

CHARTER TOWNSHIP OF WHITE LAKE
Approved Minutes of the Special Board of Trustees Meeting
March 31, 2020

Supervisor Kowall called the meeting to order at 4:04 p.m. The meeting was held via 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

Absent: Scott Ruggles, Trustee

Also Present: Lisa Hamameh, Attorney
Sean O'Neil, Planning Director
Aaron Potter, DPS
Jennifer Edens, Recording Secretary

AGENDA

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

PUBLIC COMMENT

The process for participating in public comment was explained to the general public.

Peter Piccinato. Commented regarding the vehicle that Chief Keller is looking to purchase and questioned why they are not looking at a hybrid vehicle, which is approximately \$3,000 more, but they produce less emissions. He wonders why a government agency, going forward and using the hybrid vehicles to show the public that they are concerned about the environment. His issue is why aren't we looking at the hybrid vehicles.

Alexandria Bingham. Noted that the public the dial in people would not be able to use the raise hand feature.

CONSENT AGENDA

- A. LIST OF BILLS**
- B. REVENUE AND EXPENSE**
- C. CHECK DISBURSMENT**
- D. APPOINTMENTS – SENIOR ADVISORY COUNCIL – JUNE 2020 TO JUNE 2022**
- E. DEPARTMENT REPORTS**
 - 1. POLICE**
 - 2. FIRE**
 - 3. COMMUNITY DEVELOPMENT**

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

MINUTES

- A. APPROVAL OF MINUTES – SPECIAL BOARD MEETING, FEBRUARY 11, 2020
- B. APPROVAL OF MINUTES – REGULAR BOARD MEETING, FEBRUARY 18, 2020
- C. APPROVAL OF MINUTES – SPECIAL BOARD MEETING, FEBRUARY 27, 2020

Clerk Lilley noted a correction to his previous comment in the February 18th Minutes, that indicated the new records are located in the library. That should be corrected to read they are located in the basement of the Township annex.

It was MOVED by Treasurer Roman, SUPPORTED by Trustee Powell to approve the Board Minutes from February 11, 2020, February 18, 2020, and February 27, 2020, as corrected by Clerk Lilley. The motion PASSED by roll call vote (Smith/yes, Voorheis/yes, Powell/yes, Roman/yes, Lilley/yes, Kowall/yes).

RESOLUTIONS

- A. RESOLUTION #20-008; TO APPROVE DECLARATION OF CORONAVIRUS LOCAL STATE OF EMERGENCY

Supervisor Kowall noted that he declared this last week, but the Board needs to ratify it for the Township to qualify for funding, aid and a variety of things needed to go forward.

It was MOVED by Clerk Lilley, SUPPORTED by Trustee Voorheis to approve Resolution #20-008. The motion PASSED by roll call vote (Kowall/yes, Lilley/yes, Roman/yes, Powell/yes, Voorheis/yes, Smith/yes)

- B. RESOLUTION #20-009; TO APPROVE EMERGENCY RESPONDERS EMERGENCY FAMILY MEDICAL LEAVE EXPANSION ACT REGARDING COVID 19.

Brandon Fournier indicated that effective tomorrow new statute language goes into effect. It allows for an additional 80-hours paid sick leave regarding COVID related ailments, including parental care which would be capped at two-thirds or \$200 a day. The second is an emergency expansion of the Family Medical Leave Act which includes payment of 10-weeks up to two-thirds or \$200 per day for parental childcare associated with a school closure related to a local quarantine or COVID related illness. Under the terms of these statutes governmental employees are permitted to exempt emergency responders from these two benefit programs.

He further noted that this is a critical time for first responders to be available.

Trustee Voorheis questioned if other local communities were doing these resolutions. To which Mr. Fournier responded that 90% of his clients have opted out at this point.

It was MOVED by Treasurer Roman, SUPPORTED by Trustee Voorheis to approve Resolution #20-009 Emergency Responders Emergency Family Medical Leave Expansion Act. The motion PASSED by roll call vote (Kowall/yes, Lilley/yes, Roman/yes, Powell/yes, Voorheis/yes, Smith/yes)

- C. RESOLUTION #20-010; TO APPROVE EMERGENCY RESPONDERS EMERGENCY PAID SICK LEAVE ACT REGARDING COVID 19

It was MOVED by Treasurer Roman, SUPPORTED by Trustee Smith to approve Resolution #20-010 Emergency Responders Emergency Paid Sick Leave Act Regarding COVID 19. The motion PASSED by roll call vote (Smith/yes, Voorheis/yes, Powell/yes, Roman/yes, Lilley/yes, Kowall/yes)

D. RESOLUTION #20-006; TO APPROVE 2020 ROAD COMMISSION OF OAKLAND COUNTY DUST CONTROL PROGRAM.

It was MOVED by Clerk Lilley, SUPPORTED by Treasurer Roman to approve Resolution #20-006 Participation Agreement with Five Applications not to Exceed \$61,917.41. The motion PASSED by roll call vote (Kowall/yes, Lilley/yes, Roman/yes, Powell/yes, Voorheis/yes, Smith/yes)

NEW BUSINESS

A. REQUEST TO APPROVE 2020 PATROL VEHICLE PURCHASE

Chief Keller noted that this is an annual request for new vehicles. They received quotes from three dealerships, and it is his request to go with Signature Ford, who offered the lowest purchase price of \$97,332.00.

In response to public comment from Mr. Piccinato, Chief Keller indicated that he is not sure how the hybrid models would hold up at this time as police departments are notorious for being hard on the vehicles.

Clerk Lilley reminded Chief of a previous comment/concern he mentioned regarding the emergency lights running down the batteries on the hybrid models.

It was noted by Chief Keller that an affirmation of purchase must be completed as soon as possible.

It was MOVED by Clerk Lilley, SUPPORTED by Trustee Smith to approve the purchase of three 2020 Ford Explorer Police Interceptors at a cost not to exceed \$97,400.00 from Signature Ford and to authorize the Supervisor to sign. The motion PASSED by roll call vote (Smith/yes, Voorheis/yes, Powell/yes, Roman/yes, Lilley/yes, Kowall/yes)

B. REQUEST TO APPROVE BID FOR STANLEY PARK TREE REMOVAL

Sean O'Neil noted that last month, at the request of the Parks and Recreation Committee, the Township engaged an ISA certified arborist from Owens Tree Service to evaluate the trees in Stanley Park. There are several trees that are dead or dying in the vicinity of the trail system that currently exists. There are dozens of dead limbs, on otherwise healthy trees that need to be pruned. Addressing this is one of the last steps that needs to be taken to ensure safety prior to opening the park.

Based on the arborist's evaluation the removal of 37 trees and pruning of 52 trees is necessary. These trees were called out and clearly marked. Three bids were received:

- Dawson's Complete Tree Care \$17,000
- Maxon's Tree Care \$23,200
- Owen Tree Service \$36,150

He recommends moving forward with Dawson's Complete Tree Care at a cost not to exceed \$17,000. He knows that the Parks and Recreation Committee would like to get this done as soon as possible to allow the park to be opened. There is a concern of Oak Wilt, which is another reason to move forward immediately.

Supervisor Kowall noted that this will be paid for out of the park fund and that there could be an additional cost of nearly \$2,000 if they must paint the cuts. He would like it authorized up to \$19,000.

Treasurer Roman was curious why they can't cut Oak trees after April 1st. To which Supervisor Kowall noted that Oak Wilt is the reason, but it can potentially be done with the painting of the cuts if it is done soon. Treasurer Roman further asked Mr. O'Neil to see if the development grant could cover some of the costs of the tree trimming.

It was MOVED by Supervisor Kowall, SUPPORTED by Trustee Voorheis to approve Dawson's Complete Tree Care for the \$17,000.00 and an additional \$2,000.00 if necessary, for the prune painting that may be required during this process. The motion PASSED by roll call vote (Kowall/yes, Roman/yes, Lilley/yes, Powell/yes, Voorheis/yes, Smith/yes)

C. REQUEST TO APPROVE DLZ ENGINEERING PROPOSAL FOR HURON VALLEY SCHOOLS BOGIE LAKE ROAD WATERMAIN EXTENSION

Aaron Potter indicated that in December of 2018 they started working on a DWRP Project Plan with Huron Valley Schools to extend watermain to the Lakeland campus. In March of 2019 it was decided that their portion of that plan was not fundable. Since then the school district has had a ballot initiative for a zero-increase bond to do maintenance on the schools and this project was part of that.

Recently they have been contacted by DWRP and they now determine that this should have been fundable and have asked DPS to resubmit. He continued that he plans to resubmit this for fourth quarter 2020 in order to get accurate costs estimates, he would like to move forward with engineering.

DPS is requesting the Township enter into a legal agreement with Huron Valley Schools, to be prepared by the Township attorney, for the prepayment design engineering services and geotechnical investigation, described in the DLZ proposal and DWRP Project Plan, and deposited into an escrow held by the Township to be used only for payment of these services.

Mike Lueffgen, DLZ. He noted that there is a cooperative effort with Huron Valley Schools. The proposal is for design services to get this underway. They will be targeting DWRP fourth-quarter funding for 2021, which would mean the permit would be required this time next year. With a potential fall 2021 construction start.

Lisa Hamameh. Clarified that there are two motions being requested:

- 1) To authorize the Township attorney and Supervisor to negotiate with Huron Valley School District an escrow type agreement to ensure the money they deposit into escrow is used to pay DLZ; and
- 2) To authorize the Supervisor to approve and accept the quote to whatever extent Mike and Aaron think appropriate at this time and to authorize the Supervisor to sign both agreements.

Mr. Potter added that the school does have alternate funding as their bond passed. He would leave it to the school district to determine what portion of the DLZ proposal they are willing to agree to.

Clerk Lilley clarified that it would be \$221,700.00 at this time for design and geotechnical. To which Mr. Potter added that the 6% contingency that is allowed under the DWRP Project Plan needs to be added.

Trustee Powell questioned on Page 5, first paragraph, that it states that the contract be drawn with liquidated damages and he understands that the Township could be liable for bonuses to the contractor if completed before the contract, if liquidated damages are included. He furthered that since the merge of DLZ and J&A he has noticed the fees have jumped up dramatically. He does not want this delayed, but in the future, he suggests going out for bids. He indicated that the engineers are coming up with the design and it gives the right for them to come back and ask

for an increase if their design changes. He doesn't feel the Township should be responsible if the design changes. He thinks the Board should approve the first part of the contract.

Mr. Lueffgen replied that the intent there is on the construction engineer side. They didn't want to have the contractor draw this out incurring additional inspection time.

Clerk Lilley questioned that this would be running a line down Bogie Lake Road from the Township's pumphouse to the school property and that from that property into their plant would be two separate issues.

Mr. Potter indicated that DPS works directly with DLZ throughout the design process, it is not just turned over and DLZ designs it however they feel. Additionally, change orders are important to be preapproved by the Township as they don't know what they will find with an underground project. There are several meetings with DLZ, and the Township is directly involved.

Regarding the liquidated damages he reminded of the Castlewood Project where the contractor went way past his deadline and then J&A incurred a lot of additional expenses as a result. That is why he request liquidated damages be included in the contract.

Lisa Hamameh pointed out that the Township is going to want Huron Valley to agree to be bound by these terms as this is their project and they're supposed to pay for it. There is a possibility that they will not agree to some of these terms. She believes the number to be approved tonight would be \$210,988.

Mr. Potter reminded that the 6% contingency should be added with a total of \$223,647.028. He added that the school district working with the Township engineer is one of many options the school district has. The DLZ proposal is to the Township, not the schools. He would like it conveyed that these are the Township's terms, the alternative for the school district is that they hire their own engineer. Mr. Potter would prefer DLZ design it as eventually it will be conveyed over to the Township through a bill of sale.

Clerk Lilley reminded that his question as to whether it will be two separate issues was not answered. Lastly, he indicated that when DLZ is preparing contractual obligations they need to put a project number on them.

Mr. Potter indicated the intent was to run the watermain across to their frontage (southeast point) and provide their system with a master meter for their use.

Trustee Powell questioned how easements are being dealt with. To which Mr. Potter indicated there is a right of way along the route.

Treasurer Roman asked if it is feasible to go out to bid for this and the iron filtration process. To which Mr. Potter indicated he doesn't see why not, but it would slow it down.

Mr. Potter noted he received an email from the school district that indicates the School Board of Education approved the agreement and that they would put the money into escrow with the Township. Supervisor Kowall interjected that he has had a conversation with the school district and that they are very interested in moving forward and that they understand where they are financially. He indicated it is very simple; if they don't have the money in the escrow, we don't start the next phase of work.

He is recommending at this time that they negotiate an agreement, that they are aware of the amount of the contract and move forward.

Lisa Hamameh interjected that if you agree to this contract, you are bound to this contract regardless of what Huron Valley decides to do.

Mr. Potter reminded that DPS is requesting the Board to approve DLZ's Engineering Services Proposal – Huron Valley Schools/ Bogie Lake Road Watermain Extension pending the execution of the payment agreement.

Treasurer Roman suggests that they negotiate the entire amount up front.

Trustee Powell can foresee the possibility of the Township getting stuck with costs above what the District agreed to.

Supervisor Kowall would like to just get approval for the design engineering and geotechnical portion. He indicated that it is a process and one part needs to get done before you can move on to the second part.

It was MOVED by Trustee Powell, SUPPORTED by Clerk Lilley for the Township to enter into an agreement with DLZ for the design phase and geotechnical phase at a cost not to exceed \$224,000.00 subject to a legal agreement with Huron Valley School (HVS) system to be prepared by the Township attorney and executed by the Township Supervisor for the prepayment of the design engineering fees and geotechnical investigation as described in the DLZ proposal and those funds be held in escrow by the Township to be used only for payment of these services. The motion PASSED by roll call vote (Smith/yes, Voorheis/yes, Powell/yes, Roman/yes, Lilley/yes, Kowall/yes)

D. REQUEST TO APPROVE SHOTWELL SEWER MAIN RELINING

Supervisor Kowall noted that this sewer drains a considerable amount of sewer in the Township and that it needs relining due to its age. He would like to see this move forward.

Aaron Potter indicated that during 2019 WRC discovered severe hydrogen sulfide damage in several sections of the main, with the most critical being Shotwell as it discharges the largest sanitary sewage into Phase I. DPS would like to get this project moving as soon as possible.

DPS and DLZ have assessed this damage as critical. DPS and OCWRC have current service agreements with Granite Inliner with consistent unit pricing. Granite Inliner bid the lowest price to OCWRC for this project.

DPS is requesting approval for OCWRC to complete the Shotwell sanitary main relining project in the amount of \$267,089.42, plus 10% contingency.

Trustee Voorheis confirmed that this job would fall under critical care under the current state of emergency.

Trustee Powell wondered if the Township could provide the inspection at a lower cost. To which Mr. Potter indicated that he didn't believe so.

Clerk Lilley confirmed that there is adequate funding in the Sewer Fund.

It was MOVED by Trustee Powell, SUPPORTED by Trustee Voorheis to approve the cleaning of the lining and televising of the Shotwell Sanitary Main under the control of the OCWRC at a price not to exceed

\$243,000.00, plus 10% contingency. The motion PASSED by roll call vote (Smith/yes, Voorheis/yes, Powell/yes, Roman/yes, Lilley/yes, Kowall/yes)

E. REQUEST TO APPROVE DLZ ENGINEERING PROPOSAL FOR DRINKING WATER REVOLVING FUND (DWRF) – ASPEN MEADOWS IRON FILTRATION PLANT

Aaron Pooter identified this as Part B of the DWRF Project plan DPS submitted. This will allow the Township to send high quality water not only to the Lakeland campus, but also to the northern half of the Township water system that isn't being supplied by Village Acres. Correcting his memo, he noted that this is for the design and geotechnical only of Aspen Meadows and DLZ's proposal. This would be the Township's portion of the Project Plan. The correct pricing including the 6% contingency would be \$212,198.00.

He furthered that the Township would benefit from this.

Supervisor Kowall noted that this is an absolute need for the Township and when this main goes down Bogie Lake road, it will put the Township in a much better position. In conjunction it is a significant improvement to the water quality and distribution. He highly recommends the Board approve this project.

Trustee Powell is in major favor of this. He pointed out that with this contract and the previous contract, the Township will have awarded almost a half a million dollars to DLZ and if we were to grant them the entire amount, they would have been offered a million dollars. It solidifies his goal to go out for bids, but he is in full support of the design for this project.

It was MOVED by Trustee Powell, SUPPORTED by Treasurer Roman to approve the contract with DLZ from the DWRF Aspen Meadows Iron Filtration Plant Design Engineering not to exceed an amount of \$215,000.00. The motion PASSED by roll call vote (Voorheis/yes, Powell/yes, Smith/yes, Roman/yes, Lilley/yes, Kowall/yes)

TRUSTEE COMMENTS

Trustee Voorheis. Noted that it takes a community to go through this craziness. Lets just support each other through this. Call or facetime your neighbors, help each other, especially the aging population; be safe, keep healthy and keep your social distancing.

Trustee Smith. She is glad to see everyone and noted that she is doing her part to social distance. The library asked that she share the following:

- It is complying with the State of Michigan, CDC, and other recommendations and is closed until those recommendations advise that it is appropriate to reopen.
- Services are still available via their website www.whitelakelibrary.org.
- There are downloadable books and movies.
- They will keep the website updated during this time.
- Library items in your possession can be held onto fine free during this time. However, the book drop-off is available.

The Library Board Meeting will be held virtually on April 22, 2020 if the building is still closed. She encouraged everyone to do their part to flatten the curve. She thanked the first responders, healthcare workers, and critical care workers. She will continue to pray for all in the community to be healthy and safe.

Clerk Lilley. He advised that the May election is called off. The Governor indicated that if we have an election it would be absentee ballot only. Residents who submitted applications for absentee ballot will receive a new application for the August and November election.

Trustee Powell. Wished welcome to all the residents tuned in. He is pleased with how smoothly this virtual meeting went and thanked Patricia and Supervisor Kowall for it. He noted that he heard from Trustee Ruggles who indicated that his network would not allow his participation.

Treasurer Roman. He thanked Patricia for the awesome job she did with the virtual meeting. He wished the residents to stay safe and noted that our country will get through this. Lastly, he noted that tomorrow is payday for Township employees. Checks will be mailed if not picked up by the end of day tomorrow.

Supervisor Kowall. Thanked Patricia for this meeting and reminded that this reminds them of why the Township needs updated technology. To the residents, we are open, just not as usual. This Board takes this job very seriously and is taking every effort to keep moving forward and have some sense of normalcy. Stay home, don't roam. There is a reason there is a shelter in place is out there. It is to protect you.

He shared something he read: We are in an era that will be recorded in human history. We will be defined as humans how we react to this. Man's inhumanity to man has gone on through history, but disease and pestilence are not within man's control. Through technology, science, determination, and faith, we will persevere. Good night, God Bless, pay attention to what comes out from Oakland County, from the Township website and other sources.

If you are senior out there that needs help, please contact the senior center. We are all here to serve you.

ADJOURNMENT

It was MOVED by Treasurer Roman, SUPPORTED by Trustee Smith to adjourn. The motion PASSED by voice vote (6 yes votes).

The meeting was adjourned at 5:38 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 March 31, 2020 special board meeting minutes.

Terry Lilley
Terry Lilley, Clerk
White Lake Township
Oakland County, Michigan