

CHARTER TOWNSHIP OF OAKLAND BOARD OF TRUSTEES

APPROVED

December 11, 2012

The December 11, 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: 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

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

Treasurer Langlois proposed that the Board members be given a preliminary agenda approximately two weeks prior to a Board meeting. That way, it would be possible for the Supervisor to have Board members look into certain items in greater detail and be able to provide this additional information to the Board at the time of the meeting.

APPROVAL OF MINUTES

The Board considered the minutes of the November 13, 2012, meeting. However, the current Board was not sworn in until November 20th. All of the current Board members

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attended the November 13th meeting (except Trustee McKay, who was absent) and agreed that the proposed minutes are an accurate record of that meeting.

Attorney Joppich acknowledged this unusual situation. While it has been the Board's policy that those absent from a meeting do not vote on the approval of the minutes, he felt that in this case it would be appropriate for the Board to suspend the policy for this time and consider approval of the minutes.

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MOVED BY BAILEY, SECONDED BY THALMANN, to approve the minutes of the November 13, 2012, meeting as presented.

MOTION CARRIED (Abstention: McKay).

The Board next considered the minutes of the November 27, 2012, special meeting.

MOVED BY BAILEY, SECONDED BY McKAY, to approve the minutes of the November 27, 2012, special meeting as presented.

MOTION CARRIED UNANIMOUSLY.

There were no changes to the closed session of that meeting, and the Board accepted those minutes as presented.

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.

Dennis Murray: Disclosure of Political Contributions

Dennis Murray of 1374 Dutton Road recalled that at the last meeting the Board made numerous appointments. He asked that, for the next six months or so, it be disclosed to the residents if a person being considered for a position made a donation to the campaign of any Board member.

Jan Olson: Christmas Parade Float

Jan Olson of 4190 Orion Road thanked Trustee Keyes for the work she did putting together a float representing both Oakland Township and Goodison for the recent Christmas parade held in Rochester. Mrs. Olson said it was a lot of fun to be involved in the creation of the float, and helped residents of Goodison feel a sense of belonging. The float was very well received.

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Trustee Keyes said she enjoyed working on the float and is looking forward to getting even more residents and local businesses involved in the project for next year's parade. She shared photos.

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MILLRACE: Wade-Trim Report

Trustee Bailey introduced Wade-Trim engineers Jason Kenyon and Dave Anthony (who specializes in stream restoration). He said the goal this evening is to present plans to restore historic flows in the millrace and to restore the water wheel system so that the millrace water can be put to use to power the water wheel again, a sight that many residents of Oakland Township and its surrounding communities have greatly missed since it was last operational in 1998.

Trustee Bailey is currently working with the Wade Trim engineers and others to assemble information to present to the Board in early 2013. This information includes the evaluation by Wade Trim engineers that current plans for the millrace design will limit the millrace flow to substantially less than the historic flow, even after sediment in the millrace is removed. Therefore, the engineers have been working to finalize a new plan that will restore the flow to the correct historic rate.

Mr. Mancour, former owner of the Paint Creek Cider Mill, shared photos of how the millrace and water wheel operated prior to 1998, including how the mill pond looked when the water was flowing at what he believes was the historic flow rate. Mr. Mancour also educated the Board and those present about the various parts of the millrace and water wheel system (such as the forebay, sluice box, head gate, flumes, etc.) and explained the function of each. He said that this millrace and waterwheel system must be restored in order for the wheel to operate as it historically did (he referred to this as “Option 1”).

Mr. Mancour next shared information on the turbine, generator and other mechanical aspects of the mill, which can be restored. Next, he shared photos of the Meadows Grain Mill in North Carolina, which runs by water power, an apple cider press and said he would like to see the Paint Creek Cider Mill used for demonstration and educational purposes. Finally, he shared a proposed floor plan showing some modifications to make this possible.

Next, Jan Olson discussed the value of restoring the millrace to be able to use it as a teaching tool for children and to share with adults who have never experienced a functional waterwheel. She said she would like to see the Paint Creek Cider Mill become a “destination,” and shared many ideas (including offering demonstrations, tours, school programming, scout badge opportunities, etc.). Next, she said she would like to see the Township pursue obtaining a historic designation for Goodison. She shared photos of the Franklin historic district, which contains a cider mill but also provides many other opportunities for visitors. She would like to see something similar for Goodison, and have Goodison become a focus for Oakland Township.

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The Board thanked the many presenters for sharing this information.

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MOVED BY BAILEY, SECONDED BY McKAY, to direct Wade Trim to prepare a quote to cover their expense to develop a revised millrace plan to deliver historic flow to the millrace sufficient to power the water wheel system and turbine, and to conduct the necessary meetings with the Michigan Department of Environmental Quality to have the revised plan approved, with the understanding that Wade Trim shall have this revised plan submitted to the Township by December 18th so that the Board may consider it at its January 8, 2013, meeting.

MOTION CARRIED UNANIMOUSLY.

Supervisor Gonser questioned if it would be possible to replace the dam. The engineers responded that it is very unlikely. Trustee Keyes asked if it is necessary to involve the Clinton River Watershed Council at this time. Trustee Bailey said the CRWC will need to be involved at the time the plans are complete.

Mr. Kenyon said he will put together a tentative schedule, which he will include in the scope of work.

MOVED BY BAILEY, SECONDED BY KEYES, to direct Jerry Mancour to assemble a quote for the cost of excavation to allow for the completion of the forebay as reflected in the drawings, and to make other assessments of the costs to complete Option 1 (the restoration of the wheel, forebay and gates), and to submit this quote to the Township by December 18th so that the Board of Trustees may consider this matter at their January 8, 2013, meeting.

MOTION CARRIED UNANIMOUSLY.

ELECTION COMMISSION: Appointments

Clerk Reilly explained that, by statute, the members of the Election Commission must be the Township Clerk and two Trustees of the Township Board. Trustees McKay and Thalmann said they would be interested in serving on the Election Commission.

MOVED BY LANGLOIS, SECONDED BY BAILEY, to appoint Clerk Reilly, Trustee McKay and Trustee Thalmann to the Election Commission.

MOTION CARRIED UNANIMOUSLY.

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TOWNSHIP BOARD REPRESENTATIVE ON PLANNING COMMISSION:
Appointment

The State statute requires that the Board of Trustees appoint a representative to serve on the Planning Commission. Treasurer Langlois said she would be interested in serving in this capacity.

MOVED BY KEYES, SECONDED BY THALMANN, to appoint Treasurer Langlois as the Board of Trustees' representative on the Planning Commission.

MOTION CARRIED UNANIMOUSLY.

PLANNING COMMISSION REPRESENTATIVE ON THE ZONING BOARD OF APPEALS: Appointment

In the past, the Board has had one member of the Planning Commission also serve on the Zoning Board of Appeals as a liaison. That role is currently held by James Foulkrod. At this time, the Board members did not have a recommendation of a person to serve in this capacity. Treasurer Langlois suggested that the Board send a letter to the Planning Commission members asking which members would be interested in serving on both boards.

MOVED BY LANGLOIS, SECONDED BY BAILEY, to table until January 2013 the appointment of a Planning Commission representative to serve on the Zoning Board of Appeals.

MOTION CARRIED UNANIMOUSLY.

CRANBERRY LAKE IMPROVEMENT BOARD: Appointments

The Board reviewed a memorandum from the Parks and Recreation Commission ("PRC"). It is the responsibility of the Cranberry Lake Improvement Board to oversee aquatic weed control programs and to provide associated educational activities and materials. By statute, membership on that board includes a member of the County Board of Commissioners, two representatives appointed by the local unit of government, a representative of the County Water Resources Commission, and a resident riparian of the lake. As a significant portion of the southern and western shoreline of the lake are part of Cranberry Lake Park and, moreover, are protected by a conservation easement held by the Six Rivers Regional Land Conservancy, one of the representatives of the local unit of government has been a PRC commissioner (former Commissioner Maryann Whitman). At their November 28th meeting, the PRC approved a motion to recommend that the

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Board of Trustees appoint Roger Schmidt to serve as one of the Township's representatives on the Cranberry Lake Improvement Board.

Trustee McKay said she would be interested in serving as the second Oakland Township representative.

MOVED BY KEYES, SECONDED BY LANGLOIS, to appoint Parks and Recreation Commissioner Roger Schmidt and Trustee Sharon McKay to serve as Oakland Township's representatives to the Cranberry Lake Improvement Board.

MOTION CARRIED UNANIMOUSLY.

PAINT CREEK TRAILWAYS COMMISSION: Appointments

The Township Board appoints a Representative and an Alternate, as well as a Citizen Representative and Alternate to represent Oakland Township on the Paint Creek Trailways Commission. As Oakland Township maintains the portion of the Trailways that is within Oakland Township (approximately 5.1 of the 8.9 total miles), and costs for this are paid from the Parks and Recreation Fund budget, historically the Parks and Recreation Commission ("PRC") has made a recommendation to the Board of Trustees regarding candidates to serve as the Citizen Representative and Alternate. At their November 28th meeting, the PRC approved a motion recommending that the Board appoint PRC Commissioner Andy Zale as the Citizen Representative, and resident Martha Olijnyk as the Citizen Alternate Representative. Ms. Olijnyk has served in this capacity since 2005 and has indicated an interest in continuing to represent the Township.

Trustee Keyes said she would be interested in serving as the Board's Representative.

MOVED BY BAILEY, SECONDED BY LANGLOIS, to appoint Trustee Judy Keyes to serve as Oakland Township's Representative on the Paint Creek Trailways Commission.

MOTION CARRIED UNANIMOUSLY.

Trustee Keyes said she was not aware of any other Board member who was interested in serving as the Alternate Representative, and suggested Mike Wendlyn who has experience working with the Paint Creek Trailways Commission. Trustee Thalmann said she would be interested in serving as the Board's Alternate Representative.

MOVED BY LANGLOIS, SECONDED BY BAILEY, to appoint Trustee Maureen Thalmann to serve as Oakland Township's Alternate Representative on the Paint Creek Trailways Commission.

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MOTION CARRIED UNANIMOUSLY.

The Board considered the PRC's recommendation.

MOVED BY KEYES, SECONDED BY LANGLOIS, to appoint Parks and Recreation Commissioner Andy Zale to serve as the Township's Citizen Representative on the Paint Creek Trailways Commission.

MOTION CARRIED UNANIMOUSLY.

Supervisor Gonser said Ms. Olijnyk had hoped to be present this evening but is ill. She conveyed to him that she is interested in continuing to serve in this capacity.

MOVED BY BAILEY, SECONDED BY LANGLOIS, to appoint Martha Olijnyk to serve as the Township's Citizen Alternate Representative on the Paint Creek Trailways Commission.

MOTION CARRIED UNANIMOUSLY.

TRAILS AND SAFETY PATH COMMITTEE: Appointment

This is an ad hoc committee that oversees the projects and processes related to the Trails and Safety Path millage. Members are staff and one member from each of the following: the Parks and Recreation Commission, the Planning Commission and the Board of Trustees.

Treasurer Langlois said she would be interested in serving on the Trails and Safety Path Committee.

MOVED BY KEYES, SECONDED BY BAILEY, to appoint Treasurer Langlois to serve as the Board of Trustees representative on the Trails and Safety Path Committee.

MOTION CARRIED UNANIMOUSLY.

PAINT CREEK CIDER MILL CONCESSIONAIRE AGREEMENT

Supervisor Gonser said the former owner of Paint Creek Cider Mill LLC sold the business and the new owner is Mr. Ed Granchi. The current Concessionaire Agreement with Paint Creek Cider Mill LLC will expire on May 31, 2013, and they are asking that

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they be allowed to execute the first two-year extension, extending the expiration date to May 31, 2015.

Supervisor Gonser said that he does not feel the Board has enough information to act on this matter this evening.

MOVED BY KEYES, SECONDED BY REILLY, to appoint Treasurer Langlois, Trustee Bailey and Trustee McKay to a subcommittee for the purpose of studying the Paint Creek Cider Mill and its future use relative to the request to extend the Concessionaire Agreement.

MOTION CARRIED UNANIMOUSLY.

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REQUEST FOR PROPOSAL FOR STREAMING VIDEO/CABLE SERVICE

Supervisor Gonser said that the Board's intention is to install permanent equipment in the Township Hall meeting room and to have a number of the meetings held in this room televised.

MOVED BY THALMANN, SECONDED BY McKAY, to direct the Township Manager to initiate an RFP process for the purpose of videotaping meetings held in the main Township Hall meeting room.

MOTION CARRIED UNANIMOUSLY.

Trustee Thalmann thanked Jay Corey for all the help he has provided to date to facilitate this.

Treasurer Langlois asked that the proposals include as much breakdown of costs as possible, including a per-meeting cost, to make it easier for the Board to compare the quotes. Supervisor Gonser said that this will be done. At this time, he anticipates that there will be five meetings per month that will be videotaped and broadcast.

BLOSSOM RIDGE: Selection of Attorney for Opinion

Supervisor Gonser recalled that the Board expressed their desire to obtain another opinion regarding this matter. He prepared a list of three attorneys with land use and/or municipal law experience for the Board's consideration, and felt that all three would be well qualified. While he believes the cost of this opinion will be less, he recommended and the Board agreed that the Board should specify a "not to exceed" figure of \$2,000.

MOVED BY BAILEY, SECONDED BY LANGLOIS, to retain Jon Kingsepp, who has both land use and municipal law experience, for the purpose of providing an opinion regarding the Blossom Ridge rezoning matter to the Township Board.

MOTION CARRIED UNANIMOUSLY.

Treasurer Langlois said she anticipates this opinion will be completely independent, and will provide new discussion and analysis not received thus far.

BLOSSOM RIDGE: Attorney General Opinion

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MOVED BY KEYES, SECONDED BY BAILEY, to direct Supervisor Gonser to pursue avenues to obtain an opinion from the Attorney General relative to the Blossom Ridge rezoning matter.

MOTION CARRIED UNANIMOUSLY.

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APPRAISER FOR MICHIGAN TAX TRIBUNAL MATTERS

Attorney Joppich explained that there are two pending Michigan Tax Tribunal matters, and the Board needs to retain an expert appraiser in this regard.

While he has provided the Board with a privileged and confidential letter, the Board agreed that it is not necessary to go into a closed session to discuss these matters in more detail at this time.

MOVED BY BAILEY, SECONDED BY THALMAN, to authorize the Township Attorney to engage the services of an appraiser on behalf of the Township at the rate and for the purposes described in the privileged attorney-client letter dated December 5, 2012.

MOTION CARRIED UNANIMOUSLY.

MANAGER'S REPORT

Paint Creek Cider Mill

Manager Creech noted that there is a security system installed in the Paint Creek Cider Mill, and there is also a generator.

Agenda Packet Information Available on Website

Supervisor Gonser recalled that the Board had requested that agenda packet information be available for online viewing prior to the Board meetings. Manager Creech acknowledged this and said that he hopes to have the information on the website the Friday prior to the meeting date. He apologized that the information for this evening's meeting was only placed on the website yesterday, but said that staff members have been ill and/or out of the office.

ATTORNEY'S REPORT

Oil and Gas Drilling ("Fracking," "Pooling," Etc.)

Attorney Joppich recalled that Trustee McKay had raised concerns about oil and gas drilling earlier this year. He prepared an opinion for the former Board, but they did not have the opportunity to take up the matter. He offered and the Board agreed that he should forward a copy of his opinion letter to the new Board members.

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TRUSTEE McKAY'S REPORTS

Webpage Updates

Trustee Thalmann agreed to help Trustee McKay on webpage updates.

Educational Opportunities

Trustee McKay said she received an email correspondence from the Michigan Township Association regarding upcoming classes that will be held January 22 through 25th at the Marriott in Detroit. Early registration ends later this month.

TRUSTEE KEYES'S REPORT

Christmas Parade Float

Trustee Keyes said resident Jan Olson painted two 4 foot diameter medallions with images of the Paint Creek Cider Mill (with a motor to make the wheel turn), as well as one 3 foot diameter medallion stating "Goodison is the heart of Oakland Township." She said they are beautiful works of art and proposed that they be viewed and enjoyed – possibly in the Paint Creek Cider Mill, the Township Hall, and Fire Station No. 1.

Treasurer Langlois suggested that people could make recommendations of where they would like to see the medallions displayed. The Board asked Ms. Barbara Barber, administrative assistant to the Historic District Commission, to assist with this project.

TREASURER LANGLOIS'S REPORT

Training, Financial Statements, Water Resource Commission

Treasurer Langlois reported that she attended training on the Oakland County property tax system.

She also met with an accountant who offered to meet with the Board and guide the Board through the process of reviewing the audited financial statements.

Finally, she said she also spoke with Water Resources Commissioner John McCulloch. He suggested that the Board meet with an engineer from Oakland County who can inform the Board of issues impacting Oakland Township.

CLERK REILLY'S REPORT

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General Ledger Information

Clerk Reilly said she is working with Deputy Treasurer Brennan to place more general ledger information on the Township's website.

APPROVAL OF INVOICES

The Board reviewed the list of invoices.

MOVED BY BAILEY, SECONDED BY LANGLOIS, to approve payment of the invoices as presented, dated November 15, 2012, in the amount of \$201,998.38, November 27, 2012, in the amount of \$152,058.67, and December 11, 2012, in the amount of \$66,840.97.

MOTION CARRIED UNANIMOUSLY.

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

ADJOURNMENT

There being no further business before the Board, the meeting was adjourned at 9:13 p.m.

Respectfully submitted,

Approved,

Ingrid R. Kliffel
Recording Secretary

Karen Reilly
Clerk