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REGULAR MEETING of the PAINT CREEK TRAILWAYS COMMISSION

City of Rochester Municipal Offices
400 Sixth Street, Rochester, Michigan 48307

CALL TO ORDER: The Tuesday, June 20, 2017 meeting was called to order by Chairperson Becker at 7:00 p.m.

Voting Members Present: Rock Blanchard, Frank Ferriolo, Linda Gamage, Kim Russell (*enter 7:05 p.m.*), Hank Van Agen, Alice Young

Voting Alternates Present: Jim Kubicina, Donni Steele

Non-Voting Alternates Present: David Becker, Lynn Loeb

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

Voting Members Absent: Brian Birney, Susan Bowyer

Alternates Absent: Robin Buxar, Ben Giovanelli, Martha Olijnyk, Lisa Sokol, Richard Schultz

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

Others Present: Kristen Myers, Trail Manager, Chris Gray, Assistant Trail Manager, Jeff Stout, new Orion Township Citizen Rep, Chris Hagan, new Orion Township Alternate Citizen Rep, Cheryl Gregory, Spalding DeDecker, Sandi DiSipio, Recording Secretary

PLEDGE OF ALLEGIANCE: All rose and recited the Pledge.

APPROVAL OF AGENDA:

MOTION by Blanchard, seconded by Kubicina, *Moved*, to approve the June 20, 2017 agenda as presented.

Ayes: All Nays: None

MOTION CARRIED.

PUBLIC COMMENT: No public comment was heard.

CONSENT AGENDA:

a. Minutes – May 16, 2017 Regular Meeting, approve and file

b. Treasurers Report – May 2017, receive and file

MOTION by Gamage, seconded by Van Agen, *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 \$17,681.99. This amount includes the recorder's monthly fee, attorney services for AT&T License Agreement, Facebook advertising for National Trails Day and Logo Design Contest, MMRMA Insurance Premium, Turner Sanitation vault restroom cleaning for May, 2017, Staff 1st Quarter shared copier costs, and 2nd Quarter wages and FICA for the Manager, Assistant Manager and Bike Patroller positions. Estimated unrestricted fund balance is estimated at \$97,000.

MOTION by Young, supported by Gamage, *Moved*, that the invoices presented for payment are approved in the amount of \$17,681.99 and orders be drawn for payment.

Ayes: All Nays: None

MOTION CARRIED.

TEMPORARY PERMIT REQUEST: Orion Fire Fighters Association 5K, October 7, 2017: Ms. Myers introduced Chris Hagan, a member of the Fire Fighters Association, and a new Citizen Alternate Rep replacing Lisa Sokol on the Commission. The 5K will start near Children's Park, proceed to Clarkston Road and back. Ms. Myers recommends the Commission waive the application fee as they are a member agency, but still needs insurance paperwork. Mr. Hagan explained the Orion Fire Fighters Association is an NPO, which is a subset of the Fire Department. It allows them to host fund raisers and events to get funding back into the community. They do a lot of scholarship funding for high school students looking to do emergency services as a career path. They also participate in holiday meals for needy families and Shopping with a Hero at Christmas. The date is right before Fire Prevention Week, so it will be a great kick-off for that event.

MOTION by Blanchard, seconded by Kubicina, *Moved*, to approve the temporary permit for the Orion Fire Fighters Association 5K event on October 7, 2017, waiving the application fee, and pending receipt of insurance paperwork.

Ayes: All Nays: None

MOTION CARRIED.

UPDATE & APPROVAL: 2016 Audit: Ms. Myers stated there is a memo in the packet regarding the answers to the Commission's questions about errors last month. The auditor was to make the corrections and she was told last Tuesday that the revised bound copies would be shipped on Wednesday. Ms. Myers also requested an electronic copy of the revised audit so it could be forwarded to the members for review prior to this meeting. She has not received the copy or a response, and made another request today which has also gone unanswered. Ms. Myers is a little concerned as the audit needs to be submitted to the State by June 30th. The Commission does not have anything to approve, and it will be late if it needs to come back to the July meeting for approval. There is no financial penalty, but she feels the Commission gave the auditor enough time to complete the report. She has not mailed the check approved last month until the report has been received. Chairman Becker suggested that if the report is received next week, that the Trail Manager be able to administratively approve it and send the audit to the State. The revised audit could be placed on the July meeting. Ms. Young offered to review the revised audit with Ms. Myers. Ms. Young commented that she does not feel the Commission should use this auditor next year, and the Commission should either go out for a new RFP or, since the Commission just went out for the RFP last year, the respondents could be considered for next year. Ms. Young stated she has never seen an audit as bad and full of careless errors as the one they did.

MOTION by Russell, seconded by Van Agen, *Moved*, that this issue should be put on a future agenda, the check should not be submitted until the revised audit is received, and a letter be sent about the Commission's dissatisfaction, and that we will not require their services in the future. No vote was taken on this motion

Ms. Gamage asked what the recourse is if the revised audit is not received in time to send to the State. Ms. Myers indicated she feels the auditor will not risk their reputation and submit the revised audit in time. Mr. Blanchard feels the Commission should not take any action until the revised audit is received. It is the consensus to wait until the next meeting to take any action. Ms. Russell suggested this issue be postponed.

MOTION by Van Agen, seconded by Blanchard, *Moved*, to postpone Commission approval on this issue until the July meeting.

Ayes: All Nays: None

MOTION CARRIED.

UPDATE: Village of Lake Orion membership on Paint Creek Trailways Commission: Ms. Myers indicated a legal opinion was received by the attorney confirming that all four communities will have to approve adding another entity. Mr. Becker indicated the subcommittee has met three times and has been active in trying to make a recommendation about this issue. The subcommittee consists of Mr. Blanchard, Ms. Steele, Mr. Van Agen, Mr. Mathisen and Mr. Becker, with Ms. Myers and Ms. Gray attending. Mr. Young, Ms. LaLone and Mr. VanPortfliet have also attended these meetings. The Committee is leaning toward the idea of recommending the extension of the trail to Children's Park. Where the trail ends at Atwater is very unattractive, and by going to Children's Park it will be a much more attractive trailhead. The mile extension goes through mostly a park-like setting, so it will be a beautiful extension. A recommendation will be made in the future. At the last meeting, discussion was started about under what circumstances the Village will be admitted into the Commission. Financial contingencies were brain-stormed. This discussion will be continued at the next meeting. The subcommittee is leaning toward the idea that it's advantageous to the Commission, the users and to Lake Orion to have them be admitted. As far as ownership, it seems the most likely proposition would be an easement because that section of the trail belongs to Lake Orion. It's actually their sidewalk. Mr. Becker is not sure if they will be able to or would be willing to deed that over to the Commission. An easement might be satisfactory to the Commission. He does not know what the recommendation will be. Mr. Ferriolo suggested that the members be provided a more detailed map as to where the sidewalk is and where it goes as he would like to walk the site. He is not for the extension being part called the Paint Creek Trail because he doesn't see this as any different as the extension going into Rochester that is not called the Paint Creek Trail. He feels it's degrading to the concept of what the Paint Creek Trail is all about. Ms. Steele suggested members take a field trip to see the positive addition that this extension would be, and make a decision based on an open mind. There is a lot of time between now and when a decision needs to be made. Mr. Ferriolo doesn't have a problem with developing the sidewalk that is there, the problem is it's not the Paint Creek Trail. It was suggested that the members all take a site visit with Ms. LaLone of the DDA to get some history of the area. The pros and cons of this extension need to be summarized before a recommendation is made. Mr. Becker reiterated that only about 10% of the subcommittee's charge has been completed – there is a lot more work to do before a recommendation is made. Mr. Blanchard agreed that it would be good for the Commission to make a visit to the site, and forward any pros and cons of the issue to the subcommittee to be looked at. He agreed there is a lot of work to be done, and is not completely sold on the idea yet as there are a lot of unknown answers to many questions. Ms. Young also reminded the members that the citizens of the Village of Lake Orion pay taxes just like the citizens of Orion Township, so they are already a paying member. Ms. Myers pointed out that there is a representative from each community on the subcommittee who is keeping their own community's best interest at heart. The Village Manager did say they are willing to make a financial commitment to the Commission, but the details must be worked out. They want to be a member of the Commission. She asked that if anyone has questions or comments, to submit them to staff or the subcommittee so these points can be kept in mind moving forward. Even though the subcommittee has said they are moving in one direction, they are going very slow on the idea. The Commission has the final say relative to whatever recommendation is made.

DISCUSSION: RFP Engineering Design Services – Paint Creek Trail Bridge 33.7 Renovation: Ms. Myers stated she has been working with Ms. Milos-Dale on the draft RFP. The members were given a revised RFP with one change in response to a concern by a member of Oakland Township Parks & Rec about how the river has created erosion to make sure that any future engineer takes this into consideration. The Parks Commission did approve the RFP contingent upon the above mentioned change being made and any input from the Road Commission. The Road Commission approved the wording of the RFP for their purposes since they are helping with the TAP grant. Mr. Van Agen indicated the Parks Commission definitely wants to be a good partner on this. The Parks Commission put together a subcommittee to discuss issues as the project gets further along. Ms. Myers recommends that Mr. Becker, Mr. Blanchard and Ms. Steele represent the Commission on this subcommittee to review the joint approvals and review

the RFP's. If the Commission approves this, Ms. Myers and Ms. Milos-Dale will get with the Oakland Township Clerks office to post the RFP on the Commission's behalf and accept all the closed bids by the deadline.

MOTION by Russell, seconded by Young, *Moved*, to approve the Engineering Design Services RFP for the Bridge 33.7 Renovation.

Ayes: All Nays: None

MOTION CARRIED.

UPDATE: RFP – Design Build – Observation Deck: Ms. Myers reported she received one proposal from Earth Environments in Romeo at \$24,234.00. The \$8,000 budget was based on materials only, with volunteer labor. She contacted the three companies that attended the site visit but didn't bid to ask why. Two have responded - one answer was included in the packet and the other company said the work was out of their normal scope. It was suggested Ms. Myers put together a much more simple design build proposal and get it out and see what kind of response is received on a revised request for design built services rather than an RFP. The Chair feels we should not proceed on the basis on a non-competitive bid. Ms. Myers has a list of vendors the first RFP was sent to, and she would resend the revised request for design built services to them also, as well as other contractors who do deck work. Ms. Myers was asked to return next month with a revised request for services and a list of vendors. The subcommittee should review the one received bid because if we don't act soon, it will push the work into next spring. By going out with a simpler design, it may allow so much more flexibility for the contractors that we may be losing something in terms of the detailed construction elements that the original RFP demanded.

MANAGER'S REPORT: Ms. Myers introduced Jeff Stout, who was appointed as the Citizen Rep from Orion Township. She has nothing to add to her written report.

COMMISSIONER REPORTS: Commissioner's reports were heard. The Commission thanked Ms. Young for her many years of service and stated she will be missed.

ADJOURNMENT:

Upon motion by Young, seconded by Gamage, the Chairperson adjourned the Regular Meeting at 8:15 p.m. The members proceeded to a site visit of Bridge 33.7.

Ayes: All Nays: None

MOTION CARRIED.

NEXT MEETING: July 18, 2017 at 7:00 p.m. – City of Rochester Municipal Offices

Respectfully submitted,

KRISTEN MYERS, Trail Manager

HANK VAN AGEN, Secretary