

# CHARTER TOWNSHIP OF WHITE LAKE

## Unapproved Minutes of the Regular Board of Trustees Meeting

September 20, 2016

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

Clerk Lilley called the roll:

Present: Greg Baroni, Supervisor  
Terry Lilley, Clerk  
Mike Roman, Treasurer  
Rik Kowall, Trustee  
Mike Powell, Trustee  
Scott Ruggles, Trustee

Absent: Andrea Voorheis, Trustee

Also Present: Lisa Hamameh, Attorney  
Sean O'Neil, Planning Director  
Jeanine Smith, Assessor  
Aaron Potter, Water Superintendent  
Amy Bertin, Recording Secretary

Clerk Lilley amended the Agenda as follows: Add Item 6D, Treasurer's Report dated 9-20-16.

**It was MOVED by Clerk Lilley, SUPPORTED by Trustee Kowall to approve the Agenda as amended: Add Item 6D, Treasurer's Report dated 9-20-16. The MOTION PASSED by a voice vote (6 yes votes).**

### PUBLIC COMMENTS

Robert Hittinger, 9501 Cedar Island Road, White Lake. He is here tonight on behalf of the old Ron's Market. The building is currently up for sale. He's spoken with the Fire Dept. and an electrician who stated hooking the power up is not really a requirement as there is no occupancy. If they can't sell it within the next couple of months he would like to start working on a new development design plan. It is not sitting idle.

Doreen Considine, 720 Bogie Lake Road. She thanked the Board members for allowing them to use the room for a neighborhood meeting regarding Lake Neva West Canals Weed Control this past week. It was very successful. Blue Water Aquatic came in to answer questions. Two more members are now for the weed control.

#### **CONSENT AGENDA**

- A. LIST OF BILLS**
- B. REVENUE AND EXPENSES**
- C. CHECK DISBURSEMENT REPORT**
- D. DEPARTMENT REPORTS**
  - 1. POLICE DEPARTMENT**
  - 2. FIRE DEPARTMENT**
  - 3. COMMUNITY DEVELOPMENT**
  - 4. TREASURER'S REPORT**
- E. CHILDHOOD OBESITY AWARENESS WEEK 2016**
- F. NATIONAL RECOVERY MONTH - SEPTEMBER 2016**
- G. BUDGET AMENDMENTS**

Trustee Powell commented he recently became aware the Police Dept. does house checks for residents when they are on vacation and will check subdivisions as well. Also, he would request within the Consent Agenda an expense and income report be supplied by the Building Dept. Lastly, he would suggest they change the wording within the Childhood Obesity Awareness Resolution to state "We the Board" rather than "I, Greg Baroni".

**It was MOVED by Trustee Ruggles, SUPPORTED by Treasurer Roman to approve the Consent Agenda as amended. The MOTION PASSED by a voice vote (6 yes votes).**

#### **MINUTES**

- A. AUGUST 16, 2016**
- B. AUGUST 31, 2016**

**It was MOVED by Trustee Powell, SUPPORTED by Trustee Kowall to approve the Minutes dated August 16, 2016 and August 31, 2016 as submitted. The MOTION PASSED by a voice vote (6 yes votes).**

#### **RESOLUTIONS**

- A. RESOLUTION #16-026 AMENDING RESOLUTION IMPOSING WATER MAIN CAPITAL RECOVERY CHARGE FOR CONTRACT NO. 5**

**It was MOVED by Treasurer Roman, SUPPORTED by Trustee Powell to approve Resolution #16-026, Amending Resolution Imposing Water Main Capital Recovery Charge for Contract No. 5 with the correction on Pg. 3, Line 3, and changing Option 1B to 2B. The MOTION PASSED by a voice vote (6 yes votes).**

**B. RESOLUTION #16-027, AMENDING RESOLUTION NOS. 06-037, 07-018  
IMPOSING WATER MAIN CAPITAL RECOVERY CHARGE FOR CONTRACT NO. 6**

It was **MOVED** by Treasurer Roman, **SUPPORTED** by Trustee Kowall to approve Resolution #16-027, Amending Resolution Nos. 06-037, 07-018 Imposing Water Main Capital Recovery Charge for Contract No. 6. The **MOTION PASSED** by a voice vote (6 yes votes).

**C. RESOLUTION #16-028, ADOPTING AMENDMENT TO WHITE LAKE TOWNSHIP CODE OF ORDINANCES, CHAPTER 38, ARTICLE II, SECTION 38-52 AND ADOPTING AMENDMENT TO RESOLUTION NO. 09-047 CONTRACT 8.**

It was **MOVED** by Treasurer Roman, **SUPPORTED** by Clerk Lilley to approve Resolution #16-028, Adopting Amendment to White Lake Township Code of Ordinances, Chapter 38, Article II, Section 38-52 and Adopting Amendment to Resolution No. 09-047 Contract 8 with the correction on Pg. 3, Line 4, and changing Option 1B to 2B. The **MOTION PASSED** by a voice vote (6 yes votes).

**D. RESOLUTION #16-031, OPPOSING THE REGIONAL TRANSPORTATION AUTHORITY OF SOUTHEAST MICHIGAN'S PROPOSED MILLAGE**

It was **MOVED** by Trustee Powell, **SUPPORTED** by Trustee Kowall to approve Resolution #16-031, Opposing the Regional Transportation Authority of Southeast Michigan's Proposed Millage. The **MOTION PASSED** by a voice vote (6 yes votes).

**OLD BUSINESS**

**A. LAKE NEVA WEST CANALS WEED CONTROL AND LAKE IMPROVEMENT**

Clerk Lilley indicated earlier in the week the Township received a letter from Sue and Roger Kolaskinski. To paraphrase the letter, it indicated some people were taken aback because of the lack of information being supplied to the residents of Whispering Meadows. It was determined we needed to be clearer that only the people listed within the SAD are the ones that received notices. There might have been a misconception about who exactly was involved in the SAD.

Christina Garwood, 6105 Whispering Meadows Dr. We believe the Whispering Meadows Association was not included in the SAD by mistake. We have a deed that was filed which shows 2961 ft. of linear water frontage and wetlands is owned by Whispering Meadows Association, adjacent to the area that has been sprayed with chemicals. In addition, she requested from DEQ the permit used for the last two years. She did take personal photos of the current permit at a recent meeting. There are issues regarding that permit. There is not

supposed to be damage to the native wetland vegetation and no treatment is allowed along undeveloped shoreline but both have occurred. Diquat Bromine is restricted to one ton per season before June 15, however it was applied August 4. The affected property owners must be notified seven days before treatment and they were not. Finally, permission to treat requires written permission of all owners every season which was not achieved.

Roger Kolaskinski, 6235 Whispering Meadows. He wouldn't oppose the treatment if it was mandated by the state or federal government. Treatment is not part of their bylaws. His property was supposed to be abutting natural undeveloped wetland. It was never called a lake but rather a pond. This came about because a small group of homeowners tried to get enough support to pay for it and so instituted this SAD. If you decide to approve this SAD he would propose it be allocated based on water frontage rather than divided equally amongst the homeowners. Were there competitive bids obtained and is the cost fair?

Doreen Considine, 720 Bogie Lake Road. There were two bids obtained but one could not do it as there wasn't enough participation. We did not want to apply treatment in front of the homeowners that did not wish to participate. Blue Water Aquatics are one of the best companies around to treat the lake. When you acknowledge there are fifteen members opposing, it might simply mean they were not contacted. At last month's Board meeting there were more members attending who opposed the SAD than didn't. This was due to wording of the letter stating, if you oppose this SAD please attend the hearing. Those in favor thought they didn't have to come in. For 20 years this lake wasn't being treated and every year the weeds became worse. It is not fair others are benefiting from the clean beautiful water without participating in the cost. We would appreciate the help of the Board to collect the funds and facilitate the treatment.

Rex Suffel, 6115 Whispering Meadows Dr. The lake has gone from being an unusable ugly swamp to being a nice looking body of water. This is common sense.

Pat Hagemann, 6199 Brandon Ct. When we moved in we were told it was a no power lake. There were lily pads and wild life. In the last two years, we haven't seen as much wild life. We were told it doesn't damage wild life but it might damage what wild life feeds off of. We were possibly not approached with a petition to create this district because when asked to voluntarily contribute we said no. It seems like as long as they can shove it through, they are happy to let us find out about it after the fact. There are some who stated they are in favor of it but they are renters and therefore not eligible to sign.

Sue Kolaskinski, 6235 Whispering Meadows. Regarding notifying the neighbors, at the last community meeting she gave Mr. Considine her card and told him she would take it upon herself to notify every person on the water that today is when a decision would be made. He

never contacted her so she took it upon herself to write the letter to make sure everyone was aware.

Tiffany Wood, 6155 Whispering Meadows Dr. She was unable to attend the most recent meeting of lake owners. She did try to contact the representative of Blue Water Aquatics on a couple different occasions to find out which chemicals will be used. One of her main concerns is that water feeds the sprinkler system which waters the lawn which goes into the well water which we drink.

Resident. He's been fishing on the lake since he was five years old. He's always caught frogs, snakes and turtles and applying the chemicals hasn't affected that. Also, he now can take out his paddle boat without having to stop every few feet to remove weeds.

Melina Ribikowski, 6125 Whispering Meadows. We moved in six years ago and the lake was really ugly. It has improved a lot. We are in favor of the lake being treated.

Bob Garwood, 6105 Whispering Meadows. We've lived here for 20 years and have never had a problem with the lake, even though others say there are weeds. He never got a petition or received any information. There were problems at the meeting held on Sept. 6 to answer questions about treating the water. There immediately broke out a heated argument regarding who could attend the meeting. Whispering Meadows has some jurisdiction over the area in question. People interrupted and spoke over one another. This is not a reasonable way to come to a consensus or settle an issue.

Mrs. Considine. It is true in the beginning people were talking over one another and we did say it was a closed meeting. We felt the only people who should attend the meeting were those that were lake owners. After a bit people did settle down and we were able to conduct the meeting.

Trustee Roman questioned who ultimately would give permission to this body of residents to treat this water and what would regulate which chemicals they can and can't use. It appears there are some issues here with what areas should and shouldn't be treated. There is no lake board. There is not even a name to the lake. There are a lot of issues and residents who don't want it. For those reasons, he is not going to support this SAD.

Atty. Hamameh reminded the Board this isn't whether the lake should be treated or not, it is whether the Township Board should approve a SAD to pay for it.

Clerk Lilley wasn't confident enough evidence has been presented to show that all 17 people listed are actually in favor of this district. He would like to see more proof of support.

Supervisor Baroni read through the list of those included in the SAD allowing them to state on the record their approval or opposition of the district. It was verified there were 19 in favor and 10 opposed.

Trustee Powell grew up on Union Lake which is a clean, large lake. The areas along the leeward side end up with a great deal of weeds and muck to where it ends up unswimable if the weeds aren't controlled, especially in the canals. He is also the engineer for the Village of Wolverine Lake. They control the weeds in their lake with chemicals and a harvester. The canals off the lake which aren't treated are so jammed with weeds the harvester can't get back in there. Over the years the weeds have filled in so much it is virtually dry land. Now they are looking at ways to demuck the canals, with costs ranging as high as \$250,000. To those opposed to the weed control, if the water disappeared their minds would be changed. This SAD being asked for is not for the Board to give permission for them to weed harvest or treat chemically but to maintain the lake. It is up to them and the DEQ as to how to do that. He believes there is sufficient support for the SAD and he is in favor of it.

Richard Browning, President, Whispering Meadows Association. This is a healthy wetland. Houses are not allowed to be built on the north, east or west side of those wetlands. His concern is whether the chemicals will affect the wetlands. Whispering Meadows should be notified of any changes, modifications or additions of chemicals. It is very important we look at the whole aspect of that body of water, not just the frontage.

Mrs. Garwood. In the Sept. 6 meeting Mrs. Considine stated that some of the people who said yes to the SAD refused to pay. She is concerned that some of the yeses on the list are actually nos.

Clerk Lilley referred to a map showing a 10 or 15 ft. canal connecting the bodies of water. If nothing happens tonight, that canal is going to fill in. In many SAD hearings, people question the chemicals being applied to the lake. Over and again, this Board has to depend on the DEQ as well as the company applying them to say this is what the permit is for.

Treasurer Roman questioned if this Board says no to the SAD can the residents still go ahead and treat the water and was informed yes, they could. He questioned the amount of the admin fee and was told it will be seven percent.

Trustee Powell stated if something isn't done you might end up with no canal at all. He has been representing communities for many years and has gone through hundreds of SADS. Oftentimes, those who are in opposition end up appreciating most what the SAD was for.

Mr. Kolaskinski. If the Whispering Meadows Association owns over 2000 linear feet they should be assessed as well and this SAD should apply to everyone. If this is approved it should

take into account the opinions of all the homeowners in the subdivision that aren't here tonight and weren't asked to be here. They should be affected out of their own pocket because the subdivision owns that portion of the lake that is going to be treated.

Scott Considine. When he and Ms. Smith, the Assessor, sat down with a map to determine who should be involved in the SAD, that piece of property would not benefit whatsoever from this. There is a berm that runs down the side of that canal that divides the wetlands. That is the reason they were left out of it.

It was **MOVED** by Trustee Kowall, **SUPPORTED** by Trustee Ruggles to approve Resolution #16-025, Establishing a SAD for Lake Neva West Canals Weed Control and Lake Improvement, the Public Hearing confirming the roll to take place at the next scheduled Board meeting on October 18, 2016. The **MOTION PASSED** by a voice vote (5 yes votes, 1 no vote - Roman).

#### **NEW BUSINESS**

##### **A. PUBLIC SAFETY ANSWERING POINT AGREEMENT (POLICE DEPT.)**

It was **MOVED** by Clerk Lilley, **SUPPORTED** by Trustee Kowall to approve the Public Safety Answering Point Agreement (Police Dept.), authorizing the Supervisor and Attorney to review and sign the appropriate attachments. The **MOTION PASSED** by a voice vote (6 yes votes).

##### **B. WATER METER COSTS**

It was **MOVED** by Clerk Lilley, **SUPPORTED** by Trustee Kowall to approve the Water Superintendent's recommendations and this item be placed on the next scheduled Board meeting Agenda to start the appropriate amendments to the Fee Ordinance. The **MOTION PASSED** by a voice vote (6 yes votes).

##### **C. VEHICLE PURCHASE (WATER DEPT.)**

It was **MOVED** by Trustee Kowall, **SUPPORTED** by Treasurer Roman to approve the Vehicle Purchase (Water Dept.) subject to review of specifications, amount not to exceed \$40,000. The **MOTION PASSED** by a voice vote (6 yes votes).

##### **D. MEIJER'S WATER TOWER CLEANING**

It was **MOVED** by Treasurer Roman, **SUPPORTED** by Trustee Kowall to approve the Meijer's Water Tower Cleaning Quote through National Wash Authority LLC with Dixon Engineering overseeing the project, amount not to exceed \$12,500, authorizing the Supervisor to sign any contracts associated with the quote. The **MOTION PASSED** by a voice vote (6 yes votes).

**E. JOHN HANCOCK GROUP PENSION RESOLUTION**

It was **MOVED** by Clerk Lilley, **SUPPORTED** by Trustee Ruggles to approve the John Hancock Group Pension, Resolution #16-032. The **MOTION PASSED** by a voice vote (6 yes votes).

**F. MOVIE IN THE PARK FINAL CONTRACT COSTS (PARKS & REC)**

It was **MOVED** by Treasurer Roman, **SUPPORTED** by Trustee Ruggles to approve the Movie in the Park Final Contract Costs (Park & Rec) in the amount of \$1450, authorizing the Supervisor to sign the contract. The **MOTION PASSED** by a voice vote (6 yes votes).

**G. DRAFT 2017-2022 CAPITAL IMPROVEMENT PLAN (CIP)**

It was **MOVED** by Clerk Lilley, **SUPPORTED** by Trustee Powell to approve the 2017-2022 Capital Improvement Plan, Resolution #16-030. The **MOTION PASSED** by a voice vote (6 yes votes).

**H. REZONING FROM (SF) SUBURBAN FARMS TO (LB) LOCAL BUSINESS  
(ORMOND ROAD)**

It was **MOVED** by Clerk Lilley, **SUPPORTED** by Trustee Kowall to approve the Rezoning from (SF) Suburban Farms to (LB) Local Business (Ormond Road), Sidwell 12-19-201-006. The **MOTION PASSED** by a voice vote (6 yes votes).

**I. BRIDGEVIEW ESTATES CONCEPT PLAN**

Trustee Ruggles advised the Board in the past he has rented this property for farming purposes. He was uncertain as to whether that qualified as having a conflict of interest regarding this Agenda item. He has no financial interest in the future plans

It was **MOVED** by Trustee Powell, **SUPPORTED** by Clerk Lilley to allow Trustee Ruggles to participate in any discussion and/or motions concerning the Bridgeview Estates Concept Plan. The **MOTION PASSED** by a voice vote (5 yes votes).

Sean O'Neil, Planning Director. A memo was supplied to the Board members by Nick Balberman and Steven Schafer outlining the concept plan regarding Bridgeview Estates. This is a 45 acre parcel located at the northwest corner of Bogie Lake Road and Cedar Island Road. They are proposing to build 92 units on '70 lots and would like to bring water and sewer to the site. The water lines are proposed to be extended north along Bogie Lake Road from M-59, thus being able to service sites just to the north as well as potentially allowing the school to be connected to municipal drinking water.

This was presented as an FYI item tonight.



#### **J. AUTHORIZATION TO TRANSFER FUNDS TO THE OPEB INVESTMENT FUND**

**It was MOVED by Treasurer Roman, SUPPORTED by Clerk Lilley to approve the Authorization to Transfer Funds to the OPEB Investment Fund in the amount of \$757,500. The MOTION PASSED by a voice vote (6 yes votes).**

#### **TRUSTEE COMMENTS**

Trustee Powell would like to see some changes regarding graveling of the roadways, exploring the possibility of paving some of the gravel road entrances to paved roads. The Kroger presentation was fantastic. It's an amazing facility. The Twin Lakes Village Condo Association met last night regarding repaving their roads. The Condo Association only has the ability to hire a contractor if they have the cash in front of them. We might think about offering to assist by establishing a SAD and using the Township engineer. In recent discussions regarding pathways, it was determined they could tie to the end of the Worthington Project, across the ITC corridor, extending it to the east to the Bogie Lake Road corner. That way it will be extended from Bogie Lake Road almost to the Highland Rec Area. He will be coming to the Parks & Rec Board asking that White Lake Twp. initiate the ITC corridor pathway on our own as Springfield and Commerce aren't in a position to help out.

Clerk Lilley noted people are confused regarding straight party voting. Earlier in the year the Legislature of the State of MI voted to do away with it. However, that was contested in court and it has been upheld that as of November you will be able to vote straight party ticket. A few of us have had an opportunity to talk with the potential developers of the corner of Union and Cooley Lake Road. They have requested the creation of a Public Act 210 District. This will be discussed at the next Board meeting. It is a huge area that needs rehabilitation as well as the fact that there is contamination on some of those sites and the need for water and sewer. This could be an opportunity to create something nice on that corner.

Trustee Kowall stated the Planning Commission also discussed the project proposed on the Union/Cooley Lake corner. The preliminary designs are very exciting and interesting. It would be a nice amenity for the community. In other new projects being considered, the developers have stated they would very willingly participate in the expansion of our water and sewer that would be needed to sustain them.

Treasurer Roman clarified the PA 210 Clerk Lilley mentioned is essentially the builders looking for a tax abatement. He currently has signed and notarized easements from ITC. This has been an ongoing issue for two years. Also, he extended condolences to Scott Ruggles on the recent passing of his grandmother. Scott brought in original tax bills from the 1800s. They are a great piece of history. He will be getting them framed and hung on the walls for display. He would like to say the Board and Library people need to communicate better, especially with

the millage recently passing.

Supervisor Baroni advised there are many exciting upcoming community events taking place at Fisk Farm. There will be the Drive-In Movie and Fright Night along with Trunk and Treats. Also, there will be a Garage Sale taking place in October and in December the Christmas Tree Lighting.

#### **EXECUTIVE SESSION**

##### **A. APPROVAL TO RECESS INTO CLOSED SESSION TO DISCUSS ATTORNEY/CLIENT COMMUNICATION IN ACCORDANCE WITH MCL 15.268 (h)**

It was **MOVED** by Clerk Lilley, **SUPPORTED** by Trustee Kowall to approve adjourning into Executive Closed Session to Discuss Attorney/Client Privilege in accordance with MCL 15.268 (h). The **MOTION PASSED** by a voice vote (6 yes votes).

It was **MOVED** by Trustee Kowall, **SUPPORTED** by Treasurer Roman to approve returning to open session. The **MOTION PASSED** by a voice vote (6 yes votes).

It was **MOVED** by Clerk Lilley, **SUPPORTED** by Treasurer Roman to adjourn the meeting. The **MOTION PASSED** by a voice vote (6 yes votes).

The meeting was adjourned into Executive Session at 10:17 p.m.

I, Terry Lilley, the duly elected and qualified Clerk of the Charter Township of White Lake, County of Oakland, State of Michigan, hereby certify that the foregoing is a true copy of the September 20, 2016 regular board meeting minutes.

  
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Terry Lilley, Clerk  
White Lake Township  
Oakland County, Michigan