

CHARTER TOWNSHIP OF WHITE LAKE

Approved Minutes of the Regular Board of Trustees Meeting

November 17, 2015

Supervisor Baroni called the meeting to order at 7:00 p.m.

Supervisor Baroni called for a moment of silence in honor of the tragedy in Paris, France. He then led the Pledge of Allegiance.

Clerk Lilley called the roll:

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

Absent: Rik Kowall, Trustee

Also Present: Lisa Hamameh, Attorney
Amy Bertin, Recording Secretary

Clerk Lilley amended the Agenda as follows: Remove Items 10F, ALS Business Plan Request (Fire Dept.), and 10L, Approval of Garbage Contract. There are corrections to Item 5A, October 20, 2015 Minutes and possible amendments to Item 8A, Resolution #15-039, Board of Trustee Meeting Dates.

It was MOVED by Clerk Lilley, SUPPORTED by Trustee Ruggles to approve the following Amendments to the Agenda: Remove Items 10F, ALS Business Plan Request (Fire Dept.); Item 10L, Approval of Garbage Contract. The MOTION PASSED by a voice vote (6 yes votes).

PUBLIC COMMENTS

Mr. Hanks. He is here to request a review by the Board of Trustees because the building inspector would not grant him a permit to change a retail space in his building into an apartment. He has written letters, passed out CDs, legal information challenges and has had no response. He has registered his complaints with the U.S. Dept. of Justice and the case has been referred to the FBI for investigation. Justice will be served one way or another within the next few months.

George McCloud, 875 Ennest. He was told by the Ordinance Officer that he can't weld or cut with torches in his driveway, but can only change oil or a flat tire. We are required to work inside a garage or a structure. Is this a true statement? What is he supposed to do if a garage or structure isn't available?

Gordon Liddicoat, 9063 Oakwood, White Lake. There is a proposed weed control SAD for Cooley Lake. He has one residence with three vacant lots attached which have their own Sidwell number. He is signed up for four full assessments whereas his home and three lots are under one Homestead. Four assessments is excessive.

CONSENT AGENDA

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

Trustee Voorheis questioned why they haven't been receiving an overtime report and requested that it be provided again in the future.

It was MOVED by Clerk Lilley, SUPPORTED by Trustee Voorheis to approve the Consent Agenda. The MOTION PASSED by a voice vote (6 yes votes).

MINUTES

A. OCTOBER 20, 2015

It was MOVED by Clerk Lilley, SUPPORTED by Trustee Powell to approve the Minutes dated October 20, 2015 with corrections on page 5 of 6, under Item J, Doyle Care Dealership, both paragraphs should reflect a voice vote of 5 rather than 6. The MOTION PASSED by a voice vote (6 yes votes).

B. OCTOBER 27, 2015

It was MOVED by Trustee Powell, SUPPORTED by Treasurer Roman to approve the Minutes dated October 27, 2015. The MOTION PASSED by a voice vote (6 yes votes).

PUBLIC HEARING

- A. 2016 COMMUNITY DEVELOPMENT BLOCK GRANT (OPEN & CLOSE PUBLIC HEARING)**
 - 1. RESOLUTION #15-033, 2016 COMMUNITY DEVELOPMENT BLOCK GRANT**

It was MOVED by Treasurer Roman, SUPPORTED by Trustee Voorheis to Open Public Hearing

on 2016 Community Development Block Grant. The MOTION PASSED by a voice vote (6 yes votes).

There were no comments by the Public at this time.

It was MOVED by Treasurer Roman, SUPPORTED by Trustee Powell to Close Public Hearing on 2016 Community Development Block Grant. The MOTION PASSED by a voice vote (6 yes votes).

It was MOVED by Treasurer Roman, SUPPORTED by Trustee Voorheis to approve Resolution #15-033, 2016 Community Development Block Grant in the approximate amount of \$66,430 (\$50,000 minor home repair/\$8215 public services for senior services/\$8215 public services for battered and abused); authorizing the Township Supervisor to sign the application and submit the documents to Oakland County. The MOTION PASSED by a voice vote (6 yes votes).

B. COOLEY LAKE IMPROVEMENT (OPEN & CLOSE PUBLIC HEARING)

1. RESOLUTION #15-038, ESTABLISHMENT OF COOLEY LAKE IMPROVEMENT SAD

It was MOVED by Trustee Ruggles, SUPPORTED by Treasurer Roman to Open Public Hearing on Cooley Lake Improvement. The MOTION PASSED by a voice vote (6 yes votes).

Clerk Lilley indicated he was contacted recently regarding some parcels located on what appears to be an island. The homeowner asked for reconsideration on assessment of those parcels as they are unbuildable and inaccessible.

Ken Pilarski, 8315 Cooley Beach Drive. He has lived on the lake for six years. He has issues regarding putting chemicals in the lake to treat weeds. There are other alternatives such as putting down a mat to control the weeds and muck. There is no oversight accountability of the treater. The season for using the lake is relatively short and there is a period of restriction in using the lake after chemical treatment. A treater could inadvertently bring in an invasive species through use of their boat to spread the chemicals. The person requesting signatures for the petition did so in a heavy handed way which was wrong.

Connie Norman, 8476 Cascade Street. She shares in the concerns just stated regarding putting chemicals in the water. She would like to know exactly which chemicals will be used. There is an article which appeared in the most recent issue of The Westend Newspaper addressing the issue of safety in using chemicals to treat weeds. Some of the chemicals used are known to cause cancer. There should be more research before this is done. Is the Township responsible at all for oversight of what chemicals are used and who the treater is?

Richard Hooker, Cooley Lake Road. This initiative to control what is admittedly almost by everybody on the lake an awful weed problem has been in the works for about two years. Initially, there was a temptation to rush the process. They did step back and hired Restorative Lake Services.

Dave Hamernik, 8794 Charbane. He is a member of the Cooley Lake Association. There have been some residents who are very strong about having a weed control program but others who weren't so convinced so the Association took the initiative to hire an environmental organization. The study revealed the weeds are an invasive species with approximately 37% of the lake being infested. They propagate by being cut. They can eventually choke off the lake and be destructive towards the fish and recreation on the lake.

There are always concerns about putting chemicals in the lake. There is a list of what chemicals will be used and they have to be approved by the Michigan DEQ and the Federal Government. Other alternatives were considered such as the mats which were mentioned but they are really designed for local residential homes. Mechanical harvesting won't work as the very way these weeds propagate is by cutting them. A biological method was considered called weevils which would be expensive and not very effective.

An environmental firm was hired to provide oversight of the treatment. They will go into the lake at the beginning of each season, assess how dense the weed population is and what is the best chemical to use. They will be on site when the treatment is being done to be sure it is applied in the right amount and right places and will test the water afterwards to assure the effectiveness. It is a five year program. There is no plan to continue after the invasive species is under control and get the native population back in balance.

After treatment, there is a restriction on staying out of the water but nothing that goes beyond seven days. Signs will be posted and information letters sent. Competitive quotes were obtained. He will confirm that the treater does not bring in an invasive species during the treatment process. Many other lakes in the area do treat chemically. It is a common process.

Tricia Dunn, 8492 Cascade. She did initially sign the petition. Since the article in the Westend newspaper came out regarding the cancer causing chemicals, she feels more research should be done

Faith Moore, 8858 Charbane. She attended the informational meeting. The woman presenting was very clear, decisive and smart. She was very clear about how the chemicals wouldn't hurt the kids or the fish. It would help save our lake. Right now she personally doesn't even have lakefront and is choked out totally. If people would have attended the

meeting, they would have had a much more positive feeling.

Clark Pierson, 8281 Cooley Beach Drive. His concern is that this is a spring fed lake. He can see the aquifer is close to the bottom of the lake. When the chemicals are put in, how long do we have to wait before we can drink the water? As they brought around the petition, the first was, we'll just sign it and have a vote. Now we're told, if you signed it, that is your vote. Regarding the Cooley Beach Association, within the ten years he's lived there, he has yet to see any kind of an election of anyone in charge of it. It is all very secretive amongst the people in charge and he distrusts the group.

Tom Dunn, 8492 Cascade. He also attended the informational meeting and trusted the woman who spoke. He has a son who owns a home on a lake up north which they treat regularly and there's never been a problem.

Ejanphilippe Loew, 247 Rosario Lane. He thanked the Board for observing a moment of silence for France. The chemical mentioned in the newspaper article has been banned in many European countries as there are some medical issues. Maybe putting it in the water once a year would be okay. Other questions should be asked as to why the weeds are growing. Is it just because it is invasive or something else? It might be something in the water coming from the septic fields or other environmental effects. Just because there are statistics regarding certain chemicals doesn't mean they are definitely going to effect you.

Mr. Hamernik. The lake association doesn't meet weekly or monthly but usually only when there is a challenge to be dealt with. If anybody wants the information completed by the environmental firm and a list of the proposed chemicals to be used, send an email to Cooley_Lake@comcast.net.

Gordon Liddicoat, 9063 Oakwood. He would like to know who he should talk to about getting his assessment reduced. He was informed next month the actual assessment amounts for each parcel will be set.

Mr. Pilarski. He used to sell glyphosate. It was never intended for use in water. The theory on that chemical is it deactivates once it hits the soil. When it is released in water, it may take eons to settle. Considering the aquifer, where does the chemical eventually end up?

Ms. Norman also had a complaint about the method on how the petition was circulated. How many residents signed the petition believing that it was just so they could look into the treatment, not that it is a done deal. Maybe people were misled.

Mr. Hamernik stated there were two petitions that went out. The first one was an informal petition which basically said it does not constitute their agreement. It was just to show the

township whether there were a sufficient number of residents who would like to move forward. The second petition said, this is authorizing the Township to now move forward with the process to establish the SAD. We also handed out an information sheet to everybody that we approached to sign it. There might have been some confusion but there were information sheets available.

Ms. Dunn would like an impartial chemist to look at the list of chemicals. The newspaper article speaks to the fact that there is a particular chemical that many cities and countries have banned.

Trustee Powell explained that all the petitions do is request the Board to put together a district so the township can collect funds but we have no say over how the money is spent. The Association hires the services to be done and the Township has no oversight. He would like to hear from anybody in the group here tonight that does not want the Township to establish an SAD. Everyone received a notification in the mail so that if they didn't feel comfortable, they were to come tonight and express that. All we have are the petitions and tonight's public hearing to determine whether to establish the SAD.

Clark Pierson. He is absolutely against it.

Gordon Liddicoat. He is opposed to the SAD as well.

Connie Norman. She is also opposed to establishing the assessment.

It was MOVED by Treasurer Roman, SUPPORTED by Trustee Ruggles to Close Public Hearing on Cooley Lake Improvement. The MOTION PASSED by a voice vote (6 yes votes).

It was MOVED by Treasurer Roman, SUPPORTED by Trustee Voorheis to approve Resolution #15-038, Establishment of Cooley Lake Improvement SAD. The MOTION PASSED by a voice vote (6 yes votes).

The motion was amended as follows:

It was MOVED by Treasurer Roman, SUPPORTED by Trustee Powell to approve Resolution #15-038, Establishment of Cooley Lake Improvement SAD with Public Hearing properly noticed in accordance with Public Act 188 to be held on December 15, 2015. The MOTION PASSED by a voice vote (6 yes votes).

RESOLUTIONS

A. RESOLUTION #15-039, 2016 BOARD OF TRUSTEE MEETING DATES

Clerk Lilley stated the January meeting was scheduled to take place on the 19th which is the first day of the MTA conference. The Board should consider changing the date to either the 12th or the 26th. Also, November 15th is opening day for deer season and some consideration might be given to changing that date.

Trustee Voorheis preferred the January meeting be moved to the 12th so as to avoid conflict with the Parks and Rec meeting.

Trustee Ruggles felt the 12th was fine. Also, he had no problem with leaving the November date on the 15th.

Trustee Powell would like to formally establish on the calendar work sessions for the Township Board. These would be study sessions for various topics. It would be better to set the date and time in advance and then cancel if the meeting isn't necessary.

Clerk Lilley felt incorporating study sessions into the schedule was an excellent idea. It is stated on the web site, these specific dates there will be a Board meeting. Special meetings can be held at the convenience of the Board but don't have to be posted.

It was MOVED by Treasurer Roman, SUPPORTED by Clerk Lilley to approve Resolution #15-039, 2016 Board of Trustee Meeting Dates, changing the January meeting date from the 19th to January 12, 2016. The MOTION PASSED by a voice vote (6 yes votes).

B. RESOLUTION #15-041, TOWNSHIP BOARD SALARIES

Mr. Piccinato questioned how the salaries were determined and whether there is any citizen input into this? He was informed that the salaries are based on union negotiations which the Board reviews to make sure everybody gets the same percentage increase.

It was MOVED by Trustee Ruggles, SUPPORTED by Treasurer Roman to approve Resolution #15-041, Township Board Salaries. The MOTION PASSED by a voice vote (6 yes votes).

C. RESOLUTION #15-043, CASTLEWOOD SEWER MAIN EXTENSION, RESOLUTION TO POSTPONE PUBLIC HEARING

Clerk Lilley stated there has been a great effort to move this project forward. One of the issues regarding postponing the SAD for Castlewood is it raises the question of moving forward to the next step which is approving an engineering contract in the amount of \$58,000. If the contract is approved for the engineering and for some reason the district fails, what obligation do the residents have to pay the engineering costs? There is no legal instrument to require those in a proposed SAD and no law which would require them to repay the \$58,000 if the project did not move forward. We do not have the financial resources in the sewer fund to advance money to

people who need a SAD.

Atty. Hamameh stated this particular motion is to postpone the public hearing as public notices were not sent out or published for this meeting. Clerk Lilley is correct in that unless a SAD is created, you cannot legally recoup the costs of the expense of the construction drawings.

Trustee Powell agrees with everything that has been said but he has a way around it. The SAD has been initiated by Board action and the petitions. This Board can establish the SAD and approve the rolls on whatever costs have been expending on the people's behalf by the township. We have the ability to recoup the funds we authorize. We can fast track the SAD process but we can't fast track the engineering. Losing 30 days is a whole month later on in the summer for construction.

John Campbell, 1218 Castlewood. He thought the intent for the SAD was established. We had the signatures and went out with an estimate of \$4600. If the Board wants to move forward and we don't get a public hearing tonight, don't we kind of already have the agreement from the community that we're willing to pay for this?

Clerk Lilley stated from what was received from the bonding attorney today that the estimated costs seem to be higher than the original numbers. We have some better numbers that include the bonding, attorney fees and other costs. Until the residents are aware of the total costs and are willing to make the commitment to the project, it doesn't satisfy his concerns at this point.

John Branaham, Oakford. He agrees with what Clerk Lilley is saying. One question he has, if the estimate turns out to be significantly more, what is the legal recourse for those who were on the fence and now would wish to recant? He was told there will be public hearings where he could voice his opinion. If the assessments are confirmed, there is a process to appeal it. It would take 20% of the landowners to cancel the establishment of the district.

It was MOVED by Treasurer Roman, SUPPORTED by Clerk Lilley to approve Resolution #15-043, Castlewood Sewer Main Extension Resolution to Postpone Public Hearing until December 15, 2015. The MOTION PASSED by a voice vote (6 yes votes).

D. RESOLUTION #15-044, CASTLEWOOD SEWER CONNECTIONS, RESOLUTION TO POSTPONE PUBLIC HEARING

It was MOVED by Treasurer Roman, SUPPORTED by Trustee Powell to approve Resolution #15-044, Castlewood Sewer Connections, Resolution to Postpone Public Hearing. The MOTION PASSED by a voice vote (6 yes votes).

E. RESOLUTION #15-045, INTENTION TO ESTABLISH NORDIC DRIVE SEWER MAIN EXTENSION SAD

It was **MOVED** by Clerk Lilley, **SUPPORTED** by Treasurer Roman to approve Resolution #15-045, Intention to Establish Nordic Drive Sewer Main Extension SAD with Public Hearing properly noticed in accordance with Public Act 188 to take place December 15, 2015. The **MOTION PASSED** by a voice vote (6 yes votes).

F. RESOLUTION #15-046, INTENTION TO ESTABLISH NORDIC DRIVE WATER MAIN EXTENSION SAD

It was **MOVED** by Trustee Ruggles, **SUPPORTED** by Treasurer Roman to approve Resolution #15-046, Intention to Establish Nordic Drive Water Main Extension SAD. The **MOTION PASSED** with a voice vote (6 yes votes).

OLD BUSINESS

A. SECOND READING, FEE ORDINANCE AMENDMENTS

It was **MOVED** by Clerk Lilley, **SUPPORTED** by Trustee Powell to approve the Fee Ordinance Amendments. The **MOTION PASSED** by a voice vote (6 yes votes).

NEW BUSINESS

A. 2016 BUDGET

It was **MOVED** by Clerk Lilley, **SUPPORTED** by Trustee Powell to Open Public Hearing for the 2016 Budget. The **MOTION PASSED** by a voice vote (6 yes votes).

Mr. Piccinato asked if the budget has already been posted online. And if it hasn't, how can he or anyone in the public ask questions on something they haven't seen.

Trustee Powell suggested posting it online under the title Pending or Proposed Budget so people can see it. Also, they should consider posting previous years along with this year's to compare.

It was **MOVED** by Treasurer Roman, **SUPPORTED** by Trustee Ruggles to Close Public Hearing on the 2016 Budget. The **MOTION PASSED** by a voice vote (6 yes votes).

B. RESOLUTION #15-040, 2016 GENERAL APPROPRIATIONS ACT

Trustee Powell supplied some documentation regarding the Huron Valley Youth Assistance program. Some funds are provided, however, they cannot be used for staffing or administrative services. He would like the Township to consider amending the budget by

allotting funds to help with the administration of that organization.

Supervisor Baroni stated there is no problem with supporting them but before committing the taxpayer's money they have to know the operating expenses, administration fees involved and what do the other townships contribute to the program.

It was MOVED by Clerk Lilley, SUPPORTED by Treasurer Roman to approve Resolution #15-040, 2016 General Appropriations Act. The MOTION PASSED by a voice vote (6 yes votes).

C. JOHNSON & ANDERSON PROPOSAL FOR CASTLEWOOD PRESSURE SANITARY SEWER PROJECT

It was MOVED by Trustee Ruggles, SUPPORTED by Clerk Lilley to postpone authorizing the Johnson & Anderson Proposal for the Castlewood Pressure Sanitary Sewer Project. The MOTION FAILED by a roll call vote (Powell-no/Voorheis-no/Ruggles-yes/Roman-no, due to the fact that regardless of the estimate he feels the group will want to move forward with the project/Lilley-yes/ Baroni-yes).

It was MOVED by Trustee Powell, SUPPORTED by Trustee Voorheis to authorize Johnson and Anderson to complete design and survey work, the amount not to exceed \$20,000. The MOTION PASSED by a roll call vote (Powell-yes/Voorheis-yes/Ruggles-no/Roman-yes/Lilley-no/Baroni-yes, as the dollar amount was reduced).

D. JOHNSON & ANDERSON PROPOSAL FOR NORDIC DRIVE UTILITY EXTENSION

It was MOVED by Trustee Powell, SUPPORTED by Treasurer Roman to authorize Johnson and Anderson to complete surveying work, the amount not to exceed \$5,000. The MOTION PASSED by a roll call vote (Powell-yes/Voorheis-yes/Ruggles-no/Roman-yes/Lilley-no/Baroni-yes).

E. DUBLIN SENIOR CENTER FURNACE REPLACEMENT PROPOSAL

It was MOVED by Trustee Voorheis, SUPPORTED by Trustee Powell to approve the Dublin Senior Center Furnace Replacement Proposal in the amount of \$14,235.76. The MOTION PASSED by a voice vote (6 yes votes).

G. WHITE LAKE PRESBYTERIAN CHURCH REQUEST TO FINALIZE ORD. 88 PERMIT

It was MOVED by Clerk Lilley, SUPPORTED by Treasurer Roman to reduce the bond to \$25,000, required removal of the two remaining piles by July 1, 2016. If that is not satisfactory, they can remove the two piles, complete their project and bring it back to the Board and we'll give them the bond back. The MOTION PASSED by a voice vote (6 yes votes).

H. RECOMMENDATION FOR VIDEO SERVICES FOR BOARD MEETINGS

It was **MOVED** by Trustee Powell, **SUPPORTED** by Trustee Voorheis to approve Merge Live videotaping the Township Board meetings at their earliest convenience @ \$100 per meeting. The **MOTION FAILED** by a roll call vote (Powell-yes/Voorheis-yes/Ruggles-no/Roman-no/Lilley-no/Baroni-no).

It was **MOVED** by Trustee Ruggles, **SUPPORTED** by Clerk Lilley to approve Merge Live videotaping the Township Board meetings starting in November of 2016, authorizing the Supervisor to negotiate and sign the contract. The **MOTION PASSED** by a voice vote (6 yes votes).

(Whereupon a brief recess was taken from 10:20 p.m. to 10:27 p.m.)

I. OAK. CO. PARK & REC COMMISSION REQUEST TO ADD CO-LICENSEE, WHITE LAKE OAKS GOLF COURSE

It was **MOVED** by Trustee Powell, **SUPPORTED** by Trustee Voorheis to approve adding as Co-Licensee Katherine's Catering Oakland County LLC, White Lake Oaks Golf Course. The **MOTION PASSED** by a voice vote (6 yes votes).

J. PART-TIME OFFICE ASSISTANT/CLERICAL (ASSESSING)

It was **MOVED** by Clerk Lilley, **SUPPORTED** by Treasurer Roman to approve the position of Part-Time Office Assistant/Clerical (Assessing). The **MOTION PASSED** by a voice vote (6 yes votes).

K. 401 (a) RETIREMENT PLAN DOCUMENTS

It was **MOVED** by Clerk Lilley, **SUPPORTED** by Trustee Ruggles to approve Resolution #15-042, 401 (a) Retirement Plan Documents. The **MOTION PASSED** by a voice vote (6 yes votes).

M. WAIVER OF SOLICITATION PERMIT FOR GOODFELLOWS

It was **MOVED** by Trustee Powell, **SUPPORTED** by Treasurer Roman, to approve Waiver of Solicitation Permit for Goodfellows for the paper drive. The **MOTION PASSED** by a voice vote (6 yes votes).

TRUSTEE COMMENTS

Trustee Powell wished all Board members and residents a very Happy Thanksgiving. He has been contacted by a company who would like to evaluate all the electrical and lighting use in the

Township and give them a quote on changing everything to LED. He has spoken with Senator Kowall regarding the modification of Act 188, changing the language to an REU or residence assessment rather than land area. He questioned how the laptops were working out for the Planning Commission.

Supervisor Baroni responded they haven't implemented the Planning Commission's yet. The tablets have been given to the Building Dept. and Fire Dept. The Fire Marshal and inspectors are using the tablets.

Trustee Voorheis stated that the Movie in the Park was very successful and they are planning on doing it again next year in cooperation with the Historical Society. There is a tree lighting ceremony coming up on December 4th from 6 to 8 p.m. at Fisk Farm.

Supervisor Baroni added that Santa will be at Fisk Farm on the 4th of December as well as the 5th and 6th.

Clerk Lilley thanked Trustee Powell and Treasurer Roman for agreeing to a meeting to discuss the sewer issues. It will be helpful in making future proposals to the Board and save a lot of discussion.

Treasurer Roman is still working with Foster Swift regarding bringing to the Township a one night a month hang out night for cognitively impaired teenagers and young adults. They are getting very close to an agreement.

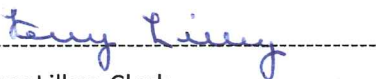
Trustee Ruggles stated there wasn't a meeting for the Zoning Board in October or November so there was nothing new to report at this time.

ADJOURNMENT

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

The meeting was adjourned at 10:53 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 November 17, 2015 regular board meeting minutes.



Terry Lilley, Clerk
White Lake Township
Oakland County, Michigan