

CHARTER TOWNSHIP OF WHITE LAKE

Approved Minutes of the Regular Board of Trustees Meeting

September 21, 2010

Supervisor Kowall called the Board of Trustees regular meeting to order at 7:00 p.m. He led the Pledge of Allegiance. He asked for a few moments of silence to remember the troops that are serving for us overseas.

Clerk Lilley called the roll:

Present: Mike Kowall, Supervisor
Terry Lilley, Clerk
Carol Burkard, Trustee
Mike Powell, Trustee
Todd Birkle, Trustee
Forrest Jay Brendel, Trustee

Also Present: Greg Need, Attorney
Kristin Goetze, PE
Sean O'Neil, Planning Director
Mike McAdams, Sanitary Storm & Sewer Director
Amy Bertin, Recording Secretary

PUBLIC COMMENTS

Supervisor Kowall moved Item 13E to right after Public Comments and 13A to 13E. Also, removing from the Agenda under Planning, Item 11A, which is the Diesel Repair Facility.

Renee Brodie. She requested that the Board not make a motion to approve the Minutes from the meeting of August 26, 2010 until after she has had a chance to speak. She will be filing a Freedom of Information Act to get that tape.

Bruce Johnson, 9930 Highland Road. He questioned whether the public could only speak now or at other portions during the meeting.

Supervisor Kowall stated that it was up to the Board but they usually do accept some public comment at other points throughout the meeting.

It was **MOVED** by Clerk Lilley, **SUPPORTED** by Trustee Powell to move the Minutes to the last item on the agenda this evening. The **MOTION PASSED** by a voice vote (6 yes votes).

PRESENTATION

Clerk Lilley read into the Minutes a special tribute to Ole Anderson, the Township Engineer. He has recently retired after serving White Lake for more than 25 years.

CONSENT AGENDA

- A. LIST OF BILLS**
- B. REVENUE AND EXPENSES**
- C. DEPARTMENT REPORTS**
 - 1. TREASURER**
 - 2. POLICE**
 - 3. FIRE (July, August)**

D. PLANNING COMMISSION APPOINTMENT

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

BUDGET AMENDMENTS

It was **MOVED** by Clerk Lilley, **SUPPORTED** by Trustee Burkard to approve the Budget Amendments as submitted. The **MOTION PASSED** by a voice vote (6 yes votes).

PUBLIC HEARING

A. RESIDENTIAL REFUSE COLLECTION CONFIRMATION OF ROLL

1. RESOLUTION #10-028, REFUSE COLLECTION PROJECT

It was **MOVED** by Trustee Brendel, **SUPPORTED** by Trustee Burkard to open Public Hearing on Resolution #10-028 - Refuse Collection Project. The **MOTION PASSED** by a voice vote (6 yes votes).

Tom Johnson, 9136 Buckingham, White Lake. Refuse pick up has been a life-saver for the Pontiac Lake area. The area has been kept a lot cleaner with the pick up. It is cheaper than the private individual we previously had. It's an assessment on your property tax which is an advantage if you're fortunate enough to itemize. If we want the community to continue to grow we need to keep a good impression going.

Mel Barrow, 6065 Grass Lake Road. Being a senior citizen, the only one in the household, he only generates one box of recyclables a month and one garbage can a month. It was brought

up at another meeting as to whether there would be a bi-monthly option for seniors and he wondered if that was discussed or written into this new contract.

Sherry Woodbeck, 10052 Cedar Shores. She would like to find out more about recycling, whether there is a way to get a more comprehensive list of what is acceptable.

Mitchell A. Raab, 208 Hurondale Drive. The increase is unsustainable. Extrapolated out over the years we're going to be paying astronomical rates for garbage pick up which is a non value added activity. Garbage blows all over the place. There is more garbage in this township since these people have been running this business than there was before. Some of us only put out a little bag, and yet we're paying all this money for one small bag of stuff.

George Atkinson, 7527 Oak Bay Drive. He leaves the area six months during the year, which is six months they don't pick up that he pays for. By the time they get the increase, its \$30 a month to have his garbage picked up. He has a very small amount of garbage and feels he has no recourse. There should be some way to make a provision for this.

David Klauzenberg, 5319 Dogwood Drive. His concern is where it says, costs associated with the SAD are of such a nature that periodic re-determinations of the costs will be made from time to time without further notice to the record owner. Why would there be changes in prices and we don't get to comment on that?

A company representative addressed some issues brought up by the residents. There were no provisions for bi-weekly discounts or individual bags as part of the bid package. However, within the next year, it will be discussed with the Board as to other options. The first focus is to automate the community and provide one 95 gallon cart by November/December to each household which is the equivalent of three garbage cans. If you are not home at the time of distribution of the cart, out of town for an extended period of time, the driver will walk the cart to a safe location near your home for you.

The carts will eliminate a lot of the blowing materials experienced in the past. If people live far off the road, a corral can be built for the cart, the person driving or carrying the single bag of garbage to the end of their drive and depositing it into the cart. If the cart is stolen, each cart has a serial number on it which the resident needs to write down, file a report with the police dept. and the cart will be replaced free of charge. We do also have a 65 gallon cart which is the equivalent of two garbage cans. We will keep a running list and within 60 days if the 95 gallon cart doesn't work we will provide the 65 gallon cart. If you fill the cart and have additional material, place it next to the cart not on top.

Sandra Holmes, 812 Beachway. Her husband built a beautiful locker for their trash receptacle and that monster won't fit. She doesn't want it. Are we still going to have weekly pick-up?

Sharon Bigalow, 5580 Jackson Boulevard. She can get two large contractor bags into the container she currently has. And if it gets too much to drag it back and forth, she has big trees and bushes and she just puts it right behind the tree and you can't see it from the road.

Renee Brodie, 9833 Coledale Court. The last minutes did not clarify who is the big company and who is the little company. So what is the name of the little company? In the Minutes of August 26 about the refuse collection contract it was stated that the two proposals were so much alike that it was very difficult to chose between them. It seems like what you're going to do now has to cost more money. How much do one of those things cost? Is there any chance that we're going to have any kind of say about this or is this just a done deal? How much is it going to cost me on my taxes?

Supervisor Kowall stated that there have been many previous meetings dealing with this item. This hearing is for is the assessment. If you wish to protest the assessment, register your protest and then take it to the tax tribunal. The cost will be \$13.17 a mo. for 2010, \$13.25 a mo. for 2011, \$14.88 a mo. for 2015 which includes the recycling, compost, yard waste and garbage.

Clerk Lilley stated the name of the three companies who participated in the bidding process were Richfield, Republic / Allied, Waste Management.

Chuck Bowman, 9069 Satelite. Has there been any provisions made for hazardous refuse?

Supervisor Kowall stated that the No Haz day was discontinued because of costs. Royal Oak Recycling will take a variety of items. A list of preferred contractors in the area are provided on the web site.

Trustee Burkard would like to know if there are any provisions for handicapped people, if they are able to get their garbage on the porch, to have pick up.

The company representative stated that they do provide backdoor service. They do have elective carry outs which means if somebody can certify that they have a physical disability, that will be done at no additional charge.

Clerk Lilley stated there were protest letters to be made part of the meeting Minutes:

*Diane and John Klarich.

*Robert Zeeb. 2397 Colorado Avenue, Rochester Hills.

*Joy McHale, 8985 Cooley Lake Road, Union Lake.

It was MOVED by Trustee Birkle, SUPPORTED by Trustee Brendel to close Public Hearing on Resolution #10-028 - Refuse Collection Project. The MOTION PASSED by a voice vote (6 yes

votes).

It was **MOVED** by Trustee Birkle, **SUPPORTED** by Trustee Powell to approve Resolution #10-028 - SAD 2011-2015, Residential Refuse Collection Project. The **MOTION PASSED** by a voice vote (6 yes votes).

RESOLUTIONS

A. RESOLUTION #10-029, DOMESTIC VIOLENCE AWARENESS MONTH

It was **MOVED** by Trustee Birkle, **SUPPORTED** by Trustee Burkard to approve Resolution #10-029 - Domestic Violence Awareness Month. The **MOTION PASSED** by a voice vote (6 yes votes).

B. RESOLUTION #10-030, PARKING ON GLYNN ROAD

Celeste Krom, 10355 Glynn Road. She has proposed multiple times for no parking signs to be put up on Glynn Road due to the commercial vehicles of the AmComm Company. Most importantly, it is a danger to our children that are taking the bus. They start parking around 7 a.m. until about 10 or 11. There debris on the road from their trucks and getting in and out of our driveways and parking. The school bus company has called multiple times that the road has been blocked. White Lake Police has been there multiple times due to their trucks parked in front of our mailboxes. We've gotten notices from the mail carriers that we can't receive our mail. So I propose there be No Commercial Vehicle Parking signs be put up from 7 to 5 Monday thru Friday.

Clerk Lilley stated that the site plan was amended at no additional cost to the applicant. There were extensive talks about the parking situation that we felt would be resolved with the agreement and, obviously, it hasn't. There may be a charge for these signs. Part of the Motion should be to direct the road commission to place the signs, and also informing AmComm that they will get the bill for that. That should be their payment for non-compliance.

It was **MOVED** by Trustee Burkard, **SUPPORTED** by Trustee Powell to approve Resolution #10-030, Parking on Glynn Road, Monday thru Friday, with added comments from Clerk Lilley. The **MOTION PASSED** by a voice vote (6 yes votes).

PLANNING

B. CAPITAL IMPROVEMENT PLAN

It was **MOVED** by Clerk Lilley, **SUPPORTED** by Trustee Burkard to approve Resolution #10-031 - Capital Improvement Plan 2011-2016. The **MOTION PASSED** by a voice vote (6 yes votes).

OLD BUSINESS

A. SECOND READING, AMENDMENT TO ORDINANCE NO. 129, FEE ORDINANCE

It was **MOVED** by Clerk Lilley, **SUPPORTED** by Trustee Birkle to approve the Amendment to Ordinance No. 129, Construction Code Mechanical Contractor License Registrations. The **MOTION PASSED** by a voice vote (6 yes votes).

NEW BUSINESS

A. RESIDENT RENEE BRODIE

My name is Renee Brodie, 9833 Coledale Court. She stated her reason for appearing today was she spoke recently at the last Board meeting. When the unapproved Minutes came out, she felt she was quoted incorrectly, speaking for quite a long time and none of that was recorded. Her concern here is how will her community members know what she said. Mr. Lilley stated that the Township does not have to record anything but date, time, who is present, motions and decisions, and that public comments are not transcribed word for word.

Ms. Brodie quoted from the Freedom of Information Act. She stated she was extremely upset, feeling that her comments didn't matter and that they were ignored. She also found out that the recording of the meetings are not kept once the Minutes are approved. We go back 40 years in paper Minutes but there is not one tape of what actually happened in that meeting. The position of the Township is the clerk has the right to paraphrase and sanitize anything that is said. There is not a fully transcribed copy of the whole meeting put with the Minutes. As a community, we need to ask more of our Board members.

She quoted from the General Retention Schedule No. 25 for township clerks as put out by the State of Michigan. Also, Michigan Township Record Retention General Schedule No.10 which states that a transcription of the recording is kept. The Board members need to make a motion for us to have true, full access to conversations of whatever happens in the meetings. Townships are encouraged to contact the Archives of Michigan for assistance if they do not have space or appropriate facilities to retain those records permanently. The records are currently stored in a closet which is not part of what the Michigan township rules are, they are supposed to be in a safe place. Full disclosure and transparency of the Board meetings would be in the best interest of both parties, thereby developing trust between the Board and the community.

Clerk Lilley responded that Renee did attend the last meeting. She obtained a tape of the Meeting. To make the record clear, there is a portion of the agenda this evening that is public

comment. All the rest of the agenda is prepared ahead of time and every piece of paper that is part of that prepared agenda becomes the permanent record of this Township. That information will be a part of the approved Minutes and the attachments are in the official meetings book of the Township. He met with Renee last Friday, dropping off a book, Managing Michigan Townships. The law was explained to her, where the Clerk's responsibilities are driven from, a majority of which are from the actions of the Township Board. She had specific questions which were addressed.

Trustee Burkard stated that, as a former clerk, direction was given from MTA, Michigan Township Association, that you do not keep these tapes for years and years. We had to destroy quite a few. Any citizen has a right to bring a little tape recorder to the meetings and tape them for yourself. When she was a clerk, if a citizen came and they had an item that they wanted verbatim, if it was typed up on a sheet of paper, it would be added to the Minutes as what they said.

Ms. Brodie stated that her problem with typing up a statement and having it attached to the Minutes, the general public still does not see that attachment. It is attached and filed.

Ms. Sherry Woodbeck would like to know the cost to have it on a flash drive or the tape. Why can't you keep a data copy? By looking at the Minutes on line you might think that it was a really short meeting, nobody had anything to say, when in fact maybe somebody did have something to say, Terry just chose not to include it. To hear that the tapes are destroyed immediately or soon after approving the Minutes is disconcerting.

Clerk Lilley stated that if someone really wants their conversation heard, really wants it to be part of the Minutes and not paraphrased, please present it in writing. That will become an official part of the meeting Minutes.

MINUTES

- A. August 17, 2010
- B. August 26, 2010

It was **MOVED** by Trustee Powell, **SUPPORTED** by Trustee Brendel to approve the Minutes of August 17, 2010 and August 26, 2010 as presented. The **MOTION PASSED** by a voice vote (6 yes votes).

It was **MOVED** by Trustee Brendel, **SUPPORTED** by Trustee Burkard to keep the tapes of the Regular Township Board Meeting for 30 days following approval of the Minutes. The **MOTION PASSED** by a voice vote (6 yes votes).

NEW BUSINESS

**C. JOHNSON & ANDERSON PROPOSAL FOR BLACKBERRY HILLS STORM
WATER OUTLET**

It was MOVED by Trustee Birkle, SUPPORTED by Trustee Burkard to approve the Johnson & Anderson Proposal for Blackberry Hills Storm Water Outlet, and easement across the Township property be granted to Blackberry Hills Subdivision Association. The MOTION PASSED by a voice vote (6 yes votes.)

(A brief recess was taken.)

D. 2010 GRINDER PUMP INSTALLATION BLANKET CONTRACT

It was MOVED by Trustee Powell, SUPPORTED by Trustee Brendel to approve the 2010 Grinder Pump Installation Blanket Contract, dropping the insurances to 50/50/25, eliminating the bid bond, adding a two inch low pressure sewer boring price to the request. The MOTION FAILED with a roll call vote
(Burkard-no/Brendel-yes/Powell-yes/Lilley-yes/Birkle-no/Kowall-no).

It was MOVED by Trustee Burkard, SUPPORTED by Trustee Birkle to approve the 2010 Grinder Pump Installation Blanket Contract, dropping the insurances to 50/50/25, adding a bid bond of \$10,000 and a two inch low pressure sewer boring price. The MOTION PASSED by a roll call vote (Burkard-yes/Lilley-yes/Powell-yes/Brendel-yes/Birkle-yes/Kowall-yes).

A. TOWNSHIP TREASURER'S POSITION

It was MOVED by Trustee Powell, SUPPORTED by Trustee Burkard to allow Jay Brendel to abstain from the discussion of voting on the Township Treasurer's position since he is up for discussion. The MOTION PASSED by a roll call vote
(Lilley-yes/Kowall-yes/Birkle-yes/Burkard-yes/Powell-yes).

Trustee Brendel exited the meeting room.

Trustee Powell summarized the process, to date, on the selection process for filling the position of treasurer for White Lake Township. It was voted to establish a subcommittee to review the resumes that had come in for the treasurer's position. We formally opened the 24 resumes received for this position. We had a list of criteria that we came up with that we tried to follow in the analysis of these resumes, political experience, whether they were a registered voter, their voting record, volunteer activity within the community, experience in accounting, business, supervision, management, leadership, communication, skills in public speaking, interpersonal relationship, listening, job learning.

We each went through the resumes independently. On September 7 we had an open meeting to compare our analysis of the resumes with each other. We came up with the same five resumes, one in which the applicant had only voted within the Township four times in the last twenty years so they were set aside. The top four remaining were Gregory Baroni, Jay Brendel, Sandra Holmes, Lisa Reaser. After further discussion we narrowed it down to three, Baroni, Brendel, and Reaser. Because of the quality of the resumes, the committee could not make a recommendation of one applicant.

Ms. Sandra Holmes introduced herself to the Board members. She is currently employed by the Arthritis Foundation as their vice president of finance, working 50, 70, 90 hours a week making it hard to volunteer when you have that kind of commitment. Of the three that were selected, two were already known commodities by the Board which gave them an advantage. It would have been nice to have an opportunity to have a one on one interview. She has been with the Arthritis Foundation for 13 years, her last day being October 1st. Prior to that, controller for three radio stations, her broadcasting background going back 13 years. The Board now has a little more knowledge about who she is and she appreciated the opportunity for each of them to hear and see her personally.

Clerk Lilley commented that he felt the committee did a remarkable job to glean out the people they did to come to the final four. But in fairness, all four of the final candidates should have been interviewed, not just two.

Trustee Burkard stated she already made her comments to the newspaper of who she felt would be best for the position. The deputy is a person who becomes your right hand man, is loyal to you, able to do the work for you. Lisa Reaser was picked to be Beverly's deputy, giving up a secure job. Any time she went into the Treasurer's office, Beverly said how fortunate she was to have Lisa on board and what a good job she was doing.

Also, the Board is made up of seven members, five of which are males. The people voted to have a more even Board. Also, she looked at the position of the deputy, is Lisa doing the books properly, have there been any problems with the books. We have a lady who has been doing the books, she's gone to school. I gave my opinion a long time ago and I haven't changed it.

Ms. Reaser addressed the Board with her assessment of what she felt the job entailed and her current experience. It is a job where you are dealing with the public on a daily basis, where you are there for the people. You are required to work with many different people within the Township, the assessing dept., the clerk's office. It involves working with numbers, accounting, balancing tax rolls. The Treasurer position is a very hands-on job. She has gone to the Michigan Basic Institute, completing the first year out of a three year program. She is certified in different classes for cash handling. She is very involved with the community and her subdivision, volunteering with the Historical Society, Christmas in April, and Goodfellows.

It was MOVED by Trustee Burkard, SUPPORTED by Clerk Lilley to appoint Lisa Reaser, Deputy Treasurer, to the Township Treasurer position. The MOTION FAILED by a roll call vote (Lilley-yes/Powell-no/Burkard-yes/Kowall-no/Birkle-no).

It was MOVED by Trustee Powell, SUPPORTED by Trustee Birkle to appoint Trustee Jay Brendel to the Township Treasurer position. The MOTION PASSED by a roll call vote (Birkle-yes/Kowall-yes/Burkard-no/Lilley-no/Powell-yes).

It was MOVED by Trustee Powell, SUPPORTED by Trustee Birkle to add to the Agenda the appointment of a trustee position to the White Lake Township Board. The MOTION PASSED by a roll call vote (Lilley-no/Powell-yes/Burkard-no/Birkle-yes/Kowall-yes/Brendel-yes).

Supervisor Kowall stated that the addition to the Agenda for appointment of a new trustee to the Board of White Lake Township should appear as Item 13F.

It was MOVED by Clerk Lilley, SUPPORTED by Trustee Powell, to approve the two items on the Agenda listed as FYI items - Overtime Report & Correspondence from GMH law firm. The MOTION PASSED by a voice vote (6 yes votes).

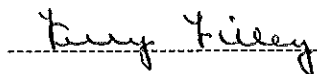
It was MOVED by Trustee Powell, SUPPORTED by Trustee Burkard to approve the appointment of Gregory Robert Baroni as Trustee for White Lake Township. The MOTION PASSED by a roll call vote (Burkard-yes/Lilley-yes/Birkle-yes/Kowall-no/Brendel-no/Powell-yes).

ADJOURNMENT

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

The meeting was adjourned at 11:00 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 September 21, 2010 regular board meeting minutes.

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Terry Lilley, Clerk
White Lake Township
Oakland County, Michigan