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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 21, 2021 Regular Meeting was called to order by Chairperson Steele at 7:02 p.m.

**Voting Members Present:** Brian Blust (*enter 8:00 p.m.*), Ken Elwert, Steve Sage (*exit 8:40 p.m.*), Donni Steele, David Walker

**Voting Alternates Present:** David Becker, Julia Dalrymple, Dave Mabry

**Non-Voting Alternates Present:** Theresa Mungiola, Chris Shepard

**Village of Lake Orion Non-Voting Member Present:** Jason Peltier

**Voting Members Absent:** Robin Buxar, Linda Gamage, Jeff Stout

**Alternates Absent:** Martha Olijnyk, Ann Peterson

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

**Others Present:** Melissa Ford, Trail Manager, Chris Gray, Assistant Trail Manager, Louis Carrio, President of the Friends Group, Sandi DiSipio, Recording Secretary

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

Chairperson Steele informed the Commission that Alice Tomboulion, a long-time dedicated community advocate from Oakland Township has passed away. Ms. Steele recognized her and read a portion of the proclamation given by Township. The Commission also offered a moment of silence for the Oxford community.

**APPROVAL OF AGENDA:**

**MOTION** by Becker, seconded by Elwert, ***Moved***, to approve the December 21, 2021 agenda as presented.

Ayes: All      Nays: None

**MOTION CARRIED.**

**PUBLIC COMMENT:** None

**CONSENT AGENDA:**

a. Minutes – November 16, 2021 Regular Meeting, approve and file

b. Treasurers Report – November 2021

**MOTION** by Elwert, seconded by Mabry, ***Moved***, to approve the Consent Agenda as presented.

**Roll Call Vote:**

Ayes: Becker, Dalrymple, Elwert, Mabry, Sage, Steele, Walker

Nays: None

**MOTION CARRIED.**

**APPROVAL: 2021 Per Diem Report:** The draft per diem account was included in the packet. Ms. Gray has left the meeting to update this report to reflect December attendances and the invoice sheet. The report will be approved when she returns, so the Commission discussed the next item in the meantime.

**DISCUSSION: Community Foundation of Greater Rochester Paint Creek Trailways**

**Commission Fund:** A memo was included in the packet. Ms. Ford explained there are two invoices to be approved tonight that would spend down the rest of the remaining Wilson Foundation funds - \$27,150 to Rochester Sign Shop for the final balance of the signs and \$20,226.29 to Oakland Township Parks & Rec for the Paint Creek Junction project expenses (which was approved in 2020). This only leaves \$950 in the fund; the Community Foundation requires a minimum of \$10,000 to keep a fund with them as it would be a financial loss for them to manage it. We need to decide if we want to close out the fund or if we would like to attempt to raise the additional \$9,000 to keep the fund active. They will allow a year for the Commission to raise the funds if we are interested. As we move forward with the grants, Ms. Steele asked if we would need this fund to be a filter in the future. Ms. Ford indicated possibly, we might have to re-open it again if we get another grant and they act as the fiduciary. When the Commission got the COVID grant from the County, we had to use the Community Foundation. Mr. Becker feels if we have a year to keep the fund open without any extra costs, he recommends we do it and see if people donate to it or if there are other uses for it, and at the end of the year if it doesn't work out, then we could close it. Mr. Walker noted in the memo it states one of the benefits of keeping the fund is open is it allows trail supporters to donate via an online link, and asked if there is any other benefit. Ms. Ford responded it's a public, well respected entity. We don't have a way for people to donate to the Commission very easily, so this is another way for us to benefit directly as they manage the fund and it's earning interest. When we get a donation, it's deposited in the bank account. Mr. Walker asked if there's a reason we can't transfer \$10,000 to that fund. Ms. Ford is not sure these funds need to be dedicated to use for a specific purpose. The Foundation does take a monthly administration fee to manage the funds. Mr. Elwert noted the fees are \$1,000 annually. He also commented that this might interfere with the Friends' donations, and would like to hear from them. How many online donations do we expect? Ms. Ford said she's received two or three donations this year, but it's not something that's publicized often – it's on the website as a link and on Giving Tuesday. If this is something we want to pursue, it will need to be publicized a lot more to raise \$10,000. We've never raised near this amount. Mr. Carrio said the Friends receive between eight and 10 donations a year; they show up in the mail or online and last year it was just over \$1,000. The main benefit to donating to the Friends is that it's a 501c3, and they sometimes get a check from a retirement fund which allows the donor to avoid the income tax consequence. They don't solicit donations, they are sometimes spontaneous. He doesn't feel this would interfere with the Friends in any way.

**MOTION** by Becker, seconded by Dalrymple, *Moved*, to keep the funding in the Community Foundation of Greater Rochester Paint Creek Trailways fund for a period of one year, and monitor it to see if it's beneficial to the Commission.

**Discussion:** Mr. Elwert asked how we are going to raise the \$10,000. Chairperson Steele asked that Ms. Ford contact the Foundation to see if we can move the money, make sure it's accessible, and not have to be encumbered for a specific purpose. She will also find out what the monthly administrative fee is to manage the funds. Mr. Sage asked if we got someone to donate to the Friends, could they transfer these funds to the Commission. Mr. Carrio said yes, if they receive donations, they can apply them to projects done by the Commission. Mr. Walker said we should discuss opportunities to raise the \$10,000. Ms. Ford suggested a subcommittee be formed to brainstorm. Chairperson Steele suggested we vote on the motion, get answers to the question and

bring this item back for discussion at a future meeting. Ms. Ford and Ms. Steele will contact the Foundation.

Roll Call Vote:

Ayes: Becker, Dalrymple, Elwert, Mabry, Sage, Steele, Walker

Nays: None

**MOTION CARRIED.**

**APPROVAL: 2021 Per Diem Report:** Ms. Ford explained how per diems work. There were 132 attendances by members for the 12 meetings - a total of \$4,620.00 Ms. Ford thanked all Commissioners and Alternates that attended the 2021 meetings.

**MOTION** by Walker, seconded by Becker, *Moved*, to approve the Per Diem Report as presented.

Roll Call Vote:

Ayes: Becker, Dalrymple, Elwert, Mabry, Sage, Steele, Walker

Nays: None

**MOTION CARRIED.**

**APPROVAL OF INVOICES:** Ms. Ford presented the list of invoices totaling \$95,676.29. In addition to the recorder's fee, this amount includes credit card charges for December GoToMeeting fees, Dog Waste Bags and invoice for the mold and shields for Commemorative Spikes; invoices for fence replacement at Foley Pond and timber railings at Bridge 33.7, legal fees, Mounted Patrol services for September, installation of Memorial Bike Rack at the Pollinator Garden, final balance for all signage and installation, Oakland Township funds from the Wilson Funds for Paint Creek Junction, Recognition Plaque engraving, staff's annual phone service, annual rent/shared office space, 4<sup>th</sup> quarter copier costs, postage, 4<sup>th</sup> quarter wages and FICA for three staff positions, reimbursement to Manager for postage, reimbursement to Assistant Manager for expenses, and 2021 Per Diems. Estimated unrestricted fund balance is \$85,000.

**MOTION** by Becker, seconded by Dalrymple, *Moved*, that the invoices presented for payment are approved as presented in the amount of \$95,676.29 and orders be drawn for payment.

Roll Call Vote:

Ayes: Becker, Dalrymple, Elwert, Mabry, Sage, Steele, Walker

Nays: None

**MOTION CARRIED.**

**RECOGNITION: Clara Pinkham & Dan Simon for contributions to the Paint Creek Trail:**

This item will be resumed after Mr. Simon arrives from his meeting.

**APPROVAL: Officer Elections:** Chairperson Steele explained every year new officers are elected for the following year. She asked if anyone would like to volunteer for the positions. In the event that there are none, we do have an interested slate for next year. Mr. Becker stated there is a slate of officers interested – the same as this year; Ms. Steele as Chair, Ms. Olijnyk as Vice-Chair, Mr. Walker as Treasurer and Mr. Becker as Secretary. If there are no other interested volunteers, the current slate was presented for approval.

**MOTION** by Elwert, seconded by Sage, *Moved*, to approve the nomination of the current slate of officers to serve for the 2022 year.

Ayes: All Nays: None

**MOTION CARRIED.**

Ms. Steele asked if the Commission wanted to vote on each position. Mr. Becker commented in the past the Commission has voted on the slate as presented if that was agreeable to the members. Mr. Becker moved by consensus to accept the slate presented above.

**MOTION** by Sage, seconded by Elwert, *Moved*, to approve the slate of officers as presented for the 2022 year.

Roll Call Vote:

Ayes: Becker, Dalrymple, Elwert, Mabry, Sage, Steele, Walker

Nays: None

**MOTION CARRIED.**

**UPDATE/DISCUSSION: Grant Opportunities & Trail Capital Improvement Projects:** A memo was included in the packet regarding updates on the grant opportunities. Ms. Ford attended the November 23<sup>rd</sup> Rochester City Council meeting virtually to discuss the request regarding the Bridge 31.7 project. The City Council approved the Commission's request to support any outstanding balance for the professional engineering services for the replacement project through the Community Foundation's grant. They said if there was any shortfall between what the engineering firm had quoted and what we received from the Foundation, that Rochester would cover the difference. The Friends Group has also committed \$1,051 toward this project from money raised 10 years ago. Anderson, Eckstein and Westrick, Inc.'s proposal is included in the packet. After this was presented to Rochester's Council, the engineering firm came back to her and asked who would be doing the SHPO application as well as the environmental assessment. Ms. Ford checked the last bridge proposals, and the engineering firm at that time completed these items. AEW can do the SHPO application, but is not able to do the environmental assessment. When she submitted the application, this was \$3,000 on top of the original sum that was presented to Rochester, so the new total is \$51,700, which is the proposal included in the packet. She is looking to see who can complete the environmental assessment and asked for any contacts. The grant application was submitted successfully on 12/15, and Ms. Ford got an email from the program officer wanting to have a call regarding the application. The call occurred last Monday, and they wanted to get a little more information about the project. The announcement will be made in mid-April. All the money is up-front for this grant, so it's not a reimbursement grant, which is nice. It's a 12-month period, but can be extended to 18 months if needed. If we want to send any more information or letters of support, it needs to be done within 30 days. Regarding the Oakland County Grant Program for Trails & Park Improvement due January 14<sup>th</sup>, Ms. Ford attended their webinar on 12/7. We can't apply directly to this grant, the City of Rochester has agreed to apply for us, but she had questions about the process as they are requiring resolutions and public meetings – as the Commission is not directly applying, who has to complete these documents? The next item on the agenda will cover the public aspect of the requirement – we have to put it on an agenda where the public has an opportunity for input. The City of Rochester will have to do the resolution. Both the Commission and Rochester have to have this project somewhere in their Master Plan. The Commission does, and Rochester said the bridge is in their plan, but not necessarily the replacement of it. The County said as long as Rochester has the Trail listed as a priority to them, that is sufficient. They are requiring at least a 25% match and the grant will fund up to \$25,000. She has talked to Rochester's City Manager and will be attending the first January meeting. If we are awarded the County grant; because Rochester is applying on our behalf, they would not be able to apply to that grant program until 2024. She told the County this was concerning because municipalities may not want to apply on the trail's behalf because it prevents the community from getting those funds, and encouraged them to look at the parameters next year to allow Trailway Commissions to apply on their own since they are a government entity. The Commission thanked Ms. Ford for all her work regarding these grants.

**DISCUSSION: Bridge 31.7 Design Engineering:** The engineering services proposal was included in the packet. Mr. Elwert noted the proposal indicates they will not be completing the EGLE permit, which allows work in the water and wetlands. This is cumbersome and will take time, will add costs and is separate from the environmental assessment. Ms. Ford asked if this is generally done during the design engineering phase or the construction phase. Mr. Elwert said it depends on how long the engineer thinks it's going take. Ms. Ford will ask the engineering firm how much this permit will cost, how long it will take to complete and how long is the permit good for. As stated earlier, this discussion is part of the County's requirement to present the

information publically for any comment. **The floor was opened to the public for any comments.** Ms. Clara Pinkham, 278 Reitman Ct., Rochester Hills, Michigan 48309, indicated she supports the project as a member of the public.

**MOTION** by Sage, seconded by Dalrymple, *Moved*, to approve moving forward with the proposal for the design engineering costs with the funding covered as stated by the City of Rochester and the Friends.

Discussion: Mr. Elwert asked if we don't receive either of the grants, does this motion obligate the Commission in any way. Ms. Ford said this is only the Community Foundation for Southeast Michigan grant, Rochester has not yet committed for the second grant. He suggested an amendment to the motion to add pending notification of grant approval from the Community Foundation. The motion maker and seconder agreed with this amendment.

Amended Motion

**MOTION** by Sage, seconded by Dalrymple, *Moved*, to approve moving forward with the proposal for the design engineering costs as presented pending grant approval from the Community Foundation.

Roll Call Vote:

Ayes: Becker, Dalrymple, Elwert, Mabry, Sage, Steele, Walker

Nays: None

**MOTION CARRIED.**

**UPDATE: Dillman & Upton:** A memo was included in the packet. Ms. Ford commented our attorney reviewed their license agreement and found the agreement states that the Commission can terminate the agreement at any time for any reason with 90 days notice. She advised Ms. Ford contact Dillman & Upton to let them know we will be requiring a new license agreement and we needed to get a better understanding of the business transaction as it was ambiguous in the documentation released to the public. The attorney said that we should also let them know that the new agreement would have better defined maintenance obligations and increased fees. Ms. Ford contacted them to clarify these issues and one of the owners of Mans Lumber responded back. They said Mans Lumber had purchased the assets of Dillman & Upton along with the name, but did not purchase the buildings which are still owned by the Upton family and rented by Mans. Mans believes the license agreement should be updated with the name of the company that owns the buildings - Upton Leasing. Ms. Ford then reached out to the attorney again and she said it sounds like Dillman & Upton will no longer be using the licensed area since they sold their assets to Mans, and we needed further clarification. Ms. Ford talked to Brad Upton on Monday and he said the property is no different than it was before the sale. Mans bought the name and assets, but not the buildings or the land. The company going forward will still be called Dillman & Upton, but with a reference that it's a Mans family company. He thought the license agreement should be under Upton Leasing. Currently it's under Dillman & Upton, so it will be updated with the new title. She also advised Mr. Upton we are redoing the license next year and she will be in touch to talk about the new terms after the first of the year. He seemed fine with that. Revising all the license agreements will be a staff priority during the first quarter of 2022.

**RECOGNITION: Clara Pinkham & Dan Simon for contributions to the Paint Creek Trail:**

Chairperson Steele asked both recipients to come forward. The Commission thanked Ms. Pinkham for representing Rochester Hills from 2019 to 2020, and for serving on the Trail Branding and Signage subcommittees. She was also recognized for her work with the Friends Group. The Commission then thanked Mr. Simon for representing Oakland Township from 2020 to 2021, and for serving on the Licensing and the Development of Southeast Rochester Property subcommittees. He was also recognized for participation in all the joint meetings held in

conjunction with the Bridge 33.7 project. Both recipients received a Commemorative Spike, and spoke very highly about their time on the Commission. (Commissioner Blust entered at 8:00 p.m.)

**REPORT: 2021 Summary of Events and Accomplishments:** The list of events and accomplishments was included in the packet. Ms. Ford indicated the Commission can receive and file the report. It was suggested the report be sent to all member communities. Congratulations to all for a very productive year.

**MOTION** by Walker, seconded by Blust, *Moved*, to receive and file the 2021 Summary of Events and Accomplishments Report.

Ayes: All      Nays: None

**MOTION CARRIED.**

**BREAK/RECEPTION to Honor Past Commissioners:** The Commission was in recess from 8:08 p.m. until 8:40 p.m. (Commissioner Sage exited at 8:40 p.m.)

**DISCUSSION/APPROVAL: 2021 Final Amended Budget:** Ms. Ford indicated a new copy of the final amended budget was handed out reflecting the per diem amount and a few last-minute invoices. For the year, the final total budget is \$212,595. We had higher revenue than anticipated, and expenses were lower than anticipated. We had budget savings in the publicity budget due to brochure printing being less than anticipated, and travel and training expenses less than anticipated. Trail projects budget was higher due to signage, Foley Pond split rail fence and Bridge 32.3 approach railing projects. Mounted/Bike Patrol budget was lower due to cancellation of shifts because of poor weather conditions. Total expenses were \$8,175 less than revenue, so this can be put into the fund balance. Unrestricted fund balance at the end of 2021 should be \$93,432. Staff was thanked for their handling of money in such an efficient manner. Mr. Becker commented that even though training and development expenses were less probably due to COVID, he feels in the future, these are important aspects for the staff to get new training and ideas. Chairperson Steele agreed and suggested that if anyone sees training opportunities to pass the info to staff.

**MOTION** by Elwert, seconded by Becker, *Moved*, to approve the 2021 Final Amended Budget as presented.

**Roll Call Vote:**

Ayes: Becker, Blust, Dalrymple, Elwert, Mabry, Steele, Walker

Nays: None

**MOTION CARRIED.**

**MANAGER'S REPORT:** In addition to the written report, Ms. Ford indicated all of the wayfinding signage has been installed. We are in the process of getting the kiosks and gateway sign material delivered – that should go out after the first of the year. The road crossing sign material is on order with no set delivery date. All license agreements have been paid except for DTE, but Ms. Ford has been told that the license fees for the last two years will be paid shortly. There is room on the Friends Board if anyone is interested in volunteering. The fence at Foley Pond and Bridge 32.3 approach railings have both been completed. Photos of the progress at Paint Creek Junction were handed out earlier. Mr. Blust indicated he was there about a week ago; the asphalt and concrete have been installed and the restrooms will be installed. The kiosk will be installed when appropriate. It is anticipated to open in the spring. Ms. Ford indicated the DIA artwork was removed in November. The Sheriff's department provided a 2021 report, and will provide this information showing more detail more frequently next year. In regards to the Sheriff's report, Mr. Mabry noted the e-bike number is five for the season, and he remembers a discussion about e-bikes at a previous meeting, and asked if our discussion was prompted by 5 incidents. Ms. Steele explained the Sheriff at that meeting was new and reviewed past reports, so this is just a collection of what he reviewed and there were only five written comments. He will

work on making sure there's more detail in future reports regarding the e-bikes so this is just the beginning of the Commission getting documentation so we can make or not make a recommendation moving forward. Mr. Mabry asked if the five incidents listed were what he was talking about at the meeting, or did the Sheriff have other concerns that aren't reflected in the report. Ms. Ford explained we had a member of the public come in and share her thoughts on e-bikes and that is what started the discussion at that meeting. Mr. Mabry wonders if it's as big of a problem as it seemed in that meeting. Mr. Carrio said at this meeting, he commented while there are challenges with e-bikes, the issue is with the ones having a throttle. The other problems he sees on the trail often involved team racing or team riding; e-bikes are a small problem compared to this issue.

**COMMISSIONER REPORTS:** Ms. Mungoli indicated this is her last meeting; Carol Morlan will be coming in as the Alternate for Rochester Hills. She thanked everyone and indicated this Commission has been a great learning experience. Ms. Steele indicated Mr. Stout has stepped down, so Ms. Dalrymple is now the alternate and will be joined by Aaron Whatley and Patrick Ross. Congratulations on a successful year, Merry Christmas and Happy Holidays to all!!

**ADJOURNMENT OF REGULAR MEETING:**

**MOTION** by Becker, seconded by Blust, *Moved*, to adjourn the Regular Meeting at 9:08 p.m.

Ayes: All      Nays: None

**MOTION CARRIED.**

**NEXT REGULAR MEETING: January 18, 2022 at 7:00 p.m. – Paint Creek Cider Mill**

Respectfully submitted,

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MELISSA FORD, Trail Manager

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DAVID BECKER, Secretary