

**CHARTER TOWNSHIP OF WHITE LAKE
Unapproved Minutes of the Special Board of Trustees Meeting
December 8, 2021**

Supervisor Kowall called the meeting to order at 6:01 p.m. He then led the Pledge of Allegiance.

Clerk Noble called the roll:

Present: Rik Kowall, Supervisor
 Anthony L. Noble, Clerk
 Mike Roman, Treasurer
 Scott Ruggles, Trustee
 Liz Smith, Trustee
 Andrea Voorheis, Trustee
 Michael Powell, Trustee

Also Present: Aaron Potter, DPS Director
 Jeanine Smith, Assessor
 John Holland, Fire Chief
 Lisa Hamameh, Township Attorney
 Jennifer Edens, Recording Secretary

AGENDA

It was MOVED by Clerk Noble, SUPPORTED Treasurer Roman to approve the agenda. The motion PASSED by voice vote (7 yes votes).

PUBLIC COMMENT

Trustee Powell as a point of order asked Supervisor Kowall to remind the audience of the public hearings to be held on the agenda items and that those topics need not be addresses during public comment.

No public comment made.

PUBLIC HEARINGS WITH RESOLUTIONS

**A. PUBLIC HEARING – REGARDING CONFIRMING THE SPECIAL
ASSESSMENT ROLL FOR THE SPECIAL ASSESSMENT DISTRICT
DESIGNATED NORTH HULBERT SEWER MAIN**

Assessor, Jeanine Smith indicated that this is for the sewer main running down the street and that it is only for the main on N. Hulbert.

Supervisor Kowall added that it is a highly sensitive area as it is on the water. He informed individuals who have doubts that if their system fails and they live on this street, they will end up with what would like Indian burial ground in their yard as the day of the \$10,000 septic system is gone. As of November 2018, the Oakland County Department of Health made major changes to the ordinance, and it now requires four feet between the ground water level to the bottom of a field. He opined that it is in the best interest of everyone in this area. He shared that it also allows for greater flexibility of one's property and that it will add value to the property. He clarified this is the fee for the cost of the actual line, not the actual hook-up.

Trustee Powell as a point of order reminded that the special assessment district has already been established, which means the Township Board has already approved all the homes that will benefit from the sanitary sewer. He further stated that tonight is to receive input from the public as to whether or not the cost associated with it, specifically to a property is proper. It is the assessment roll of the cost of the sewer for each lot.

It was MOVED by Supervisor Kowall, SUPPORTED Treasurer Roman to Open the Public Hearing regarding Confirming the Special Assessment Roll for the Special Assessment District designated North Hulbert Sewer Main. The motion PASSED by roll call vote (Kowall/yes, Noble/yes, Roman/yes, Ruggles/yes, Smith/yes, Voorheis/yes, Powell/yes).

No public comment made.

It was MOVED by Supervisor Kowall, SUPPORTED Trustee Powell to Close the Public Hearing. The motion PASSED by roll call vote (Voorheis/yes, Powell/yes, Smith/yes, Ruggles/yes, Noble/yes, Roman/yes, Kowall/yes).

B. PUBLIC HEARING – REGARDING CONFIRMING THE SPECIAL ASSESSMENT ROLL FOR THE SPECIAL ASSESSMENT DISTRICT DESIGNATED OAK RIDGE PARK SEWER MAIN

It was MOVED by Supervisor Kowall, SUPPORTED Treasurer Roman to Open the Public Hearing. The motion PASSED by roll call vote (Kowall/yes, Noble/yes, Roman/yes, Voorheis/yes, Smith/yes, Powell/yes, Ruggles/yes)

No public comment made.

It was MOVED by Supervisor Kowall, SUPPORTED Trustee Ruggles to Close the Public Hearing. The motion PASSED by roll call vote (Noble/yes, Roman/yes, Kowall/yes, Smith/yes, Powell/yes, Voorheis/yes, Ruggles/yes)

NEW BUSINESS

A. REQUEST TO APPROVE THE IAFF TENTATIVE AGREEMENT (FIRE)

Brandon Fournier indicated that presented to the Board this evening is a four-year tentative agreement between the Township and the International Association of Fire Fighters. He is pleased to report that this agreement was reached prior to the expiration of the current contract. Included in the agreement are a couple of key changes:

- Losing certain restriction associated with part-time management to supplement the fulltime career department, which will allow greater flexibility in staffing and scheduling.
- Major changes to the sick leave program to ensure manpower to the Township.
- Modernization to the health care plan providing a two-level structured plan which will be offered to each member.
- It is a four-year agreement.

He is pleased to report that he believes the tentative agreement was overwhelming ratified and that it has his recommendation.

Trustee Powell clarified that each employee decides which health care plan they want and that they do not get both.

Mr. Fournier agreed and stated that there is an HMO plan and a PPO plan. That the PPO plan has greater access to doctors with no referral requirements but has a slightly greater employee contribution.

Treasurer Roman inquired as to the savings to the Township with PPO versus HMO.

Mr. Fournier indicated if there was full township migration to the HMO it would be just below a six-figure savings.

Conversation ensued regarding doctors in the network, and it was noted that Waterford Township is on the HMO platform and their employees have not had issues as "generally" the doctors accept it.

Clerk Noble shared that he had an HMO and that it was a tremendous savings and that he never had an issue. He believes it is a great opportunity and a savings.

Trustee Voorheis agrees and noted that she has it with her fulltime job.

Supervisor Kowall thanked the Union for their cooperation as this was one of the first times to get through this before the deadline. He appreciates the Union's understanding of where the Township is and where it intends to go.

Supervisor Kowall gave a special thank you to Cathy Derocher for working on this.

It was MOVED by Trustee Voorheis, SUPPORTED Trustee Smith to approve White Lake Township and the International Association of Fire Fighters Local 5295 Agreement. The motion PASSED by roll call vote (Smith/yes, Ruggles/yes, Noble/yes, Voorheis/yes, Powell/yes, Roman/yes, Kowall/yes).

B. RESOLUTION #21-043; CONFIRMING THE SPECIAL ASSESSMENT ROLL FOR THE SPECIAL ASSESSMENT DISTRICT DESIGNATED NORTH HULBERT SEWER MAIN

Assessor Smith indicated this a resolution to approve the amount of the special assessment district and to confirm the role.

Treasurer Roman questioned if there were any changes. To which Assessor Smith replied there was a small change in the amount.

Supervisor Kowall interjected there was a small change in the amount and verbiage that was incorrect. He felt it necessary to get everything accurate for public perception. He is satisfied with the way it is presented to the Board.

It was MOVED by Trustee Powell, SUPPORTED Clerk Noble to approve Resolution #21-043; Confirming the Special Assessment Roll for the Special Assessment District Designated North Hulbert Sewer Main. The motion PASSED by roll call vote (Kowall/yes, Noble/yes, Roman/yes, Smith/yes, Ruggles/yes, Voorheis/yes, Powell/yes).

C. RESOLUTION #21-044; CONFIRMING THE SPECIAL ASSESSMENT ROLL FOR THE SPECIAL ASSESSMENT DISTRICT DESIGNATED OAK RIDGE PARK SEWER MAIN

It was MOVED by Treasurer Roman, SUPPORTED Trustee Powell to confirm Resolution 21-044; Confirming the Special Assessment Roll for the Special Assessment District Designated Oak Ridge Park Sewer Main. The motion PASSED by roll call vote (Noble/yes, Smith/yes, Powell/yes, Ruggles/yes, Voorheis/yes, Roman/yes, Kowall/yes).

D. FIRST READING; AMENDMENT TO FEE ORDINANCE, ORDINANCE NO. 129

Attorney Hamameh made the Board aware that there are a couple of new charges. She also indicated that a lot of the redlining is housekeeping. She noted that this is a document that has gone through a lot of revisions and a lot of different individuals performing those revisions. There was a lot of time spent trying to clean this up in a way that it can then carry forward for any future revisions. She noted that some of the redlining shows stylistic and organizational changes.

Supervisor Kowall for the benefit of the public would refer to this as the playbook for fees and services available to the community. He noted that it is a living document that will continue to be reviewed.

Attorney Hamameh shared that normally the fee ordinance is not adopted in its entirety. In the future there will be amendments to specific sections and not a whole amendment. She opined that it is a good idea to do this every couple of years.

Trustee Powell pointed out that residents on the water system could potentially notice an additional commodity charge for water usage over and above the base usage. He noted that the base in the Township is about half of what a 3-bedroom home might utilize without lawn irrigation. He further noted that quarterly charges are a third of what the surrounding communities charge. As an example, he indicated that a 3-bedroom would be charged quarterly \$51.92, but if they used over one hundred fifty gallons a day there will be charge of \$25.00 tacked on to that.

He furthered shared on the commercial side a fire line connection fee, which is if you have two lines coming into the building (domestic water and fire protection). He noted a new charge for the fire protection line.

Trustee Smith interrupted indicating that the Township currently charges for a fire line. She further noted that she does not have a redlined version of the fire line and therefore there is no comparison available.

Director Potter indicated it is not a new fee and that it has been there for at least five years now. He clarified for the public that this is just a reflection of fees that the Board has already approved. The commodity charge and the excess commodity charge structure was developed a decade ago and that these fees were approved in the rate study in June or July of this year.

Trustee Ruggles clarified that in Section 10 – Cemeteries, that the adult fee did not increase. He finds it confusing because the last page identifies new changes or fees with Parks and Rec.

Attorney Hamameh believes the fees were always there but that the amounts changed. She noted in Section 30, page 15 of 22, fees were removed from the Treasurer's section and relocated.

Supervisor Kowall interjected that blue will show you where and what they were and red will show you what they are.

Trustee Ruggles in discussion of the fee increase for Parks and Rec, agrees that the fee should be an attempt to cover the maintenance of the parks, but he believes some of the fees are getting a bit high and he is not sure that they make sense to him.

Supervisor Kowall indicated that they make sense when you have organized teams using the parks due to grooming. It is not a fee for people just out there throwing a ball, but for organized teams or events that essentially require some attention.

Treasurer Roman identified these are usually for reservations only.

Trustee Smith revisited the fire line and confirmed that it is not new, and the amount did not go up. She further questioned if documents she received tonight were being voted on tonight.

Clerk Noble reminded that said documents were previously sent out.

Patricia Pergament shared that the documents were included in the November 16, 2021, meeting and that these are copies of what was previously provided.

Trustee Powell clarified that even though the Township's rates are lower than surrounding communities it is sufficient to cover the maintenance and operations of the system.

Trustee Powell excused himself from the meeting.

It was MOVED by Treasurer Roman, SUPPORTED Trustee Ruggles to move to Second Reading. The motion PASSED by voice vote (6 yes votes).

E. FIRST READING; AMENDMENT TO CODE OF ORDINANCES, CHAPTER 38, ARTICLE II – WATER SYSTEM AND ARTICLE IV – SANITARY SEWER

Director Potter noted that this is housekeeping and that there is a new fee in Ordinance Section 38 for new residential construction use/temporary meter line.

Supervisor Kowall thinks it is an outstanding idea and he is glad Director Potter had forward thinking regarding it.

Director Potter noted that it will reduce inspections and installation appointments by a third. The intention was to minimize nonrevenue water use. This fee will allow the Township to capture the cost of that water.

Attorney Hamameh pointed out that this amends certain sections of Section 38, Article II & IV. She clarified that Director Potter is talking about the new residential water use fee on the first page, the third definition being added. She further stated that the fee, under the fee ordinance in the Sewer Section, the term "new residential construction water use fee", and that will be the amount. The document provides and describes it in the Water Ordinance but identifies the fee alone in the Fee Ordinance.

Trustee Smith questions if it would be beneficial to residents to asterisk it for navigational purposes.

Peter Piccinato, 8771 Townsend Drive. He can see the confusion in the redline documents. He still believes the water system is treated like an enterprise fund and all the fees will still go in it.

Director Potter confirmed this does not change that. He further identified that major substantive changes other than housekeeping are:

- Direct and indirect rate have been replaced with capital connection fee.
- New construction use permit will save the department trouble and capture revenue.
- Requirement for extension of the water systems
- Changed language in water ordinance to be continuous with Section 514.
- Changed Water Department to Department of Public Services

Clerk Noble thanked Director Potter for the explanation and notes that it will save DPS from having to go back to new construction and allow some recouping financially.

It was MOVED by Clerk Noble, SUPPORTED Treasurer Roman to move Second Reading the Amendment to Code of Ordinances, Chapter 38, Article II – Water System and Article IV – Sanitary Sewer. The motion PASSED by voice vote (6 yes votes).

F. DISCUSSION REGARDING NATIONAL OPIOID LITIGATION SETTLEMENT PROCESS

Supervisor Kowall finds it very interesting that there are a series of lawsuits filed against manufacturers of opioid based medications, which have resulted in a very large settlement that is being made available to parties for counseling and a variety of services.

Attorney Hamameh shared that it is a settlement amount that is not finalized. She furthered that if approved it will be distributed to communities that opt into it. If it is not, the litigation will continue, and the Township will be kept apprised of further settlement opportunities. She also noted that the money is restricted to use for Narcan training, crisis management, and training to assist in combatting the opioid pandemic.

Supervisor Kowall interjected that the amount is \$27.2 billion nationally.

Treasurer Roman would be curious to see if the money could be used for future health care expenses as health care costs have escalated over the years due to this problem. To which Attorney Hamameh indicated it cannot be used for that.

G. RESOLUTION #21-048; APPROVING OPTING-IN TO THE NATIONAL OPIOID LITIGATION SETTLEMENT

It was MOVED by Trustee Ruggles, SUPPORTED Trustee Smith to approve Resolution #21-048. The motion PASSED by voice vote (6 yes votes).

H. DISCUSSION REGARDING THE POTENTIAL PAVING OF A SECTION OF PONTIAC LAKE ROAD (MARGIE TO KINGSTON) IN CONJUNCTION WITH THE RCOC

Supervisor Kowall indicated that he gets the most complaints regarding Pontiac Lake Road. The road commission has put this road on the roster for 2026/2027 for improvement. The estimated cost of construction at future cost is approximately \$3 million. The estimated engineering and right-of-way are estimated at \$400,000. He noted that the road commission is looking for a commitment from White Lake Township that will move this forward. The Township's share under the current guesstimate would be approximately \$400,000.

He notes that it may seem like a ton of money, but what will be received in return will be beneficial. The paving of the road will come with a posted speed limit. He shared that Trustee Ruggles made a valid point to approach the county in continuing this project down Fisk Road heading south to the shopping area. He agrees that it should be looked into. He shared that the upside is that there are triparty funds available. He noted the Board has an option to set aside a percentage of the triparty funds for this project. He would like the Board to consider it. He noted the growth in traffic on Pontiac Lake Road and believes it in the Township's best interest since are federal dollars available. He does not believe this improvement can get done any cheaper.

Trustee Ruggles agrees and is in support of the project. He noted the road is busy and if you drive it consistently, you know where the holes will be. He thinks it is a good idea to tie it into Fisk Road.

Trustee Smith agrees it is a very dangerous portion of the road and it makes sense to explore Fisk Road.

Clerk Noble noted that speeding with the washboards has caused a lot of accidents, and this make sense to save lives.

Supervisor Kowall noted the dust for the homeowners is atrocious and unbelievable. He did give credit to the Oakland County Road Commission for their efforts in taking care of it.

Trustee Voorheis confirmed the road is wide enough

Supervisor Kowall indicated there may be some road enhancements that will be required but they will be determined after a study. He believes the Township's first

expenditure would be approximately \$70,000 to \$80,000 and it would be a part of the Township's cooperative share.

Treasurer Roman thinks it is a lot of money and noted that he is trying to save money for a couple of buildings, and he is curious how many residents actually use this stretch of the road.

Clerk Noble stated a study of travel can be obtained.

Supervisor Kowall noted the projects with Sugden Road and Cooley Lake Road. He further shared that he will likely come back to the Board for monies as an investment opportunity for the roads. He shares Treasurer Roman's concern but notes the available federal money.

Trustee Ruggles loves the idea of giving the residents a \$3.5 million dollar road for \$400,000.

Trustee Smith would like, if possible, when exploring Fisk Road that sidewalks also be explored.

Director Potter shared that there are approximately 615 homes in the section of the road being discussed tonight.

Supervisor Kowall indicated the vote would be to approve the Board's interest in moving forward with this project.

Trustee Smith questions how the Board can vote on engineering costs when it does not know what those costs are.

Supervisor Kowall reminded that a guesstimate was previously shared with the Board.

Discussion ensued regarding when the information was provided.

Attorney Hamameh interjected that the email from the Oakland County Road Commission indicates it will need the Township to enter into a local cost participation agreement for the design survey and then right-of-way acquisition. She thinks if you have the road commission to, they can provide an agreement that will identify exactly what the parameters will be.

Attorney Hamameh further opined that perhaps the motion should be an expression on interest to further explore a partnership with the road commission.

It was MOVED by Treasurer Roman, SUPPORTED Trustee Ruggles to approve an expression on interest to further explore a partnership with the road commission referring to Pontiac Lake Road Improvement. The motion PASSED by roll call vote (Ruggles/yes, Noble/yes, Smith/yes, Voorheis/yes, Roman/no, Kowall/yes).

Peter Piccinato, 8771 Townsend Drive questioned when the older subdivisions that are on septic fields and asked if there will be a point in time when these subdivisions are looked at. He asked if the Township is looking forward to addressing this.

Discussion ensued amongst the Board and Mr. Piccinato regarding the same.

ADJOURNMENT

It was MOVED by Supervisor Kowall, SUPPORTED by, Clerk Noble to adjourn. The motion PASSED by voice vote (6 yes votes).

Meeting adjourned at 7:09 p.m.

I, Anthony L. Noble, the duly elected and qualified Clerk of the Charter Township of White Lake, County of Oakland, State of Michigan, hereby certify that the foregoing is a true copy of the December 8, 2021, 2021, special board meeting minutes.

Anthony L. Noble, Clerk
White Lake Township
Oakland County, Michigan