

CHARTER TOWNSHIP OF WHITE LAKE

Approved Minutes of the Regular Board of Trustees Meeting

June 16, 2015

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

Supervisor Baroni led the Pledge of Allegiance.

Clerk Lilley called the roll:

Present: Greg Baroni, Supervisor
Terry Lilley, Clerk
Mike Roman, Treasurer
Rik Kowall, Trustee
Scott Ruggles, Trustee

Absent: Carol Burkard, Trustee
Andrea Voorheis, Trustee

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

Clerk Lilley amended the Agenda as follows: Remove from Item 5A, List of Bills/Ron Taylor Cement invoice, Item 11G, Kroger Tax Abatement. Add Item 6B, Swearing in of Rich Fischer to Sergeant (Fire Dept.), Item 11M, Prison Building Lease with Michigan DNR, Item 11N, Cemetery Fence Bids, Adjournment will be into Executive Session.

It was MOVED by Clerk Lilley, SUPPORTED by Trustee Kowall to approve the following Amendments to the Agenda: Remove from Item 5A, List of Bills/Ron Taylor Cement invoice and Item 11G, Kroger Tax Abatement. Add Items 6B, Swearing in of Rich Fischer to Sergeant (Fire Dept.); Item 11M, Prison Building Lease with Michigan DNR; Item 11N, Cemetery Fence Bids, and Adjourn meeting into Executive Session. The MOTION PASSED by a voice vote (5 yes votes).

PUBLIC COMMENTS

Diana Miller, 8060 Casa Mia, White Lake. She met with various Township personnel this afternoon to discuss a problem with the retention basin for the planned development, Ivy Glen. She was reassured at many previous meetings that it would not flood her septic field and home. Her worst nightmare has come true. The water table in her basement is higher than the surface of her yard. Her yard and septic field are ruined. Ivy Glen Developers are responsible and need to make this right.

Thomas Johnson, 9136 Buckingham, White Lake. The construction of the culvert on Pontiac Lake Road is a problem that will affect many people. The pot holes on the road set for the detour are

horrendous. Second, many residents are complaining about dust, some with an asthma condition. Those problems can be solved by paving that road. The third problem is the extreme congestion which will be caused by over 400 homes using that route in the mornings and evenings.

Larry Ostrowski, White Lake Township Library Director. There are only a few weeks left to view the art work placed throughout the township. There has been a great response by the Township residents so far and he would encourage everyone to pick up a flyer and view the pieces before they are removed.

CONSENT AGENDA

- A. LIST OF BILLS**
- B. REVENUE AND EXPENSES**
- C. DEPARTMENT REPORTS**
 - 1. TREASURER**
 - 2. POLICE**
 - 3. FIRE**
 - 4. WATER**
 - 5. COMMUNITY DEVELOPMENT**
 - 6. OVERTIME REPORT**
- D. CIVIL SERVICE APPOINTMENT**

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).

PRESENTATION

A. MERITORIOUS SERVICE AWARD, OFFICER SARASIN

Chief Kline presented a Meritorious Service Award to Officer Sarasin in recognition of his dedication and professionalism. He responded to the home of Gary Brochu where he found him to be unresponsive. Without hesitation, he instituted CPR and continued until EMS arrived. A pulse was established. Mr. Brochu was transported to the hospital. He did pass away the following day but his family members were given an opportunity to say their final goodbyes.

B. PROMOTION OF RICHARD FISCHER TO SERGEANT

Chief Gurka announced the promotion of Richard Fischer to Sergeant. Clerk Lilley administered the Oath of Office. To receive the promotion he had to pass a rigorous written test and oral examination. He has been a firefighter for nearly 10 years for White Lake. Last year he was nominated career firefighter of the year for all his accomplishments.

MINUTES

A. MAY 19, 2015

It was **MOVED** by Treasurer Roman, **SUPPORTED** by Trustee Ruggles to approve the Minutes dated May 19, 2015. The **MOTION PASSED** by a voice vote (5 yes votes).

PUBLIC HEARING

A. SUNSET/TAYLOR ROAD MAINTENANCE

1. RESOLUTION #15-019, SUNSET/TAYLOR ROAD MAINTENANCE

It was **MOVED** by Treasurer Roman, **SUPPORTED** by Trustee Ruggles to Open Public Hearing on Resolution #15-019, Sunset/Taylor Road Maintenance. The **MOTION PASSED** by a voice vote (5 yes votes).

There were no comments made by the public at this time.

It was **MOVED** by Treasurer Roman, **SUPPORTED** by Trustee Kowall to Close Public Hearing on Resolution #15-019, Sunset/Taylor Road Maintenance. The **MOTION PASSED** by a voice vote (5 yes votes).

It was **MOVED** by Treasurer Roman, **SUPPORTED** by Clerk Lilley to approve Resolution #15-019, Sunset/Taylor Road Maintenance. The **MOTION PASSED** by a voice vote (5 yes votes).

RESOLUTIONS

A. RESOLUTION #15-017, 2016-2020 RESIDENTIAL REFUSE COLLECTION PROJECT

It was **MOVED** by Treasurer Roman, **SUPPORTED** by Trustee Kowall to approve Resolution #15-017, 2016-2020 Residential Refuse Collection Project. The **MOTION PASSED** by a voice vote (5 yes votes).

B. RESOLUTION #15-018, RENEWAL OF SAD FOR MANDON LAKE IMPROVEMENT

It was **MOVED** by Trustee Ruggles, **SUPPORTED** by Treasurer Roman to approve Resolution #15-018, Renewal of SAD for Mandon Lake Improvement. The **MOTION PASSED** by a voice vote (5 yes votes).

OLD BUSINESS

A. SECOND READING, FEE ORDINANCE AMENDMENTS

It was **MOVED** by Clerk Lilley, **SUPPORTED** by Treasurer Roman to approve Fee Ordinance Amendments. The **MOTION PASSED** by a voice vote (5 yes votes).

NEW BUSINESS

A. FIRST READING, AMENDMENT TO SOLICITATION ORDINANCE

It was **MOVED** by Trustee Kowall, **SUPPORTED** by Treasurer Roman to move to Second Reading, Amendment to Solicitation Ordinance, the blank to be filled in with "Township Board". The **MOTION PASSED** by a voice vote (5 yes votes).

B. REZONING FROM (AG) AGRICULTURAL TO (SF) SUBURBAN FARMS (5514 WHITE LAKE ROAD, BETWEEN ORMOND RD. & MCKEACHIE RD.)

It was **MOVED** by Trustee Ruggles, **SUPPORTED** by Trustee Kowall to approve File No. 15-012, Rezoning from (AG) Agricultural to (SF) Suburban Farms (5514 White Lake Road, Between Ormond Rd. & McKeachie Rd.). The **MOTION PASSED** by a voice vote (5 yes votes).

C. WORTHINGTON CROSSING (PRELIMINARY SITE PLAN & REZONING)

It was **MOVED** by Clerk Lilley, **SUPPORTED** by Trustee Kowall to approve File No. 15-018, Worthington Crossing, Preliminary Site Plan and Rezoning subject to the conditions and recommendations of the planning consultants, the engineering staff and the provision to permit them to have a sidewalk on one side of the street and have the rear units that are visible from the other properties dressed up in a cost effective manner. The **MOTION PASSED** by a voice vote (5 yes votes).

D. CEDAR MEADOWS (PRELIMINARY SITE PLAN)

Jim Scharl, Kieft Engineering. He has an issue with the comment regarding making the commons area a park. Wolverine Oil Company has an unending limitless lease over a gas producing well. It is a problem in making that part of the development. There isn't much the developer can do as the oil company is going public. We will work diligently with them if they ever respond to our communications. It would be our request to maintain this as a separate parcel. It is just going to sit there until the gas company decides the well is no longer productive.

Trustee Kowall said this was discussed at the Planning Commission meeting. The parcel being used as a common area could raise the issue of public safety. If you've got a common area with potentially many families and children, they could venture into the wooded area and get near the well. Keeping it separate would allow it to be posted as private property and people would not have a sense of entitlement of going on the land.

It was **MOVED** by Clerk Lilley, **SUPPORTED** by Treasurer Roman to approve File No. 15-010, Cedar Meadows, Preliminary Site Plan with the following conditions:

1. The sidewalks be placed on both sides of the street.
2. The stub in the road be extended across the ITC corridor for future development.
3. To install the drive to access the gas line west of Lot 13.
4. The common area that isn't built on be dedicated for a park or common area and won't be able to be built on in the future.
5. To mark the large gas line that runs through the property to make sure the residents are well-informed.

The **MOTION PASSED** by a voice vote (4 yes votes/1 no vote-Kowall for the reasons stated above).

E. PURCHASE OF OFFICE FURNITURE FOR BUILDING DEPARTMENT

It was **MOVED** by Clerk Lilley, **SUPPORTED** by Trustee Ruggles to approve Purchase of Office Furniture for Building Department from Office Furniture Solutions in the amount of \$11,065. The **MOTION PASSED** by a voice vote (5 yes votes).

F. REQUEST TO SOLICIT BIDS FOR FIRE STATION 1

It was **MOVED** by Clerk Lilley, **SUPPORTED** by Trustee Kowall to approve the Request to Solicit Bids for Fire Station 1, once bids are obtained, come back before the Board with the amounts and how funding will occur. The **MOTION PASSED** with a voice vote (5 yes votes).

H. CONSIDERATION OF PROPOSAL TO ENTER INTO AN AGREEMENT TO PROVIDE DEPARTMENTAL PROGRAMS AND IMPROVEMENTS

Matt Sprader, resident. It was brought to his attention last week that Brent Bonnavier might be in danger of losing his job. In the past when he was a builder in the Township Mr. Bonnavier had many employees and he now has one. He has asked for a part-time employee and instead a new building inspector is being considered at a rate of approximately \$1800 a week. Mr. Bonnavier has good common sense and is very helpful and he would encourage the Board to keep his job.

Pat Schwind, 715 Ranveen. Her question is whose employee would Mr. Bonnavier be, the Township or Safebuilt's? Would his title remain the same? What is behind the urgency and timing of the Township going to the expense of hiring a company that might work very well for a big city and charges exorbitant fees? She was reassured he would be an employee of the Township and he would maintain his title. The reason behind the timing is the department is getting very busy and he needs help.

Paul Brandt, resident and builder. He has been building in White Lake Township for thirty years. He has built in many other communities and this feels like home. They have big investments in the Township and are considering other new projects. He is worried what the fees will escalate to if you bring on a new expensive company. Things work well now with same day response time for inspections. He enjoys being here as a resident and builder.

Jerry Agne, Haley Road. A few years ago he built his own home. It was nice to have somebody to talk to who is from White Lake and understands the problems in this area and can answer questions. It would be better to hire local people that know the area.

Bruce Johnson, 9930 Highland Road. Is the intent to demote Mr. Bonnivier down to building inspector and hire a building official over top of him? He has worked with Mr. Bonnivier for many years. If you are considering hiring additional services, that is fine. But they shouldn't push aside someone who has expertise that is currently here, knows the community, the builders and residents and works well with those people. He would suggest the Township use the resources they currently have and supplement them.

Clerk Lilley asked Mr. Johnson, in his capacity as a building official for the city of Birmingham, his opinion on how it is to work with contract employees. He was told that right now the contractors are just supplemental which is very helpful in handling large projects, leaving the full-time staff available to service the residents and local builders. Mr. Lilley stressed that the Township has an obligation to our current employees that they not lose their job or money but they get the help they need. The Building Department is overloaded. We are not providing the service that we should be. We have to improve. We need to restructure, hire new employees and pay benefits or bring in some contract services.

Trustee Ruggles said he felt the focus needs to be on helping the Building Department, not reducing titles or firing anybody.

Dennis Smith, Representative of Safebuilt. They've been in business since the '90s. We have partnerships with 59 communities. The primary goal is to partner and work with existing staff in order to help them be more efficient, successful and provide better customer service. He would be the lead person representing Safebuilt and he personally has a good understanding of smaller communities. He has an extensive background in the BS&A system. All our staff have cell phones so the contractor can contact us directly and they have Ipads which are connected to the BS&A system so field results can be sent out immediately. There are many different things we can assist with.

Supervisor Baroni said the Township has to look to the future for the residents and builders. There are legal items that have to be maintained on a daily and timely basis such as permits and Certificate of Occupancies. These legal checks and balances need to be in order to prevent possible audits.

It is uncertain how much longer the current inspectors will remain working. BS&A is the latest in technology and it is important to have staff who are willing to learn and eager to use it.

Brent Bonnivier, Building Official. The packet that came out caught him by surprise. He would appreciate being allowed to have input into providing solutions as far as staffing and things. There are better options than hiring an expensive contractor.

Scott Stinson, resident. It was indicated that the ultimate intent was to have Brent report to the vendor. It seems there might be some legalities regarding whether it might affect your immunities as a municipality with employees reporting to a vendor. Have you discussed it with your insurance company? If you sign a contract, what happens if you find out it is more expensive than you thought? Where do you go to reduce the costs associated with the Building Department if you can't get out of the contract? It seems the burden falls to the employees. You are our leaders whose responsibility it is to solicit information. Part of that is to go to the department head and ask him what should be done. It sounds like nobody has done that. He would ask that you at least consult Mr. Bonnivier. He might have a better solution.

Treasurer Roman referenced the Safebuilt proposal. One part mentioned that they've assembled a team of professionals with experiences and skills. He understood we were bringing in one person but the proposal is talking about a team helping out in what is labeled a transition period. He would like to better understand the terms 'team' and 'transition'. Also, is it an option to have Safebuilt come in for a 90 day period for an evaluation and can it be done with a one-man team? A main consideration in outsourcing is cost savings.

Mr. Smith stated he would be the primary person. The team are resources that are available with experts and staff if necessary. The transition involves a comfort level that has to be established between the existing staff and Safebuilt. It is important that we move in the same direction together. The 90 day option is possible. He has been a one-man team before, in a specific instance, for the city of Wixom. It can and has been done.

Trustee Kowall stated we are a small community that is growing and is experiencing growing pains. It is in Mr. Bonnivier's best interest to analyze his department, identify the problems, bring forth a proposal he thinks will work and present it to the Board. We have to get on board with technology.

Tom Schwind, 715 Ranveen. Nobody is arguing about the technology and the help it would provide. This seems to be the first time it has been deeply discussed with the person involved. Get Mr. Bonnivier involved. The anxiety over this issue could have been avoided with a bit of transparency.

It was **MOVED** by Treasurer Roman, **SUPPORTED** by Trustee Kowall to Table the Consideration of Proposal to Enter into an Agreement to Provide Departmental Programs and Improvements for further discussion and review until the August Board Meeting. The **MOTION PASSED** by a voice vote (5 yes votes).

I. HURON VALLEY SCHOOL DISTRICT SEWER SERVICE FEE DELINQUENCY

It was **MOVED** by Clerk Lilley, **SUPPORTED** by Trustee Kowall to approve pursuing legal action against the Huron Valley School District. The **MOTION PASSED** by a voice vote (4 yes votes/1 no vote-Roman).

J, HURON VALLEY SCHOOL DISTRICT VIDEO RECORDING OF MEETINGS

It was **MOVED** by Trustee Kowall, **SUPPORTED** by Trustee Ruggles to allow the Township Attorney to close her file on Huron Valley School District Video Recording of Meetings. The **MOTION PASSED** by a voice vote (5 yes votes).

K. FYI, WATER MAIN EXTENSIONS

Clerk Lilley advised the Board members that there are three different contracts for people that were given payment schedules for 10 years. The connection fees were being charged at an interest rate of eight percent. The purpose of the SAD was so people who were willing, over the first 10 years of the assessment, could make payments. People are claiming they weren't notified or didn't hook up and have now discovered that they want to hook up and the interest has accumulated. Letters may have been sent initially but there is no indication that those people were aware. No liens were filed. For these three projects, the money has been financed by Water Dept. Funds. A lot of money has been loaned out and we're not getting anything back at this point. We need to make a determination as to what can be done to get some money flowing into the Water Dept.

Treasurer Roman suggested, moving forward, to change or reduce the interest rates and possibly for those willing to connect we offer zero percent financing as an enticement. He will put a proposal together and present it to the Board at the next meeting.

L. LAKEVIEW SAD INTENTION RESOLUTION

It was **MOVED** by Clerk Lilley, **SUPPORTED** by Trustee Kowall to remove from the Table the Lakeview SAD Intention Resolution. The **MOTION PASSED** by a voice vote (5 yes votes).

It was **MOVED** by Trustee Kowall, **SUPPORTED** by Trustee Ruggles to withdraw the establishment of the Lakeview SAD Intention Resolution. The **MOTION PASSED** by a voice vote (5 yes votes).

M. PRISON BUILDING LEASE

It was **MOVED** by Trustee Kowall, **SUPPORTED** by Treasurer Roman to authorize the Supervisor to negotiate and/or sign a lease with the Michigan DNR for the White Lake Road Prison Building. The **MOTION PASSED** by a voice vote (4 yes votes/1 no vote-Lilley).

N. CEMETERY FENCE BIDS

It was **MOVED** by Trustee Kowall, **SUPPORTED** by Clerk Lilley to approve the Cemetery Fence Bid by Milford Fence, the amount not to exceed \$12,040. The **MOTION PASSED** by a voice vote (5 yes votes).

EXECUTIVE SESSION

A. APPROVAL TO RECESS INTO CLOSED SESSION TO CONSIDER ATTORNEY/CLIENT PRIVILEGED COMMUNICATION IN ACCORDANCE WITH MCL 15.268 (e)

It was **MOVED** by Clerk Lilley, **SUPPORTED** by Trustee Kowall to adjourn into Executive Session to consider attorney/client privileged communication in connection with White Lake Township versus Harris Landscaping and Terry Kelly, Case No. 14-144542 in accordance with MCL 15.268 (e).

The **MOTION PASSED** by a roll call vote Kowall-yes/Roman-yes/Baroni-yes/Lilley-yes/Ruggles-yes.


The meeting was adjourned into Executive Session at 10:10 p.m.

It was **MOVED** by. Clerk Lilley, **SUPPORTED** by Trustee Kowall to approve the Consent Judgment for Heiress Landscaping. The **MOTION PASSED** by a voice vote.

It was **MOVED** by Trustee Kowall, **SUPPORTED** by Treasurer Roman to adjourn meeting. The **MOTION PASSED** by a voice vote.

Meeting adjourned at 10:20 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 June 16, 2015 regular board meeting minutes.

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Terry Lilley, Clerk
White Lake Township
Oakland County, Michigan