

PAINT CREEK TRAILWAYS COMMISSION

APPROVED

February 20, 2024



4393 Collins Road
Rochester, MI 48306
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Paintcreektrail.org

REGULAR MEETING of the PAINT CREEK TRAILWAYS COMMISSION
Paint Creek Cider Mill
4480 Orion Road, Rochester, MI 48306

The February 20, 2024, meeting of the Paint Creek Trailways Commission was called to order at 7:00 p.m. in the main conference room of the Paint Creek Cider Mill.

ATTENDANCE

PRESENT

Voting Members:

Steve Sage (R), Chairperson
David Walker (RH), Vice-Chairperson
Brian Blust (Oakland), Treasurer
Conner Reiter (Orion)
Linda Gamage (R)
Ken Elwert (RH)

Voting Alternates:

Martha Olijnyk (Oakland)

A QUORUM WAS PRESENT.

Non-Voting Alternates: David Becker (R), Carol Morlan (RH)

Village Non-Voting Alternate: Stanley Ford (Village of Lake Orion)

Staff: Tom Correll, Trail Manager
Nicole Sands, Administrative Assistant

Friends of the Paint Creek Trail: Louis Carrio

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ABSENT

Voting Members: Julia Dalrymple (Orion), Secretary, Robin Buxar (Oakland)

Alternates: David Mabry (Oakland), Matt Pfeiffer (Orion), Aaron Whatley (Orion), Russell George (RH)

Village Non-Voting Member: Jason Peltier (Village of Lake Orion)

PLEDGE OF ALLEGIANCE

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

AMENDMENTS TO AND APPROVAL OF AGENDA

MOVED BY BLUST, SECONDED BY GAMAGE, to approve this evening's agenda as presented.

MOTION CARRIED.

GENERAL PUBLIC COMMENT

Samuel Nouhan: Maintenance of Trail Surfacing

Samuel Nouhan was present. He has been a resident of Oakland Township for 18 years and makes regular use of the Trail, covering over 1,000 miles by bike every summer. Mr. Nouhan had shared some observations and maintenance suggestions with former Trail Manager Ford, and reiterated some of them this evening. He emphasized that routine maintenance and repair of the trail surfacing will make a big impact on the quality of the trail.

Fence Screen Grading: His first suggestion is that we routinely perform simple fence screen grading, which knocks down the tops of any bumps. This will greatly improve the surfacing, especially coming out of the spring thaw when there are often ruts and divots. These conditions negatively impact the quality and safety of the trail. Mr. Nouhan recommended that fence screen grading be done in May, early July, and August.

Mr. Nouhan noted that the signs that are up now regarding use after the thaw were put up following his suggestion.

Chipmunk Hole Repairs: Mr. Nouhan has observed many chipmunk holes along the trail. If not repaired quickly, these holes continue to get larger. He has seen children get their bicycle wheels or wagon wheels stuck in these holes.

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Erosion Repairs After Heavy Rains: Erosion can be especially bad where the trail intersects other surfaces, such as the crossing at Gallagher Road. This causes ruts in the trail.

Another location that is problematic is the parking lot at the Silver Bell Road crossing. The parking area drains across the trail, putting ruts across the trail surfacing. He has noticed that bicyclists routinely circumvent this part of the trail, going into the parking lot, and he has seen several occasions when cars and cyclists have almost collided as the cyclists try to avoid the ruts.

Additionally, Mr. Nouhan said the grade was not properly set in one location when the trail was resurfaced in 2019, and referred to the area between Dutton Road and Silver Bell Road. He explained that on either side of the new bridge, the grade runs from east to west. As a result, water runs down the west half of the trail, causing a washboard surface in this area.

The Commissioners thanked Mr. Nouhan for sharing this information and invited him to be in contact with Trail Manager Correll.

CONSENT AGENDA

This evening's Consent Agenda consists of the following: (a) minutes of the January 16, 2024, meeting of the Paint Creek Trailways Commission, and (b) Treasurer's Report for January 2024.

MOVED BY ELWERT, SECONDED BY WALKER, to approve the Consent Agenda as presented, specifically to approve and file the minutes of the January 16, 2024, meeting of the Paint Creek Trailways Commission, and to receive and file the Treasurer's Report for January 2024.

MOTION CARRIED.

APPROVAL OF INVOICES

Trail Manager Correll and the Commissioners reviewed the list of invoices dated February 20, 2024.

MOVED BY GAMAGE, SECONDED BY BLUST, to approve payment of the invoices as presented.

AYES: Blust, Olijnyk, Reiter, Gamage, Sage, Elwert, Walker

NAYS: None

MOTION CARRIED.

SNOW REMOVAL ALONG TRAIL IN VILLAGE OF LAKE ORION

Trail Manager Correll referred to his memorandum of February 8, 2024. In January, he received a complaint from a resident who lives in the Atwater Commons condominium complex. The resident demanded that we clear snow from along the Paint Creek Trailway within the Village of Lake Orion, and threatened to file a complaint claiming that we were in violation of the Americans with Disabilities Act (“ADA”) if we failed to do so within 24 hours. After looking into this matter briefly, Manager Correll informed the resident that we were not able to accommodate here request, and offered that an alternate route would be to use the sidewalk (which is plowed by Atwater Commons) to the sidewalk that runs along Atwater Street (which the Village of Lake Orion’s Department of Public Works maintains). However, the resident was not pleased with this option as it is not as convenient.

Manager Correll referred to the minutes of the March 21, 2023, Trailways Commission meeting. Those minutes reflect that in spring of 2023, a resident of the Village of Lake Orion similarly contacted former Trail Manager Ford, demanding that we remove the snow from and maintain the paved section of the Paint Creek Trail that runs behind Atwater Commons, indicating that failure to do so would be in violation of the Americans with Disabilities Act. At that time, the Trailways Commission had our attorney look into this, but the attorney found no clear case law on this matter. The Trailways Commission has never performed any such winter maintenance on any portion of the trail.

Manager Correll contacted the Village of Lake Orion’s DPW, but they are unable to take on this task at this time. He reviewed various options for the Commission’s consideration, including the following: (1) continue as is and do not remove snow; (2) have our attorney look into our legal obligations; (3) look into the cost to contract with a non-Village of Lake Orion service provider for snow removal; or (4) determine if the Village of Lake Orion has a legal obligation to remove snow due to our existing maintenance agreement with them.

Commissioner Elwert suggested that another option would be to contact our risk manager through the Michigan Municipal Risk Management Authority (“MMRMA”) and obtain their opinion regarding this matter and our responsibilities.

Commissioner Elwert questioned how the caller wants to use the Paint Creek Trailway, specifically whether it is for the purpose of recreation, or for the purpose of accessing local businesses/getting into the village. Manager Correll responded that he believes she wants to be able to access local businesses, noting that she can do this via Atwater Street.

Commissioner Becker commented that this is not a new issue for the Paint Creek Trailways Commission. He recalled that many years ago, when the late John Makris was the Commission’s attorney, Mr. Makris advised that we do not have the responsibility to clear the trail of snow or ice (at least at that time). Commissioner Becker and other Commissioners discussed that if we were to start clearing the snow, thus changing the natural conditions of the area, we would be responsible for continuing to maintain the area (for example, to ensure that there is no melting snow that creates an icy condition, etc.).

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The Commissioners noted that there is a license agreement in place between the Paint Creek Trailways Commission and the Village of Lake Orion DDA, which includes a section regarding maintenance. However, that agreement is silent as regards snow removal.

For reference, Manager Correll included a document in this evening's agenda packet entitled "Paint Creek Trail Interlocal Agreement Between Orion Township and the Village of Lake Orion." However, the Commissioners noted that this copy is not signed. Commissioners Gamage and Olijnyk questioned whether this version was ever executed as it calls for a split of votes between the Village of Lake Orion and Orion Township. Manager Correll will try to locate a signed version of the interlocal agreement between these parties, and acknowledged that it likely is different from that presented this evening.

After further discussion, the Commissioners agreed that Manager Correll should contact our risk manager regarding this matter.

MOVED BY ELWERT, SECONDED BY WALKER, to contact our risk manager through the Michigan Municipal Risk Management Authority ("MMRMA") regarding this matter and ask (1) if MMRMA has an opinion regarding whether we are responsible for plowing or otherwise maintaining this area, both with respect to ADA concerns or otherwise, and (2) if some level of maintenance is indeed required, then if this is the responsibility of the Paint Creek Trailways Commission or that of the local municipality.

MOTION CARRIED.

BRIDGE 37.1 RENOVATION PROJECT

Manager Correll met with the City of Rochester Department of Public Works director, as well as the engineer from Anderson, Eckstein and Westrick to go over the next steps for this project. The cost estimate is still as previously discussed, which is \$946,210.

The tentative timeline for this project is to have plan specifications and bid documents ready to be sent out in October 2024, the bid will be awarded in January 2025, and construction should start in March 2025. At this time, there is no estimate for time of completion, but Commissioner Elwert said he believes we typically have two years from the time the Michigan Natural Resources Trust Fund ("MNRTF") Project Agreement is signed to complete the project.

Mr. Correll has been working with the MNRTF grant coordinator. We will need to obtain a resolution from the City of Rochester to enter into the Project Agreement once this becomes available.

PAINT CREEK TRAILWAYS COMMISSION FUND: INVESTMENT OPTIONS

Manager Correll reviewed his memorandum of February 8th. He met with a representative from Flagstar Bank's government banking department and reviewed investment options.

He has obtained the necessary signatures to be able to open a Government Premier Savings Account. The Commissioners discussed keeping funds in this account to cover expenses. However, Treasurer Blust stated that the interest rate that a savings account pays can fluctuate on a daily basis, so he recommends that we also purchase certificates of deposit, which will lock in a rate for a period of time.

The Commissioners discussed purchasing certificates of deposit and that we "ladder" our purchases. For example, we could initially purchase a three month and a six month certificate of deposit. Then, as each reaches maturity, we can purchase another six month certificate of deposit. The Commissioners considered the various terms and rates. Treasurer Blust stated that if we were to withdraw funds from the certificate of deposit before it reached the maturity date, there would be a penalty.

At this time, Treasurer Blust recommended that we place \$100,000 in certificates of deposit, three months of projected expenses in the checking account, and the remaining funds into a government premier savings account.

Commissioner Gamage noted that we will be incurring expenses with the upcoming bridge project. Even though most of these expenses will be reimbursable through grants, she wondered how much money we would need available. Commissioner Elwert pointed out that there will also be professional fees to pay. Treasurer Blust discussed this matter with the Oakland Township Treasurer and was told that we would need to pay those invoices when they come in, and then seek reimbursement through the grants.

Commissioner Becker pointed out that the State of Michigan has set some restrictions on how public funds may be invested. The Commissioners asked Manager Correll to look into this to verify that these would be appropriate investments.

MOVED BY BLUST, SECONDED BY WALKER, to retain, on an ongoing basis, three months of projected expenses in the checking account, and place all of the remaining funds into the savings account at this time.

AYES: Blust, Olijnyk, Reiter, Gamage, Sage, Elwert, Walker

NAYS: None

MOTION CARRIED.

The Commissioners will discuss certificate of deposit investment options at the March meeting.

PAINT CREEK TRAILWAYS COMMISSION: 2024 GOALS

Following the January meeting, a number of the Commissioners reviewed, ranked, and provided additional input to Manager Correll regarding the list of goals. Manager Correll then incorporated that information into the proposed list of 2024 Goals under consideration this evening. The Commissioners reviewed each goal.

Under “Administrative” goals, a commissioner had a question regarding the Adopt-a-Trail program. Manager Correll explained that these are two-year contracts that will expire at the end of this year. In the fall we will consider renewal of existing contracts or new contracts for the 2025-2026 period.

Another Administrative goal is the development of a volunteer program. Manager Correll feels that for special events we do this on a case-by-case basis. Additionally, we have the Adopt-a-Trail program. He and others felt that this goal could be eliminated.

Yet another Administrative goal is to make presentations at member community City Councils and Township Boards. The Commissioners agreed that the Trail Manager rather than the Commissioners should do this as necessary.

Commissioner Elwert commented that there are many items on this list of goals. With only a part-time staff, and with the bridge construction project coming up, he felt it might be more streamlined if we instead focused on identifying our top priorities. Other goals can remain on the list for future reference, but could fall down on the list of immediate goals and priorities.

The Commissioners next discussed “Master Plan” goals. The Southeast Rochester Property Development project will be a priority this year as construction may begin as early as the fall.

Oakland Township conducted a garlic mustard pull workday in 2023.

The Paint Creek Junction goal can be eliminated as the ribbon cutting ceremony took place last June as part of National Trails Day.

Finally, former Trail Manager Ford was successful in applying for and receiving the Pure Michigan Trail designation for the Paint Creek Trail, so this goal can also be eliminated from the list.

Next, the Commissioners discussed “Policies” goals. One Commissioner asked to move the ranking for the Conservation Stewardship Policy up to a level 2.

Under “Maintenance and Inspection” goals, we will continue to communicate with the local municipalities to ensure that surface maintenance inspections and repairs are ongoing. Trail Manager Correll recalled that a resident spoke earlier this evening about the importance of regular maintenance to keep the trail in good condition.

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We will consider ADA compliance issues further as we work on updating our Master Plan.

The Commissioners then considered the “Trail Safety” goals. We will continue to work with the Road Commission for Oakland County regarding road crossing improvements at the Adams Road crossing,

Under “Long Term Goals,” Commissioners asked to move up the ranking of the goal to install drinking fountains in each community, as well as the goal to work with the Village of Lake Orion to develop an agreement as necessary regarding snow removal from the paved section of the trail.

Under “Additional Goals,” Commissioner Becker asked that we add a goal to develop a mailing list of Paint Creek Trailway neighbors. The Commissioners discussed that this could include both a regular mailing address as well as an email address. Commissioner Elwert said the member municipalities could easily generate a list of mailing addresses to share with the Commission. Commissioner Gamage pointed out that people move, and thought it might be better if we have to send a mailing to just address the correspondence to “Neighbor” or “Resident.” Commission Olijnyk suggested that it would also be helpful to obtain contact information for homeowner associations for communities that border the trail.

Finally, Manager Correll reviewed the “Manager Goals.” One goal listed is “Trail Programming Partnerships.” Manager Correll would like to partner with local parks and recreation departments to let them know that the trail is available for their programming. We can then help promote those programs.

Another goal is “Trail Programming – Internal.” Manager Correll said this is one of his areas of expertise, and he would very much like to develop one educational trail program to be presented by our staff each season. Topics would vary.

Administrative Assistant Sands has been working on the “Outreach” goal, including developing a greater social media presence.

The Commissioners then discussed the 2025-2029 Master Plan update. The master plan should be updated and approved by the MDNR by February 1, 2025, in order to be eligible to receive State of Michigan administered grants. Manager Correll said the last time the Trailways Commission updated the master plan, we paid approximately \$7,000 for professional planning services. The Commission did not allocate funds for this in the 2024 fiscal year budget, so this would involve a budget amendment. Commissioners Becker and Olijnyk recalled that in the past we formed committees and each committee was assigned to a chapter. The committee reviewed the chapter in detail, developed proposed revisions, and then the entire Commission reviewed that chapter at a meeting. This enabled the Commission as a whole to work through the updates efficiently. The Commission held workshops to obtain public input, and later held a public hearing. Manager Correll will put together a bid packet for the Commission’s consideration.

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Commissioner Elwert said it may be possible to put off the master plan update for one year, given the other projects that we have before us this year. He does not believe that it would negatively impact our current grants.

Commissioner Gamage recalled that in the past we had discussed conducting a user survey.

The Commissioners agreed to discuss this in more detail at a future meeting.

MOVED BY ELWERT, SECONDED BY OLIJNYK, to accept the 2024 Goals as presented, with the exception of the 2025-2029 Master Plan update, which will be discussed at a future meeting.

AYES: Blust, Olijnyk, Reiter, Gamage, Sage, Elwert, Walker

NAYS: None

MOTION CARRIED.

MANAGER'S REPORTS

Manager Correll reviewed his memorandum of February 16th.

Complaints, Vandalism, Feedback

Complaint of "Human Waste" Along Trail

There have been no additional complaints of "human waste" along the trail. A trail camera has been installed, but we have not recorded any significant images at this time.

Snow Removal from Paved Section of Trail in Village of Lake Orion

This matter was discussed in greater detail earlier this evening.

Bright Lights

A resident reported seeing bright lights on the trail in Oakland Township for two nights in a row, February 14th and 15th, beginning at 9 p.m. There was no maintenance being performed, so the resident contacted the Oakland County Sheriff's Department and will follow up with Manager Correll if this continues.

Repairs and Maintenance

Tienken Road Kiosk

The plexiglass on the kiosk at the Tienken Road parking area was broken. Rochester Hills Park Ranger Dakota Coats had it repaired within a day of the report.

Follow Up

Website Design

Manager Correll met with Julie Schoenherr, the person with Oakland Township who is managing their website design project. The Trailways Commission's Request for Proposal is ready, and Manager Correll will post it on MITN on February 27th and will also send it to two contacts for bids.

Encroachments

Manager Correll had no updates on this matter.

TREASURER BLUST'S REPORT

40th Anniversary Celebration

Treasurer Blust reported that he has been working on preparations for our 40th Anniversary Celebration event, to be held on April 21st. He is compiling photographs and has discovered that he is short on recent (since 2005) photos. Commissioner Blust asked anyone with more current photos to please email them to him.

VICE-CHAIRPERSON WALKER'S REPORT

Licensing Committee

Alternate Commissioner Matt Pfeiffer has asked to be removed from the Licensing ad ho committee. Commissioner Dalrymple will take his place on that committee.

Commissioner Walker said he would like to work to get these license agreements finalized very soon so they can be sent out to the licensees.

COMMISSIONER ELWERT'S REPORT

Portable Restroom at Tienken Road Parking Area

The City of Rochester Hills would like to keep the portable restroom at this location year 'round. The Trailways Commission was in agreement.

COMMISSIONER REITER'S REPORT

Ongoing Trail Maintenance

Commissioner Reiter reported that he and his staff have been working on trail maintenance. Village of Lake Orion Alternate Ford thanked him for this.

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ADJOURNMENT

MOVED BY GAMAGE, SECONDED BY ELWERT, there being no further business before the Commission, to adjourn the meeting at 8:25 p.m.

MOTION CARRIED.

Respectfully submitted,

Ingrid R. Kliffel
Recording Secretary

Approved,

Julia Dalrymple
Secretary

Approved,

Tom Correll
Trail Manager