



4393 Collins Road  
Rochester, MI 48306  
(248) 651-9260  
(248) 601-0106 (FAX)  
[www.paintcreektrail.org](http://www.paintcreektrail.org)

**REGULAR MEETING of the PAINT CREEK TRAILWAYS COMMISSION**  
**Paint Creek Cider Mill Building**  
**4480 Orion Road, Rochester, Michigan 48306**

**CALL TO ORDER:** The Tuesday, February 20, 2018 meeting was called to order by Chairperson Becker at 7:00 p.m.

**Voting Members Present:** Rock Blanchard, Susan Bowyer, Frank Ferriolo, Hank Van Agen

**Voting Alternates Present:** David Becker

**Non-Voting Alternates Present:** Lynn Loeb, Martha Olijnyk

**Village of Lake Orion Non-Voting Member Present:** Brad Mathisen

**Voting Members Absent:** Linda Gamage, Kim Russell, Donni Steele, Jeff Stout

**Alternates Absent:** Chris Barnett, Robin Buxar, Ben Giovanelli, Chris Hagen, Jenny McCardell

**Village of Lake Orion Non-Voting Alternate Absent:** Shauna Brown

**Others Present:** Kristen Myers, Trail Manager, Chris Gray, Assistant Trail Manager, Sandi DiSipio, Recording Secretary

**PLEDGE OF ALLEGIANCE:** All rose and recited the Pledge.

**APPROVAL OF AGENDA:** An update on the Bridge Project and discussion of the Tree Removal RFQ that was distributed today was added before the Manager's Report.

**MOTION** by Bowyer, seconded by Van Agen, ***Moved***, to approve the February 20, 2018 agenda as amended.

Ayes: All      Nays: None

**MOTION CARRIED.**

**PUBLIC COMMENT:** No public comment was heard.

**CONSENT AGENDA:**

a. Minutes – January 16, 2018 Regular Meeting, approve and file

b. Treasurers Report – January 2018, receive and file

**MOTION** by Ferriolo, seconded by Blanchard, ***Moved***, to approve the Consent Agenda as presented.

Ayes: All      Nays: None

**MOTION CARRIED.**

**APPROVAL OF INVOICES:** Ms. Myers presented the invoices in the amount of \$22,036.50. In addition to the recorder's monthly fee, this amount includes Foster Swift legal services to review the Village of Lake Orion membership, Ramie Phillips' services for the 2017 Financial Audit, Mannik Smith Group services for Phase 1 of the Bridge Renovation design services (which has been reimbursed by Oakland Township Parks), Trail Summit conference registration and maintenance manual, staff postage and the annual website database storage cost. Estimated unrestricted fund balance is approximately \$100,000.

**MOTION** by Bowyer, supported by Van Agen, ***Moved***, that the invoices presented for payment are approved in the amount of \$22,036.50 and orders be drawn for payment.

Ayes: All      Nays: None

**MOTION CARRIED.**

**APPROVAL: 2017 Audit:** Ms. Myers noted Commissioners received copies of the audit in the mail and it was posted on line. Mr. Phillips indicated the assets of the Commission exceeded its liabilities by \$690,689, of which \$100,707 was unrestricted and \$2,465 was restricted. The remaining \$587,517 reflects the investment in capital assets. The Commission increased fund balance by \$6,742. Mr. Phillips found there were no expenditures over budget and that the Commission is in compliance with managing their budget. He indicated that the Bridge Renovation Project is noted correctly as a special project budget and not part of operations. As far as the fund balance recommendation – Mr. Phillips recommends that the Commission keep a minimum of three months worth of expenses in fund balance; no less than \$25,000. Mr. Phillips also prepared a letter explaining what he encountered while doing the audit. He is very happy with the way the books are kept; everything is consistent and clear, and representations are correct. The Chairperson noted the auditor’s letter indicates no deficiencies. The Commission thanked the staff for handling the budget in such a good manner and providing the information to the auditor. Regarding the recommendation of the fund balance, Mr. Ferriolo indicated he is comfortable with it, is nice to have it in writing, and would like to put the issue to bed. Ms. Myers mentioned that last month, Ms. Russell commented the Commission should have an actual policy, and asked if the Commission wanted her to draft a policy for review. It is the consensus that a written policy is not needed, as long there is an understanding about the \$25,000 (or 3 months) minimum. It was also suggested that Ms. Young take a look at the audit.

**MOTION** by Bowyer, seconded by Blanchard, *Moved*, to receive and file the 2017 audit report and request that Mr. Phillips transmit it to the Local Audit and Finance Division of the Michigan Department of Treasury.

Ayes: All      Nays: None

**MOTION CARRIED.**

**UPDATE: Lake Orion Membership & Trail Extension:** Mr. Becker explained the Committee is now working on the final report for the Commission, and it will be presented to the Commission at the March meeting. The Commission will have a month to review the report, and vote on the recommendation at the April meeting. If there are any questions to be answered by the Committee or documents the Commission needs to review, please let him know. Mr. Ferriolo understands that a discussion will not occur tonight, as Lake Orion members are not present, but asked for an explanation of what happened at the last two meetings to make progress toward the resolution. Chairperson Becker wants to make sure when the Commission hears something it comes from the whole Committee and not from him personally. What the Committee is thinking will be apparent in their report. If the Commission does not like the report, it can ask for modifications, it can reject it in whole, or accept it. Mr. Ferriolo asked for a summary of what progress was made in the last two Committee meetings for the benefit of the Commission. Mr. Becker indicated the Committee discussed answers to the questions that the Commission posed to the Lake Orion Committee regarding whether a resident of the Village is also a resident of the Township. Mr. Van Aagen added they discussed taxes, voting, the relationship between the Village and the Township, and can the Township appoint a Village resident. The other question was who owns the easement for the proposed property. The Village assured that both the DDA and the Village held it, because the DDA is sub-unit of the Village. The DDA can give the Commission the license agreement, because according to the attorney, they are not separate entities. The Village was given the Commission’s questions to answer at the meeting before the last. Mr. Blanchard stated the Committee got together for an hour or so and had their questions answered by the Village, but were also looking at ways of presenting this information to the Commission and getting more information to include with the report, e.g. taxes showing if you live in the Village you pay Township taxes. The Commission will have a month to review the report before voting on it. The attorney consulted the Michigan Constitution and believes the citizens of the Village are also citizens of the Township. Mr. Becker is trying to get a copy of a sample election ballot to show that the residents of the Village vote for the Township trustees. He stated that the Village pays taxes to the Township, therefore they are residents and contribute to the Trailway Commission. The Township is a member of this Commission. The report will be presented next month.

**UPDATE: Limited Use Permit Ad-Hoc Committee:** Mr. Van Agen reported the Committee met last week. Their role is not to limit access to the trail, but make it safe for access. The policies in place protect trail property and users. The Committee feels they should be looking at encroachments as a case by case study. The Commission is issuing a limited use permit, but there not an application process. Typically, when you're issued a permit, there's an application involved with it specifying location and acknowledging receipt of documents detailing what the encroachment is and ramifications involved. It should also include drawings of what the applicant would like their access to be, including materials, specifying they can't alter the terrain, and a timeline from the time they submit the application to the time of completion of the access for approval. They don't feel they need to create more rules, and no need to modify the encroachment procedures already in place. There seems to be an issue with people not knowing where their property starts and stops, and not realizing there's an encroachment issue. Perhaps notifying everyone once every couple of years, what stipulations to the trail are and what that means – perhaps a general mailing or a newsletter. If there is an encroachment, it's the Commission's responsibility to notify the owner, but it's also the owner's obligation to know their property lines. Ms. Bowyer added they talked about the application process – the owner would apply for an application and the Commission would look at what they wanted to do. The Commission would approve them moving forward, but there would be steps that the Commission would approve along the way. At the end, it would come before the Commission for final approval of the permit. Ms. Olijnyk suggested a section on the permit that asked if there was a space for multiple user access points to the trail. Ms. Bowyer commented that it's not our right to limit access to anyone on the trail, just to make sure their access is safe, fits in with the nature and doesn't destroy the trail. Mr. Becker asked if the Committee did discuss whether it could limit the number of use permits. Mr. Van Agen said they kind of discussed it, but it's like limiting a person on a lake access to the lake from their property. He is not interested in telling one person they can have access, but saying no to the next one. It's something the Committee can think about, but being public entity, we give up some of those rights for denying access. You can't deny access to a lake because it's owned by the State, but we do own the trail. Mr. Becker suggested getting a legal opinion. Ms. Olijnyk feels the Commission can limit access if they want to, but might not want to pursue that option. Mr. Ferriolo asked if there is something they can deal with, with respect to the structure or width of the path, to get around this issue. If we can't, the question shouldn't be on the application. Mr. Van Agen indicated most subdivisions already have open access spaces so that other residents aren't encroaching on their property to get back and forth from somewhere. Ms. Loeb commented that most encroachments are ignorance – but ignorance does not give someone the right to encroach. She asked why the municipalities building departments aren't getting involved to judge whether the access is safe or not. The homeowner should be securing a permit. Mr. Van Agen agreed the point about is well taken about structures, but it's trail property they are building on and the onus would be on the Commission. Once they touch trail property is the issue – if they are building something on our property that is what we have to watch and may want to limit the scope and nature of what is being put on trail property. That's why this review should be on a case by case study so the Commission can recommend how it should be done in the safest possible way that protects the trail and the users. Ms. Myers indicated with the limited use permit, the paperwork the owners sign says the trail is not responsible for anyone getting hurt. Chairperson Becker is convinced the Commission does not have to let anyone build anything on trail property unless it is approved. He believes the Commission can permit a maximum amount of private accesses, and then stop. He suggests the Committee consider if they want to allow access from every house, and if not, how could access be limited. As part of the policy, the Committee should make sure the accesses have minimum impact on the nature of the trail. What the Committee has come up so far is very good, and the Chair asked the Committee to come back with a written report for the March meeting. Mr. Blanchard feels for the good of the trail and the safety of the users, it's important to try to have fewer access points serving more people. Mr. Ferriolo feels that maybe the Commission can't limit the access just on the premise of limiting access, there has to be an

overriding impact on the welfare of the trail that overrides the ability to limit. It is the consensus for the Committee to continue to discuss and come back with recommendations.

**PRESENTATION & DISCUSSION: Cider Mill Gateway Project/Moutrie Memorial:** Ms. Myers indicated the Friends group hired Earth Environments to come up with ideas for the Moutrie Memorial project. When Ms. Myers met the company on site, they discussed other ideas on how to make the whole area look nice with a pocket park for path and trail users. Knowing the Commission wants something very low impact, they came up with several creative designs. Ms. Myers contacted the Oakland Township Safety Path Committee because they are the ones that funded the Cider Mill connector on the concept, and they have given their blessing on the project. They indicated that Ms. Buxar had been working on an idea on the other side of the parking lot. Ms. Buxar reviewed the concept, liked the idea and indicated the Township may consider pursuing improvements on the other side to get access to the water. Ms. Myers explained the goal is to get initial feedback, give it back to the Friends Group and Earth Environments, have them update the video and bring it back to the Commission – or bring it to the Improvement Subcommittee. The Subcommittee could look at the idea, make suggestions and bring it back to the Commission. It would be nice to get started on the project in the fall or the following spring. This would also give the Friends Group more opportunity for fundraising towards the cost. Ms. Myers likes the idea of the bronze bicycle, but not the big “in honor of” cement monument. The bike could be a little smaller and part of the garden. In place of the monument, install an interpretative display that talks about the native plants on the trail. Other areas could accommodate bird houses and information about birds on the trail in honor of Mr. Makris. Oakland Township Parks and Recreation staff likes the plan and agreed to help with a low-maintenance native plant garden. Mr. Becker suggested a site visit to the project area to get a feel for the area would be very helpful. Ms. Myers indicated the Friends Group received in-kind services from Earth Environments for the video, and were very thankful for the cost savings. The Commission then viewed the video of the draft options for the project. There is an area for stone seating, and across from that, an interpretative site showing some Michigan hardwoods. Mr. Blanchard likes the idea and commented it has grown substantially since the initial idea to become more than just a memorial to Mr. Moutrie. His concern is that honoring other important people in the future may become an issue. Perhaps this area could be a memorial park to honor people who have contributed to the trail in many ways rather than just one person. There are other projects on the trail in the works, so perhaps this project could be done in phases. Ms. Myers explained the whole project is not the Moutrie project, only the \$4,000 that was raised by donations for the flower bed area. Any sign with native plant information could have “in honor of David Moutrie” at the bottom. Commissioners feel the bronze bicycle is a great idea. Mr. Ferriolo said the consultant did an excellent job on the presentation. He feels this project gives the trail pizzazz and makes the trail more of an attraction and focal point. It enhances the trail and he is very excited about this project. Ms. Bowyer agrees, suggests the bird houses not be located too close to the trail and focus on the flower garden first. Ms. Myers commented that a local organization had given the Friends Group \$5,000 toward the educational side path near Tienken and feels they may be willing to move that money toward this project. The Friends have also raised some restricted funds for interpretative displays – they’ve already come with about \$13,000 that could be used to fund this project. Ms. Myers also likes the idea of using some part of the bridge remnants near the garden. The project cost is estimated at \$88,000. She feels if anything can be taken out of the project due to cost, the Timber Talk Display at \$27,000 which includes a lot of foundation work, could be viewed as unnatural to the trail and too much at one location, could be removed. Mr. Ferriolo doesn’t feel we should pursue pulling a lot of ideas out of the project; that is a consideration that comes down when the Commission ends up only at \$60,000 or so for the project. Then it should be determined if there’s anything that could be removed. If the concept will be used to try to solicit additional funding, we will be limiting ourselves. It doesn’t serve the Commission well to be too conservative. Mr. Van Agen likes the natural wood for the Timber Talk Display, but is concerned about the maintenance aspect. Mr. Becker commented that Mr. Moutrie was a quiet and modest person, and feels that anything that

honors him should kept conservative. When the side path was proposed near Tienken, the residents of Kings Cove did not want to mess with the natural beauty of the trail. His instinct right now, is that this concept may be a little overwhelming. He loves the concept as long as it doesn't mar the beauty of the trail in constructing it. Ms. Myers will meet with the Community Foundation of Rochester to research fund raising efforts. She also plans to meet with the Moutrie family to get their feelings about the project. Ms. Myers spoke with the designer and if the project was divided into phases as a cost and effort saving measure, he suggests the garden area and foundation work for some of the other areas first. He could come up with costs for each phase. She suggests the garden first, and then the boardwalk, followed by the Timber Talk Display. It was the consensus to remove the proposed totem poles and the cage on the overlook. Ms. Myers will meet with the designer to discuss changes, explore optional materials for the interpretative displays, and suggested the redesigned plan be taken to the Improvement Subcommittee for review.

**DISCUSSION & APPROVAL: Trail Neighbor Outreach/Communications Program:** A memo is included in the packet. Ms. Myers indicated the Commission discussed developing a Communication Program regarding the upcoming Bridge Replacement and Resurfacing Projects. She contacted the County and requested their assistance. They provided a database of almost 1,200 names and addresses for adjacent neighbors along trail property lines, including all Kings Cove residents and some other condo complexes, so maybe 200 names could be removed from that list. She thinks it would be appropriate for this year to develop a professionally done newsletter to send to all the neighbors describing what projects are going on (everything is listed in the memo). The mailing could also talk about encroachments and a "MailChimp" e-mail service they could subscribe to. There is no cost to the Commission if there are less than 2,000 subscribers. This would be a way to keep postage costs down and keep the neighbors engaged in what's happening on the trail. She asked for direction from the Commission in terms of a Communications Program. Mr. Ferriolo thinks it's fine and it should cost around \$2,000. Because of the bridge situation, it makes sense to reach out to the neighbors this year, but not necessarily every year. Ms. Myers will look into getting a government bulk mailing prices. Ms. Bowyer agreed it's great to do this year, and it would be great to find someone who would develop the piece for free. Her subdivision mails information quarterly, and offered to send Ms. Myers a template to work with. Mr. Blanchard suggested it be a front and back page flyer, inviting the residents to look at the website for more information and to sign up for an email list for future communications. It was suggested that the piece itself be a mailer to keep costs down. Ms. Myers will bring a draft to the next meeting.

**TREE REMOVAL/BRIDGE PROJECT:** Ms. Myers explained as part of the bridge project a lot of trees need to be removed. Because of the Indiana Bat, these trees need to be removed by April 1<sup>st</sup> otherwise the Commission would have pay for a bat survey to make sure none of the trees are homes for bats. Ms. Myers has been working with Ms. Milos-Dale for the past month on the most appropriate time to remove the trees. It makes more sense to put out an RFQ for removal. The RFQ was posted today and is due back Monday. The work needs to be done between March 1 and March 31. It is anticipated to be below \$10,000. Because of the joint agreement, Ms. Milos-Dale was suggesting a joint meeting next week. If the Commission doesn't mind, a resolution could be passed by the PCTC supporting the lowest qualified bid, as long as the conditions are met, and there would not be a need for a special joint meeting. Ms. Myers explained the Commission will pay the cost, and Oakland Township will reimburse the cost, and then it will be submitted to the Trust Fund to get the 40% reimbursement. The Trust Fund will be paying 40% and Oakland Township will pay 60%.

**MOTION** by Blanchard, supported by Ferriolo, *Moved*, to accept the lowest qualified quote for the 2018 Paint Creek Trail Tree Removal RFQ, as part of the Paint Creek Trail Bridge 33.7 Renovation project, with the following conditions:

1. The tree removal work will cost under \$10,000;

2. The Oakland Township Parks and Recreation Commission approves the same lowest qualified quote and accepts the contract;
3. The Bid Tabs will be submitted to the DNR Grants Coordinator;
4. The DNR Grants Coordinator approves accepting the lowest qualified quote;
5. The invoice will be submitted for partial reimbursement to the MNRTF at the appropriate time, and
6. If Trail Manager Myers and/or Chairman Becker have concerns about the OTPRC approval of the contract, or scope of work, the PCTC can have a special meeting the first week in March to discuss it.

Ayes: All      Nays: None

**MOTION CARRIED.**

**MANAGER'S REPORT:** Ms. Myers added nothing In addition to her written report. Mr. Blanchard requested additional information about Senate Bill 596.

**COMMISSIONER REPORTS:** Ms. Myers was thanked for sending information about the e-bikes legislation. Mr. Becker read an email from Ms. Steele who is not in attendance stating the Orion Township Board will discuss bidding for Fire Station #1 renovations tonight, currently \$800,000 higher than projected. These renovations include extension of the parking lot and public bathrooms. The DDA is working on their 2018-19 annual budget that includes cost sharing of these expenses, maintenance of the trail, and patrolling expenses.

**ADJOURNMENT OF REGULAR MEETING:**

**MOTION** by Bowyer, seconded by Blanchard, *Moved*, to adjourn the Regular Meeting at 8:55 p.m.

Ayes: All      Nays: None

**MOTION CARRIED.**

**NEXT MEETING: March 20, 2018 at 7:00 p.m. – Paint Creek Cider Mill**

Respectfully submitted,

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KRISTEN MYERS, Trail Manager

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HANK VAN AGEN, Secretary