

CHARTER TOWNSHIP OF WHITE LAKE
Approved Minutes of the Regular Board of Trustees Meeting
May 17, 2022

Supervisor Kowall called the meeting to order at 7:00 p.m. He then led the Pledge of Allegiance.

Clerk Noble called the roll:

Present: Rik Kowall, Supervisor
Anthony L. Noble, Clerk
Mike Roman, Treasurer
Liz Smith, Trustee
Michael Powell, Trustee

Absent: Scott Ruggles, Trustee
Andrea Voorheis, Trustee

Also Present: Lisa Hamameh, Township Attorney
Sean O'Neil, Community Development Director
Aaron Potter, DPS Director
Mike Leuffgen, Township Engineer
Jennifer Edens, Recording Secretary

Supervisor Kowall identified that Police Week is May 15 – May 21, 2022. A moment of silence was observed for the four hundred plus officers that died in the line of duty in the past year.

AGENDA

It was MOVED by Treasurer Roman, SUPPORTED by Clerk Noble to approve the agenda. The motion PASSED by voice vote (5 yes votes).

PUBLIC COMMENT

Oakland County Commissioner Eileen Kowall thanked the Supervisor for sending a letter so promptly to the county executive regarding the Road Commission of Oakland County. She believes that a resolution introduced at the last board meeting was the first step towards an in-house operation which was rumored. She believes that bringing them in under the Township would be a total disaster and would be totally political. She is glad to see that the Township got \$100,000 as requested for critical infrastructure for water along Bogie Lake Road. She shared that 36 CVT's responded and twenty-one were approved right away and they are allocating about another \$1.5 million for CVT's for their projects. She noted that they are all worthy as far as health and environment and quality of life. She likes projects that are a one-time spend. She doesn't believe it is a good idea to add to spending because when the money runs out you have to find a way to fund it. She encouraged the Board to give her a call if they have any concerns about the county.

CONSENT AGENDA

- A. REVENUE AND EXPENSES
- B. CHECK DISBURSEMENTS
- C. DEPARTMENT REPORT – POLICE
- D. DEPARTMENT REPORT – FIRE
- E. DEPARTMENT REPORT – COMMUNITY DEVELOPMENT

It was **MOVED** by Treasurer Roman, **SUPPORTED** by Trustee Powell to approve the Consent Agenda. The motion **PASSED** by voice vote (5 yes votes).

MINUTES

- A. APPROVAL OF MINUTES – SPECIAL BOARD MEETING, APRIL 13, 2022
- B. APPROVAL OF MINUTES – REGULAR BOARD MEETING, APRIL 19, 2022

It was **MOVED** by Clerk Noble, **SUPPORTED** by Treasurer Roman to approve the minutes from the Special Board Meeting, April 13, 2022, and the Regular Board meeting, April 19, 2022. The motion **PASSED** by voice vote (5 yes votes).

PRESENTATION

A. PLANTE MORAN – 2021 FINANCIAL REPORT

Pam Hill, Partner with Plante Moran, provided a brief summary of the December 31, 2021, audit. She noted the process went smoothly with 300 hours spent on the audit. She thanked Elaine, Dawn, Treasurer Roman, Clerk Noble, and Supervisor Kowall for the professionalism. She shared that they issued an unmodified opinion, which means the Township can rely on the number indicated in the financial statements. She compared it to an A+ on your report card.

Gary Gauthier, utilizing a slide show presentation noted that the presentation will take a high-level look at the general funds, governmental funds, and the water/sewer. He then indicated that the first slide is general fund transfer and revenue in. It shows from 2017 to 2021, with a total revenue and transfer in for 2021 of \$6,500,000 which is a decrease of \$486,000. The two largest sources of revenue are property taxes and state revenue. The property tax revenue was approximately \$1,268,000, which is an increase of \$26,000 from last year. The other largest source is state revenue at \$3,276,000. He noted a decrease of \$250,000 which is from a 2020 grant received of \$750,000, that was not received in 2021.

The next slide discusses general fund expenditures and transfers out. He pointed out that the slide looks like there was a large increase in 2021. He noted expenditures transferred out in 2021 were roughly

\$10,241,000 which was an increase of \$3,500,000 from last year. He noted this transfer was really a transfer from the general fund to the revolving fund in 2021 in the amount of \$5,300,000. He continued that normally the Township would just assign the available fund balance in the general fund to be used for future projects. However, this year it was transferred over to the improvement revolving fund. That is what caused the increase in expenditures out.

The unassigned fund balance of the general fund is \$1,600,000. He noted that they like to look at this comparably to the annual expenditures. He identified that a way to look at it is that a third year's expenditures can be paid for from the unassigned fund balance. He further noted that this 33% is up 5% from 2020.

The next slide shows the governmental expenditures in total, which was \$19,175,000, which was a decrease of \$1,700,000 from 2020. The largest expenditures were from general government and public safety. Both saw a slight increase from the previous year. He pointed out the public works expenditures totaling \$3,670,000, which was a decrease of \$2,200,000 from 2020. He shared that there were a lot of road projects in 2020 and grants used.

The next slide is enterprise funds, looking at the water and sewer funds separately. As to the water fund, he highlighted a total operation fund of \$1,200,000, which is a \$6,000 increase. Total operating expenses were \$1,130,000, a decrease of \$9,000. The operating income in 2021 was \$93,000, with a rough increase of \$15,000 from 2020. He noted that overall, the water fund is consistent.

As to the sewer fund, he noted there is only one year to look at. In 2021, the sewer fund was determined to be self-sufficient and began being reported as an enterprise fund and previously it was captured in governmental activities. He noted the operating income was negative \$41,000 and broke even roughly.

Trustee Powell interjected that in many years in the past, the sewer fund was transferred money with the intent of previous board that it would be a loan to the sanitary sewer fund, to be paid back when it was self-supporting. He understands from Supervisor Kowall that this did not happen. He further asked if in future years these funds can be recaptured.

Supervisor Kowall interjected that it has been paid back and that technically it was transferred. He further suggested Trustee Powell get with the Treasurer to see the documentation.

Gary Gauthier moved on to another slide identifying the legacy costs. He shared that in 2021 the net share pension liability was \$10,700,000 and was 72.31% funded. He pointed out that it is on a year lag and therefore reflects the market as of 12/21/2020. He continued that the OPEB liability is \$4,923,000, which is 59.18% funded. He identified that the OPEB liability has decreased significantly over the last four years due to the Township's contributions.

Pam Hill recapped that the Township had a really good year, coming in significantly under budget. She indicated that the Township budgeted conservatively on the revenues. She noted that state share revenue was unknown in 2020 when the 2021 budget had to be passed. She believes with favorable increases and a good watch on expenditures are the cause. She thinks the general fund ended the year in a healthy place. Operating income is not too high or too low and legacy costs are in a normal range. She noted that per state law the Township is actually making a little bit more in payments than what is required. She opined that the Township has done a phenomenal job with the OPEB plan and reducing that liability in a short period of time. She indicated that the letter is pretty straight forward.

Treasurer Roman noted that Plante Moran did a super job with the audit and explaining it.

Clerk Noble thanked Elaine and Dawn for working really hard with the Plante Moran staff. He opined that they did a great job. He thinks it is incredible to come in as the Township did with unfunded pension.

Supervisor Kowall thanked Plante Moran, Elaine, Dawn, Treasurer Roman and other staff for the great job. He noted it was a team effort and here are the numbers that do not lie. He also shared that there is another payment to the OPEB liability on tonight's agenda. He reiterated for the purpose of the public, that the pension number is a moving number. He declared that the Township is in much better shape than many municipalities. He compared that it is a rearview mirror item, which may be closer than one thinks. He further indicated that if you don't stay after it, it can and will consume you as a community. He appreciates the Board.

Treasurer Roman shared that both the phase one sewer bonds and Pontiac Lake sewer bonds are paid off.

Trustee Smith noted that the Township Board is a watchful board and she believes it is nice for it to be recognized and that she appreciates Plante Moran's efforts.

PUBLIC HEARING WITH RESOLUTION

- A. PUBLIC HEARING; TO HEAR PUBLIC COMMENTS ON SANITARY SYSTEM IMPROVEMENTS 2022 CLEAN WATER STATE REVOLVING FUND (CWSRF) PROJECT PLAN**
- B. RESOLUTION 22-021; TO ADOPT A FINAL PROJECT PLAN FOR SANITARY SEWER SYSTEM IMPROVEMENTS AND DESIGNATING AN AUTHORIZED PROJECT REPRESENTATIVE**

Supervisor Kowall noted that tonight, there will be a public hearing with public comment on the Sanitary System Improvements 2022 Clean Water State Revolving Fund (CWSFR) Project Plan. Mike Leuffgen with DLZ, consulting engineer for White Lake Township. He is here with Kyle Gall of the DLZ Waterford office. He shared the findings and provided a brief recap. He indicated that it is an attempt to secure some financing, low interest loan financing through EGLE and the State of Michigan for some sanitary sewer improvements.

It was moved by Supervisor Kowall, SUPPORTED by Trustee Smith to open the public hearing to hear public comments on sanitary system improvements 2022 clean water state revolving fund (CWSRF) Project Plan. The motion PASSED by roll call vote (Kowall/yes, Roman/yes, Powell/yes, Smith/yes, Noble/yes).

Mike Leuffgen thanked Supervisor Kowall and the Board for being here today. He is here to talk about the CWSRF project plan that the Township asked them to prepare on their behalf and ultimately submit to the state in hopes of securing funding for some sewer agreements. He shared that in 2017 through 2019, the Township secured a SAW grant, Storm Water Asset Management Wastewater Grant and that as part of that the Township was able to do a lot of unique stuff to help identify short comings or short falls within the sanitary system.

Kyle Gall of DLZ, indicated that the Michigan Clean Water State Revolving Fund Program is a low interest financing program that helps assists communities with the construction of the sanitary sewer improvements. He continued that back in 1988, Michigan enacted Public Act 317 the Clean Water Assistant Act to establish the state revolving fund. Which is now codified as Part 53(1994), Public Act 451 of the Natural Resources Environmental Protection Act. He stated that each fiscal year, congress authorizes an amount to be appropriated and that is then allocated amongst the states. For the fiscal year 2023, \$800 million is available from congress and this is to be used to fund waster water treatment plant upgrades and expansions, infiltration inflow as well as combined sewer overflow corrections, pumping station improvements or additions, and sanitary sewer rehabilitation. He advised that as part of this program, there are certain requirements that are needed by the state, by EGLE, the Michigan Department of Environment Great Lakes and Energy. He indicated that public hearing includes the sanitary sewer needs and alternatives, a description of the recommended alternatives with the costs, a discussion of the project financing and a description of the social and environmental impacts and mitigation of impacts.

Mike Leuffgen shared that it has been identified in the project plan that there is some system needs for rehabilitation of 14,000 feet plus or minus gravity sewer main, twenty-two gravity manholes, and repair of twenty-one pressure sewer manholes. He indicated that Oakland County through the operations agreement does a manual inspection portions of the sanitary sewer system and their continued video and findings support degradation issues. He further shared that there is degradation caused by hydrogen sulfide that breaks down the surface of the concrete and starts spalling off. He stated that once it starts spalling off it starts to get exposed rebar which is the reinforcing steel that helps to hold the pipe together. When this happens, it starts losing the cross-sectional integrity, and the strength of the pipe. He declared that it could lead to catastrophic failure to the pipe and a lot of issues in the system. He shared manhole photos with hydrogen sulfide builds up on the wall of the structures.

Kyle Gall indicated this is part of the requirements with the SRF and that there are certain alternatives that are required to be looked at. The first of those is no action. The Township would do absolutely nothing

with the problems that are being seen and let things continue. The second is a complete replacement of the existing infrastructure, which would be removing all of it and replace it with new. He identified that this would be a lot more expensive and a lot more invasive as it would be open cut trenching everything. He opined that it is not a realistic or efficient solution. He continued that the optimal performance of the existing facilities is running the existing infrastructure, which right now, with the work of the DPW and Director Potter, as well as Oakland County, is already being done. Therefore, it not really a new option. The last option which is what is being discussed tonight is the repair and rehabilitation of the system, with cure in place lining. It would be to repair, refine and rebuild installation rehabilitation to the existing gravity mains, gravity manholes, and pressure manholes. He is proposing to use full length and sectional CIP pipe sewer main lining to address the deterioration as well as the CIP lining to rehabilitate both the gravity and the pressure manholes structures for the defects.

Mr. Gall indicated that the cured in place lining is a trenchless technology. It takes the lining and it comes in through the manhole and that it goes along the pipe inside and is cured using heat or UV. He indicated that essentially it installs a new pipe inside the existing pipe. He shared an image identifying before and after images.

Mike Leuffgen interjected that it is an inert material that would not be susceptible to the damage from the hydrogen sulfide.

Treasurer Roman asked how long the new lining would last.

Mike Leuffgen indicated that the manufactural installers will say about fifty years and that they can't tell you much more than that because it hasn't been around for that long. He shared that there is not data to support it officially. He continued that there are four options. The no action alternative is no costs because to do nothing costs nothing, unless it is catastrophic failure. Option two, would be a complete replacement of the infrastructure at an approximate cost of \$4.6 million in construction costs. Option three, he does not provide costs for because it is already implemented with best management practices. Option four, would have approximately \$2.3 million in construction costs for the lining and repair of the manholes in the capital project plan. He continued that if the Township moved forward, considering design, construction costs, contract administration, inspection, legal fees, and bond fees, it would be approximately \$2.9 million estimated project costs. He further indicated that EGLE advertises 2%. He utilized the WRF Program that the Township is on through its watermain improvements right now, at 1.875% interest rate. He used that for the purposes of calculations here. The Township would be looking at a principal and interest rate payment of \$169,000 and some change annually. The principal and interest payments will be funded by the operations and maintenance budget. He indicated that the bottom market open interest rate estimates 3.75% but thinks that may be low considering some of the recent changes, but for purposes of this calculation he will use that here. Comparing the two interest rates and all other things in April, the SRF program will achieve a savings of \$30,954. He identified that over a twenty-year period there would be a savings of \$659,000 with a 3.75% rate.

Kyle Gall noted that the CIP lining is a trenchless technology, which means there is no open cut to any Roads, which reduces the impacts in less residential areas during construction. He further indicated that that another consideration is endangered species and within this area as there are a number of them. He identified the eastern Massasauga Rattlesnake, the Indian Bat, the Northern Long Ear Bat, the Raving, and the Snuffbox Mussel. He does not anticipate there to be any adverse effects on these with in the area as there are no critical habitats that exist. He reminded because there isn't excavation there isn't going to be any ground disturbance that you would often see with construction. He declared that any type of disturbance would be restored to the original conditions. He also stated that as of right now, there is no restored rate increases to fund the project. He shared that there are no exact dates as of yet and that December of this year would be when the draft plan specifications would be due. Then February of next year would be the environmental assessment and submittal of the permit applications, and final submittal of plans and specifications. Then in March 2023 would be the EGLE approval of the project plan, the approval of plans and specification and when bids would be coming for the work. He believes construction would start July of next year, and then wrap up by October of 2024.

Supervisor Kowall indicated that this is unique technology. He has seen it first hand and finds it impressive and believes it makes a lot of sense because it would not disrupt neighborhoods

John Hunt asked how many people or what percentage of people actually have sewers in White Lake Township?

Supervisor Kowall indicated the number is approximately 10 or 12%. He further stated that the system has to be maintained.

It was MOVED by Supervisor Kowall, SUPPORTED by Clerk Noble to close the public hearing. The motion PASSED by voice vote (5 yes votes).

Treasurer Roman asked if the bids come in too high, if it can be put on hold.

Director Potter does not think anyone can predict what's going to happen in the future. He reminded that the real issue is that by doing nothing the Township risks major failure and that any failure of phase one would be an ecological disaster for White Lake Township.

Mike Leuffgen noted that the project is incredibly scalable and that if the Township goes out to bid and the unit price on the repairs are higher, it can be scaled back taking care of the most critical parts.

Aaron Potter indicated that the SAW Grant Report, the asset management plan development through the SAW grant, identified projects and ranked them based on the level of severity and this project plan incorporated the, essentially the first five years, in this essential project in the asset management plan, but it can be scaled up or down or independently

Supervisor Kowall thinks that the Township does not have any other option, but to move forward. He thinks it is prudent and the cost of doing nothing will be extraordinary and he does not intend to kick this can down the road. It makes the best sense to do at least the most problematic areas. He continued that the low interest money that is available through the state makes the most sense, even though some of the numbers might be changing, but there is still, typically, ahead of the private sector when these funds that are available.

Attorney Hamameh stated that today, the Township is being asked to approve the plan that was developed, by way of resolution and for it to designate Aaron Potter as the individual responsible for the plan. She further stated that then there is an application for the grant and that is something that it is the intent to apply for.

Mike Leuffgen indicated that the intent to apply was submitted in January and that the next steps are going through what the Township intends to do, completing the project plan, and in order to that in to EGLE, a resolution is necessary.

Attorney Hamameh questioned in if the \$800 million was state or nationwide.

Mike Leuffgen believes it to be state wide but would prefer to confirm that.

Attorney Hamameh questioned the timing of eligibility and expenditure of the funds and whether it is first come, first serve. She further questions the timeframe for deciding.

Mike Leuffgen noted that first, the Township would submit the project plan for evaluation by EGLE. Then it the plan would be scored and ranked in comparison to all the other projects. He identified that if the Township makes the fundable range it will move forward with projects.

Director Potter interjected that the Township will designate which quarter and year it intends to rebuild the project in its application. He noted that the \$800 million is for the state and that it takes all of the project plans that are submitted, ranks them all highest to lowest for fundability, and then they will fund within the \$800 million.

Trustee Powell asked if by voting for this tonight, if the Board is then approving DLZ to be the engineers of record to design construction drawings. He also questioned when the construction drawings have to be done.

Mike Leuffgen indicated that the rankings are going to come out in the August/September and that is about the time the Township will know if it is in the fundable range. He further commented that the Township is welcome to go out to bid at any point.

Trustee Powell noted that it is proposed to use the CIP and noted there are other linings out there. He inquired as to why DLZ recommends this product over another type/process. He further asked if there is structural damage that is trying to be repaired or if it is just the protection of the pipe from the hydrogen sulfide.

Mike Leuffgen replied that there some structural damage as noted in video footage from 2010. He likes the CIP product. He acknowledges that there are other products out there and that as part of the design processes the videos can be reviewed and evaluate segments to see if different technologies might work. He opined that with CIP lining one tries to maintain as much cross section as possible and that CIP has proven to be a good product and that it is inert to the hydrogen sulfide.

Director Potter reminded that the CIP technology is the same technology that the Township used on Union Lake Road, Shotwell, and East Oxhill.

Supervisor Kowall reminded that nothing is being done right now and the specification was only given as a baseline so that the township knows what the worst-case scenario would be. He noted that options can be explored later. He declared that tonight's action is merely moving the plan forward so that the Township can get in the queue for funding.

Trustee Powell questioned what has been found in the pressure sewer system.

Mike Leuffgen indicated fractures and air leak valves affected by hydrogen sulfide.

Trustee Powell noted that the report concludes that the Township will not be extending or will not be making it a priority in the extension of sanitary sewer at a rate that might be beneficial to the flows experienced in the sewers. He opined that the township is looking to repair the sanitary sewers, but maybe not necessarily anticipate any flows in the sewer that change the hydrogen sulfide production aspect. He asked if the Township could resolve a lot of that or at least mitigate a lot of that by starting a program to entice homeowners and property owners to connect into the sanitary sewer to increase the flows to the sewer, thus putting maybe the monies into a win-win, getting more people to connect, that saves the environment as well as increasing the flows in the sewer that reduce the hydrogen sulfide production.

Supervisor Kowall reminded that this is something to be discussed a at a future date.

Director Potter shared that right now the Township is piloting the H₂S control system and the logged results indicate a counterintuitive result. It was thought that increase flow would reduce the H₂S, but the finding is that the increased, just simply increases the H₂S. he continued that the H₂S is more of the biproduct of chemistry, rather than quantity. He does agree 100% with Trustee Powell that it is beneficial for the Township to figure out a way of funding an overall mechanism to help folks, get connected to the sanitary sewer but notes that is outside of the scope of this. Treasurer Roman asked of Director Potter if the sewer

main that is going in today will need to be relined in twenty years or is it a different material than what was put in way back and/or if it is still concrete, can it be pre-lined to last longer.

Aaron Potter indicated that he is not sure if anybody is doing prelined sewer pipe and that a lot of the new sewer pipe is actually made out of plastic materials.

Trustee Powell noted that concrete is used for larger pipes and that the smaller more subdivision type uses plastic.

Trustee Powell believes this is absolutely essential in his opinion that the Township undertake this. He noted that the Township is responsible for the sanitary sewer system and that it is hopeful to address some of the costs of the sanitary sewer systems in its negotiations with Commerce Township and Oakland County. He further opined that it is essential that the Township maintain the integrity of this sanitary sewer system.

It was MOVED by Trustee Powell, SUPPORTED by Trustee Smith to approve the Resolution adopting a final project plan for sanitary sewer system improvements and designating an authorized project representative, Aaron Potter, therefore approving Resolution 22-021. The motion PASSED by voice vote (5 yes votes).

OLD BUSINESS

A. SECOND READING; BLACK ROCK REZONING

Director O'Neil indicated before the Board tonight is the second reading for the rezoning of property that is at 9501 Highland Road. It was before the Board on April 19th for first reading and the Planning Commission on March 17th for public hearing and recommendation and at that time they recommended approval of this request to rezone this one acre from LB to GB.

Supervisor Kowall for the sake of the public indicated there is one parcel zoned LB and one GB. The site will consume both parcels and the project as it is having the ability to use either parcel. It is just a zoning clean up. The critique of where parking goes, how many bushes, and other details is not here and not today. He reminded that it would be at the planning commission presentation.

Director O'Neil added that there is a first review of the site plan, which was received and sent back to the applicant with comments. He further indicated that the earliest the plan would be before the planning commission would be the June meeting. He believes June 16 would be a realistic date.

Supervisor Kowall reminded the public that the June meeting would be the meeting to address concerns of how it may or may not impact where you are at. He reminded that tonight is merely a practice of putting both parcels under the same zoning so that it is consistent.

Trustee Powell asked of Director O'Neil, if the rezoning is not approved tonight, could the project still proceed on the zoning of LB or GB. To which Director O'Neil indicated yes. Trustee Powell further asked if the property being requested to be rezoned was left LB what changes would be required as to what goes on that southern parcel and what can you do that you cannot do with it zoned LB?

Director O'Neil noted that a parking lot is proposed to go on this site, which can be accomplished with either LB or GB. The use of a restaurant is also allowed with LB, just not with service of alcohol. He shared that it is preferred to not have split zoning.

Trustee Powell clarified that there is no detriment to the neighbors to rezone this. He noted that the rezoning is not the issue, but that the site plan will be germane to this. He recalled his statement from the last meeting where he suggests the lighting be low and wanted to make sure that the planning commission didn't misunderstand that he meant low illuminants and that he was in fact speaking of the lighting be at chest level high.

Director O'Neil shared that the comments made to the applicant do indicate such.

Supervisor Kowall reminded of his comment regarding employee parking to reduce impact. Director O'Neil shared that this was also in the comments to the applicant. He further noted that if any member of the public would like to see the plan, he is more than happy to sit down with them.

It was MOVED by Trustee Powell, SUPPORTED by Supervisor Kowall to approve the change of zoning from local business to general business for parcel 12-23-129-007 as presented. The motion PASSED by voice vote (5 yes votes).

B. SECOND READING; AMENDMENT TO TRAFFIC AND VEHICLES ORDINANCE, CHAPTER 36, ARTICLE II – VEHICLE CODES

It was MOVED by Supervisor Kowall, SUPPORTED by Treasurer Roman to adopt the amendment to Traffic and Vehicles Ordinance, Chapter 36, Article II – Vehicle Codes. The motion PASSED by voice vote (5 yes votes).

C. SECOND READING; AMENDMENT TO FIRE CODE ORDINANCE, CHAPTER 18 – ARTICLE II – FIRE CODE

Supervisor Kowall noted that Chief Holland provided a redline version.

Chief Holland noted that additional language was added to set thresholds and eliminate any chances of selective billing. He believes it is fair and reminded this is not any form of billing to a resident, but to the business(es) themselves.

Trustee Smith thanked Chief Holland and attorney Hamameh for their hard work on this.

It was MOVED by Trustee Smith, SUPPORTED Trustee Powell to adopt amendment to the ordinance of Chapter 18, Article II – Fire Code of the White Lake Township Code of Ordinance Section 113.11 Request for Non-Emergency Assistance. The motion PASSED by voice vote (5 yes votes).

NEW BUSINESS

A. CONSIDERATION OF PRELIMINARY SITE, HYPERSHINE CAR WASH

Supervisor Kowall noted that the building is one of the nicest looking building for a car wash that he has ever seen. He further noted that it runs east and west, providing minimal evasiveness to the neighbors, who are a football field away in distance.

Trustee Powell confirmed that all of the process is inside, eliminating outside noise as well. Supervisor Kowall noted that OSHA has instituted decibel requirements, for both neighbors and employees.

Director O'Neil noted that concerns expressed by neighbors included impact of noise. He noted that there will be a fence and landscaping that will aid in the visual. He identified that on April 21, 2022 the Planning Commission did hold a public hearing regarding this. He noted neighbors express environmental concerns regarding cleaning products. He noted this project will be on a sewer system and that it will not discharge into a septic field and will not affect ground water. He shared that the Planning Commission approved the request for special land use and recommended preliminary site plan approval pending all outstanding conditions and subject to the ZBA's approval. The Planning Commission asked the applicant to approve the cross-access opportunity. The cross-access plan requires that every effort be made to make connections parallel with M59. He highlighted the traffic direction on this site and noted that it does not function with and east to west direction. He identified that there was an issue with dumpster location and overhead lines. He further identified that the distance to the property line of the neighbors is over 400 feet. This plan will return for final is approved tonight. He advised that the Planning Commission made a finding, which is rare, to allow the driveway in a specific location. However, MDOT will have the final say.

Shawn Doherty project manager for Hypershine. He indicated that originally, they thought they had to keep the landscape ten-feet back because of a watermain, but then learned it only had to be three-feet. They kept within what the ordinance required.

Attorney Hamameh indicated she lives close to a JAXX Carwash and notes that there are people drying the cars right on Woodward, outside of the carwash. She asked if there was a similar plan here.

Shawn Doherty indicated the machine will do all the drying and there are no people that will be drying.

Treasurer Roman asked what the expectation is for cars per day.

Shawn Doherty indicated that a site like this would typically be 200 to 500 cars per day.

David Gian 9315 Steephollow Drive. He lives on one of the streets that backs up to the carwash. He has concerns regarding environmental. He noted there was something on the Township Facebook page regarding the Huron River watershed and where the pollution comes from. He indicated it comes from parking lots and eventually finds its way to the watershed. He lives in Twin Lake Village that has both Tull Lake 1 and Tull Lake 2. He believes that a way to minimize the watershed is more vegetation, more trees. He would propose additional plantings behind the vinyl fence. It will do help soak up some of the runoff and act as an additional noise barrier. He believes that there will be some noise with the number of cars utilizing this project. He, like everyone else, is concerned about the traffic and hopes that MDOT will come up with a plan. He opined that it is already very difficult to make a left hand turn there and notes that a lot of the customers of this project will want to make a left-hand turn.

Supervisor Kowall confirmed that this will return to the Planning Commission for final approval. He believes these are items the Planning Commission will want to take a look at. He further indicated that this is a self-contained system, there is no water that gets out. It will have a storm water discharge.

David Gian noted that his biggest concern is the runoff from the parking lot. That will go into the storm sewer. He believes there is a retention basin at the rear of the parcel, then eventually it will go into the storm sewer on M59. He opined that the storm sewer goes into the Huron River watershed.

Trustee Smith highlighted that this intersection is one of the most dangerous in the township and that the safety and traffic is a concern. She hopes that this will be looked at closely.

It was MOVED by Clerk Noble, and SUPPORTED Trustee Powell to approve consideration of preliminary site plan for Hypershine Carwash, subject to comments of Planning Commission, consultants and administrative review. The motion PASSED by voice vote (5 yes votes).

B. REQUEST TO AWARD CONTRACT FOR PARKS & RECREATION MASTER PLAN UPDATE

Director O'Neil indicated the last time this was done with a consultant was in 2008. He shared that it was a major rewrite then and will be now. The Parks & Recreation Committee invited six firms to participate and only two responded, Groya Consulting and Beckett & Raeder. Groya Consulting had a price of \$29,375.00 plus \$500 in expenses and Beckett & Raeder had a price of \$39,285.00 plus \$468 in expenses. He shared that the Committee interviewed both prospects and Groya Consulting came highly recommended by the Commerce Township, West Bloomfield, and the county. Additionally, they have agreed to reduce their rate to a flat fee of \$29,000. He identified that the Parks & Recreation Committee unanimously recommends the award of the contract to Groya Consulting with a not to exceed cost of \$29,000.

Director O'Neil shared that in 2013 and 2018, at a staff level, they were able to update the plan that was rewritten in 2008. He anticipates that it will be reviewed by staff in five years as well. He also identified, as the Board is aware, that the Township has received consideration from the state and funds because of the quality of the Master Plan and the fact that it is kept up. He believes this is a reasonable consideration. Supervisor Kowall noted to the public that often times when the Township applies for a grant, the first question is do you have a master plan. If the answer is no, then they dismiss the application.

Treasurer Roman asked if it would make sense to do a ten-year plan. He wonders if there is a discount to be received.

Director O'Neil indicated it must be a five-year plan. He further indicated that Parks & Recreation prefers to review this. He is also reminded that the plan is to review this in-house in five years.

It was MOVED by Clerk Noble, SUPPORTED by Trustee Powell to approve the request to award the contract for Parks & Recreation Master Plan not to exceed \$29,000, including expenses, to Groya Consulting. The motion PASSED by voice vote (5 yes votes).

C. REQUEST TO APPROVE STANLEY PARK BIOLOGICAL ASSESSMENT CONTRACT

Director O'Neil referenced the May 12, 2022 Memorandum from Staff Planner Justin Quagliata. He reminded that the Township received a grant from the Land and Water Conservation Fund for Stanley Park. He believes the Township will have to spend \$16,000 to receive the \$500,000. The Natural Park Service has deemed this to be a potential habitat for the eastern massasauga rattlesnake. He has never seen one there, but Justin and representative from the Michigan Fish and Wildlife toured the property and completed an evaluation to determine if this is necessary. He expects by beginning of June to learn if this is necessary. It is before the Board tonight for a planning on worst case scenario as there is a window of opportunity to submit this documentation between mid-June to mid-July. If this window of opportunity is missed, it will cost the Township about six months. He reminded that the park will not be developed until 2023, but a delay will push back the start date.

Supervisor Kowall interjected that the Township may be able to retain a 50% refund of the cost of the study.

Director O'Neil noted the reimbursement would come out of the \$500,000. He continued that three firms that are qualified in this area were invited and only this consultant provided a price. The firm comes highly recommended and did consulting for the Indian Springs Metro Park. The Parks & Recreation Committee unanimously approves this firm with a not to exceed \$16, 200.

Attorney Hamameh interjected that it could be to authorize the supervisor to sign a contract if deemed necessary.

Director O'Neil believes at a minimum a brief evaluation will need to be filled out, which costs \$3,000 to \$4,000.

It was MOVED by Treasurer Roman, SUPPORTED by Clerk Noble to approve a not to exceed \$16,200.00 to allow HRN, LLC to perform a biological assessment proposal at Stanley Park and to allow the supervisor to sign any contracts that may or may not be necessary. The motion PASSED by voice vote (5 yes votes).

D. REQUEST TO PURCHASE NEW GENERATOR FOR TOWNSHIP – 7525 HIGHLAND

Supervisor Kowall indicated that he and Director Potter have dealt with this extensively. The generator is 20 plus years old and has had issues. He opined that it has exceeded its life expectancy. He shared that purchasing a new generator and moving to the future location was not an option and that they were able to locate and rent a portable generator unit. There is an opportunity to purchase this machine to serve the needs at the current location and in the future for needs at wellhouses or other locations.

Director Potter reiterated repairs to the existing generator proved more problems and the plan now is to purchase a new generator, which is not available for twelve months. His executive secretary received a quote from Mi CAT to purchase the currently rented unit for \$27,150. Currently the unit is being rented for \$2,276 per month. By his math it will have been paid for in eleven months. He recommends that this generator be purchased. He agrees that it will not be size appropriate for the new township hall but can be throughout the township for other uses. He believes this would be a general fund expenditure or DPS purchase.

In response to Trustee Powell, Supervisor Kowall noted the generator will not run both the Township Hall and the Annex and that he is looking into a smaller scale generator for the Annex.

Trustee Powell wondered if it could be prorated to the other departments or if it should just be paid for out of the general fund.

Treasurer Roman would be open to either and noted that the Accounting Department makes the decision. He agrees that it is something to be looked at.

Supervisor Kowall believes it could create an accounting nightmare.

Clerk Noble interjected that it is critical to have the generator, especially for the battery packs of 911.

Trustee Smith reminded this was discussed last year when the tornado happened. She is happy that it is able to be remedied.

It was MOVED by Supervisor Kowall, SUPPORTED by Treasurer Roman to approve \$27,150.00 expenditure, at the moment out of general fund, but subject to internal bookkeeping review. The motion PASSED by voice vote (5 yes votes).

E. TREASURER'S ANNUAL REPORT – YEAR END 2021

Supervisor Kowall commented that Treasurer Roman has done an exceptional job in the past few years.

Treasurer Roman highlighted key items, including safety of capital, liquidities, and that most of the money is interested earned (CDs and high-grade bonds managed by Oakland County). The Oakland County municipal pool allows him to pull money when needed. He declared that the Township gets the yield from the bonds and has the liquidity to pull money within a days' notice. He is shocked that as recent as three months ago he was getting .05 and now it is 1%.

He shared that legacy costs and OPEB was up over \$7 million and that it is a moving market. Interestingly he noted that the Township is not using OPEB money is not currently being used to fund currently retiree health benefits.

Trustee Powell interjected asking what would happen if the Township owed nothing to OPEB, if it had zero liability. He doesn't understand what benefit there would be to pay it off.

Treasurer Roman indicated the more money you have in there to fund, the better off the Township is. The amount needed to bring it to 100% is going down annually. He believes the Township is 57% funded and the state would like it to be higher.

Clerk Noble interjected that he thinks Trustee Powell is thinking of MERS, which would not have a benefit to paying it off. He declared that the Township is very fiscally healthy.

Treasurer Roman indicated it is called a total portfolio. Almost all of the communities are in this fund. He identified that the bank ratings are five stars, which is superior institutions. He identified that there are summaries of all of the bank accounts in the report.

Supervisor Kowall indicated the report shall be received and filed.

F. REQUEST TO APPROVE 2022 OPEB CONTRIBUTION

It was MOVED by Treasurer Roman, SUPPORTED by Supervisor Kowall to approve the retiring health care contribution for 2022, which is the same amount and breakdown as 2021, \$790,000.00. The motion PASSED by voice vote (5 yes votes).

G. REQUEST TO APPROVE MARINE PATROL SERVICES AGREEMENT WITH OAKLAND COUNTY SHERIFF'S OFFICE 2022-2024

Supervisor Kowall noted this agreement is required by the Oakland County Sheriff's Department Marine Division for the Township to act primarily as fiduciary. This has been before the Board multiple times. It is a one size fits all Oakland County agreement. He indicated once it is accepted by the Township, lakes can approach the Township and go from there.

Attorney Hamameh noted that historically she recalled it was Cedar Island Lake and that the association had requested the Township enter into this agreement for their lake. The Township approved this contract condition on the association and Township entering into a contract. The association paid the Township the amount required to establish a schedule that they dictated and a not to exceed amount. She recalled that once the Township received that money, it was authorized to sign the contract. She always recommends that the Township attach any requested schedule and a not to exceed amount.

Supervisor Kowall noted that this particular agreement does not mention any particular waterway.

Attorney Hamameh indicated that the Township needs to designate a lake if it wants to limit them. It also needs to identify a schedule.

Supervisor Kowall noted that in the past they would call up and say we have "x" amount of dollars and the Sheriff's Office would say it would give you this day and that day, based on the amount of money. He would not go there, and the Township would be regulating. This was not done before and he does not recommend it now.

Trustee Powell finds it interesting the debate on Cedar Island Lake last year and to see which side won.

Supervisor Kowall identified that this would apply to public access lake. He recommends that it not be inserted at this time until a request is made.

Treasurer Roman clarified that it does not require a lake board to request this and that it can be an individual.

Trustee Powell asked if Administration could send notice to all of the lakes, to which Supervisor Kowall indicated he would not know who to send it to as not all lakes have boards.

Trustee Smith interjected that the police liaisons have connections with all HOAs and that it is possible if you really want to do it.

Chief Holland noted that he requires, for example, White Lake to pay for one of his officers to be on the fireworks boat as he understood the Sheriff's Department could not guarantee a boat on the water.

Clerk Noble declared that the Township would be like the bank holding the money.

Attorney Hamameh declared that this contract is between the Township and the county and it has nothing to do with third parties. She recalled that in the past when the resolution was passed it was condition upon, and that is how it was connected to a third party.

Trustee Powell indicated that the only way to accomplish what Chief Holland speaks of is to be a fee in the permit process. He shared with residents that it is \$40.13 per hour to have marine patrol on the lake.

It was MOVED by Treasurer Roman, SUPPORTED by Trustee Powell to approve the 2022-2024 Marine Patrol Service Agreement and allow the supervisor and clerk to sign the contracts and any other agreements in order to effectuate a request by an association or individual for lake patrol. The motion PASSED by voice vote (5 yes votes)

H. FIRST READING, AMENDMENT TO FEE ORDINANCE #129

Clerk Noble noted the request under Section 22 and 30 are changes and updates requested by their respective departments to align the fees with the amounts assessed and collected for Oakland County. Under Section 31, the change is related to Freedom of Information to reflect consistency with other departments. The fee currently reads \$1.00 and should read \$0.10. All other changes are for spelling and format only such as changing the word "Fee" to read as "Fees" under section 31(E).

Clerk Noble further thanked Deputy Clerk Santiago and Trish Pergament who engaged in this process.

It was MOVED by Clerk Noble, SUPPORTED by Supervisor Kowall to move to second reading the amendment to Fee Ordinance #129. The motion PASSED by voice vote (5 yes votes).

I. REQUEST TO APPROVE MASTER AGREEMENT WITH DTE FOR MUNICIPAL STREET LIGHTING – ELIZABETH LAKE ROAD ROUNDABOUTS AT TEGGERDINE AND OXBOW LAKE ROADS

Supervisor Kowall indicated that essentially this agreement is that the Road Commission is the ultimate payee for the installation of the lights and the Township is the payee for the illumination. The estimated annual cost of \$2,700. He indicated this will not start until the lights are in place.

Attorney Hamameh noted that she has been fighting with DTE for other communities regarding some of the language and they are not budging. She indicated it is take it, or leave it.

Supervisor Kowall indicated if you want street lights this what you have to do. He reminded that the Township is ultimately responsible for the illumination.

It was **MOVED** by Clerk Noble, **SUPPORTED** by Treasurer Roman to approve the request to approve master agreement with DTE for municipal street lighting – Elizabeth Lake Road roundabouts at Teggerdine and Oxbow Lake Roads. The motion **PASSED** by voice vote (5 yes votes).

TRUSTEE COMMENTS

Trustee Powell was taken back by Supervisor Kowall's statement at the beginning of the meeting that 450 officers had died this past year. It is a very sad number.

He wanted to inform the Board that there have been a number of meetings regarding the Hidden Lake Project and the concern that the water is isolated and could potentially rise without any means of dropping. They came up with an emergency plan to offer to the association. He was very pleased that they did their homework and came up with a plan. It was decided that the Township should not take on the liability for the distance from the water to the homes, even though it was a condition of the master deed and agreement. He indicated that the Township shouldn't receive all the calls if the developer didn't meet the township's dimensions. He would like Director O'Neil to elaborate on it.

Director O'Neil does not disagree. He understands that it will fluctuate from season to season and year to year. He feels that they picked a level so that it won't be an emergency emergent¹ situation. They tried to focus on the safety of the structure rather than the setback. He hopes that once the site is stabilized, once the infiltration starts on each lot, and all the water is not getting into the storm system that it will trickle down. He is hopeful that a document will be achieved by the next week.

Trustee Powell would like if the administration could reach out to the Township's Parks & Recreation Department to have them reach out to Springfield and Commerce Townships to discuss the mutual desire to extend the pathways between the communities.

Treasurer Roman reminded that June 1st is the last day to get your dog licenses without a late fee. He advised that you can get them online through Oakland County or at the Township. They accept cash, check, or credit card with proof of rabies vaccine.

He wished happy retirement to Jeanine Smith and Denise Stefanick and welcomed the new assessor, Dave Hieber.

Trustee Smith wished Denise Stefanick a happy retirement. She noted she has been with the library for many years and she wishes her well on her retirement and noted she will be missed.

¹ Board approved Trustee Powell's amendment to change emergent to the noun emergency. Actual statement by Director O'Neil was the adjective emergent.

She reminded that in 2019 the Board made Police Week in White Lake Township, this week. She read into the record: May 15th is National Police Officer Memorial Day. In 1962, President Kennedy signed a proclamation to designate Peace Officer Memorial Day and the week in which the date falls as police week honoring all law enforcement officers and those who lost their lives in the line of duty. This year the names of 619 officers killed in the line of duty, 319 fatalities that were COVID related are being added to the memorial in Washington DC. The 619 officers included 472 officers who were killed during 2021, plus 147 officers who died in previous years, but whose stories of sacrifice have been lost until now. She thanked the Clerk and Deputy Clerk, both being retired police officers, for their service. She shared that the Police Officers Open House is returning this year on June 5th from noon to 3pm. It is a free and fun event, and all are welcome. It is also national EMS week as well.

She further shared that the Parks & Rec is hosting their family fun day on June 25th from 3-9pm.

She addressed the residents and reminded that social media can take on a life of its own and encouraged them to not believe everything they read/see on social media. She noted there is a boom in the township, but that the Board needs to be trusted and that they will make sure there is a careful balance of growth. Lastly, she noted it was a pleasure to see everyone at MTA.

Clerk Noble congratulated Denise and Jeanine on their retirements.

He shared that he was lucky after twenty-six years to make it out of the police force unscathed. He worked with two officers that were killed in the line of duty. This week is very dear to him and he appreciates the men and women in blue who risk their lives every day. He thanked everyone recognizing that.

Supervisor Kowall congratulated Jeanine and Denise on their retirement.

He shared with the delay of the roundabouts that it is a prime example of where rates are going. The OCRC will put it out for bid sometime in the fall.

He continued that HomeHaz is Saturday, June 11th from 9am to 1pm, in the Kohls parking lot. He reminded that they do not take latex paint. There is an available list of what can be taken on the Township's website.

He thanked all of the Board, the recorder, the guests for being here and for taking an interest in your township, as it is your home. He wished a good night and God bless to all.

It was MOVED by Treasurer Roman, SUPPORTED by Supervisor Kowall to adjourn. The motion PASSED by voice vote (5 yes votes).

The meeting adjourned at 9:28 p.m.

I, Anthony L. Noble, 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 May 17, 2022, regular board meeting minutes.



Anthony L. Noble, Clerk
White Lake Township
Oakland County, Michigan

