

CHARTER TOWNSHIP OF OAKLAND BOARD OF TRUSTEES

SPECIAL MEETING

APPROVED

November 27, 2012

The November 27, 2012, special meeting of the Charter Township of Oakland Board of Trustees was called to order at 7:00 p.m. in the Township Hall.

PRESENT: Terry Gonser, Supervisor
Karen Reilly, Clerk
Jeanne Langlois, Treasurer
Michael Bailey, Trustee
Judy Keyes, Trustee
Sharon McKay, Trustee
Maureen Thalmann, Trustee
James Creech, Manager
Steve Joppich, Attorney

ABSENT: None

A quorum was present.

PLEDGE OF ALLEGIANCE

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

AMENDMENTS TO AND APPROVAL OF AGENDA

Board members proposed a number of changes to this evening's agenda.

MOVED BY BAILEY, SECONDED BY KEYES, to move discussion of *Oakland Township v Rochester Cider Mill, et al.* (item 9) to follow Older Persons' Commission Board of Trustees Representative (item 4).

MOTION CARRIED UNANIMOUSLY.

MOVED BY THALMANN, SECONDED BY McKAY, to table Planning Commission Board of Trustees Representative (item 5).

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MOTION CARRIED UNANIMOUSLY.

MOVED BY THALMANN, SECONDED BY BAILEY, to table Televising and Webcasting Request for Proposals (item 8).

MOTION CARRIED UNANIMOUSLY.

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

MOTION CARRIED UNANIMOUSLY.

CITIZENS

Supervisor Gonser invited those present to comment at this time on an item that is not on this evening's agenda. 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. Supervisor Gonser reviewed some guidelines for public comment: speakers are asked to identify themselves at the podium, direct their comments to the chairperson, limit their comments to three minutes, speak only once until everyone who wishes to speak has had an opportunity, and for those present to refrain from making comments, noises or other distractions while another person is speaking.

Greg Olson: Welcome, Millrace

Greg Olson of 4190 Orion Road was present. He welcomed the new Board members.

Mr. Olson reminded the Board that Anne Vaara, Executive Director of the Clinton River Watershed Council ("CRWC") had stated at the January 12, 2010, Board meeting that if the Mill Race could not be preserved, the CRWC would abandon this project.

Frank Ferriolo: Welcome, MP3 Recordings

Frank Ferriolo of 5600 Kirkridge Trail also welcomed the new Board members and said he looks forward to a new vision for Oakland Township that will preserve its rural character.

Mr. Ferriolo suggested that when the Board considers the "Televising and Webcasting Request for Proposals" item (tabled this evening), they also consider making a provision on the Township's website to allow residents to download an MP3 recording of the meetings. Supervisor Gonser said that at the next regular Board meeting, he plans to ask the Board to consider authorizing Township administration to solicit bids for televising and webcasting with the view that the bid could be awarded in January and the equipment could be installed thereafter. He is proposing that all Township meetings be streamed live over the Internet and also appear on the local cable channel.

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Finally, with respect to meetings, Mr. Ferriolo suggested that the Board obtain an audio copy of the November Planning Commission meeting and listen to it in its entirety.

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Bill Fox: Dumping of Liquids at Stoney Creek Road and Lake George Road

Bill Fox of 1285 Lake George Road welcomed the new Board.

He said that he has been an Oakland Township resident for 17 years. In January or February of 2010, he observed two large tanker trucks (one at a time) dumping liquid into a pit at the northeast corner of the intersection of Stoney Creek Road and Lake George Road. When he approached the driver to learn more, the driver said he had been directed to dump the liquid into a pit on the site. The liquid was from another Mocerri job site, but the driver did not know what it was.

Thereafter, Mr. Fox contacted Building Director Benoit. Mr. Fox said he was told that this was private property and it was not of his concern. Mr. Fox obtained a sample of the liquid and forwarded it to the Michigan Department of Natural Resources. Unfortunately, he then became very ill and was not able to follow up on this.

Mr. Fox continued that he recently observed a new very large pit with broken concrete to form a runoff to a swamp. The pit is located just east of the silo along Stoney Creek Road. He is concerned that this may be a repeat of what occurred in 2010, and asked the Board to look into this matter.

Supervisor Gonser said he believes the Township owns this property. Mr. Fox responded that it is his understanding that the Township now owns the property where the original dumping took place in 2010, but he does not believe the Township owns the property east of the silo where the new pit is.

Beth Markel: Requests

Beth Markel of 245 Birch Hill Drive welcomed the new Board. She made a number of requests. First, she asked that the Board read and understand all bills, ordinances, etc. before they take action. Second, she asked that the Board direct Attorney Joppich to speak into his microphone so that he can be heard and understood on sound recordings. Third, she asked that speakers speak into the microphone, noting that at the November Planning Commission meeting, Mr. Mocerri spoke off the microphone and anyone listening to the recording cannot understand him. Fourth, she asked that a "white sheet" be created relative to the proposed amended Zoning Ordinance, Ordinance No. 16, so that it is easy to follow the proposed changes.

SUPERVISOR GONSER: Reflection

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Supervisor Gonser shared a quote from Alexander Frazer Tytler, a Scottish-born attorney and writer of the late 1700s. Professor Tytler wrote that history is cyclical in nature, and a democracy cannot exist as a permanent form of government.

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OLDER PERSONS' COMMISSION: Appointment of Representative

Supervisor Gonser stated that he considered three candidates to represent Oakland Township on the Older Persons' Commission Governing Board. Each of the candidates was outstanding and would bring a wealth of attributes to the position. After considering the candidates, Supervisor Gonser recommended that the Board appoint Dr. Pierre Atallah as Oakland Township's citizen representative to the Older Persons' Commission Governing Board.

Supervisor Gonser briefly shared information about Atallah, a 32-year resident of Oakland Township. Among his many accomplishments, Dr. Atallah established the Rochester Medical Center in Rochester, is a clinical professor at Wayne State University, and serves as a staff cardiologist. He has been involved in numerous business and community affairs, and has indicated a strong interest in representing Oakland Township's interests on the Older Persons' Commission Governing Board.

Dr. Atallah was present. He said it would be a great privilege and responsibility to serve in this capacity and, if appointed, he promised to work hard to ensure that the OPC continues to be a great institution.

Dr. Henry Carels of 5322 Abbey Road was present. He asked who the other candidates were. Supervisor Gonser did not share their names, but said they were both outstanding. Dr. Carels noted that Dr. Atallah and his wife each contributed \$500 to Supervisor Gonser's recent campaign for the office of Supervisor. Supervisor Gonser acknowledged this, and invited anyone interested in knowing more information on campaign contributions to visit www.oakgov.org and click on the candidate's name.

MOVED BY KEYES, SECONDED BY THALMANN, to appoint Dr. Pierre Atallah to serve as Oakland Township's citizen representative to the Older Persons' Commission Governing Board.

MOTION CARRIED UNANIMOUSLY.

Treasurer Langlois said the Board also needs a representative on the OPC's Governing Board.

MOVED BY LANGLOIS, SECONDED BY BAILEY, to appoint Supervisor Gonser as the Oakland Township Board of Trustees' representative to the Older Persons' Commission Governing Board.

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MOTION CARRIED UNANIMOUSLY.

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ROCHESTER CIDER MILL

Attorney Joppich provided the Board with two options for a Stipulated Amendment to Order Dated March 12, 1987 for the Board's consideration. The first option allows the Rochester Cider Mill to sell Christmas trees only for the 2012 season, while the second option allows them to also sell wreaths, roping and similar Christmas decorative items.

Treasurer Langlois asked if the Township would be required to obtain input from neighbors. Attorney Joppich responded that this is not required. Trustee McKay said it would be courteous to at least notify the neighbors that the Cider Mill will be selling trees. Trustee Bailey noted that it is already after Thanksgiving and this is the season to sell Christmas trees. If the Board is inclined to permit this use, he encouraged the Board to make a decision this evening instead of putting it over to the December 11th agenda. He noted that the Cider Mill would only be allowed to sell through the end of 2012. The Board discussed how they could inform neighbors, and Attorney Joppich said the Board could direct Manager Creech to send neighbors notice of this activity.

Trustee Thalmann inquired about hours of operation and lighting. Trevor Barkham, DVM, manager of the Rochester Cider Mill was present. He responded that the Rochester Cider Mill will operate during its regular hours, 8 a.m. to 6 p.m., and lighting around the Christmas trees will be the customary "cage lighting" on poles in between and around the trees.

Dr. Carels of 5322 Abbey Road noted that the Barkham family also contributed to Supervisor Gonser's campaign. Dr. Barkham said he did not feel that he had to make an announcement about his family's contributions to the campaigns of current Board members. Dr. Atallah added that this discussion should be about whether or not the Rochester Cider Mill may sell Christmas trees, and he feels that comments about campaign contributions are out of order. Bill Fox agreed, and noted that he also contributed to the campaigns of some of the current Board members. Supervisor Gonser again invited anyone interested in knowing more information on campaign contributions to visit www.oakgov.org and click on the candidate's name.

MOVED BY THALMANN, SECONDED BY KEYES, to amend the prior court order to allow the Rochester Cider Mill to sell Christmas trees, wreaths, roping and similar Christmas decorative items during the 2012 season (as indicated in the Stipulated Amendment to Order Dated March 12, 1987, "Option 2," provided by Attorney Joppich), with the understanding that there will be lighting and hours

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as described this evening, and with one sign, and to direct the Township administration to notify neighbors of this decision.

MOTION CARRIED UNANIMOUSLY.

FISCAL YEAR 2013-2014 BUDGETS

Manager Creech presented the draft budgets for the 2013-2014 fiscal year, which runs from April 1, 2013, to March 31, 2014. He explained that these draft budgets are required to be submitted to and received by the Board 120 days prior to 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 in February, and the Board typically considers adoption of the budgets at the first meeting in March.

The Board accepted the fiscal year 2013-2014 fiscal year budgets.

Trustee Keyes asked when Board members may ask questions about the various budgets. Manager Creech said it is very early in the budget process, but invited Board members to meet with him either as a subcommittee or one-on-one to discuss details. He also noted that he will present the budgets in greater detail in February, at the time of the public hearing.

Treasurer Langlois said she discussed with Executive Assistant Leven the idea of putting these budgets online. Manager Creech said that, to the extent the information is not privileged and confidential, this has already been done.

RECYCLING

Former Trustee Kathrine Thomas and Executive Assistant Elaine Leven worked together to revise the prior recycling program. They learned that five of the six trash haulers that serve Oakland Township residents include the cost of curbside recycling in their fees. This enabled the Board to cut down on the recycling service offered at the Township municipal complex, resulting in significant savings. Currently, those who show proof of Oakland Township residency, may drop off their recycling at the Township complex during specified hours, one day per month. Residents may also drop off their recycling at Eagle Valley Landfill at their convenience and at no charge.

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At this time, the Board considered whether they wish to continue to offer recycling at the Township complex during specified hours, one day per month. Treasurer Langlois said Executive Assistant Leven indicated that between 30 and 50 vehicles use this service, and the cost is \$1,600 to the Township. The Board agreed that it makes sense to phase out this service as it is expensive and residents have other options available to them to meet their recycling needs.

Former Board of Trustees member Kathy Thomas was present. She said it took approximately one year to transition to the current level of service, and that the former Board had planned to eventually phase out recycling at the Township complex.

MOVED BY McKAY, SECONDED BY BAILEY, to discontinue the recycling service with Waste Management that is offered at the Township complex at the end of 2012, to notify residents of this change, and to continue to offer them the ability to recycle at Eagle Valley Landfill at no charge.

MOTION CARRIED UNANIMOUSLY.

BLOSSOM RIDGE REZONING

Supervisor Gonser stated that the Township received a letter dated November 20, 2012, from attorney Gregory Need. At the request of “certain Oakland Township residents,” Mr. Need provided his opinion regarding the Blossom Ridge rezoning. In his letter, he states that the Township failed to submit the proposed rezoning for review and recommendation by the Oakland County Coordinating Zoning Committee as required by the Michigan Zoning Enabling Act. Therefore, it is his opinion that this voids the Township Board’s approval of the rezoning request.

Supervisor Gonser stated that the Board has received a privileged correspondence from Attorney Joppich, and the Board agreed to discuss this with the attorney in closed session.

Closed Session

MOVED BY KEYES, SECONDED BY LANGLOIS, to move to a closed session of this meeting at 7:55 p.m. for the purpose of discussing a privileged attorney-client communication regarding Blossom Ridge.

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AYES: Gonser, Reilly, Langlois, Bailey, Keyes, McKay, Thalmann

NAYS: None

ABSENT: None

MOTION CARRIED.

MOVED BY LANGLOIS, SECONDED BY KEYES, to reconvene the regular session of the meeting at 9:02 p.m.

MOTION CARRIED UNANIMOUSLY.

Regular Session Continues

(Supervisor Gonser called a five minute recess.)

Blossom Ridge developer Dominic Mocerri was present. Supervisor Gonser asked Mr. Mocerri if he had any comments at this time. Mr. Mocerri responded that he did not, and that he had not had the opportunity to discuss Mr. Need's letter with his attorney. Attorney Joppich said he would provide Mr. Mocerri with a copy of the letter. Frank Ferriolo of 5600 Kirkridge Trail asked if the Township would share Mr. Need's letter. Supervisor Gonser said that it is a public document and directed Manager Creech to post it on the Township's website.

Mr. Mocerri referred to the letter received from Mr. Need and asked who his clients are. Supervisor Gonser said the letter does not state this. Robin Buxar of 1540 W. Gunn Road said that she is one of the people who hired Mr. Need. However, she was not comfortable at this time disclosing the names of the others that Mr. Need represents. Mr. Mocerri commented that Ms. Buxar was the one who filed the petition for referendum.

The Board discussed that the ballot language for the referendum vote needs to be submitted to Oakland County by December 4th in order for this question to appear on the February ballot. Therefore, they intend to hold a special meeting on December 3rd.

MOVED BY BAILEY, SECONDED BY MCKAY, to retain Gerald Fisher, a third attorney who is well-versed with Oakland Township, (or, if Mr. Fisher is not available, to authorize Supervisor Gonser to select another attorney) to examine the facts of this matter and provide a recommendation to the Board, to schedule a special meeting for Monday, December 3, 2012, at 7:00 p.m. to settle on language for the rezoning referendum ballot question, which must be submitted to Oakland

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County on December 4, 2012, and to ask Mr. Mocerri to provide his thoughts on how he would like to proceed with this matter.

MOTION CARRIED UNANIMOUSLY.

Beth Markel asked if the December 3rd meeting will be a public meeting. Supervisor Gonsler responded that it will, but it may include a closed session.

Trustee Keyes asked Mr. Mocerri to share his ideas on this matter with the Township prior to that meeting. Mr. Mocerri responded that he would if possible, but this will depend on the availability of his attorney. He asked if the Board would be comfortable allowing his attorney to speak with Attorney Joppich on this matter. Attorney Joppich said this is routine, but stated that he would not disclose his confidential legal opinion.

RESOLUTION 12-17: REZONING REFERENDUM REGARDING ORDINANCE 16-2012A (BLOSSOM RIDGE RM REZONING WITH PLANNED RESIDENTIAL REZONING OVERLAY)

MOVED BY BAILEY, SECONDED BY KEYES, to table this matter until the December 3, 2012, special meeting.

MOTION CARRIED UNANIMOUSLY.

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DETAIL REGARDING AGENDA ITEMS

Supervisor Gonser asked that, in the future, Manager Creech provide additional information on each of the agenda items.

ADJOURNMENT

There being no further business before the Board, the meeting was adjourned at 9:30 p.m.

Respectfully submitted,

Approved,

Ingrid R. Kliffel
Recording Secretary

Karen Reilly
Clerk