



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**  
**4480 Orion Road, Rochester, MI 48306**

**CALL TO ORDER:** The Tuesday, November 20, 2018 meeting was called to order by Vice-Chairperson Blanchard at 7:00 p.m.

**Voting Members Present:** Rock Blanchard, Susan Bowyer, Kim Russell, Donni Steele, Jeff Stout, Hank Van Agen

**Voting Alternates Present:** Robin Buxar

**Non-Voting Alternates Present:** Lynn Loebs, Martha Olijnyk (*enter 7:05 p.m.*)

**Village of Lake Orion Non-Voting Member Present:** None

**Voting Members Absent:** Frank Ferriolo, Linda Gamage

**Alternates Absent:** Chris Barnett, David Becker, Ben Giovanelli, Chris Hagen, Jenny McCardell

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

**Village of Lake Orion Non-Voting Alternate Absent:** Vacant

**Others Present:** Melissa Ford, Trail Manager, Chris Gray, Assistant Trail Manager, Sandi DiSipio, Recording Secretary

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

**APPROVAL OF AGENDA:** Ms. Bowyer suggested removing the Update on the Village of Lake Orion membership from tonight's agenda, and adding it to the next agenda as a Closed Session for review of the attorney's opinion.

**MOTION** by Bowyer, seconded by Russell, *Moved*, to approve the November 20, 2018 agenda as amended.

**Discussion on the Motion:** The Commission asked why. Mr. Blanchard explained there is an attorney's legal opinion and it should have been advertised on the agenda that a Closed Session was scheduled ahead of time. Ms. Buxar said that would only be if the Commission felt it's necessary to go into Closed Session. All members did receive the attorney's client privileged opinion, so unless someone has a specific question of the attorney to go into closed session, technically we're not allowed to go into Closed Session for discussion of the opinion, it would be a question to the attorney. She doesn't believe the members are looking to invite the attorney back, and feels the members can vote tonight on one of the three options listed in the opinion. As Ms. Olijnyk just arrived, Ms. Russell explained that it's her understanding that the attorney opinion is client privileged and that we can have discussion on the opinion based on what was given to the Commission. We're not allowed to say anything in public on the opinion, so if we wanted to discuss it, we can't do that because it's privileged information. That's why it needs to be discussed in Closed Session with the proper notice. Other members just want to vote on it. Ms. Olijnyk said if members want to go into Closed Session to talk about the opinion, that is the way to do it. If we're not going to talk about what is in the letter, then it can stay on the agenda. Ms. Steele suggested going into Closed Session at the end of the agenda. Mr. Blanchard said no, not unless it's been advertised. There are mixed opinions whether this had to be noticed in advance. This item is already on

the agenda, so it's not like adding an item to the agenda. It's not a problem to postpone until the next meeting.

Vote on the Motion:

Ayes: Blanchard, Bowyer, Russell, Van Agen

Nays: Buxar, Steele, Stout

**MOTION CARRIED.**

PUBLIC COMMENT: None

CONSENT AGENDA:

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

b. Treasurers Report – October 2018, receive and file

**MOTION** by Russell, seconded by Van Agen, *Moved*, to approve the Consent Agenda as presented.

Ayes: All Nays: None

**MOTION CARRIED.**

APPROVAL OF INVOICES: Ms. Ford presented the list of invoices totaling \$5,316.65. In addition to the recorder's fee, this amount includes Foster Swift Collins & Smith legal services for the Village of Lake Orion review, Mounted Patrol invoice for September, MMRMA Insurance premium, and nameplate engraving. Estimated unrestricted fund balance is approximately \$100,000.

**MOTION** by Russell, supported by Stout, *Moved*, that the invoices presented for payment are approved in the amount of \$5,316.65 and orders be drawn for payment.

Ayes: All Nays: None

**MOTION CARRIED.**

DISCUSSION: Oakland County Sheriff's Mounted Patrol Contract: Mr. Todd Hill, a Lieutenant with the Sheriff's Office, introduced himself and Ms. Julie Byrd, a Deputy. They are drafting up contract proposals for next year's patrol. There is a small increase for the Mounting Unit of 3, 5 and 7% over the next three years. With the Bike Patrol, there are increase adjustments on top pay with the part-timers of 15, 18 and 20%. Exact numbers are not yet known. Mr. Hill indicated they are about \$2,000 under budget this year due to weather. A question was asked for the breakdown of mounted versus bike patrol for this year. Ms. Byrd said the patrol was all mounted, no bike patrol. In past years, they used the bikes when there was an issue with graffiti on the rocks. Since they have been removed, there has been a lot less graffiti, but people are finding other places, e.g., trees. It's hard to get the horses in there. This year the horses were able to get to these areas. The shifts are random – weekends, early mornings and afternoons – they never advertise when they will be there, and they get a lot of positive feedback on that. Everyone is very appreciative of the horses in the mornings and early evenings. Ms. Steele said she was of the understanding they can't arrest people. Mr. Hill indicated all deputies have arrest powers. As far as the 8 hours per day schedule, Ms. Byrd explained for mounted patrol, it's a 6 hour patrol and an hour before and an hour after to take care of the horses. Mr. Hill stated the current rate for mounted deputies is significantly less. Right now it's \$18.22 per hour for a mounted deputy, and the bike deputy is \$20.83 an hour. They are trying to make it equal. There are 4-6 hours of prep time that goes into the horses. All mounted officers own their own horses – they pay for their feed, etc. The hourly rate is really a wash; they do it because they love their job. The adjustment is to help compensate them for all their additional costs. They will try to tie in the bike patrol as needed for this coming year. The horses are more popular, they are a little more slow-going, but have better P.R. with people on the trail. They will budget for both in next contract, but deploy the bikes as needed for the hot spots where the mounted can't get to. Ms. Russell thanked the officers for coming and asked if the bike patrol is different from Rochester's personal bike patrol. She feels there's a lot of bike patrol, and asked what the staff bike patrol salary is. Ms. Ford responded \$11.00 an hour. Ms. Russell feels the sheriff's bike patrol price seems to be high for her and is not in favor of that kind of increase over the hourly rate as Rochester has a very small portion of the trail. She is in support of the mounted portion of the contract. Ms. Olijnyk said the Commission is not aware of what the deputies encounter when they are on patrol, and asked if we could receive a report of what

happens on the trail. Mr. Hill said other than suspicious behavior and vandalism, there's not a lot of stats on incidents. That's because of pro-active patrol is preventing incidents from happening. The officers are required to complete logs every day on everything they encounter. Ms. Byrd added they did assist the Fire Department with some medical issues. Mr. Hill suggested the Commission have the option of using bike patrol if needed for specific incidents because it is a higher cost, and will make sure the Commission gets the year-end report. Ms. Buxar indicated Oakland Township has the largest segment of the trail and is in favor of both patrols. She feels the patrol is a huge deterrent for any activity on the trail. Mr. George Ingram of Oakland Township commented if the bike patrol covers more miles on any shift on the trail, that would offset the cost difference. If a number of citizens that see an officer, which is more per shift on the bikes than the mounted, they both have benefits. Upon a question about how much of the trail they cover, Ms. Byrd said the bikes will do the entire trail, but the mounted covers only about half the trail. On when the contract needs to be signed, Ms. Ford indicated the current contracted ended on 10/31, so the new contract should be signed as soon as possible. Mr. Stout commented the sheriff's office has a lot to offer, and feels it's worth the increase as it's a huge benefit and a deterrent. Ms. Byrd reiterated that bikes are used very minimally; it's primarily the mounted patrol. It's completely up to the Commission to request the bike patrol. Mr. Van Agen stated each community pays for their own share; Oakland Township pays for the most and they are happy to do so. Ms. Steele appreciates the mounted patrol, however she likes a constant presence of a bike in Orion as they cover more territory and they have more issues. Ms. Bowyer commented if the Commission approves the budget tonight, they are approving a certain amount for the 2018 patrol. This is not approving the contract only the amount budgeted. The Commission thanked the officers for their presentation.

**UPDATE: Resurfacing, Southeast Rochester Property, Tienken Educational Side Path –**

**Engineering Consultant:** Ms. Gray reported that Kevin McDevitt was scheduled to be present, but will not be here. Mr. Blanchard asked how long ago the trail was resurfaced. Ms. Gray responded 2004. Mr. Blanchard indicated at that time it cost \$239,000 – and this estimate is \$400,000+. Mr. Stout indicated this makes sense with today's numbers. Mr. Blanchard feels this might be a shock to the communities. Ms. Russell commented that the communities pay for the resurfacing and Rochester's fiscal year ends in June, and she doesn't know if the southeast Rochester property is covered. She asked if the costs should be put into fiscal year 2019. Ms. Ford indicated the plan is for the resurfacing to take place concurrent with the bridge project, starting around April ending in June. Ms. Russell said if we're talking \$20,000 that won't upset the apple cart, but if we're talking \$100,000 that's an issue. Ms. Gray explained in last year's and this year's budget combined, the request was for the communities to set aside \$300,000 to pay for the resurfacing. With the Engineer's Estimate of costs coming in at around \$414,000, the Commission recognizes that that exceeds what was requested of the communities, and it was included in the grant application put forth to the private foundation – to get assistance for the resurfacing. If the grant is received, the communities will not be expected to come up with more than what was asked for. Ms. Russell asked how this is being communicated to all the communities. It's up to the community representatives. Ms. Gray explained they will not know if they receive the grant until March. Ms. Steele added that Orion set aside \$600,000 for resurfacing last year, which was based on the \$300,000 number. On the spec sheet, it states a cost of \$446,000 – does this include the extra for Bear Park? Ms. Ford replied yes, and there's a memo to that effect in the packet. Ms. Steele commented that the parking lot on Kern Road is disaster, the spur that connects over to Orion Road needs to be worked on, there was talk about a bridge going over to the State land and overhead cutting. She's saying if we tear apart the whole pack and we spend that kind of money adding the Bear Park, she would also like to include everything she mentioned, if it can be coordinated as well. Ms. Gray reported this project is going out to bid in December concurrent with the bridge project, and parking lots should be included. Mr. Blanchard said they weren't in the past. Ms. Gray reported that Ms. Myers had talked with Mannik Smith about this. Mr. Blanchard said maybe it could be added as an addendum. If it went out to bid as written, this would be an addendum with the contractor, so that the parking lot and spur could be added. Ms. Ford commented there was an addendum added to the contract the last time the trail was resurfaced. Mr. Stout

said to make sure we ask for unit prices for any additional work, so we know what to expect to pay for additional work. Ms. Ford confirmed that staff applied for funding for both the resurfacing project and the bridge project from the Wilson Foundation. Mr. Blanchard said we put this out to bid and decide on a contractor, and then ask if they will hold the same rates for a parking lot and a spur in Orion Township. Resurfacing costs have been on the budget for a number of years to give the communities time to prepare. It was suggested it might be appropriate for Ms. Ford to meet with each community's parks personnel to let them know the resurfacing is imminent. The last time the trail was resurfaced, the Trail Manager met with the parks managers to talk about the project. No action is required on this item tonight.

**DISCUSSION & APPROVAL: 2019 Budget:** No changes were made to the budget as a result of last month's discussion.

**MOTION** by Bowyer, seconded by Buxar, *Moved*, to approve the 2019 budget as presented.

Ayes: All      Nays: None

**MOTION CARRIED.**

**DISCUSSION: Quantity of Paint Creek Trailways Commission Meetings:** Ms. Steele feels we should limit the annual meetings. There was a discussion about this last year, and she thinks the Commission is smart enough and staff is capable enough to be able to handle the business of the trail in at least 11 meetings. She would like to go for 10, but would settle for 11 meetings. February would be a good month to take off. She would rather see the 20 hours it takes to put the meeting together into managing trail projects. This would be a better use of time. Ms. Buxar agrees, and feels we could limit the meetings especially if it is close to a holiday or in the dead of winter. She's OK with 10 meetings. She asked if there are any bills that need to be paid on a monthly basis. Ms. Gray indicated payroll is quarterly. There would need to be some mechanism in place to approve all the other invoices. Ms. Olijnyk is good with modifying the schedule but is worried this winter might not be so dead if we're getting bids and getting ready for construction, so we might want to reduce a meeting later in the year. Mr. Blanchard commented the Commission discussed this at length in the past and we decided to stay with 12 meetings annually; one reason was how we pay the bills. He's not against reducing the number of meetings, but is not sure it's the right thing to do – if we have to pay the bills, if we have business to take care of, etc. We might have to call a special meeting. Ms. Bowyer agrees to reduce the meeting because a lot of times the members are re-hashing the same thing over and over again. We're only meeting to take care of invoices. She asked why invoices have to be approved at a meeting; she doesn't understand this. Perhaps they can just be sent out and make it an email approval. We're never going to reduce the meetings if you have to approve invoices, so you can forget this whole discussion if we're not going to do this another way – you're not going to put off the invoices for a whole month. It's a moot point. Ms. Buxar said we would just need a mechanism; but in order to expend funds, you have to have a vote of the Commission, so it has to be open session with a verbal vote. There are different mechanisms of how and when we pay them or when they're due that perhaps can be modified. Over at Oakland Township, their biggest issue is that they are looking at \$400,000-\$500,000 in invoices each meeting, things that you can't prolong. Until they are approved, they are not paid. The Commission's bills are small and limited, and she feels there are ways around it. Ms. Steele added that at the Polly Ann Trail, they actually pay the bills in advance, and they are approved after the fact. Ms. Olijnyk suggested giving the Trail Manager a not to exceed authority. Ms. Ford stated there will be bigger invoices in the near future with the upcoming projects. She has the minutes where this issue was previously discussed and one other issue was approving the temporary permits. If something is that important, a special meeting could always be called. Ms. Russell would like to limit it to 10 meetings, but is happy with 11. This would give staff 20 extra hours to work on other pressing issues. Reducing the meetings would save on recording fees and on all the Commissioners. She's fine with eliminating January or February. Mr. Van Agen commented we're going to be having bids coming in and going out – his choice would be to eliminate the September or October meeting because it's after the bridge walk and all the busy summer work. The projects bids are going to come in in January, and if they come in late for the meeting, we will have to make decisions in February. Perhaps the Trail Manager and Chairperson could look at the

upcoming meeting agenda and decide if the meeting must be held. Ms. Ford agrees that the February meeting this year probably needs to occur because bids are expected in January and she's not sure how this will coordinate with the January meeting. Mr. Blanchard suggested we make a motion to reduce the meetings to 11 and talk to staff about which meeting to cancel. Mr. Stout assumes if bids are going out in December with a due date in January, it will take some time for staff, the engineer and Mannik Smith to review the bids, so we're probably into February before the Commission is presented with the choices for awarding the bid. Mr. Van Agen said January might be a good meeting to eliminate, as a joint meeting will have to be scheduled to award the bid.

**MOTION** by Russell, seconded by Bowyer, *Moved*, to reduce the Commission meetings to 10 per year, eliminating the January and September meetings, and if the Chair or Manager sees fit that these meetings need to occur, they can be reinstated.

Ayes: Bowyer, Buxar, Russell, Steele, Stout, Van Agen

Nays: Blanchard

**MOTION CARRIED.**

**MANAGER'S REPORT:** In addition to the written report, Ms. Ford indicated she's been working on the grant for the Wilson Foundation. She's looking forward to working with the Commission. Ms. Gray thanked Ms. Ford for her work on a really good grant application. Ms. Gray also reported that Mr. McDevitt responded to her email and confirmed the parking lot resurfacing costs are included in the bid estimate.

**COMMISSIONER REPORTS:** The Commission members all welcomed Ms. Ford and thanked her for the work on the grant application. The members also commended Ms. Ford for information put out on social media, and thanked Ms. Gray for filling in while Ms. Myers was in Europe and getting Ms. Ford on board. Ms. Steele reported Orion was given an award by the DNR for removing the rocks and preserving the waterway – thanks to the Parks & Rec Department. Ms. Russell indicated Rochester approved fundraising for a skate park that will be right off the trail near Halback Field. Mr. Van Agen conveyed a comment from Ms. Milos-Dale, Oakland Township Parks & Rec Manager to thank Ms. Ford on the great job for the grant application. He also reported a new copier was approved and purchased for the office. Because of a change in job responsibilities, Mr. Van Agen is currently negotiating to maintain his position on the Commission. Because Mr. Ferriolo is not present, Ms. Buxar relayed he was in support of the reduction of Commission meetings. Don't forget the Rochester Christmas Parade and the Lake Orion Lighted Christmas Parade. There was a ribbon cutting for the Iron Bell Trail yesterday. Happy Thanksgiving to all.

**ADJOURNMENT OF REGULAR MEETING:**

**MOTION** by Bowyer, seconded by Steele, *Moved*, to adjourn the Regular Meeting at 8:30 p.m.

Ayes: All Nays: None

**MOTION CARRIED.**

**NEXT MEETING: December 18, 2018 at 7:00 p.m. – Paint Creek Cider Mill**

Respectfully submitted,

  
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MELISSA FORD, ~~Assistant~~ Trail Manager

  
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HANK VAN AGEN, Secretary