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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, October 18, 2022 Regular Meeting was called to order by Chairperson Steele at 7:00 p.m.

Voting Members Present: Brian Blust, Ken Elwert, Linda Gamage, Steve Sage, Donni Steele, David Walker

Voting Alternates Present: Martha Olijnyk, Patrick Ross

Non-Voting Alternates Present: Russell George, Carol Morlan

Voting Members Absent: Robin Buxar, Aaron Whatley

Alternates Absent: David Becker, Julia Dalrymple, Dave Mabry, Ann Peterson

Village of Lake Orion Non-Voting Member Absent: Jason Peltier

Village of Lake Orion Non-Voting Alternate Absent: Jerry Narsh

Others Present: Melissa Ford, Trail Manager, Eryn Grupido, Administrative Assistant, Sandi DiSipio, Recording Secretary

PLEDGE OF ALLEGIANCE: All rose and recited the Pledge.

APPROVAL OF AGENDA: Chairperson Steele added a discussion on bridge survey/inspection before the Manager's Report.

MOTION by Olijnyk, seconded by Elwert, ***Moved***, to approve the October 18, 2022 agenda as amended.

Ayes: All Nays: None

MOTION CARRIED.

PUBLIC COMMENT: Mr. Elwert introduced Russell George, the new Rochester Hills' Citizen Alternate who replaced Mr. Shepard - he was welcomed by the Commission. Mr. George said he utilizes the trail, has been working for the City for nearly 18 years, and moved to Rochester Hills about four years ago.

CONSENT AGENDA:

a. Minutes – September 20, 2022 Regular Meeting, approve and file

b. Treasurers Report – September 2022, receive and file

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

Roll Call Vote:

Ayes: Blust, Elwert, Gamage, Olijnyk, Ross, Sage, Steele, Walker

Nays: None

MOTION CARRIED.

APPROVAL OF INVOICES: Ms. Ford presented the list of invoices totaling \$27,744.22. In addition to the recorder's fee, this amount includes credit card charges for GoToMeeting September fees; deposit to our Community Foundation of Greater Rochester account of the

LDBW donations, payment of our Worker's Compensation insurance premium, reimbursement to the City of Rochester for Bridge 31.7 Engineer Review fees, 3rd Qtr wages and FICA for 3 staff positions and share of copier costs and paper shredder services as well as CPR training for the Administrative Assistant, reimbursement to bike patroller for a bike rack to carry the AED equipment, and payment to ASTI Environmental for the T&E Species Assessment for the bridge replacement project. Estimated unrestricted fund balance is \$93,000.

MOTION by Gamage, seconded by Elwert, *Moved*, that the invoices presented for payment are approved as presented in the amount of \$27,744.22 and orders be drawn for payment.

Roll Call Vote:

Ayes: Blust, Elwert, Gamage, Olijnyk, Ross, Sage, Steele, Walker

Nays: None

MOTION CARRIED.

UPDATE: 2022 Audit Contract: A memo is included in the packet. Ms. Ford explained staff sent the RFP to seven accounting firms, posted it online and on social media; three firms responded saying they did not have the capacity this coming year to do the audit. Another firm indicated that it would not be able to complete the audit at the price our current auditor charges. The final three firms did not respond, including our current auditor. Ms. Ford reached out to the three firms we did not hear from to see why they did not respond and if they would have the ability to respond if we extended the deadline; she did not hear back from one, and is playing phone tag with the second firm. Mr. Phillips, our current auditor indicated he didn't respond because he plans to merge his firm with another and that after 2023 he plans to retire. However, he provided fees for a 3-year contract which was passed out to the members tonight should the Commission like to contract with him; if so he would prepare an engagement letter for approval at the next meeting. Mr. Phillips would do the audit for the coming year, and then the firm he's merging with would prepare the next two years honoring his rate. Mr. Phillips said he's talked to some of his clients and they've said in talking with other firms about future audits, their fees would be double what they are currently paying Mr. Phillips. Ms. Ford said the one firm who indicated they could not compete because they would not be close in price confirms this, as they would be in the \$7,000 to \$8,000 range. Ms. Ford included this increased audit cost in the budget, and will have to be amended to reflect the lower amount if we opt to contract with Mr. Phillips. We would have a locked in cost for next year's audit, and if the firm Mr. Phillips merges with doesn't honor the quoted price in the engagement letter, the Commission can put out an RFP next year if we have to.

MOTION by Elwert, seconded by Blust, *Moved*, to approve contracting with Mr. Phillips for our auditing services.

Roll Call Vote:

Ayes: Blust, Elwert, Gamage, Olijnyk, Ross, Sage, Steele, Walker

Nays: None

MOTION CARRIED.

DISCUSSION: 2023 Draft Budget: A memo is included in the packet summarizing the changes in next year's budget, as well as a projected budget for 2024. As far as revenues changes, Ms. Ford indicated she's recommending a 2% increase from each member community for operations, that the request from each member community for patrol program to be increased to reflect the increased rates in the new contract with the Sheriff's Office, and expects approximately \$1,300 from MMRMA Asset Distribution. On the expense side, she is recommending a 3% increase for the Administrative Assistant and Bike Patroller positions; assuming the Personnel Committee recommends a 3% increase, and the Commission accepts, she has increased the Manager's salary. She has also increased the Mounted Patrol budget to reflect the increased rates in the new contract, and added costs for document scanning based on the estimate we received last year from the vendor for the project. Ms. Ford has also budgeted an additional \$1,500 for license preparation fees this year for our attorney to negotiate new

agreements. She added Bridge 31.7 design engineering as a special project in 2023. The budget may need to be amended if the Commission receives any grants for bridge construction in 2023. Chairperson Steele said the Personnel Committee will meet and do a review for the Manager position and make a recommendation to the Committee on the increase. This process has been started, Mr. Becker has indicated he will help facilitate a meeting before we adopt the final budget, and Ms. Ford was asked to put a 3% increase in the budget for her wages. Relative to the bridge replacement project, Ms. Gamage asked what year are we expecting this to happen. Ms. Ford said we have to get funding first; even with the Trust Fund grants, we wouldn't know until late next year – so it would probably be 2024 and after April because of the trout. Ms. Gamage said this quite a workload for staff to manage, and suggested adding extra hours for the Manager's time in the 2024 budget for this. Mr. Elwert said under Insurance/Special Services we need to change the cost of Auditing Services. He said website update costs need to be included in the budget. Mr. Elwert noted on the Bridge 31.7 project we're showing revenue of \$51,000 and expenses of \$67,000, and asked if we are committing to pay the extra \$16,000? Ms. Ford clarified the reason it's like that is because we got the \$50,000 from the Community Foundation and then Rochester got the \$25,000 grant from the County, so once we pay out our \$50,000 plus the \$1,051 from the Friends Group, the rest of the expenses will be paid by the City of Rochester from their grant, and the County will reimburse them. Ms. Ford then stated a new office computer is included under Office and Trail Equipment. Ms. Olijnyk asked about document scanning. Ms. Ford said we were supposed to do that this year, but it wasn't done because staff needed the documents for the license agreement review – her hope is that once that is done next year, scanning can be done. That number needs to be adjusted as well because it's going to be around \$4,500. Ms. Olijnyk asked if insurance rates will be increased. Ms. Ford responded the Worker's Comp has been stable every year, and the insurance sometimes fluctuates so a \$100 increase was included in the budget. It was suggested to put dollars toward website updates rather than document scanning, using the savings from the auditing services. Ms. Ford will revise the budget to reflect website updates for 2023 and move document scanning out another year. The 40th Anniversary Celebration was brought up – Ms. Ford said there is a committee working on this, but they haven't met yet – she has a few ideas in mind, but nothing definitive; possibly a PCT sponsored 5k, or an event with an auction. The revised draft 2023 budget will be on next month's agenda for approval.

DISCUSSION: Upcoming Grant Opportunities for Bridge 31.7 Replacement Project: A memo is included in the packet. Ms. Ford updated the members on the Michigan Spark Grants – the first round opens on October 24th and closes December 19th, and hopefully next Monday (after a webinar) she will have a better idea of what they are looking for. Some of the other grants have not yet released their guidelines, but she included in the memo what was listed last year. Ms. Ford will focus on the Spark grant as well as the Fisheries Habitat grant. Presently, the Fisheries Habitat grant hasn't released any information yet, but she will reach out to them. Mr. Elwert asked if bridges were listed for this grant. Ms. Ford pointed out they have one of our bridges on their priority project list and talked to them last year about this bridge. They were interested in it because the woody debris that accumulates as the piers are in the water is affecting the trout habitat – it's a concern for them. Ms. Ford feels that we would be fine for a conditional commitment because the grant is designed to be a matching fund for the trust fund grant, so that's how she will apply for it but it's not required at this point. If we were to get another grant, we would be covered. As of this time, Ms. Ford doesn't have a number for how much the bridge will cost, so she needs this from the engineering firm before she can do anything. Mr. Elwert asked where the match would come from as we don't have that in our budget. Ms. Ford said for the last bridge, that was financed through a \$300,000 trust fund grant, the match was a \$300,000 TAP grant, Oakland Township put in \$185,000, \$20,000 came from the Commission, and the remaining balance came from the Wilson Foundation. Mr. Elwert asked if staff is avoiding the

Lake and Water Conservation Fund? Ms. Ford will check into this. Chairperson Steele asked if it's staff's goal to apply for all the grants. Ms. Ford responded yes. Mr. Sage will reach out to Mr. Banda at Rochester regarding the match, and asked that Ms. Ford also reach out to him. Ms. Ford stated she should sit down with Rochester to see what they think about all the grants. Ms. Steele thanked Ms. Ford for all her work.

DISCUSSION: Southeast Rochester Property: As brought up at a previous meeting, Ms. Ford explained the Trails and Greenways Alliance reached out to her about an attorney who had spoken to the Alliance regarding an estate he was handling where the person had left some money they wanted to go to a trail for a respite station. That donor was from the Rochester area, so they thought about our trail as well as others options in the area. The Alliance wanted to know if we had any projects or any thoughts on this possible donation. Ms. Ford talked with Chairperson Steele and they suggested the Southeast Rochester property. Ms. Ford sent the project plans to the Alliance, but didn't hear anything for several months. Last week an email was received by staff apologizing for the delay as there were issues communicating with the attorney. They were interested in pursuing our project, and have \$200,000 to spend for a project. The attorney wants to get an updated cost as our plans are from 2019, and a list of any additional amenities we would like at the site. He also wants to go with the Alliance and staff to visit the site to see where it is and where amenities would be placed. That's where it stands right now. Ms. Ford commented her issue is not knowing the best way to get a new cost estimate; since it's in Rochester, she asked if their engineers would be willing to provide staff with a new cost estimate based on the plans we have. Mr. Sage said this could be done. Mr. Elwert asked what is being considered. Ms. Ford responded the observation deck, resurfacing the existing trail, treating and removing the invasive phragmites at the site, creating an access trail to the river, interpretative signage about the Kalamazoo Canal, new wayfinding and PCT signs, a crowd source river level gauge, benches, picnic tables, the multi-user counter, the cost of project management and inspection of the observation deck if needed, and the cost of a memorial sign if required. All these amenities are not listed in the 2019 plans – those plans only included resurfacing the trail, adding the access trail, and the observation deck. Ms. Ford said she can get the signage costs from the vendor who completed our new signs, has the contact information for the person who did the invasive species treatment on the trail last year and will reach out to them for a cost, and will get the cost of picnic tables, benches, the counter, etc. on her own. The cost for the 2019 project was around \$70,000-80,000. Mr. Walker feels today's cost for the same project would be around \$100,000. Ms. Steele commented it might be useless to treat the phragmites without fixing the path. Mr. Elwert said we might not need to develop the path to typical trail standards as it doesn't go anywhere – it goes to the bridge that goes to dirt paths; we could consider something different. Ms. Ford said the plans call for this path to be the same way as the trail. Mr. Elwert said we might be able to save some money by doing something different. Ms. Gamage commented it might have to be a certain width for grants in the future. Mr. Elwert said the width should be 6-8 feet wide, it doesn't have to be a 10 foot. Ms. Gamage said the crowd hydrology water gauge is not expensive, as we get most of it donated and just install it. She mentioned USGS gauges, and that we might be able to get an official USGS water gauge station as we don't have anything like that on the Clinton River. There is one in Auburn Hills and one in Sterling Heights, so this would be a good location. Ms. Ford said she would look into this. Regarding the invasive species, Ms. Gamage will get a contact for PAR Pharmaceuticals, the adjoining property owner, and Ms. Ford will reach out to them to see if they are interested in joining the effort to treat the phragmites. Ms. Ford indicated the plan of action is to get an updated cost for the project, submit those to the attorney and schedule a site visit, and then it's in their court. Anyone interested can attend the site visit.

DISCUSSION: Bridge Inspections: Chairperson Steele said Orion Township has an in-kind donation from their engineering firm and was asked to take a look at the bridge reports to categorize them and see what is next on the list to work on. Mr. Whatley put it together and sent it to OHM – OHM said some of the dates are too old, and could not categorize them based on the age of the reports. Basically, all the reports need to be within a few years of each other in order to be categorized. So, Orion Township just had all their bridges done. Ms. Steele thought all the communities needed to inspect their bridges every year and give a report to the Commission. Mr. Elwert said inspecting is different than a structural inspection. Ms. Steele said we can't do part 2 of our bridge categorization, until part 1 is done by each of the communities. She asked when the other communities are considering their inspections. Ms. Ford explained Rochester only has the one bridge that will be replaced. Ms. Grupido said Rochester Hills' reports were done in 2017, and Oakland Township in 2014. Ms. Ford commented the problem is that every community is on their own cycle. Mr. Elwert said Rochester Hills will try to accomplish this when they can. Mr. Blust can research this issue to see what's been done in the past in Oakland Township.

MANAGER'S REPORT: Ms. Ford summarized her written report included in the packet. There was a medical issue on the trail in late July where a user was attacked by a bat near Dinosaur Hill. Staff filed a claim with the insurance, and the decision was made to deny liability for the incident. The person waiting for the map sign rejected our price of \$250, and asked if we would like to lower the price or do something at the anniversary celebration with them. Ms. Gamage feels we should try to auction them. Ms. Ford said Mr. Becker was interested in purchasing one. She also went through the minutes and there was no talk about giving one to Mr. Peltier for all his work.

MOTION by Sage, seconded by Elwert, *Moved*, to approve giving a sign to Mr. Becker and Mr. Peltier in recognition of their service and time towards events.

Discussion: Ms. Olijnyk commented this is a lot more value than what other Commissioners receive as part of their recognition, even though there are different levels of recognition. She appreciates what they have done, but we have to think about this in comparison to what we've done for other people and contributors. Maybe we wait to see if we can auction the signs, and if only three people purchase them, we have more to give away later – we're trying to raise funds with the signs. Ms. Gamage suggested the Recognition Committee review this in conjunction with the 40th Anniversary celebration and recognition, and make a recommendation back to the Commission. **Mr. Sage retracted his motion, and Mr. Elwert agreed.**

Relative to the beach encroachment in Oakland Township, Ms. Ford talked to EGLE. The homeowner is on board to restore the shoreline to its original state and have a deadline to submit their plan by December 4th, and have all restoration done by May 1, 2023 to avoid spawning season. EGLE will send staff a copy of the restoration plan if the homeowner doesn't. An E-bike log was attached to the Manager's Report. The due date for the Pure Michigan application is January 15, 2023. Ms. Ford hopes to have the list of all potential locations for amenities on the trail next month for discussion.

COMMISSIONER REPORTS: Mr. Elwert said Rochester Hills just completed their community survey to update their Master Plan, and one question was how often do you visit the various parks including the PCT. The formula estimates how many visits based on responses – it looks like Rochester Hills' residents visited the trail over 100,000 times. Mr. Sage reported the Solaronics project will be on Rochester's Planning Commission November 7th meeting – the rumor going around is that the Commission has blessed the project. Mr. Sage clarified to the Council that this is not true. Ms. Olijnyk reported graffiti behind the sign at the new bridge; Ms. Ford is aware of this and will follow up. Ms. Olijnyk worked with Mr. Carrio relative to

observing different uses of electronic devices on the trail and they came up with a form that will be good – her son did go out for 2 hours, an hour each time on different days and locations to survey users. He saw one electric scooter, and a lot of bikes, but it’s really hard to distinguish what is an e-bike when they are going past and he’s sitting. A visitor in the audience commented about e-bike drivers not being respectful. Ms. Steele reminded everyone to vote on November 8th, and said she will not be at our November meeting.

ADJOURNMENT OF REGULAR MEETING:

MOTION by Gamage, seconded by Elwert, *Moved*, to adjourn the Regular Meeting at 8:21 p.m.

Ayes: All Nays: None

MOTION CARRIED.

NEXT REGULAR MEETING: November 15, 2022 at 7:00 p.m. – Paint Creek Cider Mill

Respectfully submitted,

MELISSA FORD, Trail Manager

DAVID BECKER, Secretary