CHARTER TOWNSHIP OF WHITE LAKE Approved Minutes of the Regular Board of Trustees Meeting July 18, 2023

CALL TO ORDER

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 Scott Ruggles, Trustee Liz Smith, Trustee Andrea Voorheis, Trustee Michael Powell, Trustee

OTHERS:

Sean O'Neil, Community Development Director Aaron Potter, Director of DPS Mike Leuffgen, Township Engineer, DLZ Lisa Hamameh, Township Attorney Hannah Micallef, Recording Secretary

APPROVAL OF AGENDA

It was MOVED by Clerk Noble, seconded by Trustee Voorheis, to approve the agenda as presented. The motion carried with a voice vote:(7 yes votes).

PUBLIC COMMENT

There was no public comment.

CONSENT AGENDA

- A. REVENUE AND EXPENSES
- **B.** CHECK DISBURSEMENTS
- C. BUDGET AMENDMENTS
- D. DEPARTMENT REPORT POLICE
- **E**. DEPARTMENT REPORT FIRE
- F. DEPARTMENT REPORT COMMUNITY DEVELOPMENT
- **G**. DEPARTMENT REPORT TREASURER

It was MOVED by Clerk Noble, seconded by Trustee Powell, to approve the consent agenda as presented. The motion carried with a voice vote:(7 yes votes).

PRESENTATION

A. 2022 FINANCIAL STATEMENT - PLANTE MORAN

Pam Hill from Plante Moran presented the 2022 Financial Statement. 450 hours were spent on the

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audit, which was a little higher than the year prior. There were no compliance findings. She thanked Elaine, Dawn and Kim for their work throughout the audit process, and added that the Township's team was top notch. Nicole Hart went over highlights from the report such as general fund revenues, expenditures, and transfers. The Township had a great year; expenses were monitored and in check. Money was set aside in capital projects funds for future growth. The "grade" for the audit was an A+.

Trustee Powell asked Ms. Hill about overpayment on liabilities. Ms. Hill stated that part of the struggle with liabilities were due to actuaries that were out of the Township's control such as the two open retirement plans.

Supervisor Kowall thanked the Plante Moran team, as well as all the Township staff who participated in the audit.

It was MOVED by Trustee Powell, seconded by Trustee Smith to receive and file the Plante Moran 2022 Financial Statement. The motion carried with a voice vote:(7 yes votes).

MINUTES

A. APPROVAL OF MINUTES - SPECIAL BOARD MEETING, JUNE 20, 2023

B. <u>APPROVAL OF MINUTES - REGULAR BOARD MEETING, JUNE 20, 2023</u>

It was MOVED by Trustee Voorheis, seconded by Trustee Ruggles to approve the Special Board Meeting minutes of June 20, 2023 and the Regular Board Meeting minutes of June 20, 2023 presented. The motion carried with a voice vote:(7 yes votes).

NEW BUSINESS

A. REQUEST FOR PART-TIME ASSISTANT AT DUBLIN SENIOR CENTER

Kathy Gordinear, Senior Center Director, said she would like this position due to the busy nature of the Senior Center and to provide coverage for the office. She added that the Senior Center was growing, and this would be a part-time position with 15-20 hours a week.

Trustee Voorheis asked Director Gordinear if the position would be included in the union. Director Gordinear said no.

Trustee Voorheis asked Director Gordinear if she had comparables for this position. Director Gordinear said she had looked into comparables, and had met with H.R. Manager Cathy Derocher to come up with the wage.

Trustee Smith asked Director Gordinear how many employees the Senior Center would have. Director Gordinear said the Senior Center would have 2 full time employees and 1 part time employee.

Clerk Noble said in the past, the union positions would have a comparable wage review.

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Trustee Powell said in comparison to the private sector, the proposed wage for the position was high. He added that work should be done in regards to comparables.

Supervisor Kowall proposed an amended to the wage scale at \$16-\$25 per hour.

Treasurer Roman thanked Director Gordinear for her work with the seniors, and said he supported her request. He said comparable wages were nothing new to the Township, and was agreed with offering the \$16-\$25 per hour wage scale.

It was MOVED by Treasurer Roman, seconded by Clerk Noble to approve the request for part time assistant at the Dublin Senior Center with a wage scale of \$16-25 an hour. The motion carried with a voice vote:(6 yes votes). 1 no- Voorheis

B. <u>RESOLUTION #23-017; TO SET THE PUBLIC HEARING ON THE SPECIAL ASSESSMENT</u> <u>REASSESSMENT OF SUNSET/TAYLOR ROAD MAINTENANCE SPECIAL ASSESSMENT DISTRICT</u>

Dave Hieber, Assessor, said that this was a re-assessment where the property owners felt that due to inflation, there was not enough money collected for road maintenance. This was per the resident's request. The updated project cost was \$364 per parcel for the next two years.

Trustee Powell asked Assessor Hieber if the residents had a petition. Assessor Hieber confirmed, 60% of the resident's signatures were acquired. There would be one public hearing to modify the assessment since it was an already established assessment. There would be a resolution after the public hearing to adopt the reassessment of the special assessment.

It was MOVED by Trustee Ruggles, seconded by Trustee Powell to approve resolution #23-017 to set the public hearing for the Special Assessment Re-assessment of Sunset/Taylor Road Maintenance Special Assessment District on August 15, 2023. The motion carried with a voice vote: (7 yes votes).

C. <u>RESOLUTION #23-018; TENTATIVELY DECLARING ITS INTENTION TO ESTABLISH A SPECIAL</u> <u>ASSESSMENT DISTRICT TO BE KNOWN AS LAKE NEVA WEST CANALS WEED CONTROL AND LAKE</u> <u>IMPROVEMENT 2023-2027</u>

Assessor Hieber said this was a new assessment; there would be an intention, establishment, and adoption. The property owners had let their old assessment expire, and wanted to start the assessment back up again to mediate weed growth. The assessment would be five years long and cost \$264 per parcel per year, with administrative fees included.

It was MOVED by Trustee Powell, seconded by Treasurer Roman to approve Resolution #23-018, intention to establish a Special Assessment District to be known as Lake Neva West Canals Weed Control and Lake Improvement and to hold a public hearing on August 15, 2023. The motion carried with a voice vote:(7 yes votes).

D. <u>RESOLUTION #23-019; TENTATIVELY DECLARING ITS INTENTION TO ESTABLISH A SPECIAL</u> ASSESSMENT DISTRICT TO BE KNOWN AS EMERGENCY SEWER CONNECTION 2023-02

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Supervisor Kowall said this was a part of program the Board created to help residents hook up to the sewer in emergency situations.

Assessor Hieber said the establishment of these districts are done twice a year, and there are seven parcels included in the resolution. The process would require Township approval at three separate board meetings, for the intention, establishment, and confirmation of the resolution.

Trustee Powell asked Supervisor Kowall if there was a similar program for water hook up. Supervisor Kowall said that could be something the Board could research and review in the future.

Trustee Ruggles asked Supervisor Kowall what the interest rate was for the agreement. Supervisor Kowall said he believed the interest rate was around 5%. Assessor Hieber said he would bring back that information in August.

It was MOVED by Trustee Powell, seconded by Trustee Ruggles to approve Resolution #23-019 to create the intention to establish a Special Assessment District to be known as Emergency Sewer Connection 2023-33 and to hold a public hearing on August 15, 2023. The motion carried with a voice vote:(7 yes votes).

E. <u>DISCUSSION REGARDING GALE ISLAND SURPLUS PROPERTIES WITH A POTENTIAL MOTION</u> TO REVISE CONFIGURATION OF THE PARCELS AND TO LIST THE PROPERTIES FOR SALE

Supervisor Kowall said multiple lots on Gale Island were acquired by the Township through tax sale, and work was done to remediate issues. This resulted in the creation of five marketable lots. Lot A and Lot C would need their property lines relocated to have the 12' wide sanitary easement on the property line. A marketing plan would be put together to put the lots out to sealed bid with a minimum reserve on each lot.

Trustee Voorheis asked if anyone lived around the parcels. Supervisor Kowall confirmed. It was not known if they were full time or summer residents.

Trustee Ruggles asked Supervisor Kowall how the minimum reserve would be determined. Supervisor Kowall stated that he was researching that now, and the idea was for the Township to get back most, if not all the money spent on the lots that they could.

Trustee Powell asked how the lots would be advertised. Supervisor Kowall said they would be advertised through social media channels and the Township electronic sign on Highland Road. He did not feel like it would need a ton of advertising as there was already interest in the lots.

It was MOVED by Trustee Ruggles, seconded by Treasurer Roman to proceed with the lot configuration and easements as recommended by the Township Engineer and Assessor and to approve and proceed with marketing and taking sealed bids with reserves that would later be determined for reselling the parcels. The Board will be informed of the activity in relation the sale. The motion carried with a voice vote:(7 yes votes).

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Assessor Hieber said there would be a few weeks before the parcels reflected their revised configuration.

F. <u>RESOLUTION #23-020; TENTATIVE AWARD OF CONSTRUCTION CONTRACT FOR</u> WASTEWATER SYSTEM IMPROVEMENTS

Supervisor Kowall said these improvements were brought before the Board some time ago when the Board was after "favorable monies". Director Potter and the Township Engineer compiled a list of repairs for main locations within the Township, and it was discussed with the Board and put out for bid. The bids came back higher than anticipated, the recommendation was to still pursue the funds as there was a \$285,000 principal forgiveness and for the Township to start work on some of the "harder" areas.

Director Potter stated that the bids came back higher most likely due to inflation. Different components of the project did come in front of the Board four or five times previously. ARPA funds were being allocated through the State Revolving Funds. There were three items tonight on the agenda in relation to this project. The loan closing would be the final milestone after the award. He said the high bids gave three choices: to reduce the scope of the project, pay for the excess construction cost out of cash reserves, or to go back to the state and to see if there were excess state funds available. Director Potter added that during his discussions with the state, he was told all of the State Revolving Fund projects this year were over budget by a large margin. It was decided to stick within the project plan budget, and Director Potter was working with the apparent low bidder to reduce the scope of the project to remain within the original budget.

Director Potter added that the State Revolving Fund added 6% contingency to its projects The 6% was not added into the line item from the project's budget. He wanted to amend tonight's motion to be tentatively approving Resolution 23-020 Tentative Award of The Construction Contract CWSRF-5800-001 in the amount not to exceed \$2,478,041.00, which would include the 6% contingency. He noted that the other two project items were dependent on this resolution's approval.

Attorney Hamameh asked Director Potter if the resolution was for the benefit of the state. Director Potter confirmed. Mr. Leuffgen said they didn't want to award the contractor the bid with the 6% contingency if it wasn't needed. Director Potter added that he was trying to avoid any disruptions within the project, and there would be moving parts within the project such as lane closures and traffic control that would need coordination.

Trustee Powell asked Director Potter if there was any additional funding provided by the state. Director Potter said the funding was capped at 10%.

It was MOVED by Supervisor Kowall, seconded by Treasurer Roman to approve Resolution #23-020 Award of Construction Contract for Wastewater System Improvements For \$2,337,744.63. The motion carried with a voice vote:(7 yes votes).

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Trustee Powell asked if the balance of the work to be done would be able to be bid out later, in the off season. Director Potter said the project would be a 2024 project. A notice to proceed would be made available September 1st, and construction was anticipated for next year.

G. <u>RESOLUTION #23-021; TO AUTHORIZE ISSUANCE OF SANITARY SEWER SYSTEM REVENUE</u> BONDS AND PLEDGE OF LIMITED TAX FULL FAITH AND CREDIT

Treasurer Roman said the resolution would authorize the issuance of the revenue bonds. He added The Township had not released revenue bonds before.

Eric McGlothlin of Dickinson-Wright, Township Bonding Attorney, said the resolution was the second to final step the Board had to take to release the bonds. A notice of intent was authorized and published back in March and the referendum period had passed without a referendum being filed. If adopted, the closing of the bonds would occur around the end of August. The resolution authorizes bonds up to a not to exceed amount of 5 million dollars. The expected principal amount would only be about 2.8 million. The resolution would pledge the net revenue of the sewer system for repayment of the bonds, meaning as the revenues came into the system, operation and maintenance would be covered, and the next amount of money that remained would go to pay debt services. The resolution also authorized an execution and delivery of a revenue sharing pledge agreement which was expected by the state. It would save the Township \$15,000-\$20,000 of credit assessment fees. The resolution also required the Township to covenant at a minimum annually that rates would be fix and revise rates and charges of the system to the users so that 100% of the operation and maintenance, and 100% of the debt services were covered. The resolution established a structure for the revenues to be received and allocated to the needs of the system: operation & maintenance and redemption of the bonds.

Trustee Powell stated there was a difference between this type of bond and general guarantee bonds. The Township would adjust the fees of the sanitary sewer enterprise funds to cover the costs associated with the bonds.

Trustee Powell asked Attorney McGlothlin what would happen if the project became so costly to the residents to where they couldn't fund it. Attorney McGlothlin said if there were a net revenue deficiency, the revenue sharing pledge agreement would step in and the state would withhold revenue sharing amounts of distributable aid. The distributable aid would not be distributed to the Township in that case.

It was MOVED by Treasurer Roman, seconded by Trustee Voorheis, to approve Resolution #23-021 with amendments as described by the Township's Bond Counsel as well as any additional conforming amendments needed to complete the resolution. The motion carried with a roll call vote: (7 yes votes). (Noble/yes, Smith/yes, Voorheis/yes, Powell/yes, Roman/yes, Ruggles/yes, Kowall/yes)

H. <u>REQUEST TO APPROVE DLZ ENGINEERING CONSTRUCTION SERVICES PROPOSAL - CWSRF</u> 5800-01 SANITARY SEWER LINING

Trustee Powell asked Director Potter why the County could not inspect the system since they monitored it. He also felt it was inappropriate to have someone full-time from DLZ inspecting.

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Director Potter said this was a budget item, and the contingency was 10% of the overall construction project cost. The proposal was unit priced. There was a not to exceed amount, but it was contingent on the contractor's ability to get the work done in a reasonable amount of time. The Township's standards required a full-time engineering inspector on site for any utility work. The standards could potentially be amended by the Board in the future, but it had not been done before. Typically, a project and its associated costs are reviewed first by DLZ when the contractor submitted, and then DLZ sends back their inspector's reports along with pay applications and invoices to the Township for review. Once those documents were approved, a disbursement request was made and it would be approved by the Supervisor and sent to the state for review. There was a robust review process in place make sure contractors were not "leaning on shovels". DLZ inspectors usually worked a half day minimum, and for a project of this scope, full time inspection was ideal. Director Potter stated that the Township Board could consider amending their engineering standards to allow for spot inspections for underground utilities.

Trustee Powell said the Township engineering standards applied to installation, not to underground work, and in this instance, repairs. In house staff could potentially inspect the project. He would like to see the contract re-reviewed and potentially reduce services.

Treasurer Roman asked Mr. Leuffgen how many people would be involved with the project. Mr. Leuffgen said there was an administrative component, along with an on-site component. It would most likely be one person on site with the contractor. He agreed with Director Potter's previous sentiments regarding traffic control and organization. He agreed that 10% was a lot of money, but he asked for that much to keep things simple with the state. He added that the inspectors were not on site on their own volition; they were out on the Township's request.

Supervisor Kowall said the Township needed DLZ's assistance for the regulatory paperwork and administrative needs for the project. There was no one on staff at the Township who could take that task over. He stated that he felt Mr. Leuffgen and DLZ had the Township's best interests at heart.

Director Potter said the project was a capital improvement project, and the agreement with Oakland County did not include capital maintenance projects. The Township did not have sewer operations services with resident inspection for large capital improvement projects included in their contract with the County. Director Potter said this was a time management issue and he did not have the staff to inspect a project of this scope. He disagreed with the suggestion of not having a full-time inspector for this type of project.

Trustee Powell stated that he would like the Board to receive a detail report from DLZ providing a narrower scope of work for the observation of this project.

Trustee Smith stated she would like more time in the future to review projects. Director Potter agreed, and said the milestone schedule from the State Revolving Fund was extremely aggressive. The bids were received back only a week prior.

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It was MOVED by Supervisor Kowall, seconded by Clerk Noble to approve the DLZ Engineering Construction Services proposal as submitted, not to exceed \$233,750 subject to review and approval by the Township Attorney. The motion carried with a roll call vote: (7 yes votes). (Kowall/yes, Roman/yes, Powell/yes, Voorheis/yes, Smith/yes, Noble/yes, Ruggles/yes) It was MOVED by Supervisor Kowall, seconded by Trustee Powell to require an amendment report from DLZ as to how the Township could control the observation time regarding this project will be brought to the Board. The motion carried with a voice vote:(7 yes votes).

Treasurer Roman asked Mr. Leuffgen if DLZ's legal team had made any changes to the contract. Mr. Leuffgen said that mark ups were on their way to the Township Attorney.

Trustee Powell stated that he personally expected whatever suggested changes to the engineering standards be brought before the Board by the Director of DPS. The Board would review and respond to those suggestions.

I. <u>REQUEST TO APPROVE TENTATIVE AWARD TO SUBURBAN KNOLLS FOR WELLHOUSE</u> <u>DEMOLITION</u>

The wellhouse was constructed in the 1960's, and the Township had absorbed it, along with other wellhouses within the Township over the years. The wellhouse had exceeded its usefulness and was decommissioned in 2020. The site was disconnected from utilities and an asbestos abatement was done. The structure is ready for demolition.

Trustee Ruggles asked about the contingency included on the demolition. Director Potter said that was due to the potential of more asbestos being found during demolition. The abatement contract did not include missed asbestos; Director Potter added that was common language found within abatement contracts. It was typical to add the contingency, and it was added as best practice.

Trustee Powell stated that contingency needed to be added into budgeting going forward.

Director Potter added the contingency to keep the project moving in case emergencies were to arise that were not covered.

Trustee Smith stated she had not seen contingencies on demolition bids in the past. She did not want to set a precedent, and would feel comfortable approving the flat rate bid and authorize Supervisor Kowall to sign for a contingency if there were costs over the flat demo fee.

It was MOVED by Trustee Smith, seconded by Trustee Powell to award the contract to Blue Star for a flat fee of \$26,300 and to authorize Supervisor Kowall if need be, to sign for contingency and for Township attorney review. The motion carried with a voice vote:(7 yes votes).

J. REQUEST FOR CONSIDERATION OF A133 & A201 AGREEMENTS WITH MCCARTHY & SMITH

Supervisor Kowall thanked the Construction Committee, the attorneys and Director O'Neil for their work on the agreements. The agreements were industry standards.

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Director O'Neil reiterated that the agreements were standard and the Township Attorney is well versed in the document language. The A133 was the standard form of agreement between Owner and Construction Manager, and the A201 was the agreement for General Conditions of the Contract for Construction. Both were needed to move forward with McCarthy & Smith. The Township Attorneys had all been involved with reviewing and making changes to the documents. Bill McCarthy had agreed in writing to all the conditions requested by the staff, oard and attorneys. The insurance requirements within the contracts had also been reviewed. It was suggested for the motion of approval to be subject to all the comments being addressed, and to allow for the Supervisor to sign the agreements.

The original proposal included 8 months of preconstruction services from McCarthy & Smith at \$9,700. The clock had started ticking on those services in April, and McCarthy & Smith had not collected on those fees yet. The Construction Committee felt that if the Township took more time than the 8-month window, then McCarthy & Smith should be compensated accordingly. The agreed upon rate was \$12,000 a month, pro-rated upon the original proposal. If the designs were finalized by January, the Township would be in great shape. Director O'Neil said he felt everything could be completed within the 8-month time window, but this contingency was put in place just in case.

Treasurer Roman added that McCarthy & Smith had been great to work with. Bill McCarthy was very agreeable to all the changes made.

It was MOVED by Treasurer Roman, seconded by Trustee Powell to approve both A201 & A133 contracts subject to the final changes agreed to by the Construction Committee and for Supervisor Kowall to sign finalized contracts. The motion carried with a voice vote:(7 yes votes).

K. <u>REQUEST ALL MAPE WAGE RECLASSIFICATIONS BE DEFERRED AND ADDRESSED DURING THE</u> <u>MAPE WAGE CLASSIFICATION REVIEW</u>

Supervisor Kowall stated the Board was aware that the Township was in the process of reviewing compensation of several levels throughout the Township. Last month's Executive Secretary reclassification request from the Fire Department had led to several additional similar requests for other MAPE employees. In addition to the changes made by the Board in respect to wages, the Supervisor had been having ongoing conversations with HR and the Labor attorney regarding MAPE wages. Since last month's Board meeting discussion regarding the Fire Department's reclassification request, he had further discussion with the in house elected officials and labor attorney regarding this topic. It was recommended that this matter and the resulting other requests be referred to the Township labor attorney for discussion with the MAPE union and for a recommendation of a resolution to be brought forth before the Board for consideration and approval. The process could take 60-90 days based on availability of all necessary individuals participating. Supervisor Kowall said the Fire Chief supported the statement.

Trustee Voorheis stated that two other employees had been reclassified prior to this without opening the MAPE contract.

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It was MOVED by Trustee Powell, seconded by Trustee Smith, to postpone the issue of regarding wage reclassification of various Township positions and to postpone discussion until the September Board of Trustees meeting. The motion carried with a voice vote: (6 yes votes). no-Voorheis

It was MOVED by Trustee Powell, seconded by Clerk Noble to allow the Supervisor to work with the Township labor attorney regarding all the proposed MAPE wage reclassifications. The motion carried with a voice vote: (7 yes votes).

FYI

A. 9885 CEDAR ISLAND ROAD UPDATE

Litigation was proceeding. Witness and exhibit lists were due last Friday; they were completed and filed with the court. Discovery would close August 15. Motion for summary disposition could be filed until mid-September. It was hopeful compliance would be obtained before then. The homeowners hired contractors to remove materials and minor pieces of junk and debris. There was still a long way to go, but if there was progress, it could be requested for the judge to extend the date.

B. CIVIC CENTER COMMITTEE UPDATE

The schematics of the buildings were close to being finalized. The next step was to work on exterior building design. The contracts for the construction managers were now finished. There was an issue with the scheduling of earth movement; that issue would be discussed with the design committee tomorrow.

Trustee Powell thanked the Board for moving the project along and for their input. The staff was currently reviewing the new interior schematics. Director O'Neil encouraged the Board to give their opinions on designs to give direction to the design professionals.

Trustee Smith stated that it would be helpful to come up with a central concept for the building design.

Trustee Powell said he was thrilled with the potential of the buildings. Trustee Smith said there needed to be a hearty discussion about the feel of the building before other material elements were chosen.

TRUSTEE COMMENTS

Trustee Voorheis said Rockin' at the Farm would be held at Fisk Farm, in collaboration with the Lakes Area Chamber of Commerce. The gates open at 5 P.M. Additional information could be found on the Township's Facebook page. She thanked Elaine, Dawn, and Kim for their support during the audit. She would be late to the Thursday Special Board Meeting.

Trustee Smith congratulated the Police Department on a successful golf outing; she and her husband had the pleasure of sponsoring a few teams this year. Ross Dress for Less opened this past Saturday. She shared her with those concerns with round lake. She gave a speech for former Library Director Larry Ostrowksi at the memorial held at the library last Wednesday, and the Friends of the Library honored him with a memorial art silhouette in the front of the library.

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Trustee Ruggles said Planning Commission would meet this Thursday after the special board meeting to discuss three projects: Sunset Cove, Panera, and Alpine Valley. He participated in the gold outing and the turnout was great.

Trustee Powell thanked the board for a great meeting, and thanked the residents for their care in the Township. He looked forward to a safe rest of the Township.

Clerk Noble thanked everyone working in moving the new Civic Center projects forward. He thanked Elaine and Dawn for a great audit. Dawn had taken on extra responsibilities finding cost savings for the new copiers. He thanked the Police Department for a great golf outing.

Treasurer Roman thanked the residents for their attendance. He thanked Director O'Neil for going above and beyond for his work on the A133 and A201 contracts, and thanked Director Potter for going above and beyond with the sewer lining project.

Supervisor Kowall said the FBI recently rated White Lake the #15 safest city in the USA. He said it was great to know the community was watched over, and attributed the safety to all the community policing efforts within the Township. Skull Island was holding an event on July 27 that the Police Department would benefit from. He thanked the crowd for coming as well those watching at home. He thanked the Board members for their dedication to the Civic Center project.

ADJOURNMENT

It was MOVED by Supervisor Kowall, seconded by Trustee Smith to adjourn at 9:44 P.M. The motion carried with a voice vote:(7 yes votes).

"Rík Kowall, Supervisor Charter Township of White Lake

Anthony L. Noble, Clerk Charter Township of White Lake