

CHARTER TOWNSHIP OF WHITE LAKE

Approved Minutes of the Regular Board of Trustees Meeting

January 17, 2012

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 Powell, Trustee
David Lewsley, Trustee
Todd Birkle, Trustee
Forrest J. Brendel, Treasurer

Absent: Carol Burkard, Trustee

Also Present: Greg Need, Attorney
Sean O'Neil, Planning Director
Amy Bertin, Recording Secretary

PUBLIC COMMENTS:

Gordon Glennie, 9035 Oakwood. Regarding the ball diamonds being built, separate facilities need to be provided for female athletes. He felt the pricing given concerning his sewer hook up was not fair. When discussing the wording for the new sign ordinance, the Board should consider the small business owners who rely on advertisement to stay in business.

Bill Eggenberger, 8449 Huron River Court. He is on the board of Waterford Little League which also covers quite a bit of White Lake. He is here to support the building of White Lake's ball fields.

Bob Kozlowski, 5382 West Alyssa Court. He lives in the Hidden Pines Subdivision which is behind the baseball field. He is here to support the ball field, also. The people he has spoken to who live within the subdivision are also in support of it. He is a physical fitness buff and highly supports anything that will get kids to be physically active.

Matt Sprader, 735 Ranveen Court. The ball fields are okay. What is not okay is what the clerk and treasurer are doing in saying they are donating the work being done when in fact they are not. He is not happy with how the officials on the Board are handling things. It is time to do the right thing.

Steve Campbell, 3009 Shawnee Lane. He is president of the little league. He is also in support of the ball fields being built.

Dave Kaminski, 3630 Baybrook, Waterford. He is here in support of the baseball fields that

Dave Kaminski, 3630 Baybrook, Waterford. He is here in support of the baseball fields that White Lake is currently constructing. It is a great way to create and build memories. It is a field of dreams for kids.

Thomas Johnson, 9136 Buckingham. He is a business owner. If somebody is willing to work on a project and not ask for any pay, he is not going to argue. If the work was done on a volunteer basis, that is fine if it is saving the township money and helps the project move along.

Trustee Birkle commented that as we are wrapping up the budget year 2011, he would like the Board to look at if there is remaining fund equity where revenues exceeded expenditures. He would like to look at some unfunded liabilities and allocate some of the fund equity to that, particularly the retiree health care and a loan to the sewer fund. Also, some changes were made to the procurement policy and he would like further clarification to be made on verbiage such as "may" to "shall" so there are clear and concise steps to follow. There is possibly some DNR funding to put some trails in on Teggerdine Road. The only costs to the Township would be engineering costs, which would be substantial, but he would strongly urge the Board to take a look at it.

Trustee Powell wanted to bring a recent personal misunderstanding to the attention of the residents as well as the Board. He had forgotten to pay his summer property taxes this past year. He received a letter from the treasurer's office identifying the fact that there had to have been a problem in that the summer taxes hadn't been paid but the winter had. He wanted to thank the Treasurer's Department as he was spared a lot of penalties by that problem being promptly brought to his attention.

Supervisor Baroni requested that Item 9A be removed from tonight's agenda.

It was MOVED by Treasurer Brendel, SUPPORTED by Trustee Birkle to approve the Agenda with the following corrections: Delete Item 9A, Diesel Engine Repair. The MOTION PASSED by a voice vote (6 yes votes).

Randy Hebert, 10281 Cedar Point Drive. He would appreciate coming before the township residents to let the people see what is going on rather than matters being discussed in Executive Session.

Joe Sawyer, 5290 Dillon Road, White Lake Township. He is not against the ball field but he would like to know where the money is going. He was here previously to complain about the garbage contract and the money that was spent there.

PRESENTATION

A. SWEARING IN OF NEW OFFICER

Chief Harris swore in Edward McNulty as a new police officer to the White Lake Police

Department. He holds a bachelor of science degree from the University of Toledo. He completed the Police Academy through Washtenaw Community College. He spent nine months serving on the police force on Mackinaw Island. He came to White Lake after being laid off from the Adrian Police Department, having worked there for four and a half years. He has a lot of background and experience which will serve us well in the community.

MINUTES

A. DECEMBER 20, 2011

It was **MOVED** by Treasurer Brendel, **SUPPORTED** by Trustee Powell to approve the Minutes of December 20, 2011. The **MOTION PASSED** by a voice vote (6 yes votes).

COMMUNITY DEVELOPMENT

A. ORDINANCE NO. 58, SECTION 4.58 (SIGNS)

Sean O'Neil, Planning Director, distributed a draft copy of the sign section of the Zoning Ordinance. He would like the Board members to take a look at it and comment on it before holding a Public Hearing at the Planning Commission level. This item was just open for discussion at this time.

B. RESOLUTION #12-001, DIGITAL SIGN MORATORIUM

It was **MOVED** by Trustee Birkle, **SUPPORTED** by Trustee Powell to approve Resolution #12-001, Digital Sign Moratorium. The **MOTION FAILED** by a roll call vote (Lewsley-no/Birkle-yes/Powell-no/Brendel-no/Lilley-no/Baroni-yes).

CONSENT AGENDA

- A. LIST OF BILLS**
- B. REVENUE AND EXPENSES**
- C. DEPARTMENT REPORTS**
 - 1. COMMUNITY DEVELOPMENT**
 - 2. POLICE DEPARTMENT REPORT**
 - 3. FIRE DEPARTMENT (Dec. 2011 & 2011 Annual)**
 - 4. WATER DEPARTMENT YEAR END REPORT**
 - 5. TREASURER**
 - 6. OVERTIME**
- D. APPOINTMENT TO BOARDS AND COMMISSIONS**

Supervisor Baroni listed out his recommended appointments. Deborah DeHart, Planning Commission, term expiring December 19, 2013. Re-appoint Stan Woodhouse, Planning

Commission, term expiring December 18, 2014. Re-appoint Wayne Gilbert, Zoning Board of Appeals, term expiring December 18, 2014.

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

NEW BUSINESS

A. JOB DESCRIPTIONS

Supervisor Baroni removed two items at the request of Local Union 214 from the job description packet, Custodian and Accounting Clerk.

Trustee Birkle would like to see incorporated into all job descriptions wording such as where it is stated 'typical duties' be changed to 'typical duties include but are not limited to'. Under 'duties' or 'tasks', it be changed to 'perform other duties as directed by supervision'.

It was MOVED by Clerk Lilley, SUPPORTED by Trustee Powell to approve the Job Descriptions as presented. The MOTION PASSED by a voice vote (6 yes votes).

B. REQUEST FROM MATT SPRADER FOR REIMBURSEMENT OF FUNDS

Mr. Sprader, owner of Sprader's on the Lake, on Elizabeth Lake Road was given a cost estimate to hook up to the sewer, \$24,899.84. It is stated on the bottom if he pays \$760 that he will get an exact amount of what his sewer will cost. He paid the \$760 April 1 and the cost estimate never changed. Five months later, he spoke with Mr. Brendel, a price was agreed upon, he wrote a check. He has made five payments. After five payments, he got a bill because he wanted money back because he didn't dewater which is \$3,000. He intended to fill his own septic tanks. C&E inadvertently pierced one of the septic tanks and so they filled it. He was told the cost to fill the tanks would be \$1700. He would like to get his money back of \$3000, plus the \$1700 which is a total of \$4700. There was a meeting with himself, Sue, Mr. Baroni, Mr. Lilley, Mr. Need and Mr. Bars. In that meeting it was Mr. Need's recommendation to pay Mr. Sprader.

Trustee Birkle suggested that, especially with the possibility of litigation, an Executive Session be scheduled to discuss this so each of the bills and scenarios and recommended solutions can be discussed by the Board members and attorneys.

Clerk Lilley stated that he has sat through a number of meetings without speaking. Mr. Sprader has had plenty of opportunity to tell the residents how he has gotten gypped by this Board. He would like to go over a little bit of the history as to how this got started. Each Board member has been provided with a packet of information to follow along.

1. Mike McAdams had prepared for Mike Kowall a rough estimate of sewer charges for Oakland County Meeting. September 2009 - Meeting was held at Road Commission regarding Sprader complaint.
2. August 17, 2010 - Said Chief Harris is not qualified to hold job as chief.
3. August 26, 2010 - Asked for assistance for hooking up to sewer.
4. September 16, 2010 - Mr. Kowall wrote letter to Anthony Drautz, Oakland County Health Department.
5. September 16, 2010 - Mr. Kowall wrote letter to Paula Reeves, attorney for Road Commission. Matt asked if I could help and I called Keith Norman at RCOC.
6. April 26, 2010 - Township received information (confidential information) regarding possibility of consent judgment regarding Sprader.
7. May 17, 2011 - Township Board meeting - apologized for his behavior that morning, he never meant to come across as threatening or intimidating.
8. June 28, 2011 - Under Public Comment asked the Board to consider allowing him to put on new pitched roof. That same evening a motion by the Board to approve amending the consent judgment to include building requirements.
9. July 6, 2011 - Three elected officials received copy of the Consent Judgment as approved by the Board.
10. July 12, 2011 - Mr. Sprader paid to township treasurer \$10,748.00 for grinder pump installation, actual total cost was \$11,508.00. However, Mr. Sprader paid \$760.00 on April 27, 2011.
11. August 4, 2011 - New paid estimate arrived.
12. September 30, 2011 - Consent Judgment was filed with court:
 - a. November 28, 2011 - Meeting with Sprader about payments of grinder pump installation, when questioned why he hasn't been paying the attorney fees, it was noticed he had changed the Consent Judgment contrary to board approval.
 - b. In a letter dated December 5, 2011 - The attorney notified Mr. Sprader that there would be a motion to vacate the Consent Judgment and dismiss the case.
13. December 2, 2011 - Police Report

14. December 13, 2011 - Letter from Greg Need to Mr. Bars, Matt Sprader's attorney, stating he is not agreeable to adjourning motion to vacate judgment.
15. December 13, 2011 - Also in a letter dated December 13, 2011, Judge Warren entered an order vacating the judgment and there is no need for oral arguments or motion hearing.
16. December 14, 2011 - Sprader placed ad in Spinal Column
17. December 20, 2011 - Meeting with Sprader and attorney. Township board meeting that same evening. Several times before the police report, Mr. Sprader demanded check refund and was told when the paperwork was complete (full accounting of the bills) there would be either refund or money due to township.
18. Property taxes due:
 - 2010 - Delinquent \$4082.18
 - 2011 - Personal property taxes:
 - Summer (due 9/14): \$403.22
 - Winter (due 2/14): \$123.61
 - Regular taxes:
 - Summer (due 9/14): \$2572.10
 - Winter (due 2/14): \$589.41
19. January 11, 2012 - Motion by Mike Bars to reinstate Consent Judgment
20. January 11, 2012 - Ad in January 11th Spinal Column

Clerk Lilley further stated that Mr. Sprader has pointed his finger at Mr. Brendel and himself over the ballparks. A Freedom of Information Request was made to seek information regarding the billings. They have been provided. If anyone else has a question regarding how the money was spent they are welcome to come into the Township Offices and will be provided the information. Every piece of it has been approved either by Motion or in the Bills or in the Consent Agenda. Even though there has been accusations regarding splitting up of the bills, it can be shown the appropriateness as to why it was done.

Various audience members voiced an angry opinion that Clerk Lilley was making slanderous remarks against Mr. Sprader and the Board was not being fair by not giving Mr. Sprader a chance to respond to the statements made.

It was MOVED by Trustee Birkle, SUPPORTED by Trustee Lewsley to move discussion of this issue to Executive Session. The MOTION PASSED by a voice vote (6 yes votes).

C. FEMA ASSISTANCE TO FIREFIGHTERS GRANT

It was **MOVED** by Trustee Birkle, **SUPPORTED** by Treasurer Brendel to approve FEMA Assistance to Firefighter's Grant. The **MOTION PASSED** by a voice vote (6 yes votes).

D. TWIN LAKES 1 WELL SITE REPAIR

It was **MOVED** by Trustee Birkle, **SUPPORTED** by Trustee Powell to approve Twin Lakes 1 Well Site Repair. The **MOTION PASSED** by a voice vote (6 yes votes).

E. PROPOSED AMENDMENT TO TOWNSHIP PROCUREMENT POLICY

It was **MOVED** by Treasurer Brendel, **SUPPORTED** by Trustee Lewsley to approve the Proposed Amendment to Township Procurement Policy. The **MOTION PASSED** by a voice vote (6 yes votes).

F. WATER SYSTEM MASTER PLAN/RELIABILITY UPDATE AMENDMENT FOR IRON REMOVAL

Trustee Powell stated that the engineering the current proposal looks to pay J&A can virtually be provided for free if you go to a design build offer to the companies that actually install iron removal filters. He doesn't believe it is good money to pay J&A to put together an estimate on what it is going to take to provide iron removal for our system and then ask a company that will actually provide that service to design the system.

Joe Sawyer, 344 Melinda Circle East. He requested the hydrant to be drained across from his house once in awhile and it was never done. His house sets lower and being in a low spot he gets all the rust.

Thomas Johnson, 9136 Buckingham. He is a licensed drinking well operator. Up in Huron County they are developing a water grid. The communities are trying to tie together so that if one system should go down, the other communities can pick it up. It is always nice to have a back up if something goes wrong.

It was **MOVED** by Treasurer Brendel, **SUPPORTED** by Trustee Birkle to approve Water System Master Plan/Reliability Update Amendment for Iron Removal. The **MOTION PASSED** by a voice vote (5 yes votes, 1 no vote-Powell).

EXECUTIVE SESSION

It was **MOVED** by Treasurer Brendel, **SUPPORTED** by Trustee Birkle to adjourn into Executive Session. The **MOTION PASSED** by a voice vote (6 yes votes).

The meeting was adjourned into Executive Session at 8:55 p.m.

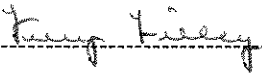
It was moved by Treasurer Brendel, SUPPORTED by Trustee Birkle to move into general session. The MOTION PASSED by a voice vote (6 yes votes).

It was moved by Trustee Lewsley, SUPPORTED by Trustee Powell to direct the township attorney to go to court to enforce the previous consent judgment regarding the Hebert issues.

It was MOVED by Treasurer Brendel, SUPPORTED BY Trustee Birkle to adjourn. The motion passed by a voice vote. (6 yes votes)

The meeting was adjourned at 10:00 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 January 17, 2012 regular board meeting minutes.



Terry Lilley, Clerk
White Lake Township
Oakland County, Michigan