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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, November 15, 2022 Regular Meeting was called to order by Vice-Chairperson Olijnyk at 7:00 p.m.

Voting Members Present: Brian Blust, Ken Elwert, Linda Gamage, David Walker, Aaron Whatley

Voting Alternates Present: David Becker, Julia Dalrymple, Martha Olijnyk

Non-Voting Alternates Present: Russell George, Carol Morlan (*enter 7:15 p.m.*)

Voting Members Absent: Robin Buxar, Steve Sage, Donni Steele

Alternates Absent: Dave Mabry, Ann Peterson, Patrick Ross

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:

MOTION by Becker, seconded by Elwert, ***Moved***, to approve the November 15, 2022 agenda as presented.

Ayes: All Nays: None

MOTION CARRIED.

PUBLIC COMMENT: None

CONSENT AGENDA:

- a. Minutes – October 18, 2022 Regular Meeting, approve and file
- b. Treasurers Report – October 2022, receive and file
- c. Resolution #2022-004 – 2023 Meeting Schedule, approve

Mr. Walker noted the beginning and ending balances on the Treasurers Report are the same, but the revenues are more than the expenditures, so the ending balance should be different. Ms.

Grupido explained the figures were taken from the Quickbooks report, and she did not catch the error. She will double check this. Vice-Chair Olijnyk removed the Treasurers Report from the Consent Agenda. Staff will revise the report and bring it back next month for approval.

MOTION by Elwert, seconded by Blust, ***Moved***, to approve the Consent Agenda as amended.

Ayes: All Nays: None

MOTION CARRIED.

APPROVAL OF INVOICES: Ms. Ford presented the list of invoices totaling \$1,366.53. In addition to the recorder's fee, this amount includes credit card charges for GoToMeeting monthly fee and office supplies; and Mounted Patrol services for August. Estimated unrestricted fund

balance is \$93,000. It was suggested staff research other means of video meetings. Ms. Ford said we could move to an annual plan and have a small cost reduction, and will research other apps.

MOTION by Gamage, seconded by Whatley, *Moved*, that the invoices presented for payment are approved as presented in the amount of \$1,366.53 and orders be drawn for payment.

Ayes: All Nays: None

MOTION CARRIED.

APPROVAL: 2022 Audit Contract: Ms. Ford indicated Mr. Phillips' contract to engage his audit services for the next three years with the cost he had stipulated, is included in the packet. Ms. Ford reiterated if Mr. Phillips retires after the first year, the firm he is merging with will take over this contract for the remaining two years. We just need to approve and sign the contract.

MOTION by Becker, seconded by Elwert, *Moved*, to approve the contract as presented.

Roll Call Vote:

Ayes: Becker, Blust, Dalrymple, Elwert, Gamage, Olijnyk, Walker, Whatley

Nays: None

MOTION CARRIED.

DISCUSSION/APPROVAL: 2023 Draft Budget: A summary memo is included in the packet. Ms. Ford explained the changes to expenditures based on last month's discussion – the budgeted amount for the 40th anniversary celebration was increased to \$2,500, the budgeted amount for the annual audit has been decreased to reflect the quote from Mr. Phillips, the costs for document scanning has been moved to 2024, and she added in the line item of a website redesign to 2023. By doing so, we were able to offset this amount by the reduction in the audit costs, but we were still short by \$2,339 - she recommends the Commission transfer \$2,339 from the fund balance to the operating budget. If we do get a contract for this service, it could be less than that, therefore reducing the amount needed from the fund balance. Mr. Elwert commented that the website is a fixed asset and a one-time cost, and asked if it is appropriate to maybe request from the communities to split these costs, so if it's \$10,000, we could pay \$5,000 and split the \$5,000 between the members. He doesn't know if this can be done without causing major drama, but doesn't want the fund balance to be reduced as we're trying to get bridges done and may need to draw on this fund in the future. Mr. Elwert said it would be fine with Rochester Hills. Mr. Becker thinks this idea has some merit – we could present the communities with a request to fund this, but have each community put in 1/5 of the value, and we put in the other 1/5; that way we don't take anything out of fund balance. Ms. Gamage commented some communities have already approved their budgets, likes this idea, but wishes we were sooner in our request. Mr. Blust indicated Oakland Township is finalizing their budget tonight, so the request would have to be in the next year's budget. Mr. Elwert said his suggestion would be for the communities to fund \$1,250 each, if the contract comes in at \$10,000. Mr. Blust said a \$1,000 cost would be discretionary, anything more would require a budget amendment. Ms. Ford said our \$5,000 cost is coming out of the budget for the year, and it's only \$2,339 that needs to come out of the fund balance if we pay the \$10,000 cost on our own. Vice-Chair Olijnyk suggested we talk about the Personnel Committee's recommendations before making a decision on what to do. Mr. Becker presented these recommendations – an annual salary increase of 3.3% for the Trail Manager, and a \$1,059 longevity bonus, equal to what was approved last year plus the COLA adjustment used by the government. The Commission is supportive of this recommendation. Ms. Olijnyk then asked about the suggestion that the member communities be asked to fund a portion of the website design, modify the budget and bring it back for approval next month. Mr. Elwert said we don't know about all the communities for sure, but we could ask and find out if budgets could be amended. Mr. Becker agrees with asking the communities to split the website cost as this is a one-time expenditure. Mr. Elwert said this one-time cost could be listed separately along with the communities' regular annual fee. Ms. Ford said she could add this into revenue as the member unit contribution of \$1,250 per community for website design.

MOTION by Elwert, seconded by Gamage, *Moved*, to modify the budget to reflect the Commission's payment of ½ the total cost of website redesign and request that the other ½ cost be split between the four member communities, and approve the changes to the Manager's 2023 salary.

Roll Call Vote:

Ayes: Becker, Blust, Dalrymple, Elwert, Gamage, Olijnyk, Walker, Whatley

Nays: None

Mr. Becker made a motion to amend the previous motion to reflect a 3.3% increase for the Manager and longevity salary of \$1,059. Ms. Gamage suggested the motion state the longevity salary is one time for 2023. Mr. Becker and Ms. Dalrymple agreed.

Amended Motion as Voted on:

MOTION by Becker, supported by Dalrymple, *Moved*, to amend the previous Motion to modify the budget to reflect the Commission's payment of ½ the total cost of website redesign and request that the other ½ cost be split between the four member communities, and approve a 3.3% increase for the Manager and a one-time longevity salary of \$1,059 be paid for 2023.

Roll Call Vote:

Ayes: Becker, Blust, Dalrymple, Elwert, Gamage, Olijnyk, Walker, Whatley

Nays: None

MOTION CARRIED.

Ms. Ford will present the revised 2023 budget to the members next month.

UPDATE/DISCUSSION: Upcoming Grant Opportunities for Bridge 31.7 Replacement

Project: A summary memo is included in the packet. Ms. Ford indicated she added two additional grant opportunities to the memo, and updates on the other four we discussed last month. The first grant that is due is the Fisheries Grant Program; the pre-proposal is due this Friday and she has copies of the draft application if anyone wants to look at it. Ms. Ford's question is how much to request for this grant. An updated cost estimate for the bridge construction costs from AEW was provided tonight; and their cost for the construction administration and observation for the project would be 8% of the cost of the bridge, so if bids come in lower or higher that will affect this cost. Right now it's between \$71-72,000, for a request total \$958,770. In the draft proposal, Ms. Ford is requesting \$150,000 from the DNR because we have to show a 10% match for that grant, so she has the Commission putting up \$15,000 from the fund balance. Ms. Ford spoke to the DNR staff as part of the pre-proposal requirements, and they said if we got other grants we could use that as the match, so it doesn't have to be from the fund balance if we get other funding, but right now we have to show a match in order to apply. She doesn't know if everyone is comfortable with \$150,000 or if we should apply for \$200,000 and use \$20,000 from the fund balance. Whatever we apply for, we must show the 10% match somehow. Mr. Elwert asked if this organization is funding the bridge as his expectation coming into the project was that the community the bridge is in is putting money towards the bridge. Ms. Olijnyk stated the previous bridge was in Oakland Township, and Ms. Ford explained the Commission put in \$20,000, Oakland Township Parks & Rec put in \$156,000 total but put in a little more up front that they got reimbursed once MNRTF came through, and the bulk of it was funded with \$300,000 from a TAP grant, and \$300,000 from the Trust Fund. We also had \$40,000 from the Wilson Foundation to pick up the difference. The Commission can't apply for the TAP grant, it has to go through the community involved and also the Road Commission. The DPW Director for Rochester was supposed to be here tonight for discussion on the TAP grant, but had to cancel. If she remembers correctly, Ms. Gamage thinks it was originally Oakland Township applying for the TAP, so the Commission was needed to be a pass-through for grant money – they were originally covering all the costs and we were helping with writing the checks and it was a pass-through. She asked if the \$20,000 we paid came from some

of the add-ons to the original project. Ms. Ford is not sure. Oakland Township put up \$180,000+, but that went to construction administration and design engineering, and around \$30,000 of it was reimbursed. Oakland Township was the applicant for the TAP grant, but that money never came through the Commission. Ms. Ford explained in this case, we funded the design engineering all through grants. The hope is that we get the Spark grant as it doesn't require any match, and could be used as a match for other grants. Ms. Ford commented the Fisheries grant is used a lot as a match for Trust Fund grants – and that grant maximum is \$300,000. Ms. Ford asked if the Commission is comfortable with requesting \$150,000 or \$200,000 as we've funded \$20,000 in the past and the Community Foundation requires a 1 to 1 match, and their max is \$400,000. It is Ms. Ford's hope with this grant is that we will not have to use the \$20,000 from fund balance for this project – that we will have another grant for the match. All the other grants require much higher amounts of money, other than the Spark grant. Mr. Elwert asked if we have a sense of how much Rochester is planning to contribute - why are we engaging if we don't know this. Ms. Ford said they have not given a number, but in her talks with Alek, they are planning on putting in something. In the best case scenario, the Spark grant funds the entire project, or hopefully a portion of it – she's going to ask for the whole amount. Upon a question if the Commission is looking for a resolution and would the budget have to be amended – Ms. Ford responded no as construction is not until 2024, so it doesn't affect the budget at all for next year; the construction engineering is completely funded. This is a pre-proposal and the application is due in January, and we'll have more information by then. The Spark grant application is due next month, but there are three rounds. Right now, Ms. Ford needs to know what amount to apply for on the Fisheries grant which is due on Friday – our commitment would be 10% of that amount. In the future we need to ask the respective communities to start putting aside money for any of their upcoming bridge replacements. **MOTION** by Becker, seconded by Whatley, *Moved*, to approve up to \$20,000 as the match for the Fisheries Habitat Grant application.

Roll Call Vote:

Ayes: Becker, Blust, Dalrymple, Elwert, Gamage, Walker, Whatley
Nays: Olijnyk

MOTION CARRIED.

Relative to the Spark grant, Ms. Ford said she attended two webinars about it. A resolution from the Commission is required to apply for this grant but Ms. Ford was still waiting for the cost estimate, which prevented the resolution being passed today (the estimate was received today). Another requirement is that the public has to have enough time to review the application, and the application is not finished yet. The thought is that we probably need to hold a special meeting in order to meet these two requirements. In talking with Chairperson Steele, it was suggested move our regular December meeting up a week (12/13) – we just need a quorum, but would like as many Commissioners present as possible. A public hearing is not required, just an opportunity for the public to see the application and comment on it. The application is due December 19th, the day before our next regularly scheduled meeting. Mr. Elwert commented there are three rounds for this grant, one now, one probably in spring and the other in summer. He feels more people will apply in the spring and summer rounds. Ms. Ford said \$15 million is available this round, and \$20 or \$25 million available in the second round. Ms. Ford commented she also needs the plans from AEW in order to apply, but has nothing yet. AEW is supposed to supply them at least a week in advance of our next meeting. Ms. Ford will advise them of meeting date. We also have to have a disability advocacy group review the application. The Commission agreed with staff applying for the entire cost of the project – up to \$1 million.

MOTION by Elwert, seconded by Whatley, *Moved*, to approve moving our regularly scheduled December 20th meeting to December 13th.

Ayes: All Nays: None

MOTION CARRIED.

Ms. Ford indicated there is no change or new information on the Wilson Trails Maintenance Fund or the Trust Fund grants. These grants are both due in the spring, and Ms. Ford will continue to gather information on them. Relative to the TAP grant, Ms. Ford needs to have a conversation with the City of Rochester relative to that – minimum grant amount is \$200,000 with no maximum request, but there is a 20% match on it. The application deadline is in February 2023, with a decision date of July 19th. Relative to the Land and Water Conservation Fund, Ms. Ford explained it's similar to the Trust Fund in some of its requirements. The minimum request is \$30,000 with a max of \$500,000, and has to have a 50% match. This application is due April 1st. Ms. Ford will start researching the last four grants after completing the first two applications.

UPDATE/DISCUSSION: Southeast Rochester Property: A summary memo is included in the packet. Ms. Ford stated she and Ms. Gamage went out with the estate attorney and Ms. LaFontaine of the Michigan Trails & Greenways Alliance for the site visit on November 8th. The attorney was very happy with the site and liked the idea of an observation deck as the main memorial component for his client and is less concerned about the other amenities proposed. The main thing now is getting the cost estimate for the attorney's review and approval. Ms. Ford talked to Rochester's Engineering firm who will complete the estimate, but need more documents staff does not have. She reached out to Mannik Smith to get them – they promised to get them to staff by the end of last week, but have not been received yet. Ms. Ford will follow up with them to obtain the documents and provide them to AEW. Once received, AEW will provide their updated cost estimate as well as their cost for inspections and construction administration that's needed for the project. Ms. Ford gathered cost estimates for all the other amenities as listed in the memo. She also got an estimate for the invasive species removal/treatment. Ms. Ford indicated Mr. Elwert mentioned before the meeting that the USGS water gauge is pricey – in the \$12,000-\$15,000 range and then you have to pay \$1,000-\$2,000 every year for them to monitor it, so this is probably off the table. Mr. Elwert then commented there is a low cost solution that the Clinton River Watershed uses, but it's not tied into the USGS system. Ms. Ford will look into this. We are in a waiting pattern right now waiting for the cost estimate. The beneficiary of the estate is MITGA, and they are choosing the project they want to use the funds towards, so Ms. LaFontaine will be our main point of contact and she will be the point of contact with the estate attorney, so there will have to be an agreement drawn up once the attorney formally agrees this is route he wants to take – it's in progress, and Ms. Ford thinks there's a good chance that it will happen. Ms. Gamage said it's a great opportunity, but we're basing it on a plan that was put together several years ago and when the costs came in, we scaled back the plans for the observation deck materials because of the cost. The attorney wants to move on this project in the spring, so we need to look at the plans and not present the scaled down version. Ms. Ford thinks we did do two or three wood options originally. She feels the attorney wants to make the deck the focal point. Mr. Walker asked about the multi-user counter listed as a \$6,385 amenity – do we really need this? Ms. Ford explained this is a counter of how many people are coming through, delineating between cyclists and pedestrians. There are less expensive models, and feels it would be good for grant opportunities. Ms. Gamage feels this might be a good location for a bike fix-it station, if there's not one in a close proximity. Mr. Becker asked about the concept behind the audio sign. Ms. Ford said it would be a sign talking about the history of the location as being a part of the Clinton Kalamazoo Canal. Ms. Gamage said they also asked if there was an opportunity to include maintenance. The attorney was not interested, but Ms. LaFontaine said she will try to work something into the plan for that. Ms. Ford will keep the Commission informed of the progress.

DISCUSSION: Memorial Trail Amenities & Potential Locations: Ms. Grupido explained she passed out an updated page 36 to her report tonight as there is not a Little Free Library at the Tienken Crossing, it's at the Pollinator Garden. There is a map included in the report that shows

potential locations for amenities along with the number of the area described in the report. The Commission feels the report is very nicely done and complete, and thanked Ms. Grupido for her work. She located possible bike fix-it stations every ½ mile or every mile along the trail. Mr. Becker added a caution that when thinking about putting amenities on the trail, we keep a careful eye on the aesthetic quality of the trail as it's known for its natural beauty, not overly built up or too many signs. Ms. Gamage asked if we have a committee in place to explore memorial options. She doesn't want to propose something, but maybe this committee needs to explore these ideas and come back with some recommendations based on the report. Ms. Olijnyk said we have a Trail Improvements & Resurfacing Ad Hoc Committee. She also said we need to be careful about amenities near the river because of erosion and flooding. Ms. Olijnyk also mentioned that the MNRTF rock at Foley Pond is eroding into the pond. Mr. Whatley will address this issue shortly. Mr. Becker said if this subcommittee is going to review the issues, they keep in mind what the trail users want. Ms. Ford said this is a lot of information to take in at one time, and we need to set a plan going forward, whether we talk about a certain section at every meeting or have a committee take on the review and submit recommendations as there are about 30 people looking to put something on the trail to honor their loved ones; staff receives calls all the time. Vice-Chair Olijnyk said it would be hard to discuss this piece by piece at meetings, and suggested a review by a committee. Mr. Becker suggested review and recommendations from the Trail Improvement Committee is the way to go – he's on that committee (along with Messrs. Blust, Sage and Walker) and is happy to work on it. Ms. Olijnyk agreed.

DISCUSSION/APPROVAL: National Trails Day 2023: A memo is included in the packet. Ms. Ford said Ms. Milos-Dale reached out to Ms. Ford to see if the Commission would be interested in having the Paint Creek Junction ribbon cutting ceremony as our National Trails Day event next year. She reached out to Chairperson Steele and Vice-Chair Olijnyk about the idea and both felt it would be a good event for Trails Day. Ms. Ford sent out an email to the members and didn't hear any negative feedback. She just wants to get the formal consensus of the members, and the Commission is in agreement.

MANAGER'S REPORT: Ms. Ford summarized her written report included in the packet. The e-bike log is attached to her report. There were high winds two weeks ago and several trees came down on the trail, one was in Rochester Hills by Bridge 33.1 that took down a railing, and the tree falling was helped along by beavers gnawing on the trees in the area. Rochester Hills has fenced the area off in the hope of deterring this activity. The Trout Unlimited Sign for the Stream Improvement Project should be installed November 12th. Regarding Solaronics – the info in her report is from Mr. Sage's email and Ms. Gamage also attended Rochester's Planning Committee meeting for the presentation of their proposed project. Ms. Pinkham indicated she also attended the meeting and has a copy of the proposal that was presented. Ms. Gamage said they implied the Commission was in support of the project, we want the fence down, are happy with the trees that would be planted and that the 106 luxury condo development would be hidden from view based on the 60 foot tall tree-line that exists around it. It was presented as if we in agreement, but we weren't – and out of the kindness of their heart giving us what we have wanted. The Solaronics' owner said if this development does not go in, they will have to do something with the building – possibly another three shift manufacturing development, using this area and the fence would remain. Ms. Gamage feels strongly we should have the agreement nullified and our property returned to its natural state based on the fact the owners stated that in 2018 they moved out of the facility and has not been in operation since then. That is not what they told us - they said it's still in use, therefore it has not been vacated. We need to reclaim our property, and if they return to what they've been doing we have lost our opportunity to get our property back. Mr. Walker said our attorney weighed in on this. Ms. Ford said we sent them a letter last year, and their attorney came back and said they were not in violation as they had not vacated. Mr. Elwert said if this was

a condition of their agreement, we need to make our attorney aware of it. Ms. Olijnyk agreed we need to make our attorney aware of this new information – we need to find the time of the meeting recording and ask the attorney if this is enough to pursue. Mr. Walker asked if the property got rezoned – Ms. Gamage said no, they asked the developer to come back because there are 15 parking spaces lining trail property, and the Planning Commission would like them removed. The developer is going to rework things and come back to the Planning Commission at a future date. We need to get our attorney involved soon. Ms. Gamage will listen to the recording, ascertain the time the comment was made and send this to Ms. Ford. Ms. Ford will get with our attorney once this information is received to see if this voids the license agreement. One last item, Ms. Ford received an email from Oakland Township Parks & Rec that they are nominating Ms. Milos-Dale for a Park Resource Leadership Award and are asking for letters of recommendation – would the Commission be willing to provide one? The Commission said yes – Ms. Ford will draft the letter and have Chairperson Steele sign it.

COMMISSIONER REPORTS: Ms. Morlan said Lighting up the Village will be held this Friday. Ms. Dalrymple said the safety path training for elementary/middle schools is complete, good feedback was received. Mr. Walker attended an RCOC open house for the Dutton Road bridge – the bridge and asphalt/blacktop on both sides will be removed this summer – they assured the trail will only be closed for two days and will provide a path to get around the trail while the work is being done. Mr. Elwert will resume the Rochester Hills bridge study after Thanksgiving; the last one was done in 2017. His Council approved adding a Roving Ranger which will back up all the parks, and will support the trail and walking functions throughout the City. Ms. Olijnyk congratulated Ms. Steele on her win for State Representative, and reminded the Commission we hold officer elections next month, so think about nominations or if you want to become an officer as we are losing our Chairperson, as well as the different subcommittees you would like to serve on. Happy Thanksgiving to all!

ADJOURNMENT OF REGULAR MEETING:

MOTION by Gamage, seconded by Becker, *Moved*, to adjourn the Regular Meeting at 8:55 p.m.
Ayes: All Nays: None **MOTION CARRIED.**

NEXT REGULAR MEETING: December 13, 2022 at 7:00 p.m. – Paint Creek Cider Mill

Respectfully submitted,

MELISSA FORD, Trail Manager

DAVID BECKER, Secretary