

CHARTER TOWNSHIP OF WHITE LAKE

Approved Minutes of the Board of Trustees Special Meeting

May 3, 2016

Supervisor Baroni called the meeting to order at 7:00 p.m. He led the Pledge of Allegiance.

Clerk Lilley called the roll:

Present: Gregory Baroni, Supervisor
Terry Lilley, Clerk
Mike Roman, Treasurer
Rik Kowall, Trustee
Mike Powell, Trustee
Scott Ruggles, Trustee
Andrea Voorheis, Trustee

Also Present: Lisa Hamameh, Attorney
Jeanine Smith, Assessor
Amy Bertin, Recording Secretary

It was MOVED by Trustee Kowall, SUPPORTED by Treasurer Roman to approve the Agenda as presented. The MOTION PASSED by a voice vote (7 yes votes).

PUBLIC COMMENTS:

Debbie Corbeau, 10540 Parshall. Her concern is why is this being addressed now when it should have been addressed when the cottages were made into year round homes. All these people that live on the lake that bought cottages built in the '30s, '40s or '50s knew what they were in for and now we are expected to pay for it. It is immoral and illegal. John Campbell started all this. He's got the big spread, nice house, and big garage. You can put a lien on her home. She is not paying for somebody else's problem. It is totally unfair to the people who have lived here for a long time and paid taxes. It is not right.

Cathy Callen, 10565 Parshall. Has the Board actually voted to go ahead with this? She spoke with Mr. Lilley twice and she phrased the question as she did today and his response was no. She questioned when are we going to vote on it and he said today. If we protest with over 20% will that do anything? Who initiated this?

Atty. Hamameh responded that, yes, the district has been established. All that is left for today's meeting is confirming the roll, meaning confirming the amounts to be assessed against each property within the district and that is what is being voted on today. There are three steps to create a SAD. The first is an intention resolution where the Township declares their intent to create the SAD. Second step is to have a public hearing and pass a resolution to create the district. Third step is the roll confirmation where there is a second public hearing. The last step is the resolution approving the amount assessed to each property. If that is not

passed, the process is not completed. Over 20% of the residents protesting would have had an effect if it been at the public hearing creating the district. At this time, the district is created.

Jeanine Smith, Assessor, responded that this SAD was officially, legally established by the Township Board. Notification went out in November that the district was being established.

Dorothy Threlkel, 1162 Castlewood. In the December 15 meeting minutes on page 4 of 8, a motion was approved to remove a portion of Castlewood north of Estola. Why are we still included if it was passed that we be removed? Why have we not been given any information on the interest rate we will be charged? It was said Mike McAdams would be present tonight to answer questions from the last meeting and he is not here. She lives on a fixed income and now she is expected to pay out money to cover everybody else. We are being stuck with a bill we can't afford. If we pay cash up front, is there a credit for paying it off at one time?

It was clarified that only those residents on Oxbow Lake Road north of the bridge were removed from this SAD.

Ms. Smith stated the interest rate is dependent upon the bonds that are sold.

Trustee Powell added that as soon as the interest rate and costs are known, you will have the ability to get your own loan and pay it all off up front. You will know you are getting a good deal if you can get a better interest rate than the Township. If you pay in cash up front, you will realize a savings by not having to pay any interest.

Brad Connell, 1244 Castlewood. He understands some residents are upset. It was said these changes should have been made years ago, which is in essence admitting there is some benefit to putting in the system. It will improve the lake quality and in the long run the property value on your house. Without having to rely on a septic field, there are less restrictions on what can be built. To point a finger at one person who started the project is shameful. This was done to better our community.

John Brantingham, 10634 Oakford. Back when this originally started there were maps of the properties most in distress. Oakford, Clydesdale, and most of Castlewood north of Estola was fine. Many have had new septic fields put in. We never had an opportunity to be removed from this. There has been a lot of confusion. Are we part of this SAD or not? We have good sound fields. For those who need it, put in an engineered field. The same people who want this sewer are the ones who didn't want a thing to do with Oakford or Clydesdale when they wanted to pave it. Now they want our money. It is going to raise the taxes of people who really don't need or want it.

Patricia Leonard, 10570 Estola. She has five parcels, four which are included in this SAD. That is \$20,000. 98% of the people on Estola, Parshall and Oakford do not want it or need it. You are forcing it down our throat and it's not right. How can the Board put this through with 98% against it?

Supervisor Baroni responded that people in their community came to the Board and asked for

this. We didn't start this process. Somebody from your association came to the Board and asked to have it done. At that time a petition was signed in which over 51% wanted it. The Board did not force this on you. You folks came to us. You had an opportunity as a community to petition against it. Also, you could come into the Township Offices or stand up during the public hearings and protest.

Ms. Callen. The petition that came around to the house, it was said, would you be interested in having us look into the facts of having a study. She responded she didn't need it but would sign a petition to have a study done. That is what we signed. She signed it as a courtesy. She never said she wanted it.

John Morrison, 10641 Castlewood. His septic is fine but he is very much in favor of this. There was an informal survey in which it was asked whether people were interested. When interest was generated, then there was a formal petition that was sent around which was approved by over 60% of people in the area. This will add to the welfare of the entire community. Just like paved roads, even if you live on a dirt road you still drive on a paved road and get the benefit. Having the benefit of the sanitary sewer will be a big improvement for the lake and everybody in the neighborhood. He's been to all the meetings. There is no plot or subterfuge. He thanked the Board for the work they've done on it.

Joe Harmon, 1360 Oxbow Lake Road. For the most part he is neutral. He supports it to some degree but he doesn't need it. His question is, since he lives on Oxbow Lake Rd., whether he is subject to this SAD.

Trustee Kowall explained that the road north of the bridge was exempted because it was not going to be cost effective to go under the river. It would be very costly to have sewer main there for future use. To save the residents some money, the Board made a decision not to pursue that section of sewer.

Ms. Corbeau has lived here many years. Oxbow was a dirt road. We fought against having it paved and it went through anyway. It is a death trap walking on that road. She's never used Sugden Lake. If you go down to the access, people look at you like you're from another world. The access is not an improved lot so what benefit is there for her to even consider this. She doesn't care if the septic goes in the lake. She cannot use the lake. And you're talking about, it is going to improve the value of her home because she will have lake access. Where is it? Where is her dock? What benefit is it for her to go along with this?

Bryan Campbell, 10659 Castlewood. He thanked the Township Board. This is the first of many improvements to come for White Lake Twp. He looks forward to raising his family here. Septic fields are only a temporary solution to a permanent problem. He commends everyone for looking at a permanent solution and looking towards the future of the Township. Thank you and he is in favor of it.

Tammy Nall, 1291 Oxbow Lake Road. She has followed the letters. She attended the meetings. You took away her voice to vote when you overrode the fact that you chose to go with a percentage over land mass. When you asked her to write a letter to explain why she

said no, she shouldn't have to do that. She has the right to vote any way she chooses without explanation. She simply doesn't need or want it. It has come to her attention the people in Cedar Shores are exploring the possibility of wanting sewers. The more people who want to do the sewers, the lower the price goes. If Cedar Shores wants sewers, is it more advantageous cost wise to do this together? How would someone on Oxbow Lk. Rd. who lives north of the bridge get sewer access if they want it? This process seems to be on a fast track and you can't slow it down. People have concerns or don't have their information straight. Is there a financial benefit for the Township itself to have these sewers? Why is there such a hurry?

Trustee Powell responded that the sanitary sewer to serve residents further north, there will be a point of no return. A portion of Oxbow Lake Road will be served by extending the sanitary sewer where it will end south of the bridge. If a number of people want it north of the bridge, they will have to extend it from there. For Cedar Shores, chances are they will be running their sewer to the north and picking it up at Elizabeth Lake Road. They have a different outlet. There is no financial benefit to the Township at all. The urgency for project is every day that goes by, more sewage is going into the ground affecting the lake quality and there is always more chance of another septic system failing.

Jerry Johnstone, 10697 Castlewood. He lives on the north end of Castlewood. The bacteria in the water was so bad they tore the place down. He would suggest everyone get their water tested. It is worth it. Thank you to the Board.

Ms. Threlkel. Her stumbling block is the petition that was passed around. Three times people came to her door wanting to know if she was interested in a sewer coming through the neighborhood. As soon as she said no, they turned around and walked away. There was no more information. She never signed anything. There was never a meeting to even talk about what is going on. This has come at us without much discussion. All of a sudden we're being told we have to pay for something that has not been properly proposed. How can we continue on with something like this? It is the way all of this was proposed to us that she objects to. We are being told it has already been approved. We haven't gone through the proper process to begin with. How can we get to this point?

Dave Semenas, 1317 Castlewood. He has two pieces of property. He wants to thank the Board and all the people that worked to get the sewer in. If we don't do it now, it is just going to get more expensive. This is good for the environment and the lake. It is good for people on and off the lake and will improve property value by at least the \$5000 it will cost. It is hard but he is going to do it and he is happy it was accomplished. If everybody would come to all the meetings, it's not like it's been a secret. He missed one meeting but he had proxies attend who told him what went on. He doesn't understand why people now at this stage are saying they never heard anything about it.

Pat Ives, 10610 Oakford. His question is regarding hooking up to the sewer main. Is it going to be a piggyback on the 10 year note that is existing for the sewer line? If he has 10 years to pay for this line to go in, now you have to pay to be hooked up and it is on that same note he would probably have about \$30,000 to pay. Will we get notice to come to the meetings to find

out the costs and interest before they say, here it is?

Clerk Lilley responded it is a 10 yr. assessment in the amount of roughly \$5000 for the main. We are not going to piggyback immediately with the connections. The Board has two alternatives. One is with a SAD to get connections and bond those or the Township has emergency funds available to offer the residents. We need to know how many residents really want to proceed with connections and how much money we have. We have almost 15 applications now that want to be part of the next phase. The petitions that have been submitted will be taken into consideration and there will be separate meetings held to sit down and talk to you and go over all of the costs and explain everything.

OLD BUSINESS

A. RESOLUTION #16-010, TO CONFIRM THE ASSESSMENT ROLL FOR CASTLEWOOD, BAYVIEW, PARSHALL, OAKFORD AND OXBOW LAKE ROAD (PART OF)

Clerk Lilley briefly recapped a timeline of events regarding this issue. Originally, when this issue came to the Board, a petition was submitted and Jeanine created a map of those people that said no in their letter and those that said yes. That was the first instance when the Board looked at the percentages of people involved in this project and the Board chose to move forward and that was even prior to October.

Since that period of time, those that have been to the meetings are aware that he's voted on the side of caution. We talked about how it was going to be financed and the engineering costs. We were hesitant about moving too far forward because we were committing you folks to paying engineering costs if we were going to proceed.

He has documented every step of this process. Township Board meetings were held on October 20 & 27, 2015, November 17, December 15, February 2016, March, April and today. When we did the map, we understood that not everybody was in favor of it but felt there was a significant amount of people that wanted to move forward with this. The water quality of your lake and the septic systems leaching are problems to be dealt with. The benefit to us is no more contamination so we decided to move ahead.

We postponed the meeting last month to look at different parcels that were alluded to. However, time is working against us. We have already let this project out for bid. The bid is only good for 120 days. The Board is at the point that if we don't act quickly we will forfeit that bid.

When we first started talking about costs, we were almost up to \$7000. The Board made every attempt to reduce the costs. It was suggested that we reduce our admin fee. We made every attempt to move ahead to find out what the bonding costs are. We finally arrived at a

number of approximately \$4900. Those that want to pay cash up front will have until May to pay without interest. The rest will be offered a 10 yr. payment program to pay off the \$5000 assessment.

Not only did the Board look at different properties but two days ago he met with two of the neighbors here tonight and listened to their concerns. He was surprised to be handed two pieces of literature that were initially circulated for the connections and were now being used to say they were against the whole project. It is a little late to say no. The Board has worked hard to make this project work.

People need to understand the fact that when you get a written notice from your Township in the mail, it is an important enough issue you need to respond to that. The purpose of asking you to respond is it allows you to be able to appeal to the Tax Tribunal. If you simply say, no, I'm not interested in the district, that's not enough. If 80% of the people are against this, it certainly doesn't show with the information that we have available. We are at the last step right now to putting in the mains for those who in the future want to connect.

Treasurer Roman stated that there are always a few residents on fixed incomes. He is going to make some calls to Oakland County. They have some programs that may be able to help. For those of you who are interested, please leave your name and phone number. He went out with Mr. Lilley, Mr. Baroni to inspect some of the lots that owners claimed were unbuildable. He felt two of the lots were unbuildable and should be assessed at zero.

It was MOVED by Treasurer Roman, SUPPORTED by Clerk Lilley to assess Lots #12-34-332-011 and #12-34-328-004 at \$0.00 (zero dollars). The MOTION PASSED by a voice vote (7 yes votes).

It was MOVED by Clerk Lilley, SUPPORTED by Treasurer Roman to approve Resolution #16-010, Scenario #3-Remove 2 Parcels, To Confirm The Assessment Roll For Castlewood, Bayview, Parshall, Oakford and Oxbow Lake Road (Part Of) w/correction of language from 'Regular Meeting' to 'Special Meeting'.

Trustee Powell commented that he designs engineered septic systems for those whose system has failed or wish to build on a vacant lot. The Oakland Co. Health Dept. has adopted a new ordinance that requires every new parcel which isn't fronting a sewer must be one acre, otherwise it doesn't meet their codes and will be denied by the Health Dept. for a septic field. A professional engineer would need to be hired to design a field and provide a way to mitigate the requirements, which is often very expensive. To appeal denial by the county is a very lengthy and arduous process. Those residents present tonight who are in strong opposition to this sewer installation will in the end be thankful. Other communities have installed sewers and have seen vast improvements to their lakes such as Wolverine Lake, Walled Lake, and Union Lake. It is better for the Township, the environment and will save you much trouble in the

future.

The MOTION PASSED by a voice vote (7 yes votes).

Treasurer Roman requested anyone who is interested in hooking up to the sewer to please turn in their paperwork tonight or as soon as possible to the Township.

Ms. Corbeau questioned what legal recourse do they have if they are in opposition to this?

Atty. Hamameh stated it was necessary for the resident to have objected to the assessment at a public hearing or in writing to the Township. They have 30 days from tonight to appeal it to the Tax Tribunal.

(Whereupon a brief recess was taken from 8:14 p.m. to 8:27 p.m.)

NEW BUSINESS

A. APPROVAL OF INVOICE #14631, JETT PUMP AND VALVE

It was **MOVED** by Clerk Lilley, **SUPPORTED** by Trustee Kowall to approve payment of Invoice #14631 to Jett Pump & Valve in the amount of \$18,200. **The MOTION PASSED by a voice vote (7 yes votes).**

B. DANGEROUS BUILDING FINDINGS

It was **MOVED** by Clerk Lilley, **SUPPORTED** by Trustee Voorheis to approve the findings of the Dangerous Building Hearing Officer and proceed forward. **The MOTION PASSED by a voice vote (7 yes votes).**

EXECUTIVE SESSION

A. APPROVAL TO RECESS INTO CLOSED SESSION FOR DISCUSSION OF ATTORNEY/CLIENT PRIVILEGED COMMUNICATION IN ACCORDANCE WITH MCL 15.268 (h)

It was **MOVED** by Clerk Lilley, **SUPPORTED** by Trustee Kowall to approve adjourning into Executive Closed Session for Discussion of Attorney/Client Privileged Communication in Accordance with MCL 15.268 (h).

Trustee Powell brought to the Board's attention two items. One was an April 12, 2016 letter from Julie Conn, Huron Valley Youth Assistance, thanking the Board for their assistance. Also, Jamie Helm of MI-Hope Community Coalition would very much like to give a brief presentation to the Board outlining their mission and how they can serve White Lake Township.

The MOTION PASSED by a roll call vote (Ruggles-yes/Voorheis-yes/Powell-yes/Kowall-yes/Roman-yes/Lilley-yes/Baroni-yes).

Adjournment of meeting into Executive Session at 8:34 p.m.

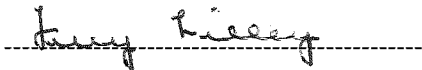
It was MOVED by Trustee Kowall, SUPPORTED by Trustee Powell to return to general session. The MOTION PASSED by a roll call vote (Ruggles-yes/Voorheis-yes/Powell-yes/Kowall-yes/Roman-yes/Lilley-yes/Baroni-yes).

The board offered several options to be discussed with the remaining customers of water contracts 5, 6, & 8. The main discussion point being to re-pay currently funding obligations.

It was moved by Clerk Lilley, supported by Trustee Powell to send registered certified letter to each remaining customers of contracts 5, 6 & 8 to discuss options to possibly reduce current financial obligations and to generate additional revenue. We will agree to set June 7th as a special meeting date to discuss contracts 5, 6 & 8 water contract obligations. The MOTION PASSED by a roll call vote (Ruggles-yes/Voorheis-yes/Powell-yes/Kowall-yes/Roman-yes/Lilley-yes/Baroni-yes).

It was MOVED by Treasurer Roman, SUPPORTED by Trustee Kowall to adjourn the meeting. The MOTION PASSED by a voice vote (7 yes votes).

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 May 3, 2016 special board meeting minutes.



Terry Lilley, Clerk

White Lake Township

Oakland County, Michigan