

JOINT MEETING OF PAINT CREEK TRAILWAYS COMMISSION and  
CHARTER TOWNSHIP OF OAKLAND PARKS AND RECREATION COMMISSION

June 12, 2019

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The June 12, 2019, special joint meeting of the Paint Creek Trailways Commission (hereinafter "PCTC") and the Charter Township of Oakland Parks and Recreation Commission (hereinafter "PRC") was called to order at 6:00 p.m. in the main conference room of the Township Hall.

**ATTENDANCE**

**PAINT CREEK TRAILWAYS COMMISSION**

**VOTING MEMBERS PRESENT:**

Linda Gamage, City of Rochester  
Kim Russell, City of Rochester  
Rock Blanchard, City of Rochester Hills  
Susan Bowyer, City of Rochester Hills (arrived 6:17 p.m.)  
Frank Ferriolo, Charter Township of Oakland  
Donni Steele, Orion Township  
Jeff Stout, Orion Township

**NON-VOTING MEMBERS PRESENT:**

Hank VanAgen, Charter Township of Oakland

**VOTING MEMBERS ABSENT:**

David Becker, Alternate, City of Rochester  
Robin Buxar, Alternate, Charter Township of Oakland

**NON-VOTING MEMBERS ABSENT:**

Martha Olijnyk, Charter Township of Oakland  
Lynn Loeb, Alternate, City of Rochester Hills

**OTHERS PRESENT:**

Melissa Ford, Trail Manager  
Chris Gray, Assistant Trail Manager

A quorum was present.

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CHARTER TOWNSHIP OF OAKLAND PARKS AND RECREATION COMMISSION

PRESENT: Colin Choi, Chairperson  
Henry VanAgen, Vice-Chairperson \* Acting Chairperson this evening  
Emily Barkham, Secretary  
Craig Blust, Treasurer (arrived 7:03 p.m.)  
Daniel Bukowski, Commissioner  
Cathy Rooney, Commissioner  
Daniel Simon, Commissioner

Melinda Milos-Dale, Director

ABSENT: None

A quorum was present.

**PLEDGE OF ALLEGIANCE**

Acting Chairperson VanAgen led the Commissioners, staff and those present in the Pledge of Allegiance to the flag of the United States of America.

**PUBLIC COMMENT**

**Paint Creek Junction Park**

Director Milos-Dale announced that the Board of Trustees passed a resolution at their meeting last night supporting the Michigan Natural Resources Trust Fund Development Project Agreement for this project, titled "Paint Creek Junction Park Northern Trailhead," committing to appropriate the defined matching funds, and authorizing Supervisor Bailey to sign the project agreement, contingent upon the PRC's recommendation, which will be considered later this evening.

**REVIEW OF UPDATED BID RESULTS AND CONTRACT AWARD**

**RECOMMENDATION FOR PAINT CREEK TRAIL**

**RESURFACING/OBSERVATION DECK AND BEAR CREEK NATURE PARK**

**RESURFACING**

Kevin McDevitt, Project Manager, of Mannik Smith Group ("MSG"), was present. He stated that the resurfacing bids came in significantly higher than the engineer had estimated, and higher than what had been budgeted for this project. He went through the bids and removed items that can be accomplished later and that, if not done now, will not affect safety. Once these items were removed and the bids were recalculated, it changed the low bidder from Anglin Civil (\$580,000) to WCI (\$571,000).

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Trailways Commissioner Ferriolo asked Mr. McDevitt if MSG could recommend one contractor over the other, noting that the bids amounts are very close. Mr. McDevitt looked at the “riskiest” line items in the bids and commented about whether or not he felt one or the other contractor may be more likely to go over the bid amount and into the contingency amount.

(Trailways Commissioner Bowyer arrived at this time, 6:17 p.m.)

Tom Maliszewski of WCI was present. He recalled that WCI has worked with Oakland Township’s PRC on numerous other projects. He commented that it is very difficult to break down a bid line by line, and rather that the bid should be considered in its entirety. Trailways Commissioner Bowyer asked why the bids were so much more than the engineer’s estimate. Mr. Maliszewski explained that the market has been very busy the last two years. Additionally, the amount of rain we received this year has made the market challenging.

**REVIEW OF SECURED PROJECT FUNDING**

Trailways Commissioner Stout inquired about the contingency amount. Mr. McDevitt said the typical contingency amount is 10 percent. Director Milos-Dale noted that, in that case, the \$45,000 contingency amount we have budgeted is not enough.

Commissioner Ferriolo said he feels we need to move forward with this project, which we have needed to accomplish for some years. He acknowledged that prices keep increasing, and urged the Commissioners that we need to move forward with this initial phase. Next year we can look at the list of items we are pulling from the bid now and consider which ones we want to do. He added that he is very thankful to the Ralph C. Wilson, Jr. Foundation for providing such generous funding for this project.

Trailways Commissioner Blanchard wondered if we are obliged to accept the low bidder. The Commissioners and Mr. McDevitt did not know. Director Milos-Dale suggested that any approval this evening be contingent upon review and approval by our attorney.

Commissioner Blanchard noted that we received an email from Cody Blunt of Anglin Civil indicating there may be other ways to decrease the total cost of the project. Mr. Blunt was present and explained that he and the owner of the company had sent that email together but from Mr. Blunt’s email address. He said the owner does have ideas that he wants to speak with the engineers about. Mr. Blunt explained that he has only been with the company for two months, and apologized for not being able to provide more detail at this time.

Trail Manager Ford shared a list of other projects that Anglin Civil has done in the area.

Director Milos-Dale commented that, while WCI has worked on projects for the PRC, they consistently run over the bid amount.

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The Commissioners and staff discussed how we can come up with the additional monies for this project. They looked at the amount set aside for construction administration. While the proposal is for \$50,000, Mr. McDevitt said he believes the actual cost will be less once there is an understanding of exactly how much on site supervision is required.

Commissioner Russell from the City of Rochester said it will be very difficult for her to ask her municipality to put in more funding. The City of Rochester has the smallest portion of the Trailways, but it is very heavily used. Further, projects that they had hoped to be completed (the stairs at Dinosaur Hill Nature Preserve, the observation deck, and the entrance to the parking lot) are now being removed from the bid. Mr. McDevitt clarified that these projects were not part of the original scope of this project but rather were added in with the hope of obtaining better pricing.

Commissioner Steele said she feels it is necessary to move forward with the resurfacing project, even if municipalities have to contribute more money. There was a 5K run in Orion Township over Memorial Day, and the trail was muddy, slippery and dangerous. She expressed that if we wait, the trail may deteriorate more and resurfacing will become more costly. Further, she is concerned about the liability of an unsafe trail surface.

Trailways Commissioner Blanchard asked if anyone had checked references for the contractors. Mr. McDevitt responded that this is not the responsibility of MSG. Mr. Blanchard said we need to check references.

Commissioner Ferriolo returned to the issue of funding. He suggested that the Trailways Commissioners approach their respective boards about the possible need for additional funds. Further, he suggested that we contact the Ralph C. Wilson, Jr. Foundation and ask if they would be willing to provide additional funding to accomplish the items we have had to pull from the bid.

Commissioner Ferriolo continued that he understands the City of Rochester's position as presented by Commissioner Russell. He supports these projects and wondered if we could seek a grant to accomplish them in the future.

Commissioner Rooney commented that it would be very helpful to know what funding we have available so that we can decide how to move forward.

Commissioner Stout inquired about when the "drop dead" date is when we must start the resurfacing project. Project Manager Mr. McDevitt said the completion date was extended to December 2019. He added that the bridge replacement project will not be done until the end of September, and the resurfacing aspect can either be done before or after that. Mr. Blunt of Anglin Civil suggested that it might be an option to start the project later in the season, noting that the contractors are very busy at this time and are often looking for work in the fall. He felt confident that the project could still be accomplished this year. Mr. Maliszewski had a different opinion, stating that the rain has made it very difficult to work, and he suggested that

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the project commence sooner than later; the fall can be backup time to complete the project if it is delayed, or can be a time to clean up the site.

PRC Commissioner Barkham pointed out that the bids will expire soon, so she felt we need to make a decision this evening.

**PARKS AND RECREATION COMMISSION: REVIEW AND RECOMMENDATION OF BEAR CREEK RESURFACING CONTRACT AWARD**

Director Milos-Dale reviewed a chart she prepared showing the projected costs for the Bear Creek Nature Park resurfacing aspect of the project. These include both the actual construction costs and the construction administration costs. Commissioner Bukowski noted that we will need to add a contingency amount to the construction costs. Ms. Milos-Dale stated that we had budgeted \$25,000 for the construction costs, but WCI's bid was \$63,975. She added that, if the PRC wishes to recommend approval of a contract, the motion would need to be made contingent upon the Board of Trustees approving an increase in this capital line item.

Chairman Choi suggested and the PRC Commissioners concurred that we defer any decision on this matter until the Paint Creek Trailways Commission decides if and how they want to award the contract for the Trailways resurfacing.

**PAINT CREEK TRAILWAYS COMMISSION: AWARD OF CONTRACT FOR PAINT CREEK TRAIL RESURFACING, PAINT CREEK TRAIL OBSERVATION DECK, BEAR CREEK NATURE PARK RESURFACING**

(PRC Commissioner Blust arrived at this time, 7:03 p.m.)

The Commissioners and staff discussed what should be under consideration at this time. They agreed that the observation deck aspect should be eliminated at this time. Further, they agreed that the Bear Creek Nature Park resurfacing aspect will be contingent upon the PRC's approval of this work.

MOVED BY FERRIOLO, SECONDED BY BOWYER, to approve the Paint Creek Trailways resurfacing project with the elimination of the observation deck aspect of the project (an alternate bid), and with the understanding that the Bear Creek Nature Park resurfacing aspect will be contingent upon approval by the Parks and Recreation Commission, and to award the contract for this work to WCI based on the bid amount of \$635,596, or \$571,621 if the Parks and Recreation Commission decides to not pursue the Bear Creek Nature Park resurfacing.

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Discussion on Motion:

Trailways Commissioner Stout asked if we should go to our local boards and get their approval for this. Commissioner Steele said she feels the contingency amount should largely cover the expected cost.

Vote on Motion:

MOTION CARRIED UNANIMOUSLY.

**PRESENTATION OF PAINT CREEK TRAIL RESURFACING CONSTRUCTION  
ADMINISTRATION PROPOSAL**

Project Manager McDevitt reviewed the proposal from Mannik Smith Group for construction administration of the resurfacing project. He stated that the amount will likely decrease once there is a better understanding of MSG's responsibilities; he can return later with a revised bid.

**PAINT CREEK TRAILWAYS COMMISSION: ACCEPTANCE OF PAINT CREEK  
TRAIL RESURFACING CONSTRUCTION ADMINISTRATION PROPOSAL**

MOVED BY STOUT, SECONDED BY STEELE, to award the contract for the Paint Creek Trail Resurfacing Construction Administration to Mannik Smith Group in an amount not to exceed \$45,000, and to encourage MSG to minimize this amount.

Discussion on Motion:

Trailways Commissioner Russell said she feels we will be awarding this contract to MSG because we feel we must. However, she advised that she will vote "no" because we have had so many problems with the bidding of this project. This has cost us so much extra time and money, and she feels this was not acceptable.

Commissioner Blanchard asked Mr. McDevitt how much he expects the contract will go down. Mr. McDevitt responded that he did not write the proposal. However, he said he estimates it will end up being approximately \$45,000.

Vote on Motion:

AYES: Blanchard, Boyer, Ferriolo, Gamage, Steele, Stout  
NAYS: Russell  
MOTION CARRIED.

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**PROGRESS REPORT ON PAINT CREEK TRAIL BRIDGE 33.7 RENOVATION PROJECT**

Mr. McDevitt stated that the contractor will begin removal of the existing bridge next week. They are timing the construction of the abutments to coincide with when the bridge fabrication will be complete. At this time, the bridge fabricator has indicated that the bridge will be delivered at the beginning of September, and installation should be complete by the end of September.

The Commissioners questioned if we will run into a problem with the MDNR requirement that the creek not be disturbed after October 1<sup>st</sup> due to the brown trout. Mr. McDevitt said the contractor is aware of this and that it should not be an issue.

Commissioner Blust said he is very concerned about the progress of this project. He asked MSG to provide weekly updates starting now. The updates should be in Excel format, and should break down the “milestone” steps of the project (e.g., a certain aspect of the project is X% complete). Mr. McDevitt said he will provide a summary report tomorrow, including a schedule. The report will also indicate how much leeway is in the schedule. Commissioner Blust explained that the Trailways Commission and the PRC need to be kept informed of the status of the project before we encounter a problem.

**ADJOURNMENT BY PARKS AND RECREATION COMMISSION**

MOVED BY BUKOWSKI, SECONDED BY SIMON, there being no further business before the Parks and Recreation Commission, to adjourn the meeting at 7:26 p.m.

MOTION CARRIED UNANIMOUSLY.

**PAINT CREEK TRAILWAYS COMMISSION INTERIM TRAIL MANAGER, PRELIMINARY DISCUSSION**

Trail Manager Ford is expecting a baby and will be on maternity leave for between six and eight weeks this summer. The Commissioners discussed hiring someone to serve as Interim Trail Manager while she is gone. They discussed two candidates for the position. Commissioner Gamage said she is also willing to assist.

MOVED BY BOWYER, SECONDED BY FERRIOLO, to hire Brian Marzolf as Interim Trail Manager, with the understanding that details of the position must be worked out.

MOTION CARRIED UNANIMOUSLY.

The Commissioners agreed that they will ask Mr. Marzolf to attend the June 18<sup>th</sup> meeting. Trail Manager Ford noted that Chairperson Becker has asked that the meeting start at 6:30

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p.m. on that date. At that meeting, the Commissioners and Mr. Marzolf need to come to an understanding regarding the number of hours per week that he will work, the projected number of weeks, compensation, expectations, etc. Commissioner Gamage expressed concerns about how this will impact the budget.

After further discussion, it was agreed that Trail Manager Ford and Assistant Trail Manager Gray will develop a proposal for the Trailways Commission to consider at their June 18<sup>th</sup> meeting, and to invite Mr. Brian Marzolf to attend that meeting.

**CONSIDERATION OF CANCELLATION OF LABOR DAY BRIDGE WALK**

MOVED BY BOWYER, SECONDED BY STEELE, to postpone the Labor Day Bridge Walk event along the Paint Creek Trailways until next year when the bridge replacement and trail resurfacing projects are complete.

Discussion on Motion:

Commissioner Ferriolo said he would like to send our sponsors a letter explaining why we will not be offering the event this year.

The Commissioners discussed involving the Friends of Paint Creek in this event next year.

Vote on Motion:

MOTION CARRIED UNANIMOUSLY.

**ADJOURNMENT BY PAINT CREEK TRAILWAYS COMMISSION**

MOVED BY BLANCHARD, SECONDED BY GAMAGE, there being no further business before the Paint Creek Trailways Commission, to adjourn the meeting at 7:52 p.m.

MOTION CARRIED.

Respectfully submitted,

Ingrid R. Kliffel  
Recording Secretary