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REGULAR MEETING of the PAINT CREEK TRAILWAYS COMMISSION
Via Teleconferencing – GoToMeeting
Access code: 609748741, or by phone 1-571-317-3122

CALL TO ORDER: The Tuesday, October 20, 2020 Regular Meeting was called to order by Chairperson Blanchard at 7:00 p.m.

Voting Members Present: Rock Blanchard, Frank Ferriolo, Steve Sage, Dan Simon, Donni Steele, Jeff Stout, David Walker

Voting Alternates Present: David Becker

Non-Voting Alternates Present: Robin Buxar, Martha Olijnyk, Clara Pinkham

Village of Lake Orion Non-Voting Member Present: None

Voting Members Absent: Linda Gamage

Alternates Absent: Chris Barnett, Chris Hagen, Theresa Mungoli, Ann Peterson

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.

VIRTUAL MEETING ANNOUNCEMENT: Chairperson Blanchard stated the purpose of the electronic meeting is to maintain social distancing and comply with the Michigan Department of Health and Human Services Emergency Order. The Paint Creek Trailways Commission will provide reasonable and necessary auxiliary aids and services for individuals with disabilities with advance noticed. Please contact the Trail office at manager@paintcreektrail.org or 248-651-9260 at least 72 hours in advance.

APPROVAL OF AGENDA: Discussion on Dillman & Upton's Privacy Fence – Item #14, will occur before the Discussion on the Michigan Department of Natural Resources Iron Bell Trail Challenge Grant, Item #13. Item #9, a Limited Access Permit Request is eliminated from the agenda.

MOTION by Simon, seconded by Becker, *Moved*, to approve the October 20, 2020 agenda as amended.

Roll Call Vote:

Ayes: Becker, Blanchard, Ferriolo, Sage, Simon, Steele, Stout, Walker

Nays: None

MOTION CARRIED.

PUBLIC COMMENT: Dr. Paul Licker and his wife Ms. Susannah Cameron-Crichton, are attending the meeting virtually and introduced themselves. Dr. Licker explained he and his wife are frequent users of the trail and commented about the increased usage of the trail is bringing out a lot of people, many of them probably new users, who are riding bikes extremely rapidly and not announcing to people they are passing on the left. Normally this would be considered impolite,

but with the increased congestion it is creating a serious safety situation. There are very few signs telling people how to behave on the trail, and the signs that are there are in very small type. People on bikes won't stop to read them. He asked if something can be done. Ms. Cameron-Crichton explained she sustained an injury three months ago, breaking her hand. These bikers are young males, maybe new riders who don't know how overtake others, not ringing a bell or saying on your left. She has seen a few near fatal accidents on the trail as well as at the Stony Creek Metropark. She has spoken to the police at Stony Creek and knows their protocols. She commented our trail is no longer safe, which is a shame. She spoke with the mounted patrol, who told her they are fully deputized, but it's impossible to chase after someone speeding away. There are no signs saying to bike single file when approaching a narrow bridge. She was scraped on the side of a bridge by two men cycling two abreast. She urges the Commission to take this very seriously and come up with some concrete interventions that can be put into place now, not in the spring. She's tired of the discourtesy, speed, rudeness, and lack of enforcement on the trail. Mr. Becker asked if there was an accident report on what happened. Ms. Ford said she was not contacted when this happened. She did receive an email from them talking about suggestions they had about the situation, but there was no mention of her being injured. An incident report would have been filed with the insurance company if the injury was reported. Ms. Cameron-Crichton explained the email was sent as soon as they returned home from the incident. She went to the doctor the following day and found out she broke a bone in her hand from being scraped along the bridge, has had two casts and numerous physical therapy sessions, and thought from the email it would have been deduced there had been an injury. She didn't know who else to contact about the accident other than the Commission. Mr. Becker asked if she was hit by the bicyclist. Ms. Cameron-Crichton said she was injured trying to avoid them as there wasn't enough space to stay in her lane and hit the side of the bridge. Mr. Louis Carrio added that he spends a lot of time at the Moutrie Garden, and he supports and reinforces the comments made. He affirms there are many speeding bicyclists in that area of the trail who do not signal when passing. Ms. Steele asked if they are electric bikes, and if so, if this has become an issue. Mr. Carrio indicated he did not observe any particular type of bicycle, the ones going the fastest were usually young men, sometimes with Rochester Bike Shop shirts on, and not the type to ride e-bikes in his observation. Dr. Licker agreed with Mr. Carrio's comments and said what was acceptable 15 years ago is now dangerous with the increased density. He suggested user education and signs, and feels the 15-mph speed limit is too high. Mr. Blanchard indicated the Commission has discussed speed limits and signage in the past. The trail is much busier now, and we should revisit these issues to do something different. He suggested a subcommittee be set up to study this. Ms. Olijnyk is on the sign committee and they will be meeting soon. This is a good opportunity to review this issue. The three new gateway signs will have the courtesy rules and regulations on them when installed. Mr. Ferriolo said this is good information. If there are so many more people and bikes on the trail, there may be a sense of urgency here to do something now rather than wait for a recommendation from the subcommittee. He suggests the speed limit be brought down to 10 or eight mph, and get signs installed immediately to slow speeds down, and then do something permanent later. Mr. Becker stated the conflict over different uses of trails has been occurring forever. When he biked in the 70's, there were problems with pedestrian/cyclist conflicts - it's not a new issue on the trail. The idea of speed limits is not workable. If you enforce an eight mph, you will chase 30,000-40,000 bicyclists a year from the trail. There are parts in the northern end of the trail where you don't see anyone anywhere. On the southern end of the trail, you just have to be more careful. He's not in favor of lowering the speed limit unless we enforce it - and if enforced, a lot of users will leave. The speed limit would have to be different for certain parts of the trail for different reasons. He feels this is a somewhat unsolvable problem, and feels we need to keep up a good educational effort to get cyclists to slow down and warn when near people. Mr. Simon suggested a radar device could be placed on the trail - maybe we could borrow one from the Sheriff's Office. Ms. Cameron-Crichton agreed with Mr. Becker that

education and signage for a slower speed limit is part of the solution especially in crowded areas near Tienken and the library. She is aware of the less crowded parts of the trail, but this necessitates driving to the Cider Mill. People who want to walk or cycle from the library should be able to do this as well. She suggested there should be some consequences – just posting a speed limit is one thing, but certain people don't care. She asked how the Commission can make sure there are consequences for breaking the speed limit rule. In an ideal world, there would be two trails, one for pedestrians and the other for cyclists, but that's not possible. Outside the library, people are reminded they are sharing the trail, but some people don't take notice. It's much more than signage she's talking about – it's about behavior change. Ms. Steele has heard everything the resident said and feels this issue should be taken to the subcommittee for an update at the next meeting. Mr. Blanchard asked that more information about etiquette be added to the website because the trail is so busy, and that the Bike Patroller be made aware of the situation while he's still patrolling. Mr. Becker asked where the incident occurred, as the resident was just talking about locations that are not part of the trail; under the bridge and by the library. Dr. Licker said his wife was injured north of Tienken. Mr. Ferriolo reiterated this is an unusual circumstance because of what we're dealing with now, and if we're dealing with more inexperienced people using the trail, we do need to re-think signage relative to speed. A lower speed could prevent some people from speeding up in crowded areas, and in less crowded areas a speed limit recommendation is not needed. We may need to address this issue sooner rather than later. **Mr. Barry Lawler, 520 Campus Rd., Rochester Hills**, attending the meeting virtually, added what has happened recently with all the increased users, the idea of single file has been forgotten. It's not only the cyclists, there are a lot of people walking with children. Most bikers slow down when they see children, but what happens is pedestrians often walk two or three abreast. Education is what is needed – for walkers and bikers, and enforcement is needed. The mounted patrol ride two abreast, do not enforce or encourage any etiquette, or pick up after their horses. Ms. Pinkham suggested reaching out to the Rochester Bike Shop and other bike shops, and ask them to remind their riders that the trail is not a place for training and remind them of the speed limit. Mr. Blanchard feels we should put up some temporary signs that say speed limit is 15 mph, and to walk and ride single file and place the signs in congested areas. Mr. Becker agreed we should try it to see if it works as long as the signs are temporary. Ms. Ford said we can do this and use the type of yard sign that is used for the COVID social distancing signs, placing them where the trail is more congested. Mr. Ferriolo doesn't like the idea of signs that say 15 mph as that encourages people to do at least that speed, that's why he suggested lowering the speed to 8 or ten mph in congested areas. Mr. Blanchard suggested the signs say slow down and walk/ride in single file. Mr. Blanchard and Mr. Carrio agreed to assist on a committee, anyone else interested should contact the Chair.

CONSENT AGENDA:

- a. Minutes – September 15, 2020 Special Meeting, approve and file
- b. Treasurers Report – September 2020, receive and file

Ms. Buxar commented at the opening of the meeting we discussed that according to the new law, all members are supposed to state their name, that they are attending the meeting virtually and their location.

Members in Attendance:

Dan Simon, attending virtually, Oakland Township; Robin Buxar, attending virtually, Oakland Township; Frank Ferriolo, attending virtually, Oakland Township; David Becker, attending virtually, Rochester; Donni Steele, attending virtually, Orion Township Hall; Clara Pinkham, attending virtually, Rochester Hills; David Walker, attending virtually, Rochester Hills; Steve Sage, attending virtually, Rochester; Rock Blanchard, attending virtually, Rochester Hills; Martha Olijnyk, attending virtually, Oakland Township; Jeff Stout, attending virtually, Orion Township.

MOTION by Sage, seconded by Simon, *Moved*, to approve the Consent Agenda as presented.

Roll Call Vote:

Ayes: Becker, Blanchard, Ferriolo, Sage, Simon, Steele, Stout, Walker

Nays: None

MOTION CARRIED.

DISCUSSION AND APPROVAL: Workers Compensation Insurance: As indicated by her memo in the packet, Ms. Ford explained it came to staff's attention that we were not carrying workers compensation insurance, which is a requirement for all government public employees. She reached out to the insurance company, and they have procured two quotes which are also included in the packet. Ms. Ford is recommending we go with the quote from Accident Fund in the amount of \$814.00. Mr. Ferriolo asked who this insurance is covering and does it cover the bike patroller. Ms. Ford indicated the policy covers herself, Ms. Gray and the bike patroller. Mr. Ferriolo said covering the clerical staff would have been less expensive, but adding the bike patroller is what kicked the policy up. He also checked with Oakland Township to see if an addendum amendment was possible to cover staff through their policy, but that's not a possibility.

MOTION by Becker, seconded by Simon, *Moved*, to approve the quote from Accident Fund in the amount of \$814.00

Roll Call Vote:

Ayes: Becker, Blanchard, Ferriolo, Sage, Simon, Steele, Stout, Walker

Nays: None

MOTION CARRIED.

APPROVAL OF INVOICES: Ms. Ford presented the list of invoices totaling \$19,135.25. In addition to the recorder's monthly fee, this amount includes credit card charges for GoToMeeting for the October meeting, reimbursement to the bike patroller for a bike repair, two invoices from Mannik Smith Group for professional services for the parking lot resurfacing engineering and the Bridge 33.7 stair design engineering, 3rd Qtr. wages and FICA costs for the three staff positions, 3rd Qtr. shared copier costs, attorney invoice for legal services, and payment for the Moutrie Pollinator Garden split rail fence. Estimated unrestricted fund balance is \$80,000.

MOTION by Steele, seconded by Simon, *Moved*, that the invoices presented for payment are approved in the amount of \$19,135.25 and orders be drawn for payment.

Roll Call Vote:

Ayes: Becker, Blanchard, Ferriolo, Sage, Simon, Steele, Stout, Walker

Nays: None

MOTION CARRIED.

UPDATE/DISCUSSION: Moutrie Pollinator Garden Risk Assessment Responses: Included in the packet are the responses from both the risk control consultant with MMRMA, as well as answers to the Commission's questions at the August meeting from the attorney. Ms. Ford hopes everyone has read the responses, and recommends that we go ahead with the signs as recommended by the consultant at three locations on the dirt path, one at either end and one in the middle where the path comes off Kings Cove in order to comply with the hazard warning. Now that the fence is in place, the gate opens into the interior of the garden and the rocks are placed inside the fence, complying with the consultant's recommendations. We voted last time that the fence will be painted a contrasting color. The only thing that remains is the signage in order to be in compliance with all recommendations. Chairperson Blanchard commented the staining of the fence will have to wait until spring. Ms. Ford displayed photos of the fence, which looks great. Mr. Blanchard explained the location of the gate was moved from next to the dirt path to the corner, so people going in or out of the gate would not interfere with any users on the path. Mr. Carrio offered an option to staining the fence. He looked at the fence once installed with an eye towards where the points of risk are. A photo was displayed and he explained three points where someone might run into the fence. He believes it would be a safer alternative to use reflectors on

these posts rather painting/staining the fence. He thinks it would be more effective from a risk management standpoint than the paint, as people are used to seeing red lights. The reflectors will provide more than adequate protection, rather than staining. Foley Pond is pretty visible without staining, and he feels this fence is too. He believes the reflectors are a good alternative, less costly, and should be considered. Mr. Becker feels this is an excellent idea, as he would hate to see the beautiful park marred by signs that will be ignored – the reflectors will be much more effective and is willing to vote in favor for that instead the signs. Mr. Sage supports the use of reflectors and preserving the natural state of the wood; it's much more ideal to the setting, and does not support painting the fence now that he's seen it. Reflectors would be a much more suitable option. Ms. Ford indicated she has contacted the risk control person at the insurance company to ask about the reflectors, but did not get an answer in time for the meeting. Mr. Blanchard doesn't want to stain the fence as it fits the setting of the trail, but doesn't like the reflectors a lot – but as long as they are on the outside of the fence, it's fine. He agrees with Ms. Ford's suggestion about the three signs – the risk manager wanted several more, but he's fine with the three locations. It can't hurt and may help in a lawsuit. Mr. Sage commented that at some point, an individual has to have some responsibility here; we could put airbags around the whole garden. Mr. Becker asked what the sign will say. Ms. Ford responded "use dirt path at your own risk, uneven surfaces, no maintenance on dirt path". Mr. Becker said if you look at the path, the last two statements on the sign are self evident and most people know when they go on a public trail, they are using it at their own risk. If we put up a sign for every possible risk that a risk manager can come up with, we'd have a trail with thousands of warning signs. People have some responsibility for their own behavior, and he does not see the need for putting up signs that state the obvious because of a fear of a lawsuit. If this comes up for a vote, he will vote against it. Mr. Carrio explained there are different categories of use of the dirt trail. You have people coming out of Kings Cove trying to get to the actual trail, then families biking on the trail who have kids who want to ride their bikes on the small dirt path, and then you have people that jump on at the beginning of the path and off at the end it – these are the people who often go fast as they are not going to Kings Cove and not in families along the trail – they are out for a joy ride. A diagram was displayed of the area and Mr. Carrio explained where the high speeders ride the path.

MOTION by Sage, seconded by Becker, *Moved*, to approve installing reflectors on the fence as highlighted in the diagram.

Roll Call Vote:

Ayes: Becker, Blanchard, Ferriolo, Sage, Simon, Steele, Stout, Walker

Nays: None

MOTION CARRIED.

Mr. Ferriolo said we need a motion to proceed with the recommendation of MMRMA's advisory and also Ms. Ford relative to adding the three signs on the path. Mr. Becker said unless someone makes the motion, there's no need to take any further action on that particular idea. If no motion is made, it is presumed to be desire of the body to not move forward on this project. Mr. Ferriolo explained that isn't the case because the issue was two-fold – one, to make a recommendation on Mr. Carrio's recommendation on the reflectors, and the other one was the issue on the signs. The previous motion was only for the reflectors, and he followed because the difficulty would have been to include the reflectors and the signs in the same motion. Some members may have different opinions on the signs. He waited for the motion to go through before bringing up the other half of the concern that was directed by our insurance agent. We discussed this at the last meeting and there was great concern about the liability we had, and part of that concern was pointed out by a member that by us not doing anything, it puts us in a more precarious position in the event litigation may occur in the future. We have insurance, and they recommended a lot of things. What we came up with were more practical approaches, and one was to include the three signs as recommended by the insurance and Ms. Ford. That's the reason for the motion.

MOTION by Ferriolo, seconded by Blanchard, *Moved*, to approve the three signs on the dirt trail as recommended.

Roll Call Vote:

Ayes: Blanchard, Ferriolo, Walker

Nays: Becker, Sage, Simon, Steele, Stout

MOTION FAILED.

Ms. Ford reminded the members that she did request that the risk consultant give us input on the reflectors in lieu of painting the fence. If he says no to the reflectors and we should paint, should she still proceed? The consensus is that if they say no, we can come back and make another decision – it’s the decision of the Commission. Mr. Blanchard said because we can’t paint the fence until spring, we should put the reflectors up now and if they need to be removed in spring, it won’t be hard. Mr. Ferriolo agreed with going ahead with the reflectors.

APPROVAL: Resolution Approving and Authorizing an Amendment to a Development Project Agreement: Ms. Ford indicated she has requested another amendment to the Bridge 33.7 agreement for another extension to the end of January 2021 as she is still waiting for the final invoice to come through MDOT to the Road Commission, and we need that in order to get our full reimbursement from the MNRTF Grant. This is what the extension is for – to allow that to happen in the next three months.

**RESOLUTION NO. 2020-004
RESOLUTION APPROVING AND AUTHORIZING
AN AMENDMENT TO A DEVELOPMENT PROJECT AGREEMENT**

At a meeting of the Paint Creek Trailways Commission, Oakland County, Michigan held virtually via GoToMeeting, on the 20th day of October, 2020 at 7:00 p.m.

Present: David Becker, Rock Blanchard, Robin Buxar, Frank Ferriolo, Martha Olijnyk, Clara Pinkham, Steve Sage, Dan Simon, Donni Steele, Jeff Stout, David Walker,
Absent: Chris Barnett, Linda Gamage, Chris Hagen, Brad Mathisen, Theresa Mungoli, Ann Peterson

Moved by Sage, seconded by Simon,

WHEREAS, the Commission has undertaken a project entitled the Paint Creek Trail Bridge 33.7 Renovation, #TF16-0008 (The “Project”); and

WHEREAS, on August 15, 2017, the Commission adopted a Resolution regarding the development of property through the Michigan Natural Resources Trust Fund, pursuant in which the Commission approved entering into a Development Project Agreement (the “Agreement”) with the Michigan Department of Natural Resources (the “Department”) to obtain a grant for the Project; and

WHEREAS, the Department and the Commission entered into the Agreement; and

WHEREAS, the Commission began work on the Project; and

WHEREAS, the Agreement called for completion of the Project by July 31, 2019, but the Project completion has been delayed; and

WHEREAS, the Department and the Commission are willing to amend the Agreement to extend the Project completion deadline to January 31, 2021; and

WHEREAS, the public health, safety and welfare will be served by extending the Project completion deadline.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. The Commission approves and authorizes an amendment to the Agreement in the form attached hereto as **Exhibit A**.
2. The Chairman of the Commission is authorized to execute the Amendment on behalf of the Commission, to make such minor changes to the Amendment as required or requested by the Department and to take such other actions as may be necessary or appropriate regarding the Amendment.
3. All actions heretofore taken by Commission officials, employees, and agents with respect to the Agreement are hereby ratified and confirmed.
4. Any and all resolutions that are in conflict with this Resolution are hereby repealed to the extent necessary to give this Resolution full force and effect.

Roll Call Vote:

Ayes: Becker, Blanchard, Ferriolo, Sage, Simon, Steele, Stout, Walker

Nays: None

MOTION CARRIED.

DISCUSSION/APPROVAL: Bridge 33.7 Stairway Quotes: Ms. Ford indicated she has two quotes, one from WCI and one from LJ Construction and has reached out for references. WCI was used for the resurfacing project, but LJ Construction came highly recommended. They are doing the boardwalk and bridge for the Polly Ann/Paint Creek connector, and came in with the lower bid. Ms. Ford is recommending we go with LJ Construction for the stairway project. Mr. Stout spoke very highly of LJ Construction on their work on the connector project, and no complaints were received about traffic or anything else; they are completing a beautiful project. He is strongly in favor of utilizing LJ Construction for this project. Mr. Simon asked for clarification of what is written on the quote. Ms. Ford said – based on using #1 SYP 545 treated GC-CA-C #15 lumber, 75-day to 90-day delivery. The SYP is southern yellow pine. She had requested a different lumber in the bid package and both WCI and LJ Construction came back with the same product, as there is currently a lumber shortage. She spoke with Mannik Smith, who concurred this was a fine alternative for the project. Mr. Stout said the recommended product is what is being used on the connector trail now which is fine; it won't hurt to use this product. Mr. Simon asked how long the yellow pine will last and if it's better than treated wood. Ms. Ford is not sure, but the yellow pine is treated.

MOTION by Stout, seconded by Walker, *Moved*, to approve LJ Construction for the Bridge 33.7 Stairway quote and project work.

Roll Call Vote:

Ayes: Becker, Blanchard, Ferriolo, Sage, Simon, Steele, Stout, Walker

Nays: None

MOTION CARRIED.

DISCUSSION: Dillman & Upton Privacy Fence: Ms. Ford and Mr. Blanchard had discussed adding a privacy fence to the portion of the Dillman & Upton property that they license from us, that is presently open to the trail, where their parking lot is located. We have received past complaints, especially in the winter when there is no foliage to block the view of issues with the snow and debris from the lumber yard onto the trail; people don't like how this looks aesthetically. We reached out to the company that installed the fence at the garden to get a quote on how much a privacy fence would be. This information was included in the packet. Commission Blanchard and Ms. Ford had a conversation with Mr. Todd Upton yesterday, and he is very much against the privacy fence because there would be nowhere to put the snow and they would have to haul it out, which would be a great expense to them. We received assurances from

him that they would do a better job this year of dealing with the snow. We ended the conversation that we would see how it goes this winter and have another discussion about the issue in the spring if it was a problem again, and potentially instead of the fence, we would discuss putting in some natural screening, perhaps evergreens where the view would be obstructed year round. This is where the situation stands, and she's not making a recommendation today about the fence. Mr. Sage spoke with the City of Rochester today regarding this issue, and they would not be supporting a privacy fence because of the obstructed sight line on the trail. They are willing to plant three to six trees in that space, and do not support arborvitae as being a restriction to the sight lines. They are also willing to put in ground cover as well. They do not want to do anything this year – they would like to let the ground to purge itself of the salt, and they got assurance from the Upton's as well that they will not pushing snow to that area. In the spring they will dig holes to plant the trees three times deeper than they normally do to make sure they have all the salt contamination out. The Commission can determine the tree species. Mr. Sage indicated Ms. Gamage is not present tonight, but did send an email indicating she is not in support of the fence with the sight line issue and what we have experienced in the past with the snow being brought to this area and the disbursement of trash onto the trail. Mr. Blanchard asked that a letter be sent to Mr. Upton outlining what was stated at tonight's meeting, and we are encouraging him to do all they can to keep the snow away from the trail.

DISCUSSION: Michigan Department of Natural Resources Iron Belle Trail Challenge

Grant: Ms. Ford said the Commission may recall we reached out to the DNR when the resurfacing bids came back so high and we didn't have enough funding in place at that time to cover any cost over-runs. The DNR gave us a \$60,000 grant to use if needed for any cost over-runs for this project. The resurfacing project came in under budget by \$100,000, so we never utilized that \$60,000 grant. Once the DNR spending freeze ended, she was contacted by the grant program manager about this grant, along with the signage grant, because they wanted us to sign amendments to extend both those grants to September 2021. Ms. Ford spoke with the grant manager and let him know that we didn't need the funding for resurfacing, and asked if it was possible to keep that funding to use for other projects. Within the budgeting at the State, that money's been allocated to us, so it's ours to use for projects on the trail as long as they are Iron Belle Trail related. We can't do anything for land acquisition. As long as they are Iron Belle Trail related, we have to submit a new proposal about how we would like to use these funds. In the packet, Ms. Ford proposed some options – one of those was the privacy fence, which is now off the table. She would like to substitute that with one of the things that was eliminated from the resurfacing project – replacing the wood bridge approaches, which were supposed to be replaced during resurfacing; also, the Foley Pond split rail fence, which was also eliminated from resurfacing. There are a few other things listed in her memo that would be good additions to the trail that we've had requests from users in the past. She asked for comments. Mr. Sage said Ms. Gamage's email mentions some the memo's references to consideration of revisiting some of the safety measures that were removed from the resurfacing project, and asked if this is what Ms. Ford means by the approaches. Ms. Ford responded yes. Ms. Gamage indicated in her email she is in support of that, as well as Mr. Sage. Ms. Gamage also mentioned something about a picnic table where a side path is. Ms. Ford clarified she is speaking about the southeast Rochester property that is off the Clinton River Trail. Mr. Becker said a future item listed for discussion is a portable automatic defibrillator and perhaps as a safety item, could be something purchased for the bike patroller and could be put on this list. He feels it's an important safety item and could be considered. Mr. Simon commented the Paint Creek Junction project, which will be a great asset to the trail, could use some of these funds for some of the items going in. He suggests talking with Ms. Milos-Dale and maybe we could help provide some additions to the new park. Ms. Ford indicated she has talked to Ms. Milos-Dale, and there is a concrete pad in place where Oakland Township wanted to install a bike fix-it station in the future, so that is included in the budget.

They've also spoken about using the bench donation program for potential benches at this park. We will also be financing a kiosk and a way finding sign at Paint Creek Junction with other funds. Mr. Ferriolo agrees with the defibrillator suggestion, it's an excellent idea to include in this list. He agrees with the list Ms. Ford provided; it's well thought out and well distributed in terms of the need. He supports the items listed in Ms. Ford's memo. Ms. Steele asked if the bigger project of the kayak launch was discussed as an option. Ms. Ford indicated it is listed and she included the cost of the two bids received in 2019 – one was \$40,106 and the other for \$82,390. She anticipates both bids being higher because it will be two years later when we do this, and with the lumber issues, she anticipates the cost will be higher. The grant is only for \$60,000, so she doesn't think we will be able to do all that would be included there, but that is an option. Ms. Steele is personally in favor of a bigger project. Mr. Blanchard thought we maybe could do this project, but it's more money than what we have. Ms. Olijnyk thanked Ms. Ford for talking to them about keeping these funds dedicated for us. She feels we should finish out the sign project because it's been delayed a long time and we were going to do it in phases because we didn't have the money. She would like to keep this project on the list if we can so we can finish it out.

Ms. Ford indicated the signage cost is \$12,400 based on the quote we have, and is the first item listed in the table. Mr. Sage asked if reinstalling the approaches to the bridge stairs and adding the defibrillator covers the \$8,900 allocated from the privacy fence. Ms. Ford said the quote in the original bid for the bridge approaches was a little less than \$100,000, so we could do the ones that are worse off, and as funds become available, work on the rest in future years. Mr. Sage asked if the motion is directional, or are we allocating the funds. Ms. Ford explained we need to get approval from the DNR that they will cover what we propose – we will send our list of projects to them for approval. Mr. Ferriolo asked that whatever we submit to them adds up to the \$60,000. Maybe we could ask about the defibrillator up front, so we know whether or not to add it to the list, and then more bridge approaches could be added to make up the difference. Ms. Ford will eliminate the privacy fence and add in the bridge approaches and defibrillator and the total will be \$60,000. She has \$6,000 in cost over-runs as a separate line item, and will build this into the cost of the items, so it's not seen as a separate line item. The Commission thanked staff for managing the resurfacing project, thereby allowing this grant to be used on other projects.

MOTION by Becker, seconded by Ferriolo, *Moved*, to direct the Manager to forward the list of items to the DNR for approval to spend the \$60,000.

Roll Call Vote:

Ayes: Becker, Blanchard, Ferriolo, Sage, Simon, Steele, Stout, Walker

Nays: None

MOTION CARRIED.

DISCUSSION/APPROVAL: Trailways Commission Purchasing Policy: Ms. Ford is recommending that the current purchasing policy be amended so that the Trail Manager is able to make purchases up to \$1,000 on budgeted items without prior approval from the Chairperson or Commission, that the Trailways Chairperson may authorize purchases between \$1,000 and \$2,000 on budgeted items without Commission approval, and then in an emergency situation, two officers may authorize expenditures between \$2,000 and \$3,500. Mr. Blanchard thought the policy was that the Manager was authorized for \$1,000, but it was only \$500.

MOTION by Steele, seconded by Stout, *Moved*, to accept the policy as presented to increase the dollar amounts for all three categories as stated.

Roll Call Vote:

Ayes: Becker, Blanchard, Ferriolo, Sage, Simon, Steele, Stout, Walker

Nays: None

MOTION CARRIED.

DISCUSSION: 2021 Draft Budget: Included in the packet is the draft budget for next year as well a projected 2022 budget as Ms. Steele requested this last year. She is recommending that the

current request from each member community for operations remain the same and that the Commission requests an additional 2% from each community for the patrol program to account for wage increases for the Oakland County Sheriff's Department deputies and the bike patroller. The transfer from legal services has decreased from last year due to the expiration of our current agreement with DTE, so that amount is less than it typically is. She is working with the Licensing Committee to remedy this issue. She expects at least \$1,900 from our asset distribution from our insurance. As far as expenses, she is recommending a 2% increase for the Assistant Manager and bike patroller, and assuming the Personnel Committee recommends a 2% increase for the Manager, she has included that as well. The various member communities will be giving their staff between 2-3% wage increases this year. Since it wasn't spent this year, she has put \$3,355 in the signage project budget which is our match for the Iron Belle Trail signage grant. Since we didn't hold them this year, she has added costs for the two ribbon cutting ceremonies for the Bridge 33.7 and the Pollinator Garden in the budget. She has also increased the amount of patrol budget based on the anticipated wage increase for the deputies. Additionally, she budgeted an additional \$1,500 for license preparation for the attorney this year. The licenses need to be looked at and some agreements may need to be amended or negotiated. A lot of them have not been increased in many years. The DTE one has expired and needs to be renegotiated. For the special projects budget, she has included the Moutrie Garden and plans to purchase a bike rack assuming the funds for that will be donated from someone who is in line from the bench memorial program – hopefully one of them will be interested in doing a memorial bike rack instead. Ms. Steele thanked Ms. Ford for an excellent budget and appreciates the three-year forecast. She would like to look in the future at the user complaints – maybe thinking of bike police instead of mounted police, that might help alleviate some of the issues and the cost might be lower. Ms. Ford indicated the bike patrol is more expensive. Ms. Steele is happy with the budget.

MOTION by Steele, seconded by Becker, *Moved*, to accept the budget as presented.

Mr. Becker commented we don't need to approve this until December. Ms. Ford said it needs to happen before the end of the year. We usually bring this forward and discuss in October, and come back in November with any changes and ultimately approve it. Mr. Becker would like some more time to review the budget and make any minor changes next month. Mr. Blanchard asked if the DTE licensing fee was removed from the budget. Ms. Ford indicated yes, because she can't guarantee we will get the money, so she's not comfortable with putting it in and budgeting things towards it. They have not paid 2019's fee yet, and then in 2020, they expire – there needs to be a new agreement in place. Mr. Blanchard thinks this revenue should still be in the budget and asked if expenses were cut because of it. Ms. Ford said yes, and that she cut expenses in office expenses and staff travel, educational memberships and promotion items. She plans on pursuing the DTE license fee issue and will get the attorney involved if need be. Ms. Olijnyk agrees we need to look at other license agreements, and if any others are expiring soon, they need to be renegotiated. Mr. Sage asked if the motion is to accept the budget as presented or for discussion/review and approval in November - are we approving it tonight? **Ms. Steele withdrew her motion and would like to restate it. Mr. Becker agreed.**

MOTION by Steele, seconded by Becker, *Moved*, to receive and file the budget as presented and to vote on it at the November meeting.

Roll Call Vote:

Ayes: Becker, Blanchard, Ferriolo, Sage, Simon, Steele, Stout, Walker

Nays: None

MOTION CARRIED.

MANAGER'S REPORT: In addition to the written report, Ms. Ford indicated she sent in an application for the DIA Inside Out Project yesterday, so hopefully we'll receive that and we'd be

able to put four to 10 artworks on the trail. The Polly Ann Trail is also planning to apply as well; we're hoping to do something in conjunction with them if we both get the installation to highlight the new connection we have. We like to call ourselves the "sister trails". She also applied for the Oakland Together Cultural Institution COVID19 support grant. The County is awarding grants up to \$50,000 based on our budget – we will find out November 6th about this. The funds have to be spent by the end of this year, but they said it can be used for expenses we've already had relative to COVID. The signage we've put out, printing costs, any sanitization and PPE we've bought, the cost of GoToMeeting, rent and utilities; these are costs we can use this grant for. Mr. Simon commented about electrostatic type squares used to battle the COVID problem – is it possible to get things lined up so if the grant comes in, we can get the purchase orders in? Ms. Ford asked that Mr. Simon send her information on this. Both of the Eagle Scout Kiosk projects have been installed, and Ms. Ford has been contacted by two additional Scouts to do the kiosks at Tienken and at Ludlow/Woodward. She is in initial stages of discussion and hopes they will present information at the November meeting. Ms. Ford commented about the issues when trying to access the website. She reached out to our web-hosting company who is the one who recommended this security as the website was being attacked by bots and going down. They have put in new rules relative to the CAPTCHA that you should only have to do once a year. Hopefully this resolves the issues.

COMMISSIONER REPORTS: Ms. Buxar said the bridge in Orion Township looks wonderful. Ms. Steele added there will be a ribbon cutting coming soon and will let everyone know. The bridge has been dedicated to JoAnn Van Tassel, a huge advocate of the Orion Community, a former Trustee and Supervisor, a nice tribute. Happy elections everyone, and she's wishing that the people running who can contribute most to the community and residents get elected. Ms. Olijnyk thanked Mr. Carrio for putting the signs on the plantings at the garden. She asked if the chat comments in the meeting are supposed to be included in the minutes. Ms. Ford said these comments are not in the minutes, but she has transcripts of the chat comments. Ms. Olijnyk asked if there were going to be issues with reopening drinking faucets next year. Ms. Ford indicated the maintenance of the fountains is borne by the communities. Mr. Stout said the Clarkston pathway will be open for all traffic by the end of this week. Another project was started last week – a connector on Joslyn between Heights and Indianwood Road. Next year RCOC is planning on redoing Waldon Road from Baldwin Road to Clintonville Road and there will be a path going on the north side, so we're up to 70 miles of pathway in the Township. He indicated the Township is back to face-to-face meetings, and asked what the Commission's plans are. A short discussion ensued, with some members in favor of meeting in person, while others are comfortable with meeting virtually. The consensus was to wait and see what happens. Ms. Ford said the legislation is allowing virtually meetings to occur until the end of the year, and then there has to be a specific reason after the first of the year. If we are still in a state of emergency, that would count for 2021. There is an option of hybrid meetings, so if some Commissioners were not comfortable meeting in person, they could meet virtually, and those that are comfortable can come to the meeting. There is a 20-person limit per a 1,000 square foot room that doesn't have fixed seating. The Commission will decide this issue month by month to see what happens with the COVID issue, as the members are split on a decision to meet in person or virtually. Mr. Simon reported he got scammed and warned all members to be very careful of any communications they may receive. Mr. Sage passed along a note from Ms. Gamage – she indicated there was a non-motorized virtual trail planning meeting hosted by the DNR tonight. No one was notified of this meeting. Ms. Ford was asked to contact the DNR to get on the list to be notified of these meetings. Mr. Becker commented that our trail and other trails are a real godsend to many residents for their physical and mental health. We are doing a great job running the trail for the community. We need to pat ourselves on the back for a successful trail. Mr. Blanchard stated we have been meeting virtually for eight months and appreciates all the work

the staff and Commissioners are doing, especially all the projects that have been accomplished on the trail during this time. We have accomplished a lot. Kudos to all!!!

ADJOURNMENT OF REGULAR MEETING:

MOTION by Becker, seconded by Simon, *Moved*, to adjourn the Regular Meeting at 9:15 p.m.

Ayes: All Nays: None

MOTION CARRIED.

NEXT REGULAR MEETING: November 17, 2020 at 7:00 p.m. – Paint Creek Cider Mill

Respectfully submitted,

MELISSA FORD, Trail Manager

DAVID BECKER, Secretary

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