

# CHARTER TOWNSHIP OF WHITE LAKE

## Approved Minutes of the Regular Board of Trustees Meeting

February 16, 2016

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

Clerk Lilley called the roll:

Present: Greg Baroni, Supervisor  
Terry Lilley, Clerk  
Mike Roman, Treasurer  
Scott Ruggles, Trustee  
Andrea Voorheis, Trustee

Absent: Rik Kowall, Trustee  
Mike Powell, Trustee

Also Present: Lisa Hamameh, Attorney  
Sean O'Neil, Planning Director  
Amy Bertin, Recording Secretary

Clerk Lilley amended the Agenda as follows: Add Items 6A, List of Bills dated 2-16-16; 8F, Director of Public Services Wage Scale; 8G, Resolution #16-007; Opposition to Senate Bill 639; 8H, Resolution #16-01, Appointment to Election Commission; 9N, Paid On-Call Contract; 9O, Sewer Contingency Fund (Discussion).

**It was MOVED by Clerk Lilley, SUPPORTED by Trustee Ruggles to approve the following Amendments to the Agenda: Add Items 6A, List of Bills dated 2-16-16; 8F, Director of Public Services Wage Scale; 8G, Resolution #16-007, Opposition to Senate Bill 639; 8H, Appointment to Election Commission; 9N, Paid-On-Call Contract; 9O, Sewer Contingency Fund (Discussion). The MOTION PASSED by a voice vote (5 yes votes).**

### PUBLIC COMMENTS

Trustee Ruggles read into the record the following statement: Last week a flyer began circulating in the Township alleging that I had personally allowed toxic material to be placed on my farmland and that it was subsequently poisoning the residents' water supply. These allegations are 100% false as stated in the Township's response along with the article in the Oakland Press. The individual spreading these flyers, or individuals, is purposely promoting false information even while possessing the truth. And while I've been slandered publicly, the real victims I feel are the residents who received these flyers and actually believed their water was contaminated. I would like to apologize to the residents affected by this flyer. Myself and the Township have been trying to appropriately relay the truth of the matter to all

residents. Furthermore, I believe the person or persons creating and promoting the false information, either through print or internet, should be held accountable for what they've tried to accomplish by manipulating innocent township residents. Thank you.

Doug Hanks, White Lake. This is his third appearance before this Board requesting an overturn of the building inspector's refusal to issue a permit for interior remodeling. This Board is legally required to rule on any dispute regarding his decision. The township attorney feels the issuance of interior building permits is the jurisdiction of the Zoning Department. He has appealed not only this action but intimidation, misrepresentation of the law, intent to do financial and emotional harm and threatening myself and my wife that we would be put out of business if we did not comply. The U.S. District Attorney feels this is a continuing obstruction of justice and has referred the case to the FBI for investigation. Also, he is filing a grievance with the State Bar Association against Lisa Hamameh. If this Board refuses to examine the laws regarding the building inspector, I consider this an obstruction of justice.

Peter Picciano, 8771 Townsend Drive. He thanked the Supervisor for adding to the White Lake Township website information regarding iron filtration. He was able to pass it on to his homeowner's association. He brought up the topic of compensation for the Township Board members. There are three ways to determine salaries. There is a committee, there is an annual meeting or there is a resolution. The Township here votes by resolution. He would request, if you do have a resolution, you inform the voters that they have the right within 30 days to file a petition requesting that the question of salary be submitted to the electorate. It is an opportunity to speak and have an opinion.

Mary Earley, 5925 Pine Ridge Court. There are two resolutions on the agenda this evening regarding Hidden Pines Park grants. She would like to thank Sean and Jason and the parks committee for their work and hopes the Board will approve the grants.

Martin Ciurlik, 4050 Orr Road. He commented on the issue of contaminated soil. In a flyer distributed throughout the Township, DEQ employee Duane Roskoskey is quoted as saying that while arsenic is naturally occurring in our area, copper and benzo may be a problem. The BAP is above allowable human direct contact criteria and copper is above the groundwater/surface water protection criteria. Testing done in 2012 showed arsenic and copper to be above recording level limits. In the 2014 samples, the copper is still coming back contaminated. There many unanswered questions and he would encourage the Township to do sampling for themselves. We have very little confidence in the DEQ.

Robert Raupp, 6305 White Lake Road. The waste was dumped basically right in his backyard. The White Lake Board should have the soil tested. He would like to be able to reassure all his family members who live nearby about the safety of that dirt. Saying it is safe and won't

contaminate the groundwater is not saying it won't contaminate the surface water. There is a spring at the bottom of the hill that feeds through White Lake. There is more at stake here than just the drinking water that is 100 ft. down.

Martin Ciurlik, Sr., 9530 Elizabeth Lake Road. Gov. Snyder signed a Bill into law, 2014 Act 542 enacting several changes to Part 201. By doing this Snyder has waved the magic wand and the contaminated spoils from White Lake is clean. The amount of contamination hasn't changed but under the new limits it passes. This was done for the DEQ and the State of Michigan to save money and expenses at the cost of its citizens. According to the tests done in 2014, the copper samples were above the limit as well as the benzo. Exposure to high levels of copper is very detrimental to your health. There is a ditch right next to where the dirt was placed on the property and during a rain it is going to go into the sewer and end up in the streams. Mr. Baroni is one of the board members of the White Lake Citizen's League so he is aware of the cost increases because of it being polluted. Previously in 2012, '13 and '14 costs had to be raised to get rid of it and then all of a sudden it is down. For him to say he is not aware is irresponsible.

Matt Carr, 1490 Langfield. He has lived and served in this township his entire life and he had never previously heard of the White Lake Citizen's League. He researched and read the Minutes of their meetings held in 2012. Dredging the lake was referred to as well as determining how much muck was to be removed and where to put it. It was stated in those Minutes how the level of contaminants will affect the cost of disposal. If any of the lake spoils are considered hazardous waste it will skyrocket the costs. The bottom line is this, the issue deserves more investigation. That soil probably should have gone to a different site. It might be legal but not the ethical thing to do.

Trustee Ruggles took offense to being referred to as unethical. This was not underhanded or a ploy to trick the public but the way it's been handled since with the flyer and website has been.

Treasurer Roman noted that some residents felt the issue should have been investigated earlier which might be the case. As far as Mr. Ruggles and his family, their future and livelihood is vested in that farmland. To think they would contaminate their own property and crops makes no sense.

Trustee Ruggles stated his family plans on living on and working that land for many more years to come. The last thing he would do is poison himself, his family and new baby. There is no way they would do anything to destroy their land. It is his responsibility to be a steward of the land. It's how he makes his living.

Howard Carr, 2553 Porter Road. This issue had nothing to do with Trustee Ruggles personally. A phone call was made basically threatening to shut down the Spotlight which is a vehicle to get

information out to the public. It was said the article was to be removed and a lawsuit was threatened.

Trustee Ruggles responded he did call Matt Carr to tell him the truth of the situation. He didn't tell him to shut the Spotlight down. He didn't threaten a lawsuit.

Matt Carr. He did receive a phone call from Trustee Ruggles suggesting the information in the article was slanderous. There are other administrators who run the Spotlight. He did not personally post it. When he was asked to have it taken down, it was done. The rebuttal piece was posted immediately. The issue deserved to be out there for folks to do their own investigation. The soil should be tested.

Supervisor Baroni clarified that it was not the Township Board's decision to put the soil on the Ruggles' land. When he was informed about it, he questioned Mr. Ruggles.

Trustee Ruggles stated he did not personally make the decision to dump the dirt. He didn't solicit it to happen. He wasn't involved in the decision making and did not personally meet with a DEQ individual or look at a permit. Other family members made the agreement and arrangements but he is here tonight to answer for the situation.

Mr. Ciurlik questioned if someone were to bring in between eight and 10,000 yards of material, dirt or sand, would they not have to pull a permit with the city? He was told it would be a \$600 permit and you would have to go through the Building and Zoning Department. Why did this not happen?

Mr. Ciurlik, Sr. He doesn't believe the Ruggles family truly investigated what the material was or else they wouldn't have brought it on the property.

Mr. Cirluik. There is data that shows that at one time it was contaminated and you could not have human contact with it. There is no magic wand that fixes that.

#### **CONSENT AGENDA**

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

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

#### **MINUTES**

##### **A. JANUARY 12, 2016**

It was **MOVED** by Trustee Ruggles, **SUPPORTED** by Treasurer Roman to approve the Minutes dated January 12, 2016. The **MOTION PASSED** by a voice vote (5 yes votes).

#### **RESOLUTIONS.**

##### **A. RESOLUTION #16-001, OPPOSITION TO THE HOUSE BILL 5016, TELECOMMUNICATION RELOCATION COSTS**

It was **MOVED** by Clerk Lilley, **SUPPORTED** by Trustee Voorheis to approve Resolution #16-001, Opposition to the House Bill 5016, Telecommunication Relocation Costs. The **MOTION PASSED** by a voice vote (5 yes votes).

##### **B. RESOLUTION #16-002, LAKEWOOD VILLAGE GOOSE ROUND UP**

It was **MOVED** by Treasurer Roman, **SUPPORTED** by Trustee Voorheis to approve Resolution #16-002, Lakewood Village Goose Round Up. The **MOTION PASSED** by a voice vote (5 yes votes).

##### **C. RESOLUTION #16-003, TO AUTHORIZE THE SUPERVISOR TO EXECUTE INTERGOVERNMENTAL AGREEMENT WITH COMMERCE TWP. AND RELATED CONTRACTS FOR IMPROVEMENTS TO COOLEY LAKE**

Atty. Hamameh stated if the Board were to approve this Resolution authorizing the Supervisor to sign all three documents, there is a change to the contract as it relates to PLM. The language should be modified under Paragraph 1C to state 'Revised As Indicated'.

Treasurer Roman did not feel comfortable with the contracts being between the companies that provide the service and the Township. He would prefer the contracts be between the contractors and the lake association.

Atty. Hamameh commented that the Township is collecting money through a SAD they've already created and paying the money to the contractors. It was felt it made more sense for the Township being permitted to enforce any provision of the contract.

It was **MOVED** by Treasurer Roman to approve Resolution #16-003, to authorize the Supervisor to Execute Intergovernmental Agreement with Commerce Twp., changing the Professional Service Contracts to be between the Contractors and the Cooley Lake Association.

The **MOTION** was withdrawn.

It was **MOVED** by Treasurer Roman, **SUPPORTED** by Trustee Voorheis to postpone Resolution #16-003, to authorize the Supervisor to Execute Intergovernmental Agreement with Commerce Twp. and Related Contracts for improvements to Cooley Lake. The **MOTION PASSED** by a voice vote (5 yes votes).

**D. RESOLUTION #16-004, HIDDEN PINES PARK LAND AND WATER CONSERVATION FUND GRANT**

Steve Hanneman, 5740 Jeanne Marie. He supports both Resolutions concerning Hidden Pines Park. It is the home field for his son's baseball team. He would like to see the funds used to improve the current amenities first such as the field with irrigation, fencing, and the storage facility/concession.

It was **MOVED** by Clerk Lilley, **SUPPORTED** by Trustee Ruggles to approve Resolution #16-004, Hidden Pines Park Land and Water Conservation Fund Grant. The **MOTION PASSED** by a voice vote (5 yes votes).

**E. RESOLUTION #16-005, HIDDEN PINES PARK RECREATION PASSPORT GRANT 2016**

It was **MOVED** by Treasurer Roman, **SUPPORTED** by Trustee Voorheis to approve Resolution #16-005, Hidden Pines Park Recreation Passport Grant 2016. The **MOTION PASSED** by a voice vote (5 yes votes).

**F. RESOLUTION #16-006, DIRECTOR OF PUBLIC SERVICES WAGE SCALE**

It was **MOVED** by Treasurer Roman, **SUPPORTED** by Trustee Voorheis to approve Resolution #16-006, Director of Public Services Wage Scale. The **MOTION PASSED** by a voice vote (5 yes votes).

**G. RESOLUTION #16-007, OPPOSITION TO SENATE BILL 639.**

It was **MOVED** by Clerk Lilley, **SUPPORTED** by Trustee Ruggles to approve Resolution #16-007, Opposition to Senate Bill 639. The **MOTION PASSED** by a voice vote (5 yes votes).

**H. APPOINTMENT TO ELECTION COMMISSION**

It was **MOVED** by Clerk Lilley, **SUPPORTED** by Treasurer Roman to approve appointing Trustee Rik Kowall to the Election Commission. The **MOTION PASSED** by a voice vote (5 yes votes).

**NEW BUSINESS**

**A. FIRST READING, ZONING ORDINANCE 58 AMENDMENTS**

It was **MOVED** by Treasurer Roman, **SUPPORTED** by Clerk Lilley to move to Second Reading, Zoning Ordinance 58 Amendments. The **MOTION PASSED** by a voice vote (5 yes votes).

**B. REQUEST TO TRANSFER FUNDS FROM GENERAL FUND TO THE SEWER FUND**

It was **MOVED** by Treasurer Roman, **SUPPORTED** by Clerk Lilley to withdraw his request to Transfer Funds from General Fund to the Sewer Fund. The **MOTION PASSED** by a voice vote (5 yes votes).

**C. AMENDMENT TO THE PURCHASE AGREEMENT (REDWOOD)**

Clerk Lilley questioned the need for additional deposits because of \$12,000 of attorney bills that needed to be paid.

It was **MOVED** by Treasurer Roman, **SUPPORTED** by Trustee Ruggles to approve the Amendment to the Purchase Agreement (Redwood) to extend the due diligence and final closing period for two months. The **MOTION PASSED** by a voice vote (4 yes votes/1 no vote-Lilley).

Bob Lessa, 350 Farnsworth. You are looking at a multi-million dollar project. I don't want to have my tax money going into a project that somebody backs out of. They have a lot of money into the project but that is part of doing business. I think the Township should require them to put up the \$12,000 to move forward.

**D. REQUEST TO PURSUE LEGAL ACTION REGARDING PONTIAC LAKE MOTEL**

It was **MOVED** by Clerk Lilley, **SUPPORTED** by Treasurer Roman to authorize the Supervisor to Pursue Legal Action Regarding Pontiac Lake Motel if there is no response within 10 days. The **MOTION PASSED** by a voice vote (5 yes votes).

**E. 2016 TRI PARTY FUNDS**

It was **MOVED** by Treasurer Roman, **SUPPORTED** by Trustee Voorheis to approve the 2016 Tri

Party Funds, 1/3 of the total amount \$177,765 being \$59,255. The MOTION PASSED by a voice vote (5 yes votes).

**F. APPROVAL TO RETAIN FULLER APPRAISAL FOR TAX APPEAL ON FISK CORNERS SHOPPING CENTER**

It was MOVED by Clerk Lilley, SUPPORTED by Treasurer Roman to approve retaining Fuller Appraisal LLC for Tax Appeal on Fisk Corners Shopping Center. The MOTION PASSED by a voice vote (5 yes votes).

**G. POSTING OF NOTICES OF MEETING SYNOPSIS**

It was MOVED by Trustee Ruggles, SUPPORTED by Treasurer Roman to continue posting Notices of Meeting Synopsis in its entirety in the newspaper media. The MOTION PASSED by a voice vote (5 yes votes).

**H. LAKEVIEW SANITARY SEWER SPECIAL ASSESSMENT DISTRICT (DISCUSSION)**

It was MOVED by Treasurer Roman, SUPPORTED by Trustee Voorheis to approve the Lakeview Sanitary Sewer Special Assessment District from the PA188 Fund in the amount of \$75,205. The MOTION PASSED by a voice vote (5 yes votes).

**I. APPROVAL OF ENGINEERING SERVICES FOR LAKEVIEW SANITARY SEWER**

It was MOVED by Clerk Lilley, SUPPORTED by Treasurer Roman to approve J&A completing the design and engineering services for Lakeview Sanitary Sewer, the amount not to exceed \$7800. The MOTION PASSED by a voice vote (5 yes votes).

(Whereupon a brief recess was taken from 9:04 p.m. to 9:08 p.m.)

**J. APPROVAL OF QUOTE FOR FLOOR AT FIRE STATION #2**

It was MOVED by Treasurer Roman, SUPPORTED by Clerk Lilley to approve the Quote for Floor at Fire Station #2. The MOTION PASSED by a voice vote (5 yes votes).

**K. NORDIC DRIVE UTILITY EXTENSION**

It was MOVED by Treasurer Roman, SUPPORTED by Trustee Ruggles to approve J&A fees for the Nordic Drive sanitary and sewer work, amount not to exceed \$5,330, and water main extension in the amount of \$17,400 (minus the \$5,000 previously approved). The MOTION PASSED by a voice vote (5 yes votes).



**L. CASTLEWOOD PRESSURE SANITARY SEWER SPECIAL ASSESSMENT DISTRICT**

It was **MOVED** by Clerk Lilley, **SUPPORTED** by Treasurer Roman to authorize J&A fees for completion of the contract for Castlewood Pressure Sanitary Sewer Special Assessment District in the amount of \$38,355. The **MOTION PASSED** by a voice vote (5 yes votes).

**M. CONTRACTS 5, 6 AND 8**

Clerk Lilley brought this issue to the Board's attention because there is some concern about SADs and people being part of the original payment program and some not, and some being charged 10 years of interest without any notification. There are 26 properties along M-59 in this situation. He has offered three recommendations to deal with this issue in the packet given to the Board members. It has gone on long enough and needs to be resolved.

It was **MOVED** by Treasurer Roman, **SUPPORTED** by Clerk Lilley to approve setting a White Lake Township Special Board Meeting within the next ninety (90) days to discuss the issue of options regarding Water Contracts 5, 6 and 8. The **MOTION PASSED** by a voice vote (5 yes votes).

**N. PAID ON-CALL TENTATIVE AGREEMENT**

It was **MOVED** by Clerk Lilley, **SUPPORTED** by Treasurer Roman to approve the Paid On-Call Contract. The **MOTION PASSED** by a voice vote (5 yes votes).

**O. SEWER CONTINGENCY FUND (DISCUSSION)**

Clerk Lilley stated this is about sewer contingencies that we continue to keep after projects have been completed. Currently, we are not rebating back those contingencies. It's always been a Township policy that contingencies are added to the installation of grinder pumps because if there was a shortfall in the collection of money we had the opportunity to pay those bills. It is unnecessary to hold these contingencies for 10 years and charge interest when the Special Assessment Law, Public Act 188, already provides for means of collecting shortfalls. It is unfortunate that we take \$3000 of people's contingency money and make them pay interest on that and they get it back in 10 years. The Board needs to look at this and reconsider and find a better way to get people their money back.

**TRUSTEE COMMENTS**

Treasurer Roman thanked Sean and the Planning Department for getting the Kroger deal done. They did a super job. We were thrilled to get that connection fee money. Also, for those residents who haven't paid their winter taxes yet, today is the last day they are due without delinquent fees being added on. You have until midnight to put it in the drop box on the side

of the building.

FYI

**A. POLICE & FIREFIGHTER OF THE YEAR AWARD DINNER**

Supervisor Baroni announced that there will be a police and firefighter of the year award dinner which is coming up at the VFW Hall on Union Lake Road on March 12<sup>th</sup> at 6 p.m., dinner at 7. Music by Joey Stadler. Tickets are available for a \$20 donation per person, per ticket. Call Jennifer, the executive secretary to the police chief or my assistant, Dena, for the tickets.

**EXECUTIVE SESSION**

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

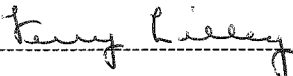
It was **MOVED** by Treasurer Roman, **SUPPORTED** by Clerk Lilley to approve adjourning into Executive Closed Session for discussion of attorney/client privilege in accordance with MCL 15.268 (h). The **MOTION PASSED** by a roll call vote (Voorheis-yes/Ruggles-yes/Roman-yes/Baroni-yes/Lilley-yes).

It was **MOVED** by Treasurer Roman, **SUPPORTED** by Trustee Voorheis to return to Open Session. The **MOTION PASSED** by a roll call vote. (Voorheis-yes/Ruggles-yes/Roman-yes/Baroni-yes/Lilley-yes).

It was **MOVED** by Clerk Lilley, **SUPPORTED** by Trustee Voorheis to adjourn the meeting. The **MOTION PASSED** by a voice vote (5 yes votes).

The meeting was adjourned at 9:47 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 16, 2016 regular board meeting minutes.

  
-----

Terry Lilley, Clerk  
White Lake Township  
Oakland County, Michigan