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

CALL TO ORDER: The Tuesday, December 18, 2018 meeting was called to order by Secretary Van Agen at 7:00 p.m.

Voting Members Present: Susan Bowyer, Frank Ferriolo, Kim Russell, Donni Steele, Jeff Stout, Hank Van Agen

Voting Alternates Present: Lynn Loeb

Non-Voting Alternates Present: Martha Olijnyk

Village of Lake Orion Non-Voting Member Present: Brad Mathisen (*exit 7:25 p.m.*)

Voting Members Absent: Rock Blanchard, Linda Gamage

Alternates Absent: Chris Barnett, David Becker, Robin Buxar, Ben Giovanelli, Chris Hagen, Vacant (RH)

Village of Lake Orion Non-Voting Member Absent: None

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: It was suggested the Closed Session occur before the Adjournment of the Regular Meeting. Mr. Ferriolo then suggested moving the Closed Session up to #13, and adding an item #14 immediately afterward to discuss Next Steps for the Village of Lake Orion Trail Extension Recommendation, moving the rest of the agenda items down the list. This keeps the Closed Session within the parameters of the Regular Meeting, and allows the Commission the option to make a Motion regarding item #14 afterwards.

MOTION by Ferriolo, seconded by Bowyer, ***Moved***, to accept the suggested changes to the agenda.

Ayes: All Nays: None

MOTION CARRIED.

MOTION by Steele, seconded by Stout, ***Moved***, to approve the December 18, 2018 agenda as amended.

Ayes: All Nays: None

MOTION CARRIED.

PUBLIC COMMENT: None

CONSENT AGENDA:

- a. Minutes – November 20, 2018 Regular Meeting, approve and file
- b. Treasurers Report – November 2018, receive and file
- c. Resolution #2018-003 – 2019 Meeting Schedule, approve

MOTION by Stout, seconded by Steele, *Moved*, to approve the Consent Agenda as presented.

Ayes: All Nays: None

MOTION CARRIED.

APPROVAL: Officer Elections: Mr. Van Agen commented Mr. Becker is not present, but did send out an email indicating he would be willing to serve one more year as Chairperson. There were no other nominations.

MOTION by Steele, seconded by Loeb, *Moved*, to nominate and elect Mr. Becker as Chairperson for 2019.

Ayes: All Nays: None

MOTION CARRIED.

Mr. Van Agen then stated Mr. Blanchard is not present, but expressed his willingness to serve as Vice-Chairperson for the coming year. There were no other nominations.

MOTION by Russell, seconded by Ferriolo, *Moved*, to nominate and elect Mr. Blanchard as Vice-Chairperson for 2019.

Ayes: All Nays: None

MOTION CARRIED.

Ms. Steele indicated she is willing to serve as Treasurer for the coming year. There were no other nominations

MOTION by Loeb, seconded by Bowyer, *Moved*, to nominate and elect Ms. Steele as Treasurer for 2019.

Ayes: All Nays: None

MOTION CARRIED.

Mr. Van Agen stated he is willing to serve as Secretary for the coming year. There were no other nominations.

MOTION by Ferriolo, seconded by Steele, *Moved*, to nominate and elect Mr. Van Agen as Secretary for 2019.

Ayes: All Nays: None

MOTION CARRIED.

DISCUSSION: 2019 Trail Overhead Cutting: Ms. Ford reported that Orion Township is going to be contracting with Litchfield & Son to do an overhead cut of their section of the trail this spring; there is an informational flyer in the packet. There would be cost savings if any other municipality would like to participate, so the work could be done collectively. Ms. Ford was asked to contact the other municipalities to see if there are interested. Mr. Ferriolo was not aware of this program and asked how long it has been in place and if any other municipality has taken advantage of it. Staff indicated the WWAM program is the next item on the agenda. Ms. Russell said staff should make it a policy or procedure to contact all the municipalities on items like this, as it's a good way to save money. Mr. Van Agen suggested the contractors be made aware of when this work can be done because of the Oak Wilt disease. Ms. Ford will contact the other members to gauge their interest. No action is required as this was an informational item.

DISCUSSION: Oakland County Weekend & Weekday Alternative for Misdemeanants

(WWAM) Program: Ms. Ford reported that the Oakland County Department of Corrections contacted her and asked if the Commission was interested in participating in the program. People who have been sentenced to misdemeanors are required to complete community service rather than pay fines. This would happen on Thursdays, Fridays, Saturdays and Sundays from 9:00 a.m. until 3:30 p.m. They would come with a crew leader and would need a site contact person, but it's completely free. There is a variety of things they can do – generally there's about 10-15

people working at a time. She's bringing this to the Commission's attention to see if we would be interested, and if so, to think about different projects that could be accomplished. Mr. Stout reported that Orion has been using the project for about six years and explained how it works. If the Commission is interested, we need to book them right away as the program is very popular. It's a great labor saver and Orion has never had a problem. It would be great to have this lined up after the overhead cutting has been completed. Ms. Steele commented the crew does not have their own equipment, it has to be supplied. They could also help with the garlic mustard pull effort. It is the consensus that this is a great program.

MOTION by Stout, seconded by Ferriolo, *Moved*, to set up the WWAM program for 2019.

Ayes: All Nays: None

MOTION CARRIED.

REPORT: 2018 Summary of Events and Accomplishments: Ms. Ford stated that Ms. Gray put together a summary of 2018 events and accomplishments; included in the packet for the members review. It was noted that the number of special use permits was down. Ms. Gray explained it decreased a little this year due to the anticipated closure of the bridge, which did not happen. Ms. Ford asked for approval to file and distribute the report.

MOTION by Steele, seconded by Stout, *Moved*, to receive and file the 2018 Summary of Events and Accomplishments.

Ayes: All Nays: None

MOTION CARRIED.

APPROVAL: 2018 Per Diem Report: Ms. Ford said the report was included in the packet and hoped everyone reviewed it for accuracy.

MOTION by Steele, seconded by Loeb, *Moved*, to accept the 2018 per diem report as presented.

Ayes: All Nays: None

MOTION CARRIED.

RECESS 7:25 – 7:55 p.m.

APPROVAL OF INVOICES: Ms. Ford presented both the December and January invoices in the amount of \$30,260.99, since there is no meeting in January. December invoices include the recorder's monthly fee, staff's annual phone, rent/shared office space and postage through 12/13, 4th quarter wages and FICA for Manager, Assistant Manager and Bike Patroller, 4th quarter shared copier costs, Webhosting pad, USPS postage, business cards, recording machine, and Ms. Myers and Ms. Gray's mileage reimbursement, as well as the updated per diem report in the amount of \$4,655.00. January invoices include the recorder's December fee, Webhosting pad, microcassettes for the recorder and refreshments for this meeting. Estimated unrestricted fund balance is \$85,806.00.

MOTION by Loeb, seconded by Stout, *Moved*, that the invoices presented for payment are approved in the amount of \$30,260.99 and orders be drawn for payment.

Ayes: All Nays: None

MOTION CARRIED.

DISCUSSION & APPROVAL: 2018 Final Amended Budget: Ms. Ford reported the final budget total for the year was \$99,533.00. Overall, revenue was lower than anticipated and sponsorships were higher for both trail events. The license fees were lower than anticipated because there is still an outstanding balance from one licensee; they have indicated they are sending the check, but we don't know if it will arrive this year, so it was not included in the budget. Legal fees were higher than anticipated related to the Village of Lake Orion membership. Also, higher than expected temporary permit fees, and the distribution from MMRMA was higher than anticipated. Expenses were lower than anticipated. Budget savings were realized in the trail budget as staff time was used on special projects. The Mounted/Bike Patrol budget was lower due to cancellation of shifts because of weather. The administrative personnel budget was higher

because of Ms. Gray working more hours in the interim period during the transition, and the overlap between Ms. Myers and Ms. Ford. The expenses were 7.4% under budget, so that was put into the fund balance. Ms. Russell thanked staff for compiling the amended budget, but is still in favor of deleting the per diem as it's almost a third of the budget. She is a part of several Boards that don't get a per diem, and having a third of the budget going towards that is high. Mr. Ferriolo believes there is a State Law that says you can increase the per diem, but you can't reduce it. He would like to ask legal to review this issue. He's not in favor of reducing it because it's really nominal considering the time involved. Ms. Olijnyk added you can change the per diem, but the by-laws have to be changed. It was pointed out that per diems are only \$4,500 of the budget – approximately 2%.

MOTION by Bowyer, seconded by Loeb, *Moved*, to approve the final 2018 budget as amended.
Ayes: All Nays: None **MOTION CARRIED.**

**REQUEST TO ENTER INTO CLOSED SESSION: pursuant to MCL 15.268, Section 8(h):
Attorney Client Privilege to discuss materials exempt from disclosure:**

MOTION by Ferriolo, seconded by Stout, *Moved*, to enter into Closed Session at 8:05 p.m. with the intent to return to the Regular Meeting.

Ayes: Bowyer, Ferriolo, Loeb, Russell, Steele, Stout, Van Agen
Nays: None **MOTION CARRIED.**

The Regular Meeting was reconvened at 8:30 p.m.

DISCUSSION: Next Steps for Village of Lake Orion Trail Extension Recommendation:

MOTION by Ferriolo, seconded by Bowyer, *Moved*, to request The Village of Lake Orion incorporate the following into the License Agreement for the Paint Creek Trailways Commission:

- 1 – The DDA be made party to the License Agreement.
- 2 – The License Agreement state the relevant .66 miles of trail is within the Village and Township jurisdiction.
- 3 – Make no reference to the “interlocal” between the Village of Lake Orion and The Township of Lake Orion.

In addition, we request The Village of Lake Orion address and incorporate in the License Agreement the 10 items our counsel has provided in correspondence with their counsel.

Upon the incorporation of these requests into the License Agreement and returned to the Trailways Commission, the Commission is prepared to review it.

Ayes: All Nays: None **MOTION CARRIED.**

MANAGER'S REPORT: In addition to the written report, Ms. Ford indicated the bridge project was advertised on 12/7 and bids are due back on 1/4. In regards to the resurfacing project – this has not been advertised yet. She made contact with Rochester Hills about putting this out to bid. Mr. McDevitt with Mannik Smith contacted their purchasing department, and they are busy due to the end of the year. What Mannik Smith is saying is that they were not anticipating providing the front-end documents for the bidding, just the technical specifications. So, staff wants them to provide that service – but that would be anywhere from \$2,000-3,000 to complete. Another option is to have one of the member communities provide their standard front-end bidding documents that would reduce their effort by modifying those. Mr. McDevitt wants Ms. Ford to check if that is something the Commission would be comfortable with. She spoke with

Ms. Cummings in Rochester Hills who provided a link to their standard documents. Ms. Ford has the resurfacing bids that were done 15 years ago, and Ms. Milos-Dale and Ms. Ford are planning to go ahead with these documents and match them up with what Rochester Hills has provided and align these to meet what is needed for the project, if the Commission agrees. These documents have to do with the legal bond and contract forms, not the technical requirements. The comment was made that the engineer should have provided these documents. In order to get this done in a timely manner, staff needs to complete them and not rely on Mannik Smith. Ms. Russell has a question about Rochester owning a section of the trail, unlike the other parts of the trail – and asked if Rochester was included in the bid 15 years ago. Ms. Ford believes so, but will look into it. Ms. Olijnyk believes it was an add-on the last time, as it wasn't done at the same time. Ms. Russell wants to make sure this section of the trail is included in the resurfacing bid. It's important to have this completed at the same time.

COMMISSIONER REPORTS: Ms. Russell reported that Solaronics, which abuts the trail, has moved out, has an existing license agreement, and the property is going to be redeveloped. Ms. Olijnyk feels this agreement was personal to Solaronics, and does not run with the land. It was suggested the license agreement language be looked at before this project gets to design stage. Staff will look into this issue and any information will be forwarded to the members for review prior to the next meeting. Mr. Van Agen reported that Oakland Township Parks & Rec was awarded a \$228,000 grant from MNRTF for build a parking lot and restroom off Orion Road. Merry Christmas and Happy Holidays to all!!

ADJOURNMENT OF REGULAR MEETING:

MOTION by Steele, seconded by Loebs, *Moved*, to adjourn the Regular Meeting at 8:50 p.m.

Ayes: All Nays: None

MOTION CARRIED.

NEXT MEETING: February 19, 2019 at 7:00 p.m. – Paint Creek Cider Mill

Respectfully submitted,

MELISSA FORD, Trail Manager

HANK VAN AGEN, Secretary