

CHARTER TOWNSHIP OF WHITE LAKE
Unapproved Minutes of the Regular Board of Trustees Meeting
July 21, 2020

Supervisor Kowall called the meeting to order at 7:02 p.m. The meeting was held via Zoom video conferencing. He then led the Pledge of Allegiance.

Clerk Lilley called the roll:

Present: Rik Kowall, Supervisor
 Terry Lilley, Clerk
 Mike Roman, Treasurer
 Michael Powell, Trustee
 Andrea C. Voorheis, Trustee
 Liz Smith, Trustee
 Scott Ruggles, Trustee

Also Present: Cathy Derocher, Deputy Clerk
 Lisa Hamameh, Attorney
 Aaron Potter, DPS
 Sean O'Neil, Planning Director
 Jeanine Smith, Assessor
 Jennifer Edens, Recording Secretary

AGENDA

Supervisor Kowall added Part II of 12D - Deferral

It was MOVED by Clerk Lilley, SUPPORTED by Trustee Powell to approve the Agenda, as amended. The motion PASSED by roll call vote (Smith/yes, Voorheis/yes, Powell/yes, Ruggles/yes, Roman/yes, Lilley/yes, Kowall/yes).

PUBLIC COMMENT

Clerk Lilley indicated that he has received several phone calls from individuals who are concerned regarding the special assessment notice that was sent out. He wanted everyone to know that the Clerk is the recipient of the information, not the person who sends it out. He expressed a concern and reminded of previous conversations for the need to include an explanation paragraph in laymen's terms, explaining to the residents what is involved and what it means to them.

Trustee Smith is hopeful that in the future there would be a cover letter in laymen's terms that explains what the legal notice means. It would alleviate questions posed to staff and help the residents understand what is happening.

Supervisor Kowall is unclear why this notice escaped the process in which he has implemented that would give an explanation of the special assessment.

No public comment.

CONSENT AGENDA

- A. REVENUE AND EXPENSE**
- B. CHECK DISBURSEMENT**
- C. DEPARTMENT REPORTS**
 - 1. POLICE**
 - 2. FIRE**
 - 3. COMMUNITY DEVELOPMENT**
 - 4. TREASURER**

It was **MOVED** by Clerk Lilley, **SUPPORTED** by Trustee Ruggles to approve the Consent Agenda. The motion **PASSED** by roll call vote (Ruggles/yes, Powell/yes, Voorheis/yes, Smith/yes, Roman/yes, Lilley/yes, Kowall/yes).

MINUTES

A. APPROVAL OF MINUTES – REGULAR BOARD MEETING, JUNE 16, 2020

It was **MOVED** by Supervisor Kowall, **SUPPORTED** by Trustee Voorheis to approve the Minutes of the Regular Board Meeting, June 16, 2020. The motion **PASSED** by roll call vote (Voorheis/yes, Powell/yes, Ruggles/yes, Smith/yes, Roman/yes, Lilley/yes, Kowall/yes).

PRESENTATION

B. RECOGNITION OF MASTER MUNICIPAL CLERK CERTIFICATION – TERRY LILEY

Cathy Derocher presented Clerk Lilley with the Master Municipal Clerk Certification, which is awarded to clerks and deputy clerks who complete many rigorous hours of continued education and professional development in the municipal clerk profession. It is sponsored by the International Institute of Municipal Clerks and highly regarded in the clerking world. She reminded that this certification can only be achieved after earning the certified municipal clerk designation which takes three years to accomplish.

Clerk Lilley has worn many hats in his twenty plus years of service to this community. He has been a firefighter, building official, supervisor, trustee, and has served for twelve years as township clerk. He moves forward with changes and there have been a lot considering COVID 19. He has a vision for the future. He uses the professional tools of the Clerk's trade, such as implementing electronic record keeping and initiating the codification of all township ordinances so they can easily be found on-line.

Terry exemplifies the principals of Life Long Learning the Master Municipal Certification represents.

Congratulations!

OLD BUSINESS

A. SECOND READING; REZONING REQUEST – WHITE LAKE CAR WASH

Sean O'Neil indicated this request is now ready for the Board's consideration. The matter was considered by the Planning Commission at their regular meeting on June 4, 2020, at which time the Planning Commission recommended approval of the proposed rezoning request. He reminded that this request was before this Board on June 16, 2020 for first reading.

He furthered that this is the rezoning of property from (LB) Local Business and (R1-C) Single Family Residential to (GB) General Business. The property is described as parcel number 12-23-202-006, located on the south side of Highland Road, just west of Fisk Road, consisting of approximately 4.91 acres.

It was MOVED by Clerk Lilley, SUPPORTED by Treasurer Roman to approve Parcel 12-23-202-006 consisting of 4.91 acres (LB) local business and (R1-C) single family residential to (GB) general business subject to all consultants and Planning Department comments and authorize the Supervisor to sign. The motion PASSED by roll call vote (Powell/yes, Voorheis/yes, Ruggles/yes, Smith/yes, Roman/yes, Lilley/yes, Kowall/yes).

PUBLIC HEARING WITH RESOLUTION

A. HEARING TO ESTABLISH THE DISTRICT FOR THE SPECIAL ASSESSMENT FOR RESIDENTIAL REFUSE COLLECTION PROJECT – 2021-2025

Supervisor Kowall indicated that this is the renewal of an existing S.A.D. regarding trash collection. It has been subject matter at previous meetings and those meetings are available to be viewed. He indicated this is not an additional tax, it is only a renewal at an adjustable rate over the next five years.

It was MOVED by Supervisor Kowall, SUPPORTED by Trustee Ruggles to open the public hearing to Establish the District for the Special Assessment for Residential Refuse Collection Project – 2021-2025. The motion PASSED by roll call vote (Voorheis/yes, Smith/yes, Powell/yes, Ruggles/yes, Roman/yes, Lilley/yes, Kowall/yes).

PUBLIC HEARING

Jean Phillippe Loew, 247 Rosario Lane. Commented that currently at the end of November when the leaves are falling it seems to late to have them picked-up. He asked if there is a way to have them picked up later into the year or if there is a location where they can take them.

Supervisor Kowall answered that the service has agreed to go into the first full week of December.

It was MOVED by Supervisor Kowall, SUPPORTED by Trustee Voorheis to close public hearing. The motion PASSED by roll call vote (Powell/yes, Smith/yes, Voorheis/yes, Ruggles/yes, Roman/yes, Lilley/yes, Kowall/yes).

1. RESOLUTION #20-023; TO ESTABLISH A SPECIAL ASSESSMENT DISTRICT TO BE KNOWN AS RESIDENTIAL REFUSE COLLECTION PROJECT 2021-2025

Attorney Hamameh asked to change all the Resolutions today to reflect the current executive order; changing the executive order number to reflect the most recent number.

It was MOVED by Trustee Ruggles, SUPPORTED by Trustee Powell to approve Resolution #20-023. The motion PASSED by roll call vote (Lilley/yes, Roman/yes, Ruggles/yes, Powell/yes, Voorheis/yes, Smith/yes, Kowall/yes).

B. HEARING TO ESTABLISH MANDON LAKE IMPROVEMENT SPECIAL ASSESSMENT DISTRICT

Supervisor Kowall indicated this is a renewal of the lake maintenance S.A.D. that has been going on for several years. It is not a new tax; it is a renewal for the improvement and betterment of Mandon Lake.

It was MOVED by Supervisor Kowall, SUPPORTED by Treasurer Roman to open public hearing. The motion PASSED by roll call vote (Kowall/yes, Lilley/yes, Roman/yes, Ruggles/yes, Powell/yes, Voorheis/yes, Smith/yes).

PUBLIC HEARING

Dawn Martin, 9151 Ashdown Avenue. She asked what all this entails and what is included.

Supervisor Kowall directed her to speak with the association that forwarded it. They give the Board the direction that they want the district for the economic and wherewithal means to provide.

It was MOVED by Supervisor Kowall, SUPPORTED by Clerk Lilley to close the public hearing. The motion PASSED by roll call vote (Kowall/yes, Roman/yes, Lilley/yes, Powell/yes, Smith/yes, Ruggles/yes, Voorheis/yes).

1. RESOLUTION #20-022; TO ESTABLISH A SPECIAL ASSESSMENT DISTRICT FOR MANDON LAKE IMPROVEMENT 2021-2025

Trustee Powell asked for a reminder of how this works logistically. Does the association determine what work is being done and then how do they receive the funds from the Township?

Clerk Lilley responded that the work is completed, approved by the association, and then sent to the Township to be paid out of this S.A.D. The request comes from an officer of the association.

It was MOVED by Supervisor Kowall, SUPPORTED by Treasurer Roman to pass Resolution #20-022; To establish a Special Assessment District for Mandon Lake Improvement 2021-2025. The motion PASSED by roll call vote (Lilley/yes Roman/yes, Voorheis/yes, Kowall/yes, Ruggles/yes, Smith/yes, Powell/yes).

C. HEARING TO DETERMINE TO UNDERTAKE AN IMPROVEMENT PROJECT AND TO ESTABLISH A SPECIAL ASSESSMENT DISTRICT FOR SUNSET/TAYLOR ROAD MAINTENANCE 2021-2025

It was MOVED by Supervisor Kowall, SUPPORTED by Trustee Smith to open public hearing for said assessment. The motion PASSED by roll call vote (Ruggles/yes, Smith/yes, Powell/yes, Roman/yes, Lilley/yes, Voorheis/yes, Kowall/yes).

PUBLIC HEARING

Travis Siegel, 9393 Buckingham Street. He asked how the Board proposes assessments for certain situations. How are the taxes applied to the assessments in what the Board is approving?

Supervisor Kowal indicated that whenever an assessment is created it is for a specific purpose and it is up to the individual group.

Trustee Powell indicated that they are not general tax dollars that are being talked about for any specific use. This is a S.A.D. and only people that are benefited by the work will be assessed for this. No tax dollars are being used for the work.

It was MOVED by Supervisor Kowall, SUPPORTED by Treasurer Roman to close public hearing. The motion PASSED by roll call vote (Ruggles/yes, Powell/yes, Voorheis/yes, Smith/yes, Roman/yes, Lilley/yes, Kowall/yes).

1. RESOLUTION #20-024; DETERMINE TO UNDERTAKE AN IMPROVEMENT PROJECT AND TO ESTABLISH AND MAINTAIN A SPECIAL ASSESSMENT DISTRICT FOR SUNSET/TAYLOR ROAD MAINTENANCE

Trustee Powell clarified that this is to simply establish S.A.D. and that a public hearing assessment role next month.

It was MOVED by Supervisor Kowall, SUPPORTED by Clerk Lilley to approve Resolution #20-024; Determine to Undertake an Improvement Project and to Establish and Maintain a Special Assessment District for Sunset/Taylor Road Maintenance. The motion PASSED by roll call vote (Roman/yes, Lilley/yes, Ruggles/yes, Smith/yes, Voorheis/yes, Powell/yes, Kowall/yes).

RESOLUTIONS

A. RESOLUTION #20-025; COOLEY LAKE MUTE SWAN REMOVAL

Supervisor Kowall indicated that this is an aggressive swan removal request. Guidelines and permits with the DNR will be followed regarding this matter. There is a procedure and protocol that must be followed by the State.

No public comment regarding this topic was given.

It was MOVED by Clerk Lilley, SUPPORTED by Trustee Powell to approve Resolution #20-025, approving a five-year permit for aggressive mute swan removal. The motion PASSED by roll call vote (Smith/yes, Powell/yes, Ruggles/yes, Voorheis/yes, Lilley/yes, Roman/yes, Kowall/yes).

B. RESOLUTION #20-021; TO TENTATIVELY DECLARE ITS INTENTION TO ESTABLISH A SPECIAL ASSESSMENT DISTRICT TO BE KNOWN AS EMERGENCY SEWER HOOK-UP 2020-01

Supervisor Kowall recalled that it was the thought process of this Board a few years back to create an annual/bi-annual S.A.D. when we have emergency sewer hook-ups. This group has three members and we are looking to move this forward as we have done for several years.

Clerk Lilley commented that this has been set up for only those that have a septic failure and that we have provided a ten-year assessment.

Trustee Powell would like to refer to this in item 12D. He asked if it would be possible to use this fund, not only to connect, but extend a sanitary sewer to take care of an emergency situation.

Supervisor Kowall believes that is a good question but was not the intent of the Board when it was passed. It was there to be as a service to persons, as he understands it, was persons that have sewer available to them, but may not have the economic wherewithal to pay the fee all at one time. That was the original intent. He would be open to conversation about uses of the PA188 money as the Township moves forward for such issues.

It was MOVED by Supervisor Kowall, SUPPORTED by Clerk Lilley to approve Resolution #20-021; To Tentatively Declare Its Intention to Establish a Special Assessment District to be known as Emergency Sewer Hook-Up 2020-01. The motion PASSED by roll call vote (Voorheis/yes, Lilley/yes, Roman/yes, Smith/yes, Ruggles/yes, Powell/yes, Kowall/yes).

C. RESOLUTION #20-026; TO APPROVE RESIDENTIAL SOLID WASTE COLLECTION AGREEMENT WITH GFL ENVIRONMENTAL, USA INC 2021-2025

Attorney Hamameh suggest that Items 11C and 12A be taken together because the Resolution is drafted in such a way that by passing the Resolution the Board in turn approving the contract as it is an exhibit to the Resolution.

Trustee Powell confirmed that the contract has the language in it regarding the extension of the leaf pick-up by a week.

Treasurer Roman advised the Board that the Township was approached late last week by another waste hauler, Priority Waste. He commented that sometimes timing is everything and that they have already negotiated a competitive five-year agreement with GFL. He furthered that the residents are happy with GFL and he believes this Board should approve the GFL contract.

Clerk Lilley reminded that the last time the Township went through this there was a similar situation where another company approached the Board and it ended up being a fiasco. The current hauler has done an excellent job.

Trustee Ruggles reminded that when the contract went from Republic to GFL he was not a huge fan of it at the time. Now three to four years with them, he has been impressed with their performance and quite happy with them. He agrees that they are happy with GFL and really have no information on this other company.

Trustee Powell noted that he is not only impressed with GFL, but last time we did public bidding it was extremely difficult. As a point of interest, he noted that recently he learned that GFL is nationwide as he seen them in Denver Colorado.

Trustee Smith has been contacted by many residents regarding this. She informed that this Board has been discussing this for several months now and the meetings are public, and information is available. She indicated that this Board is very transparent. She furthered that this Board has explored all options and made sure we are making the best decision for our residents.

Trustee Voorheis has heard nothing but rave reviews about GFL. She has reached out to them for additional recycle bins and found them to be very receptive.

Supervisor Kowall shared that GFL provided a group of special kids that needed some assistance with a bottle and can drive, with containers at no costs to that group or the Township. They have been very civic minded, and he has no complaints.

Treasurer Roman commented that last month when this renewal was discussed, there was concern from the Board regarding the performance bond that GFL would put up. Supervisor Kowall negotiated and got GFL to come to the table.

Supervisor Kowall noted that the ante has been raised considerably to 50% of their annual fee that they charge the Township.

PUBLIC COMMENT

Jim Bilicki, 10609 Emwood Ct. He is calling regarding Item 11B, the Emergency Sewer Hook-Up. He notes there is a meeting on August 18, 2020, and he approves that, and he will be.

Dan Beney, Priority Waste Representative. He thanked the Board for mentioning the company during the meeting. He completely understands the Board's thought process and decision as it stand right now but hopes to be considered for future contracts.

It was MOVED by Supervisor Kowall, SUPPORTED by Trustee Voorheis to combine Items 11C and 12A to approve Resolution #20-026; To Approve Residential Solid Waste Collection Agreement with GFL Environmental, USA Inc 2021-2025. The motion PASSED by roll call vote (Roman/yes, Lilley/yes, Voorheis/yes, Ruggles/yes, Smith/yes, Powell/yes, Kowall/yes).

NEW BUSINESS

A. APPROVAL OF RESIDENTIAL SOLID WASTE COLLECTION AGREEMENT WITH GFL ENVIRONMENTAL, USA INC 2021-2025

Address in combination of 11C, Resolution #20-026.

B. APPROVAL OF PLANNED DEVELOPMENT AGREEMENT – NEW HOPE WHITE LAKE

Sean O'Neil indicated the request is now ready for the Township Board's consideration. The matter was considered by the Planning Commission at their regular meeting on July 16, 2020, at which time the Planning Commission recommended approval of the planned development agreement.

The property is located on the west side of Williams Lake Road and south of Elizabeth Lake, consisting of approximately 13.32 acres. Identified as parcel number 12-25-400-029. The property is currently zoned Planned Development (PD).

He feels it is important to mention, that if the applicant is unable to physically install the offsite sidewalk/pathway that will run north of the property to Benny Lane along the west side of Elizabeth Lake Road, they will be allowed to make a contribution to a pathway fund. It will be written into the Development Agreement.

The applicant has continued to have dialogue with the surrounding neighbors and a couple of weeks ago he was asked, regarding potential tree removal, to discuss with the neighbors which he did.

Mr. O'Neil recommends approving this subject to all the comments as well as the insertion of the dollar amount that is agreed upon and authorize the supervisor to sign.

Trustee Powell is pleased that this use found this site. He does not believe there could be a more perfect use. It is isolated, it protects the surrounding communities, it is low intense, and will be a welcomed addition to that area.

Clerk Lilley supports Trustee Powell's comments regarding the site itself. He too believes it is an excellent option for that piece of property.

Trustee Smith as a question of clarity, reminded that last month there was discussion about making it a walkable community for the residents within the property. She asked Mr. O'Neil for clarification if he is now talking of sidewalks within the property or down main road.

To which Mr. O'Neil identified he was speaking of a pathway down Williams Lake Road. If it is not feasible due to easements and such, then the applicant will donate into a pathway fund. For safety reasons it is not ideal to have a pathway leading from the community to the main road, so instead they expanded outdoor amenities within the property.

Trustee Smith is thankful for the thoughtfulness of the applicant to make the ground usable for the residents and family members.

The applicant, Rumi, appreciates the Board's comments. He indicated that everyone on the team has been super helpful. They helped identify the site and meet the neighbors. He stated that at the end of the day we are becoming a part of the fabric of the community of White Lake. He is ready to get the show on the road. He encourages the Board members to come and visit the site. He mentioned that they will be putting up a retention wall at a cost of \$300,000, but because of the wall they will be saving trees. He believes the site offers a therapeutic, prairie like feel. He gives credit to Sean O'Neil and Supervisor Kowall for identifying the site.

It was MOVED by Clerk Lilley, SUPPORTED by Trustee Smith to approve the Planned Development Agreement for Parcel 12-25-400-029 subject to any rezoning issues of the consultants and authorize the supervisor to sign when complete. The motion PASSED by roll call vote (Lilley/yes Roman/yes, Voorheis/yes, Ruggles/yes, Powell/yes, Smith/yes, Kowall/yes).

C. FIRST READING, FEE ORDINANCE AMENDMENT

Trustee Ruggles questioned why all the charges from the fire department are now \$178.

Supervisor Kowall indicated that is how Fire Chief Holland calculated it.

Clerk Lilley commented that the inspection fee for a certificate of occupancy (CO) is expensive and should be considered before the next hearing.

Trustee Smith asked Supervisor Kowall how he would like suggestions addressed. To which he indicated by email to the department head.

It was MOVED by Clerk Lilley, SUPPORTED by Trustee Powell to move the Fee Ordinance Amendment to Second Hearing. The motion PASSED by roll call vote (Powell/yes, Ruggles/yes, Smith/yes, Voorheis/yes, Lilley/yes, Roman/yes, Kowall/yes).

D. CLARIFICATION OF SANITARY ORDINANCE 38-418

Attorney Hamameh shared that she had a conversation with Aaron Potter regarding his request. She understands that there is confusion regarding the provision that he has referenced and that the provision is inconsistent with a comparable state law provision. Mr. Potter would prefer that it read consistent with state law. He is asking the Board to consider their interpretation/clarification of the intent of that section and if this Board deems, after reading that section, that it should be consistent with state law, then it would answer Mr. Potter's immediate question. She further stated that if this is how it should read, or if this is how the Board wants it, once a determination is made it is going to apply across the board to anybody that this situation arises for. She and Mr. Potter discussed preparing a very short amendment to the Sewer Ordinance that would contain this clarification (i.e. making the language consistent with state law) if this Board is in agreement with that as well as another amendment which will be discussed in the next item.

Clerk Lilley commented that he was not aware of the attachment and it should have been a part of this as he did not have time to review it. He believes the ordinance or interpretation of it needs more clarification, particularly that some of the requirements may be different for commercial as opposed to residential. He has concerns about taking an action without seriously considering the intent that it is being done for.

Aaron Potter indicated that the intention here is not to apply a variance to one particular property, but rather an attempt to try and get clarification as to what the intention was; and was the difference of the Health Code intentional or was it incorrectly written. He furthered that they want to fairly apply it evenly to all residents. He is hopeful that with this clarification they will know how to apply the Board's wishes. He will avoid any scenario where he will make a one-off decision because he thinks it will cause trouble in the long run.

Trustee Powell indicated that he can state that it was an intentional deviation. The intent to promote the extension of the sanitary sewers within the Township. The more this item is relaxed, the more leeway there is to allow for a septic field to be installed instead of extending a sanitary sewer. He continued that once a property owner puts in an estimated \$40,000 for a new septic field, they are not going to be in favor of joining an S.A.D. The easier we make it for a septic system to go in, the less likely we are going to extend sanitary sewers. With that said, we have a lot of deep parcels where a no vote would be given because they are 200 feet from the property line and by definition if this is changed, they are out of the reach of the sanitary sewer and they no longer have to approach the Township for a sewer or a variance.

He understands the concern that if you change this overall you will not be able to evaluate specifically. He believes there are two-ways to approach this. He is a major proponent of extending sanitary sewers. If this Board is not proactive and extend sanitary sewers with the funds that are on hand for the benefit of our residents, then this should be changed. It is onerous of any property owner to extend sanitary sewers on their own. Personally, he believes the Township ought to step-up and cause the sanitary sewer to be extended and spread that benefit cost over the parcels that are going to use it and start extending sewers. He notes that a sanitary sewer can be extended a long way for the costs of a \$40,000 septic system that is going to fail again in fifteen years. He opined that the Township will never get that sewer system extended if the Township does not reach out and start doing it. If the Board is willing to be proactive then this should not be changed. If the Board is not willing to be proactive then it should be changed and not be so onerous on the residents.

Clerk Lilley does not agree that people who are away from the sewer line should have to pay for somebody else's frontage. He does not agree that by extending short pieces of main that we must put in the catch bases which is a large expense. He also does not agree with one policy fits all. He has been supportive of these deferral agreements to allow people who are not close or have extenuating circumstances to be able to put off their cross into the future. He really believes that this discussion needs to be well thought out and that every Board member needs to understand what this ordinance is really saying. Two days to review is not enough time. He feels there are extenuating circumstances that need to be considered.

Aaron Potter noted that this ordinance predates himself and Mrs. Hamameh. Noting that several of the Board members were on the Board then and now and that is exactly what he is looking for, some clarification of the intention. So that he is applying the Code correctly as it intended when it was written.

Treasurer Roman noted the big difference between the ordinance and how it was written in comparison with the state's is how you look at the 200 feet. The Township looks at it as 200 feet from the boundary line as opposed to where the home sits. He agrees with Trustee Powell that it is strong language as it was designed to bring more homes onto the sewer system. He indicated that it has always been applied that way. He believes this needs to be looked at in more depth. He furthered that even with the way it is written, if the DPS Director is telling the Board that it doesn't make sense to force someone to hook-up in the long run, he is supportive of the DPS Director.

Trustee Powell cannot agree more with everyone. He is in favor of setting up a study session regarding this topic at more length. He suggests an in-person session.

Supervisor Kowall is willing to do what they can in accordance with the Executive Order.

Clerk Lilley clarified in response to Treasurer Roman's comments that no one has been more supportive of Mr. Potter than he. However, with two days' notice to review something without all the information, he believes it needs time and consideration. He reminded of several conversations this Board had indicating the 200 feet was from the property line, even when discussing commercial properties. He declared that one rule does not fit everything. He believes the Board needs to take the time and think about what we are going to do. He disagrees that it should apply to residential like it does commercial.

Attorney Hamameh noted that Mr. Potter just wanted help in interpreting and applying a provision of the ordinance. She stepped in as she has concerns with varying with the terms of the ordinance. She is the one that suggested that if the Board feels it should be read consistent with state law, then the ordinance should be amended. The conversation then carried over into the deferral discussion which is next on the Agenda. She stated if the Township continues to deviate from provisions, then there are provisions that are not applicable or need work, then let us fix them. She does not believe the Board can continue to grant these variances. She suggests that the Sewer Ordinance does not allow for variances and perhaps a provision should be added. She is hopeful that the Board will consider the things that keep coming up.

Supervisor Kowall agrees that consideration needs to be given and it needs to be reviewed. However, there are some properties that need addressing now. A sanitarian regarding one of the properties did tell him that the property could sustain a new septic system. He questioned if the Board should make an exception for this one or go back and try to fix it so that the resident can move forward and continue to live in her home.

Trustee Powell is concerned that one modification eliminates this person from a sanitary sewer, which in turn makes it a decade before anyone down this street applies for sanitary sewer. His concern is that if this was not in the ordinance at all, despite what counsel thinks, if we made it easy to interpret and it never came back before the Board, it would be years/decades before we would address the sanitary issue. This issue being in here forces this Board to revisit and readdress. He feels sorry for the lady with the issue, but there are ways to service her within two weeks that would be substantially less than a septic system. He would like time to discuss with staff and Mr. Potter.

Mr. Potter reminded of contract obligations with Oakland County and Commerce Township that need to be followed.

Supervisor Kowall must lean on Mr. Potter's best advice on this. He does not want Mr. Potter to be uncomfortable with the decision that is made, but the Board needs to remedy this for the individual.

Aaron Potter is in favor of a workshop to discuss this. He is also in favor of some type of deferral in this kind of instance. There are individuals in need.

Lisa Hamameh asked for clarification if the Board is discussing "in general" or is there a specific property.

Supervisor Kowall indicated there is a specific home that is one house away from the main, which is within the 200 feet, but once we start to adhere to our ordinance, we start with a patch work quilt of a sewer system which is problematic, expensive to maintain and inefficient. He believes this case may need a deferral because there is a practical difficulty there. He further believes that the Township Engineer and DPS Director should be able to decide these practical difficulties and their resolutions. That is their job, that is why they are there.

Clerk Lilley was surprised to find out that not only are they considering this ordinance, but that it applies to a specific situation. In this situation, it is two parcels from the main. He is not opposed to giving this specific property a deferment while they discuss this. He is concerned about making a general rule that will not help in the future.

Aaron Potter indicated that they are not talking about just one property. He is working on several within the Township with the same issue. They are all the second or third parcel in, but within 200 feet of the main. In one instance the home may not be worth the value of the sanitary extension is and that will kill the sale of that property. It is something that will continue to come up. Nothing in the ordinance allows him as DPS Director to authorize any deferral or hardship, which forces him to keep coming back to the Board.

Supervisor Kowall would like the Board to craft language to allow the Township Engineer and DPS Director authority to decide on how to handle these properties and resolve these problems.

Trustee Smith believes that rather than continuing to bump this along that the Board needs to look at the ordinance and give Mr. Potter the tools that he needs. He is the boots on the ground, and he needs to be able to serve our residents properly. She is very much in favor of a workshop and looking at this ordinance. She cannot speak as to the original intent because she was not on the Board at that time.

Trustee Powell believes that it is so important for this Board to stay involved. While he respects Mr. Potter, his decisions would be totally different with these two scenarios. He believes Mr. Potter's decisions will be different based on Board input.

(Indiscernible Caller Name) He is part of the subdivision at the southern end. He agrees that there should be a public meeting and workshops. He notes that the Board does not know all the facts. He continued that there is no existing main to tie into along Elizabeth Lake Road. The homes in the subdivision are twenty years old and there are twenty of them. One septic field that has failed and everyone else has

working septic systems. He thinks this is overkill. He suggests that they have a meeting and let people in this subdivision state their peace. He disagrees with the resident being told that she would need to flip the bill to bring it in. It should be the Township issue or a S.A.D. It needs to be talked about.

Supervisor Kowall identified that there is a main in that area.

Treasurer Roman indicated the way the ordinance reads now is that you must be within 200 feet, between the boundary of your property and the sewer structure itself. Jesswood is certainly within 200 feet, but the ordinance also states that the sewer system must cross, adjoin, or abut the premises. Being the second home in he believes some could argue that sewer system does not cross, adjoin, or abut that property line. He believes this is grey enough that an exception could be considered by the Board. He is not suggesting changes be made right now, but there is a home right now in failure and he thinks the Board needs to help that resident.

Aaron Potter is looking for clarification. If they apply it in this situation, he expects other folks to make the same request. He stated that if we decide now, we are effectively deciding on the interpretation of this. He suggests a deferring agreement for this resident. A deferring agreement would be Ordinance 38-514 which would say they would have to extend across the frontage to their property to provide for future extension or something along those lines. He would ask the Board to approve the Township Attorney to draft the agreement that should include language that any future S.A.D. would automatically include this parcel as a yes vote. He noted there are many parcels in the Township that fall into this situation.

Attorney Hamameh cautioned that a decision today is going to be your decision going down the line. This is a really important discussion to have. She suggests that a special board meeting be held to address this issue and to prepare whatever amendments are needed to address this issue. Attorney Hamameh stated that she is not suggesting a complete re-write of the sewer ordinance but just fixing these recurrent, immediate issues.

Supervisor Kowall is hopeful that if we start working on this, we should be able to remedy this by the next board meeting. He is going to need participation from individuals, Mr. Potter, Trustee Powell, and Attorney Hamameh. He is happy to put together a committee to look at it and move forward.

Clerk Lilley would be favorable to help this lady find a way to fix it.

Trustee Smith suggest table tonight but perhaps to a special board meeting as there is a resident that needs help right now.

Supervisor Kowall reminded that he is the one that brought this, item 12D-2 to the Board tonight. He is good with doing a deferral to help this resident tonight. He declared there are two choices; put it off and deal with it in a month and she sits and must pump and haul or we make this deferral and set her up to get her moving. He is good with a deferral.

Aaron Potter shared that the resident had a permit from the County, but it was rescinded to address the issues within the ordinance. He clarified that he did not bring this to the Board to discuss on a specific property, which is why it was not in the packet presented to the Board.

Trustee Powell candidly stated that if the Township wants to extend sewers there are ways to do it. He did exactly this, extended sewers across homes as a service connection to a home that was in two weeks' time to eliminate an emergency situation and now it is going through the process of a state permit. Totally legal, but he went between the lines. He believes the Board needs to be a bit aggressive or continue to sit back and let government do what it does, which is nothing. He would like to sit down with Mr. Potter and discuss how it can be done differently.

Clerk Lilley is supportive of tabling this issue for the ordinance amendment, but feels the Board needs to fix this lady's particular problem.

Treasurer Roman clarified if the intent of a special board meeting is to come up with a way to take these properties out of the ordinance /defer. He stated we have an emergency now, why not just let her repair the septic field.

It was MOVED by Supervisor Kowall, SUPPORTED by Treasurer Roman to table until next month's meeting. The motion and support were WITHDRAWN.

It was MOVED by Supervisor Kowall, SUPPORTED by Treasurer Roman to allow a deferral to 55 Jesswood Lane and instruct the attorney to draft the document to reflect. The motion PASSED by roll call vote (Ruggles/yes, Powell/yes, Smith/yes, Voorheis/yes, Lilley/yes, Roman/yes, Kowall/yes with comment).

Supervisor Kowall commented that there will be a meeting within ten business days. He is immediately instructing Mr. Potter to reach out to Mr. Powell and the Township Engineer, along with Township Attorney to start the framework of the resolution of these issues to be brought to the workshop session for the Board to look at for potential resolution.

E. DEFERRAL OF SANITARY ORDINANCE 38-514

Clerk Lilley asked if the deferral agreements are being recorded at the County in case there is a sale of the property. To which Attorney Hamameh indicated, yes, if they have not already started the sale of the property. He spoke of a situation where the previous owner had not disclosed to the buyer of an agreement with a neighbor to allow them to have to put in underground electrical. The buyer was not aware of the agreement that was made that morning. He has concerns that people that are in the process of selling are making deferrals.

Aaron Potter indicated that they contain language errors and assigns, that they ride with the land, and that it is up to the buyer to do their due diligence as they are recorded and discoverable. He indicated that they are not sneaking them through, they are recorded at the Register of Deeds.

Treasurer Roman noted that this particular home is a corner home with frontage along M59 that has a sewer main and is willing to tap into it. He believes Mr. Lilley's concern is well found. He questioned if a sewer line goes down Elkinford who is going to pay for the main along that property line for this home. He

stated it was Mr. Potter's thought that this home not be included if the line is put down Elkinford because they would not benefit from it.

Jeanine Smith, Assessor. Indicated that you cannot charge someone that does not benefit.

Clerk Lilley believes there is language in the ordinances that states corner parcels must pay for both frontages. Mr. Potter referred him to 38-514.

Trustee Powell indicated that if this property did not pay for the main, then they should have paid the lateral benefit fee (non-direct fee). They should not get a free sanitary sewer. They should be included in the S.A.D. if one comes along.

Mr. Potter indicates that the ordinance and the fee ordinance state that if they have not contributed to the cost of the main then the lateral benefit fee would apply, which is \$2,100 in additional connection charges. Nothing in the ordinance states that we will force them to contribute to an S.A.D. In fact, it says the opposite. He would like a deferral of this ordinance in this situation. The value of the extension would exceed the value of the home.

Attorney Hamameh believes that the Board is talking about two different things here. PA188 is what the law allows you to assess people. You cannot specially assess if there is not a benefit. The solution she would offer would be to amend the ordinance.

Mr. Potter feels his hands are tied and in accordance with ordinance, he will have to force this homeowner to extend main across M59, install branch flushing structure, to provide for a cleanout access point for that section of main. This home will never sell if we force this property to do this. We are talking about a \$50,000 extension. The homeowner paid for a cost estimate which is completed. They have received the MDOT permit. They are ready to go on the connection. The cost estimate was \$25,680, which includes \$3,500 in contingencies.

He would suggest that the Township strongly consider going to a complete segment of the Master Plan, so we can build the sanitary system and maintain in a cost-effective manner.

Clerk Lilley confirmed that they will drill a line across M59 to service one property. He asked if any consideration has been given to drill that line across M59 at Elkinford and consider the cost difference between a normal residential line and what the size of the line would be at Elkinford that he would have no problem considering the Township contribution to make that line big enough that at least we have a stub at Elkinford and you would have to connect in at Elkinford.

Aaron Potter indicated that they do have cost estimates, but nothing in the ordinance gives him the right to make any determination of Township contribution. The Board has put him in a situation where he literally must bring all these situations to the Board's attention. He has no power under the ordinance.

Clerk Lilley asks that Mr. Potter bring information to the Board for consideration. He does not have a problem developing a criterion to allow Mr. Potter to make some decisions, but the ultimate agreement

must be in the Board's hands. He feels that he is being asked to make an intelligent decision on something that he does not have all the facts on.

Aaron Potter believes what the Board is asking him to do is bring cost estimates to extend sanitary sewer across her frontage and the Township would then propose a payment of this sanitary sewer.

Supervisor Kowall indicated that is correct. He furthered that Mr. Potter was not requested to provide information. He was simply requesting deferral from one road and nothing to do with boring under M59. However now that there has been discussion the information will be nice to have to discuss at a further workshop. He also confirmed that this system is in failure.

Trustee Powell indicated that what Aaron needs and what this Board is saying can in fact be the same thing. The problem is that the Board has not allowed him to think outside of the box. If the Board will allow him to do so he can bring options to the Board, but it will take some commitment from the Board to help financially these property owners. He believes that both Mr. Lilley and Mr. Potter's points are right on the money and that they just need to marry them.

Mr. Potter indicated this deferral was his best option right now. He has a set of very rigid ordinances; they do not fit every scenario and the ordinances grant him no authority to make these types of decisions. He has a resident in need and is trying to solve the problem.

Supervisor Kowall asked for Mr. Potters best guess, turn around time, to do a main extension. To which Mr. Potter indicated likely six months.

It was MOVED by Supervisor Kowall, SUPPORTED by Trustee Smith to table and to be brought forth at a future meeting. The motion PASSED by roll call vote (Ruggles/yes, Powell/yes, Voorheis/yes, Smith/yes, Lilley/yes, Roman/yes, Kowall/yes).

FYI – CARES ACT DISTRIBUTION

Supervisor Kowall indicated that there are multiple funds that have been applied for through the State of Michigan, one of which is the hazard pay. The other is submitted reimbursement for operational expenditures during this time. The Act was broad and generous, and the Township included all that was applicable, and it exceeded \$1 million.

TRUSTEE COMMENTS

Andrea Voorheis – The Parks and Recreation met via Zoom on July 8, 2020 to discuss Stanley Park Master Plan and the work involved with that. She shared from the Historical Society the names of members of office from the 1900's. She furthered that at the annual meeting it was the consensus to cancel the September Fall Festival at Fisk Farm. Be safe and be healthy.

Scott Ruggles – Reminded any residents listening to cast their vote on August 4th. To all that are running for reelection, he wished god luck and noted it has been a pleasure working with you. Lastly, he shared that the next Planning Commission meeting is set for August 6th.

Liz Smith – The Library is open for limited grab and go service. There hours are Monday – Thursday, 11am to 6pm and Friday and Saturday from 11am to 5pm. They are operating at 25% capacity. They are still offering virtual programs and curbside delivery is still available. Masks are mandatory and they have implemented increased sanitation practices. Only two people per isle and you must maintain a 6-foot distance. Returned materials are quarantined as a precaution. As COVID levels progress the library will as well. Please stay up to date through the website.

She thanked election staff for their extraordinary efforts. She noted that everything this Board does is not without effort and is public. She asked residents to not run to Facebook without facts and reminded that they are here to help and serve you. She encouraged residents to reach out. She reminded everyone to get out and vote on August 4th. She thanked essential workers.

Clerk Lilley – On behalf of his staff, he noted they are overwhelmed with the number of absentee ballots coming. They usually account for 4,000 and as of the other day they were at 6,000. He congratulated his staff for being up to date as of yesterday with the processing. He thanked Cathy for her presentation tonight. When he started at the Township, he always told his employees that he would never ask his employees to do anything he wouldn't do.

As for the discussions tonight, it is not directed at Aaron, as he appreciates everything he does. We are going to have to dig in our feet and take the sewer and water seriously.

Treasurer Roman – Reminded residents to vote Tuesday, August 4th. Regarding tax bills that been received, if you did not get one and you usually do, please contact the Treasurer's Office. He reminded residents paying by check that the Township Hall is open by appointment only. He reminded of the drop box located on the west side of the building. He noted there has been great participation with people paying taxes online. You can do so through the Township's website, then click the Treasurer's Department where you will find a link to pay by electronic check for a fee of \$2.50/\$2.75.

Trustee Powell – He is blessed to have served with all of you. Looks forward to serving with everyone for the next four years if the residents so decide. He stressed the importance of residents to get out and vote. He announced that his mother-in-law Evelyn Hart who may have been one of the Township's oldest residents, passed peacefully in her sleep a month and half before her 102nd birthday.

He is passionate about sewers and watermains, he makes a lot of money designing septic, but he would like to give it up for sanitary sewers. He would like an opportunity to bring to the Board other options that Aaron has not had available to him. Additionally, he is hoping that the Planning Commission brings some modifications of the zoning ordinances back to this Board as there are issues that they see repeatedly. We are being asked and more and more to approve larger garages with living spaces and they do not fit into the neighborhood. Thank you all for your patience and putting up with me. Have a great couple of weeks.

Supervisor Kowall – We have a unique opportunity as a nation as we are heading into another election cycle. Where you as citizens have the great opportunity to determine the course of our nation and local government. The right to vote should not be taken lightly. Many of our forefathers died to give us independence. We, as a society often take it for granted. Sometimes a handful of votes makes the difference. Tuesday, August 4th, vote and be thankful that we can vote.

The Township is open, but by appointment only as we are adhering the Executive Order. The public safety building is taking shape with the conceptual drawing as is the township hall drawing. The Civic Center Development Committee will hopefully be able to meet again soon. As for the roundabouts at Elizabeth Lake Road and Teggerdine and Elizabeth Lake Road and Oxbow Lake Road are postponed until 2022. He has been in contact with OCRC regarding the Township roundabout and its importance. There is a lot of interest in the park. They are still in the process of securing and making sure the trees are safe.

It has been an absolute pleasure working with this Board the last four years. He believes the Board has accomplished a lot of things and that there is much more still to do. The direction the Board takes on August 4th is to be determined, sometimes it is for the better and sometimes not. Good night and God bless White Lake.

ADJOURNMENT

It was MOVED by Supervisor Kowall, SUPPORTED by Trustee Smith to adjourn. The motion PASSED by a show of hands.

The meeting was adjourned at 9:41 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 July 21, 2020 regular board meeting minutes.

Terry Lilley, CMC; MiPMC
White Lake Township
Oakland County, Michigan