said it is his opinion that it is appropriate for the PRC to continue to be financially responsible for the historic structures on the site.

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Clerk Workings recalled that she was involved with the HDC when there was a Cranberry Lake Farm Supervisory Committee. At that time, the three groups involved (i.e., Board of Trustees, HDC and PRC) held a joint visioning session, with a view that all three groups needed to work together to make the CLFHD successful.

Supervisor Fogler said she feels we need to have a joint meeting with the Board of Trustees, HDC and PRC to try to resolve this matter. HDC Vice-Chairperson Whitson suggested that the three groups share the cost of having Township Attorney Joppich work with them. Clerk Workings suggested that we could contact the Michigan Historic Preservation Network and ask if they can recommend a moderator, and noted that other communities may have had to consider similar matters (e.g., Greenmead in Livonia). Trustee Bailey also suggested that we may be able to look at how VanHoosen Farm in Rochester is managed; HDC Administrative Assistant Barber said the HDC has discussed operation of the CLFHD with staff at VanHoosen Farm. After further consideration, Supervisor Fogler added that we should also include the Oakland Township Historical Society in this matter.

Attorney Joppich suggested that he work with the Board, HDC and PRC to develop a joint resolution that identifies what all the parties have contributed, and specifies how we will proceed into the future. Supervisor Fogler will coordinate a joint meeting.

### **TOWNSHIP WASTE/RECYCLING PROGRAM**

Supervisor Fogler said that Trustee Thomas is out of town because of a family matter. However, Trustee Thomas sent an email correspondence to Supervisor Fogler indicating that she hopes all waste/recycling-related issues will be ready for the Board's consideration at the December meeting.

Amy Boltz, who lives on Snell Road, stated that she recently received a notice from her waste removal service provider, Rite Choice, indicating that she is their only client in the area and they will be discontinuing service to her home.

Resident Jan Olsen of 4190 Orion Road asked why Oakland Township is paying a company to pick up our recycling. She said her daughter is the coordinator of a program at Michigan State University, and they *receive* money from the company that picks up their recycling. Supervisor Fogler said that Trustee Thomas has been looking into this issue.

Supervisor Fogler noted that curbside recycling is included in the standard fee for many waste removal services, including Waste Management. If these homeowners used this free service, it would decrease or eliminate the need for (and expense of) offering recycling at the Township Hall.

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Resident John Markel suggested that Oakland Township review our ordinance relative to waste removal service providers. We could, for example, require that they offer certain services (such as free curbside recycling).

## **ATTORNEY JOPPICH'S REPORT**

### **Tree Ordinance**

In response to questions raised at the last meeting, Attorney Joppich briefly reviewed when the Tree Ordinance applies, and exceptions to that ordinance. Mr. Markel expressed his frustrations that it does not appear to apply with respect to the Paint Creek dam removal project.

## **TRUSTEE EDWARDS'S REPORT**

### **Blossom Ridge Senior Housing – Proposed Development**

Trustee Edwards reported that the Planning Commission continues to consider this matter.

## **CLERK WORKINGS'S REPORTS**

### **Township Website**

Clerk Workings reported that she has been working with Trustee McKay and Executive Administrative Assistant Elaine Leven regarding the Township's website. She shared a report dated November 8, 2011, and noted that there are still a couple items that need to be added to the webpage, including the Planning Commission and Zoning Board of Appeals meeting agendas and minutes, which Manager Creech will take care of.

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## **Freedom of Information Act Procedures**

Clerk Workings discussed that the Board has the authority to designate a FOIA coordinator. After some discussion, Supervisor Fogler suggested that we designate this responsibility to the Deputy Clerk.

MOVED BY BAILEY, SECONDED BY McKAY to appoint Deputy Clerk Karen Brennan as the Freedom of Information Act coordinator.

MOTION CARRIED.

## **Evaluation of Township Manager**

Clerk Workings said we need to select a meeting date to conduct this evaluation. She recalled that when the Board last evaluated the Manager, there was a full agenda and the Manager's evaluation occurred late in the meeting. So that the Board has adequate time for discussion, she suggested that the Board consider holding a meeting for this purpose only. Supervisor Fogler said she did feel it should be the only item on the agenda.

Trustee Bailey suggested that the discussion take place in a closed session; Supervisor Fogler said this will be up to the Manager.

The Board noted that Manager Creech's contract will expire in December of 2013, but the contract renewal deadline is 180 days prior to the contract expiration date. They agreed that, in order to be consistent, we should evaluate Manager Creech at the first meeting in January.

## **TRUSTEE BAILEY'S REPORT**

### **Township Signs**

Trustee Bailey said the sign at Orion Road and Dutton Road is in disrepair. Supervisor Fogler said the sign on the north side of Snell Road also needs repair. She will have Chip 'n' Gail give a quote.

## **SUPERVISOR FOGLER'S REPORTS**

### **Holiday Party**

The Board agreed to hold our annual holiday party on Thursday, December 8<sup>th</sup>, at the Paint Creek Cider Mill. It will be a potluck.

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**Sobriety Program Completion Celebration**

Supervisor Fogler will attend this event on November 15<sup>th</sup>.

**Michigan Township Association Workshop**

Supervisor Fogler and Clerk Workings will attend this workshop (regarding township board/fire department relations), which will be held in Frankenmuth later this month.

**APPROVAL OF INVOICES**

The Board reviewed the lists of invoices.

MOVED BY BAILEY, SECONDED BY CREPS, to approve payment of the invoices as presented dated October 25, 2011, in the amount of \$199,516.19, and November 9, 2011, in the amount of \$37,924.96.

MOTION CARRIED.

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

**CLOSED SESSION**

MOVED BY WORKINGS, SECONDED BY BAILEY, to move to a closed session of this meeting at 8:50 p.m. for the purpose of discussing property acquisition.

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

NAYS: None

ABSENT: Thomas

MOTION CARRIED.

The regular session of the meeting was reconvened at 9:10 p.m.

**ADJOURNMENT**

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

Respectfully submitted,

Approved,

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Ingrid R. Kliffel  
Recording Secretary

Judy Workings  
Clerk