

CHARTER TOWNSHIP OF WHITE LAKE

Approved Minutes of the Regular Board of Trustees Meeting

August 20, 2013

Supervisor Baroni called the meeting to order at 7:00 p.m.

Supervisor Baroni led the Pledge of Allegiance.

Clerk Lilley called the roll:

Present: Gregory Baroni, Supervisor
Terry Lilley, Clerk
Mike Roman, Treasurer
Carol Burkard, Trustee
Rik Kowall, Trustee
Scott Ruggles, Trustee
Andrea Voorheis, Trustee

Also Present: Lisa Hamameh, Attorney
Sean O'Neil, Planning Director
Amy Bertin, Recording Secretary

Supervisor Baroni made the following changes to the Agenda: Add Item 6B, Presentation to Chef James Rigato from the Root Restaurant. Under New Business, Item 10L, Professional Fees for Appraisal of 9750 Highland Road. Table Item 10I, Phase One Bid Township Office Parking Lot & Utilities.

Clerk Lilley added two items to the Agenda: New List of Bills dated 8-20-13, Item 10M, Temporary Appointment.

It was **MOVED** by Trustee Kowall, **SUPPORTED** by Trustee Voorheis to approve the Agenda as amended; adding Items 6B, Presentation to Chef Rigato, 10L Professional Fees for Appraisal of 9750 Highland Road, List of Bills dated 8-20-13, and 10M, Temporary Appointment, Table Item 10I, Phase One Bid Township Office Parking Lot & Utilities. The **MOTION PASSED** by a voice vote (7 yes votes).

PUBLIC COMMENTS

Todd Birkle, 332 Rosario Lane, White Lake. He submitted a request on July 3, 2013 regarding the process to select a new law firm for the Township. His overall dissatisfaction with the whole process is the Township has a procurement policy. There is a method called, Request for Qualification, mentioning legal services as a method that can be obtained through this portion of the policy, yet it was not followed. He is not questioning the qualifications of Foster, Swift. He does question the process. Not only has the adopted Township procurement policy been ignored but he questions whether several open meeting violations occurred. Where is the open and transparent government?

Trustee Burkard responded to Mr. Birkle's statement. The state of Michigan's ruling is that any professional services such as architectural, legal, or engineering do not need to go out to bid. They are professional services, not a contract.

CONSENT AGENDA

- A. LIST OF BILLS**
- B. REVENUE AND EXPENSES**
- C. DEPARTMENT REPORTS**
 - 1. TREASURER'S REPORT**
 - 2. FIRE DEPARTMENT**
 - 3. POLICE DEPARTMENT**
 - 4. COMMUNITY DEVELOPMENT**
 - 5. OVERTIME REPORT**

It was **MOVED** by Clerk Lilley, **SUPPORTED** by Trustee Ruggles to approve the Consent Agenda. The **MOTION PASSED** by a voice vote (7 yes votes).

PRESENTATION

A. VFW PRESENTATION OF THE OUTSTANDING EMT FOR 2012 WHITE LAKE

Gerald Gorski, State Surgeon for Veteran's of Foreign Wars for the Department of Michigan. He was presented this award at the state meeting in June. The award is a very big deal. Submissions are made by the posts throughout the state of Michigan, as well as other states and submitted to National Headquarters. A committee decides on the firefighter, policeman and EMT of the year. At the convention, his post and district received all three awards.

Scott Glover, Commander of the VFW Post. He presented Thomas Zaske with an award in recognition and appreciation of his dedicated and selfless service with the White Lake Fire Department. He has demonstrated a record of extraordinary and courageous service to the community and nation. Thomas Zaske is a premier example of all EMTs and this honor reflects the proudest ideals and values of the Veterans of Foreign Wars of the United States.

B. PRESENTATION TO CHEF JAMES RIGATO FOR ROOT RESTAURANT

Clerk Lilley presented Chef James Rigato of the Root Restaurant with an award in recognition and appreciation for everything he has done for the Root Restaurant and White Lake. His enthusiasm, dedication and extraordinary skills has made this community a better place to live.

MINUTES

- A. JULY 16, 2013
- B. AUGUST 6, 2013

It was **MOVED** by Trustee Burkard, **SUPPORTED** by Trustee Kowall to approve the Minutes for July 16, 2013 and August 6, 2013. The **MOTION PASSED** by a voice vote (7 yes votes).

RESOLUTION

- A. **RESOLUTION #13-006, AMENDED RESOLUTION APPROVING THE TRANSFER OF FUNDS FROM THE GENERAL FUND TO THE PHASE 1 SEWER FUND**

Mr. Birkle questioned the dollar amount which is being transferred and was informed that it is \$740,000. A statement was made a year ago by the Supervisor that there was enough money in the fund to pay that bond payment; they just needed to restructure the way they did business. I guess the restructuring to make a payment is transferring money from the general fund.

It was **MOVED** by Treasurer Roman, **SUPPORTED** by Trustee Burkard to approve Resolution #13-006, Amended Resolution Approving the Transfer of Funds from the General Fund to the Phase 1 Sewer Fund. The **MOTION PASSED** by a voice vote (7 yes votes).

- B. **RESOLUTION #13-013, CONFIRMING SPECIAL RE-ASSESSMENT ROLL FOR THE SPECIAL ASSESSMENT DISTRICT DESIGNATED 2011-2015 RESIDENTIAL REFUSE COLLECTION PROJECT**

It was **MOVED** by Trustee Ruggles, **SUPPORTED** by Trustee Kowall to approve Resolution #13-013, Confirming Special Re-Assessment Roll for the Special Assessment District Designated 2011-2015 Residential Refuse Collection Project. The **MOTION PASSED** by a voice vote (7 yes votes).

- C. **RESOLUTION #13-014, TO APPROVE AT&T'S METRO ACT EXTENSION APPLICATION**

It was **MOVED** by Clerk Lilley, **SUPPORTED** by Trustee Kowall to approve Resolution #13-014, AT&T's Metro Act Extension Application. The **MOTION PASSED** by a voice vote (7 yes votes).

OLD BUSINESS

- A. **APPROVAL TO VIDEO TAPE BOARD MEETINGS**

Trustee Burkard is happy to give video taping a try. But during an election year, she would hate to have it become a platform for grand standing.

Jean-Philippe Loew, 247 Rosario Lane. He questioned whether the meetings could be put into the formatting of YouTube for people to download and watch at their leisure. He was informed this was possible or also a link can be provided on the Township's web site.

Trustee Kowall agreed with Ms. Burkard's comments that video taping should be exempted during an entire election year and/or from the date of the filing of petitions as it can be disruptive to Township business.

It was **MOVED** by Trustee Burkard, **SUPPORTED** by Trustee Voorheis to approve the Video Taping of Township Meetings. The **MOTION PASSED** by a voice vote (7 yes votes).

NEW BUSINESS

A. FIRST READING, AMENDMENT TO FIREWORKS AND SAFETY ACT ORDINANCE

It was **MOVED** by Trustee Kowall, **SUPPORTED** by Trustee Voorheis to move to Second Reading, Amendment to Fireworks and Safety Act Ordinance. The **MOTION PASSED** by a voice vote (7 yes votes).

B. PURCHASE OF THERMAL IMAGING CAMERAS (FIRE DEPT.)

It was **MOVED** by Trustee Kowall, **SUPPORTED** by Trustee Burkard to approve the Purchase of the Thermal Imaging Cameras (Fire Dept.) in the amount of \$22,346.00. The **MOTION PASSED** by a voice vote (7 yes votes).

C. UPGRADE IN-HOUSE VIDEO SYSTEM (POLICE DEPT.)

It was **MOVED** by Clerk Lilley, **SUPPORTED** by Trustee Kowall to approve the Upgrade of In-house Video System (Police Dept.) in the amount of \$13,090.69 from the Drug Forfeiture Fund. The **MOTION PASSED** by a voice vote (7 yes votes).

D. ARCHITECTURAL PROPOSAL FOR FAÇADE RENOVATION CONSTRUCTION DRAWINGS

It was **MOVED** by Trustee Kowall, **SUPPORTED** by Trustee Burkard to Table the Architectural Proposal For Façade Renovation Construction Drawings for further fact finding. The **MOTION PASSED** by a voice vote (7 yes votes).

E. DUBLIN DUMPSTER ACCESS DRIVE BIDS

It was **MOVED** by Trustee Burkard, **SUPPORTED** by Treasurer Roman to approve the Dublin Dumpster Access Drive Bids to be done by Pro-Crete with a contingency in the amount of \$7173.82. The **MOTION PASSED** by a voice vote (6 yes votes, 1 no vote-Lilley).

F. DUBLIN SIDEWALK BIDS

It was **MOVED** by Treasurer Roman, **SUPPORTED** by Trustee Burkard to approve the Dublin Sidewalk Bid to be done by Pro-Crete as well as a survey to be done by J&A for costs not to exceed \$6424.00. The **MOTION PASSED** by a voice vote (7 yes votes).

G. GATEWAY COMMONS FILE NO. #13-011

It was **MOVED** by Treasurer Roman, **SUPPORTED** by Clerk Lilley to approve the Preliminary Site Plan for the Gateway Commons File #13-011. The **MOTION PASSED** by a voice vote (7 yes votes).

H. GATEWAY COMMONS, ORDINANCE NO. 88 PERMIT

Sean O'Neil, Planning Director, read into the record a memo written by him to the Board members dated August 12, 2013 regarding Gateway Commons and Ordinance No. 88.

Supervisor Baroni stated that the issuance of this permit application should be considered under Ordinance No. 135 to help move the project forward. It is a win/win situation for all involved. The Board made a decision back in May to issue an ultimatum to the White Lake Presbyterian Church to clean up their property by the end of the year. This will aid them in achieving that as Gateway Commons has a need for their dirt. Also, the building currently on that property is an eye sore as well as a safety hazard to the residents.

It was **MOVED** by Trustee Kowall, **SUPPORTED** by Trustee Burkard to direct the Planning Department to proceed with consideration of a permit application for Gateway Commons under Ordinance No. 135 per Supervisor Baroni's comments as stated above, reserving the right to review the site after one year. The **MOTION PASSED** by a voice vote (7 yes votes).

J. REPLACEMENT OF ROOF-TOP HEATING AND COOLING UNIT

It was **MOVED** by Treasurer Roman, **SUPPORTED** by Trustee Burkard to approve replacement of the Roof-top Heating and Cooling Unit. The **MOTION PASSED** by a voice vote (7 yes votes).

K. DISCUSSION OF SALE OF VARIOUS TOWNSHIP PROPERTIES

It was **MOVED** by Treasurer Roman, **SUPPORTED** by Clerk Lilley to approve Supervisor Baroni contacting Fox Bay Association regarding the sale of the River Dale Sub Lot 16. The **MOTION PASSED** by a voice vote (7 yes votes).

L. PROFESSIONAL FEES FOR APPRAISAL OF 9750 HIGHLAND ROAD

It was **MOVED** by Clerk Lilley, **SUPPORTED** by Trustee Burkard to approve the **Professional Fees for the Appraisal of 9750 Highland Road. The MOTION PASSED** by a voice vote (6 yes votes, 1 no vote-Roman).

M. TEMPORARY APPOINTMENT

Clerk Lilley had some comments to make concerning the appointment of a temporary chief for the Fire Department. For several months there have been numerous discussions concerning the Fire Dept., many dealing with morale. He was taken aback by the fact that it was even an option to go outside to hire someone temporarily to manage the department. It is difficult to imagine what could be accomplished by that person in 30 to 90 days. He is in a difficult position with Capt. Lilley being his son. The Board should have had the opportunity to have input into the discussion. There are many difficulties in a man getting to the top rank in their department and having to take a pay cut in the position. This issue has greatly troubled him since learning of it. He voiced his concerns at the Civil Service Commission hearing this morning and was glad to have an opportunity to discuss it again this evening.

Trustee Burkard was under the impression that Capt. Lilley turned down the position of chief for financial reasons. You can't consider overtime as your pay. A chief doesn't get paid overtime. Clerk Lilley is in a difficult position with the conflict of his son being in the position of captain. If there is an issue of concern, go to the supervisor and talk to him. According to Act 78, it is the supervisor's role to appoint.

Clerk Lilley understands the role of the Civil Service Commission and the role of the supervisor. But when it comes to spending money, creating and funding a part-time position, this should have been discussed with the Board. The supervisor doesn't have authority to spend money without Township Board approval.

Supervisor Baroni did first speak with two individuals within the Fire Department. They both turned down the opportunity. At that time, he also received several grievances within the Fire Dept. which needed to be responded to. He was forced to go to the outside to select a candidate. The Civil Service Board did an interview. A chief is needed. The Board is here for legislative type issues, not administrative. As supervisor he is responsible for personnel issues.

Trustee Kowall was also taken aback by the decision. As a Board member, when it comes to a decision such as this which affects the Township in a large way, it may have been a consideration to consult the Board members for an opinion as to a possible resolution.

Treasurer Roman expressed concerns over hiring an interim Fire Chief from outside the department.

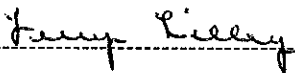
John Kulhavi, President of the Civil Service Board. We have no authority for spending. We publish eligibility lists based upon a criteria established by the Township Board. The position was first offered to the ranking man, Ted Lilley. He declined. Then the second ranking man declined. At that juncture, the Civil Service Board was tasked with finding a temporary chief. The gentleman we found is very, very qualified. Hopefully, the Township will benefit from it.

ADJOURNMENT

It was **MOVED** by Trustee Kowall, **SUPPORTED** by Trustee Voorheis to adjourn the meeting. The **MOTION PASSED** by a voice vote (7 yes votes).

The meeting was adjourned at 9:36 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 August 20, 2013 regular board meeting minutes.



Terry Lilley, Clerk
White Lake Township
Oakland County, Michigan