

# CHARTER TOWNSHIP OF OAKLAND BOARD OF TRUSTEES

December 13, 2011

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The December 13, 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  
Michael Bailey, Trustee  
Marc Edwards, Trustee  
Sharon McKay, Trustee  
Kathrine Thomas, Trustee

James Creech, Manager  
Steve Joppich, Attorney

ABSENT: Judy Workings, Clerk  
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 EDWARDS, to approve the minutes of the November 9, 2011, meeting with the following correction: on page 90 under "Township Waste/Recycling Program," the second paragraph, last sentence should be corrected to read, "...eliminate the need for (and ~~expense~~ expense of) offering recycling..."

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MOTION CARRIED (Abstention: Thomas).

**AMENDMENTS TO AND APPROVAL OF AGENDA**

Supervisor Fogler suggested that the Older Persons' Commission item be moved earlier in the agenda.

MOVED BY EDWARDS, SECONDED BY McKAY, to approve the agenda as presented, with the understanding that the item regarding the Older Persons' Commission should be moved to the first item under "Pending Business."

MOTION CARRIED.

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**CITIZENS**

**Paint Creek Dam Removal Project/Mill Race**

Joe Langlois of 490 W. Snell Road was present. He said that as he has reviewed various aspects of this project, he has found a number of flaws. For example, he feels that the State Historic Preservation Office's opinion that the project would have "no adverse effect" on the mill race was based on inaccurate and/or misleading information. He also had concerns about how the issue of potential liability was addressed.

Mr. Langlois said he and other residents feel it is the Township Board's duty and responsibility to investigate these issues. He will continue to look into these matters.

Jean Langlois of 490 W. Snell Road was present. She recalled that she had sent a letter to the Board. She is upset with the way that many aspects of this project were handled, including the lost function and flow of the mill race, and the lack of communication with and consent from homeowners whose properties would be impacted.

In response to Mrs. Langlois's request, Supervisor Fogler said she contacted Anne Vaara of the Clinton River Watershed Council. She will set up a meeting after January 1<sup>st</sup> with Ms. Vaara, engineer Jamie Burton and the homeowners to discuss this matter. Trustee Edwards said that he forwarded Mrs. Langlois's letter to Ms. Vaara, who committed to working with the residents.

Jan Olson of 4190 Orion Road shared copies of a number of documents with the Board including a Quit Claim Deed, aerial photos of the mill race, several plan/cross sectional sheets for the project, the MDEQ's Notice of Public Hearing regarding the application for permit, and several email correspondences. Mrs. Olson stated that, as she views these documents, the engineers sought to change the plans after the permit was issued. There is

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also a request from a homeowner to contact them regarding potential impacts of the project on their property, although Mrs. Olson said they were never contacted.

Greg Olson of 4190 Orion Road referred to the proposed access agreement. He recalled that Ms. Vaara had stated that she would abandon the project if the function and flow of the mill race could not be maintained. Mr. Olson said the project should have been abandoned.

### **Potential Liability Concerns**

John Markel of 245 Birch Hill Drive was present. He feels that the grates, poles and other features of and around the mill wheel at the Paint Creek Cider Mill are potentially hazardous.

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Another potentially dangerous situation he observed recently is near the art structure along the Paint Creek Trailways: one bench is missing and there is a sharp angle iron. Trustee Thomas is the Board' representative to the Paint Creek Trailways Commission and she said she will make sure they are aware of this situation.

### **OLDER PERSONS' COMMISSION**

John Dalton, Older Persons' Commission ("OPC") Chairman, was present. He recalled that the OPC had prepared a budget for fiscal year 2012, which it presented to the three member municipalities (Oakland Township, City of Rochester, City of Rochester Hills) for their approval. The City of Rochester rejected the proposed budget, objecting specifically to a wage (1 percent) and benefit increases. The City of Rochester has prepared an alternative budget, which it is requesting that Oakland Township and the City of Rochester Hills approve. Mr. Dalton requested that the Oakland Township Board continue to support the original budget submitted by the OPC. He feels it is important that the OPC maintain a certain level of independence.

Rich Bosler of 3579 Briarbrooke Lane said he feels the City of Rochester was correct in their conservative approach to the OPC budget.

Trustee Edwards commented that the OPC's 2012 fiscal year budget is less than their 2011 fiscal year budget. He further pointed out that each member municipality has representatives who serve on the OPC Board of Directors and who had input into the creation of the budget proposed by the OPC. Trustee Edwards said he is opposed to "micromanaging" the OPC. Trustees McKay and Thomas agreed.

MOVED BY EDWARDS, SECONDED BY MCKAY, to reject the alternate Older Persons' Commission budget proposed by the City of Rochester, and to continue to support the original budget proposed by the Older Persons' Commission for fiscal year 2012.

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MOTION CARRIED.

**HISTORIC DISTRICT STUDY COMMITTEE: 4014 ORION ROAD**

The Board reviewed a correspondence from Nancy Mikesch, owner of the property located at 4014 Orion Road. Ms. Mikesch is asking that the Board direct the Historic District Study Committee to begin their review of her home for protection under the Historic District Ordinance, No. 37-A. The Board agreed to waive the initial public hearing, given that the homeowner has made the request that her home be reviewed by the Historic District Study Committee.

MOVED BY BAILEY, SECONDED BY THOMAS, to direct the Historic District Study Committee to begin their review of the property located at 4014 Orion Road for protection under the Historic District Ordinance, No. 37-A.

MOTION CARRIED.

**TOWNSHIP WASTE/RECYCLING PROGRAM**

Trustee Thomas stated that she has spent considerable time looking into the various waste hauling, recycling, etc. services that the Township contracts for. She shared her findings and recommendations this evening.

Regarding the dump cards, Trustee Thomas said they are not being used as originally intended, and she is recommending that they be discontinued. The Board agreed. Residents will be notified of this change.

Next, she discussed the recycling bin and cardboard bin that the Township offers at the Township Hall. Trustee Thomas said the cost of providing this service has been escalating over the past years and is currently approximately \$40,000 annually. There are six waste hauling companies that have been approved to collect in Oakland Township. She has learned that all of these service providers (except for Addison Disposal) already offer curbside recycling (four of the five offer curbside recycling at no additional charge). Trustee Thomas said she is preparing a postcard to send to residents asking them to contact their service provider to learn about curbside recycling.

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Trustee Thomas is proposing that the Board scale back the recycling program at the Township Hall. The Township can provide a recycling compactor truck at the Township Hall for four hours, once a month. This will save the Township approximately \$20,000 in recycling fees. Additionally, residents may obtain a recycling card from Oakland Township, which will allow them to take their recycling to Eagle Valley at any time during business hours at no charge to either the homeowner or the Township.

Maureen Thaalman of 3240 Lake George Road suggested that we eliminate recycling at the Township Hall completely if residents already have access to curbside recycling. Trustee Thomas said that she would like to continue to offer some level of recycling, but pointed out that this service will only be offered on an as-needed basis and can be discontinued at any time. Trustee Thomas commented that some subdivisions have contracts for waste hauling for the entire development. Continuing with a reduced level of recycling service at the Township Hall will provide those residents with a recycling opportunity until the homeowners' associations can revisit their respective contracts.

The Board discussed that Trustee Thomas will prepare a postcard to send to residents advising that the dump cards will be discontinued, and asking homeowners to contact their service provider to learn about curbside recycling. Residents also need to be informed that the Township will continue to offer the same level of recycling opportunity at the Township Hall until February, after which it will be reduced to a recycling compactor truck for four hours once a month. Further, residents may obtain a recycling card at the Township Hall to drop off recycling at Eagle Valley at their convenience.

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Trustee McKay questioned how we can ensure that the only ones using the recycling program at the Township Hall are Oakland Township residents. Trustee Thomas said that at this time we are relying on the honor system, but in the future we may need to issue cards/permits.

Trustee Thomas said the Township can also save on waste/recycling costs by paying for this service on an annual basis, as Waste Management will not charge for fuel and environmental costs.

Attorney Joppich said that he has reviewed the proposed agreement with Waste Management, and they have verbally agreed to his proposed revisions.

Supervisor Fogler next opened the floor to comments from the public. John Markel of 245 Birch Hill Drive said he appreciates the time and effort put into researching this matter. He agrees with phasing out the recycling opportunities offered at the Township Hall. He suggested that the Township require that any waste hauler who wishes to provide service in Oakland Township be required to offer curbside recycling. He also suggested that we require each subdivision to use a single waste hauler (with a view that pick up will be on one day only). Attorney Joppich said he will need to look into these matters.

Rich Bosler of 3579 Briarbrooke Lane commented that, based on a recent newspaper article he read, at least one area school is having a problem getting a waste hauler to pick up recycling from the school. Supervisor Fogler was not aware of this, and stated that a number of schools – and churches – offer recycling opportunities in their parking lots.

Mr. Markel questioned why the Township has not obtained various bids for this service. Trustee Thomas responded that all of the service providers have been very comparable in price. Further, she said Waste Management has helped the Township with various events, including Clean Scene.

Jean Langlois of 490 W. Snell Road questioned if there are other matters that we should look into similarly. Supervisor Fogler responded that we try to be proactive and are continually reviewing items such as this.

MOVED BY THOMAS, SECONDED BY EDWARDS, to approve the waste hauling and recycling agreement with Waste Management for the years 2012 through 2014, with the understanding that the new agreement will not take effect until February 1, 2012. Oakland Township will continue to offer the current level of recycling at the Township Hall for one month after this date, and will send out



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postcards to residents to advise them that there will be a change in the level of recycling being offered at the Township Hall.

MOTION CARRIED.

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## **RECOGNITION OF ATTORNEY JOPPICH**

Supervisor Fogler stated that Attorney Joppich was recently voted a *Top Lawyer* in the area of municipal law in Metro Detroit's DBusiness magazine. The Board commended Mr. Joppich on this accomplishment.

## **MANAGER'S REPORT**

### **Workers Compensation Premium Refund**

Manager Creech reported that the Township recently received a \$20,000 premium refund from Workers Compensation.

### **Wi-Fi Tower Agreement**

Air Advantage, the vendor that was offering to provide this service, has been looking into some regulatory issues through the federal government. This project has been put on hold indefinitely.

## **TRUSTEE EDWARDS'S REPORT**

### **Adams Road Trail Connector**

Trustee Edwards reported that the Township was successful in obtaining a grant through the Michigan Natural Resources Trust Fund for development of a trail connector that will run from the Delta Kelly school to the Paint Creek Trailways. The local match monies will be paid through our Trails and Pathways millage.

## **TRUSTEE BAILEY'S REPORT**

### **Township Signs**

Trustee Bailey inquired about the status of repairs of the Township signs at Orion Road and Dutton Road. Manager Creech said he is having staff look into this matter, but added that we cannot make the repairs in the cold weather.

## **SUPERVISOR FOGLER'S REPORTS**

### **Manager's Evaluation**

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Supervisor Fogler said the Board's evaluations should be turned in to Clerk Workings by January 6<sup>th</sup>. Trustee Edwards suggested that it might be good to have the person leading the Manager's evaluation switch from time to time, and he offered to receive and compile the evaluations for the Manager's upcoming evaluation. Trustee Edwards asked that all Board members put their name on the evaluation.

**Michigan Township Association Conference**

Supervisor Fogler stated that anyone interested in attending the upcoming conference needs to turn in their registration form as soon as possible to allow us to take advantage of the early registration rate.

**APPROVAL OF INVOICES**

The Board reviewed the lists of invoices.

MOVED BY THOMAS, SECONDED BY BAILEY, to approve payment of the invoices as presented dated November 21, 2011, in the amount of \$48,404.57, December 1, 2011, in the amount of \$248,039.40, and December 13, 2011, in the amount of \$28,929.41.

MOTION CARRIED.

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

**CLOSED SESSION**

MOVED BY BAILEY, SECONDED BY McKAY, to move to a closed session of this meeting at 8:20 p.m. for the purpose of discussing property acquisition.

AYES: Fogler, Bailey, Edwards, McKay, Thomas

NAYS: None

ABSENT: Workings, Creps

MOTION CARRIED.

The regular session of the meeting was reconvened at 8:47 p.m.

**ADJOURNMENT**

There being no further business before the Board, the meeting was adjourned at 8:47 p.m.

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Respectfully submitted,

Ingrid R. Kliffel  
Recording Secretary

Approved,

Judy Workings  
Clerk