

CHARTER TOWNSHIP OF WHITE LAKE
Approved Minutes of the Regular Board of Trustees Meeting
February 19, 2019

Supervisor Kowall called the meeting to order at 7:01 p.m. He then led the Pledge of Allegiance.
Clerk Lilley called the roll:

Present: Rik Kowall, Supervisor
 Terry Lilley, Clerk
 Mike Roman, Treasurer
 Scott Ruggles, Trustee
 Liz Fessler Smith, Trustee

Also Present: Michael Homier, Attorney
 Aaron Potter, DPS Director
 Jennifer Edens, Recording Secretary

Absent: Michael Powell, Trustee
 Andrea C. Voorheis, Trustee

AGENDA

Clerk Lilley noted a new list of bills dated 2/19/19. He also announced that the Walled Lake School District will have an election in May and the Huron Valley School District in November.

It was MOVED by Clerk Lilley, SUPPORTED by Trustee Ruggles to approve the Agenda as stated. The MOTION PASSED by voice vote (5 yes votes).

PUBLIC COMMENT

None.

CONSENT AGENDA

- A. LIST OF BILLS**
- B. REVENUE AND EXPENSE**
- C. CHECK DISBURSEMENT**
- D. DEPARTMENT REPORTS**
 - 1. POLICE**
 - 2. FIRE**
 - 3. COMMUNITY DEVELOPMENT**
 - 4. TREASURERS REPORT**

It was **MOVED** by Clerk Lilley, **SUPPORTED** by Treasurer Roman to approve the Consent Agenda as amended. The **MOTION PASSED** by voice vote (5 yes votes).

MINUTES

A. APPROVAL OF MINUTES-SPECIAL BOARD MEETING, JANUARY 15, 2019

It was **MOVED** by Trustee Ruggles, **SUPPORTED** by Trustee Fessler Smith to approve the Minutes of the Special Board Meeting dated January 15, 2019. The **MOTION PASSED** by voice vote (5 yes votes).

B. APPROVAL OF MINUTES-REGULAR BOARD MEETING, JANUARY 15, 2019

It was **MOVED** by Supervisor Kowall, **SUPPORTED** by Treasurer Roman to approve the Minutes of the Regular Board Meeting dated January 15, 2019. The **MOTION PASSED** by voice vote (5 yes votes).

PRESENTATION

A. SWEARING IN OF CAREER FIREFIGHTERS JOSEPH SETTECERRI AND ANDREW SITLER

Chief Gurka gave a brief description of the position of firefighter and background of both Joseph Settecerra and Andrew Sitler prior to Clerk Lilley administering the oath.

PUBLIC HEARING

A. REPROGRAMMING OF 2017 FEDERAL CDBG FUNDS TO BATTERED AND ABUSED SPOUSES

Supervisor Kowall explained that CDBG is the Community Development Block Grant Fund. The Township is only allowed to have four programs in the CDBG. Due to a surplus in a previous year the Township is reallocating funds in the amount of \$9,500 to HAVEN.

It was **MOVED** by Supervisor Kowall, **SUPPORTED** by Treasurer Roman to open public hearing. The **MOTION PASSED** by voice vote (5 yes votes).

It was **MOVED** by Supervisor Kowall, **SUPPORTED** by Treasurer Roman to close public hearing. The **MOTION PASSED** by voice vote (5 yes votes).

It was **MOVED** by Clerk Lilley, **SUPPORTED** by Trustee Fessler Smith to approve the Reprogramming of the 2017 Federal CDBG Funds to Battered and Abused Spouses from Activity 731227 to Activity 730137. The **MOTION PASSED** by voice vote (5 yes votes).

RESOLUTIONS

A. RESOLUTION #19-003; PARTIAL TRANSFER OF COMMERCIAL REHABILITATION EXEMPTION CERTIFICATE 4 CORNERS SQUARE LLC - #C2016-015

Supervisor Kowall identified that this is the project at the corners of Cooley Lake Road and Union Lake Road. He explained that the project went through a PA210, which is an incentive offered by the State, County and Township to help offset costs of rehabilitation. The statute requires is if there is a change in entities, not ownership, they must come before the Board to continue to have the exemption.

It was MOVED by Treasurer Roman, SUPPORTED by Trustee Ruggles to approve Resolution #19-003, which would be a partial transfer of the Commercial Rehabilitation Exemption Certificate. The MOTION PASSED by voice vote (5 yes votes).

B. RESOLUTION #19-004; APPROVE FOIA PROCEDURES AND GUIDELINES, A WRITTEN PUBLIC SUMMARY AND DETAILED ITEMIZATION

Supervisor Kowall stated that this Resolution is an agreement that the Township will abide by the amendments under the state law.

It was MOVED by Treasurer Roman, SUPPORTED by Trustee Fessler Smith to approve Resolution #19-004, which would approve the FOIA Procedures and Guidelines as written. The MOTION PASSED by voice vote (5 yes votes).

NEW BUSINESS

A. BIDS FOR INFRA-RED RADIANT TUBE HEATERS FOR FIRE STATION NO. 2 APPARATUS BAYS

Chief Gurka requests to upgrade the heating system of Fire Station No. 2. He obtained three quotes and is recommending Energy Solution Enterprises, which is a local White Lake business.

Trustee Ruggles agrees with Chief Gurka and is glad to see a local business selected.

It was MOVED by Clerk Lilley, SUPPORTED by Trustee Fessler Smith to accept the bid from Energy Solution Enterprises LLC., in the amount of \$10,745.00. The MOTION PASSED by voice vote (5 yes votes).

B. BIDS FOR FIRE STATION NO. 2 & 3 PARKING LOT IMPROVEMENTS

Chief Gurka indicated that Johnson & Anderson has been involved in the process. They have received four bids and Birmingham Seal Coat was the lowest bidder. They offered a discount for performing two jobs and the proposal includes all additional costs. The total price of \$156,000 will come out of the capital outlay budget for the Fire Department.

Supervisor Kowall noted that he and Clerk Lilley want to make sure that the project is done right and that the drainage issues are addressed properly.

Chief Gurka thanked the Board members for their involvement in this project.

It was MOVED by Clerk Lilley, SUPPORTED by Treasurer Roman to approve the pavement improvements at Fire Station No. 2 & 3 and accept Johnson & Anderson recommendations for project costs as follows:

\$132,445.80 for Birmingham Seal Coat;

\$6,500.00 for Johnson & Anderson for construction engineering, administration and layout;

\$4,000.00 for material testing as an allowance;

\$13,244.58 contingencies;

Total contract obligation of \$156,190.38. To include staking of the northern property line of Station No. 3. The MOTION PASSED by voice vote (5 yes votes).

C. PUBLIC SAFETY BUILDING PLANNING PROPOSALS

Supervisor Kowall explained that with the development of the civic center, a new public safety building will be in that proximity. Chief Keller and Chief Gurka are working collectively on this project as it will be a joint, but separate building and to ensure it is done as efficiently as possible while providing the Township the best possible building.

Chief Keller stated that they are asking for both Redstone and NSA for an operational analysis of the space allocation, programming and conceptual architectural design.

Greg Mason of NSA spoke briefly about his background, his history of working with the Township and what NSA's proposal would include. He indicated they would provide an in-depth program analysis for both the fire and police stations. It would include ways to economize, ways to work together, site needs, security and safety issues. Then once the program is developed, they move to conceptual/preliminary designs where options are developed for examination. The deliverables eventually would include a site plan, rendered floor plan and building renovations, and probable statement of costs.

In response to Clerk Lilley's question regarding the costs, Mr. Mason indicated that this is step-one that gives the Township the definition of the project: what it will look like; what is it made out of; how much it is going to cost. There will absolutely be additional costs prior to point of construction.

Chief Keller stated he is extremely comfortable with Daniel Redstone. A representative of Redstone gave a brief background of Redstone Architects and their experiences. They are a national company.

Both NSA and Redstone's representatives declared that they stay up-to-date on security and safety issues in response to Supervisor Kowall's question of the same.

Both NSA and Redstone representatives stated past work experiences/projects of similar type.

Clerk Lilley hoped for a clear direction from the chiefs. He is not comfortable at this point, but is interested in hearing more from both companies along with a visual representation and recommendation for either a joint or separate facility. He is not convinced that separate facilities are ideal.

The Redstone representative indicated that their final product would be similar to NSA's. It would include a needs assessment, interviews, questionnaires, conceptual design, block diagram, site plan, tools to move forward, and elevations that be shared with the public.

Trustee Smith stated she is at an impasse as we have a divided house with the Chiefs. She is uncomfortable with the process because she believes that three bids are required and that the bids in discussion did not come through the Clerk's Office. She wants it noted that the Board is not following its own rules. She needs more information to make this decision. She supports a public safety building, but is not comfortable at this time.

Trustee Ruggles concurs that he needs more information.

It was MOVED by Clerk Lilley, SUPPORTED by Trustee Fessler Smith to postpone public safety planning proposals. The MOTION PASSED by voice vote (5 yes votes).

D. REQUEST TO TRANSFER FUNDS FROM GENERAL FUND TO IMPROVEMENT REVOLVING FUND

Treasurer Roman reminded the board that the Township purchased property for a future township development. The general fund generated an excess of \$100,000 over what was budgeted for investment income in 2018. He is requests permission from the Board to transfer that \$100,000 from the General Fund to the Improvement Revolving Fund.

It was MOVED by Treasurer Roman, SUPPORTED by Trustee Ruggles to transfer funds from the general fund to improvement revolving fund. The MOTION PASSED by voice vote (5 yes votes).

E. REQUEST FOR LIBRARY LANDSCAPE BOND

Supervisor Kowall explained that this bond along with the water bond ensures or warranties the work performed for two years up to 125% of the costs which is required by the Township.

Trustee Fessler Smith read into the record the request of the Library, which states that the Library is requesting that per Zoning Ordinance 58, the Library is responsible for submitting a cash bond equal to 125% of the costs of landscaping which is \$88,218.00 for two years as part of the process to receive a certificate of occupancy. They are requesting a waiver of this requirement and in its place, they passed a motion in their November 2018 meeting to maintain a fund balance to cover this amount. The Library

fund balance minimum target is in the \$300,000 range which is approximately 350% of the landscape budget.

Trustee Ruggles questioned what the Agreement with the Library says about bonds. He proceeded to read that section of the Agreement into the record.

Aaron Potter spoke briefly regarding the water bond and that this is the standard practice used.

Attorney Michael Homier stated the problem with waiving requirements creates an unintended consequence of other projects, commercial or otherwise, where you seek then to impose that requirement. It creates a selective enforcement problem. He believes that waiving the bond could create legal issues.

Aaron Potter indicated that it is, on occasion, necessary to go after a bond. They are working on one currently.

Attorney Homier identified that in none of the bond types would you let the entity keep the funds of a bond, because it makes it difficult to draw upon those bonds if necessary. Not in a single instance would he recommend this.

Treasurer Roman reminded that there were seven drafts to come up with an Agreement between the Township and Library and the Agreement should be followed.

Attorney Homier confirmed that if the funds from the Library were placed in the Township's Trust & Agency it would meet the intention of the ordinance.

Supervisor Kowall indicated that the answer is come up with the cash and the Library will be good. It is up to the Library how they wish to proceed.

Clerk Lilley suggested that the Library go to its contractors.

Supervisor Kowall indicated that it is carbon copy as to the water bond.

FYI – GREEN FOR LIFE RECYCLING REQUEST

Supervisor Kowall stated that the Township has been contact by GFL, which the Township is in a two-year contract with, regarding the change in the market value of recycled goods. The cost of recycled goods is on a decline and it is costing more to handle them than to recycle them. GFL has approached the Township to either take the recyclables and repurpose them for an energy reclamation incineration or to maintain the recycle program as it is, and charge \$1.28 per parcel, per month. The Township has 9,978 parcels, which is approximately \$153, 000 per year or approximately \$15.00 per house.

Two representatives from GFL spoke regarding how the contamination of recycled goods is the cause of the cost increase. Contamination is the amount of material that cannot be processed and the limited capacity as there are not enough murphs.

Mary Early, 5929 Pineridge Court. Suggested a bi-weekly recycling program as done in Ohio.

It was noted that the hazmat collection date is Saturday, June 8, 2019 at Kohl's.

In general, the Board is not okay with changing the current contract and believes that educating the public with regards to recycling may be the better step to take.

Supervisor Kowall is appealing to the public to give input on this topic.

TRUSTEE COMMENTS

Trustee Fessler Smith - Reminded the board that the Library Board meeting was moved to February 20, 2019 at 6:45 p.m. instead of the 27th of February. She recently did a walk-through of the new library and it is moving along. She noted that if anyone is interested in seeing the process, the Library is posting pictures on their Facebook.

She and Supervisor Kowall attended the State of the County this month and it was very informative. She felt proud to be part of such a booming county.

She noted that several board members attended the retirement party of Larry Sheldon. She wishes him the best of luck on his new adventure as chief in another township.

She further noted that she is wearing red this evening in honor of women's heart health and encouraged women to get their heart health check-ups.

She closed by wishing Chief Keller a very happy birthday.

Treasurer Roman - Reminded that property taxes can be paid to the Township through February and after that they will have to be paid at Oakland County.

Trustee Ruggles - Wished Chief Keller happy birthday.

Supervisor Kowall - Acknowledged Attorney Michael Homier who is filling in for Lisa Hamameh who is recovering from a recent surgery. He asked that she be kept in the thoughts and prayers of everyone as she recovers and wishes her a speedy recovery.

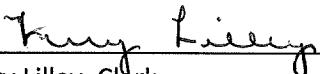
He further wished Chief Keller a happy birthday.

He indicated that we always learn something at every meeting. The recycling issue will be looked at and the Township will move forward. He closed with good night and God bless everyone.

It was MOVED by Treasurer Roman, SUPPORTED by Trustee Fessler Smith, to adjourn the meeting. The MOTION PASSED by voice vote (6 yes votes).

The meeting was adjourned at 8:52 p.m.

I, Terry Lilley, the duly elected and qualified Clerk of the Charter Township of White Lake, County of Oakland, State of Michigan, hereby certify that the foregoing is a true copy of the February 19, 2019 regular board meeting minutes.



Terry Lilley, Clerk
White Lake Township
Oakland County, Michigan