

Oakland Township Sentinel

Weekly Report – Sunday, May 23, 2021

Contents

Top News Stories

- **Birch Grove Academy Lawsuit: Birch Grove Selects Attorney from Grand Rapids (Page 2)**

Public Body Meetings

- **“High interest” Upcoming Agenda Items (Page 3)**
- **Board of Trustees May 25, upcoming agenda (Page 4)**
- **Board of Trustees, May 11 (2 meetings) (Page 5)**
- **Historic District Commission (page 13)**
- **Library Board (Page 13)**
- **Michigan State Legislature (Page 14)**
- **Parks and Recreation (Page 15)**
 - **Cam Mannino latest post**
- **Zoning Board of Appeals (Page 15)**
 - **Approves Variance 3/2 to allow accessory building at 3031 Paint Creek**

Events Calendars

Top Stories

Birch Grove Academy Lawsuit: Birch Grove Selects Attorney from Grand-Rapids

Gaëtan Gerville-Réache (<https://www.wnj.com/Professionals/Attorneys/Gaetan-Gerville-Reache>)will be representing Birch Grove according to new court records. He is with the firm Warner Norcross + Judd (<https://www.wnj.com/About-Us/Maps-and-Offices/Detroit>). (Photos from attorney's websites.)



Representing Oakland Township is our Township Attorney Daniel J. Kelly of the Kelly Firm PC (<https://kellyfirmpc.com/dan-kelly/>)



Public Body Meetings

“High interest” upcoming agenda items

“High interest” means to me an agenda item that in my past experience (since 2013) have attracted residents to meetings with spirited comment (if they became aware of the agenda item).

These have been:

- Any development, residential or commercial
- Zoning changes or variances requested
- Changes or construction in any park
- Water storage tanks
- Ordinances (new or revised); especially Zoning Ordinance #16
- Fire Department Personnel Decisions
- Board disagreements / conflict with Parks and Recreation Commission
- Paint Creek Dam and Millrace Water Flow Restoration
- Consent agreement changes (example: Rochester Cider Mill)

Board of Trustees Upcoming Meeting May 25, 2021

Charter Township of Oakland

4393 Collins Road, Rochester, Michigan 48306-1670

Telephone: (248) 651-4440

Fax: (248) 651-1510

www.oaklandtownship.org



BOARD OF TRUSTEES NOTICE AND AGENDA

Tuesday, May 25, 2021

7:00 PM - OAKLAND TOWNSHIP BOARD OF TRUSTEES VIA GOTOMEETING

<https://www.gotomeet.me/OaklandTownship/ot-public-govt-meetings> or 1 (646) 749-3112 Access code: 248- 219-757

- I. Pledge of Allegiance to the Flag and Roll Call
- II. Announcements and Proclamations
- III. Amendments to the Agenda/Approval of the Agenda
- IV. Public Comment for items not on the Agenda
- V. **CONSENT AGENDA:**
 - 1. Approval of Bills
 - a. Payroll via ACH 2
 - b. May 17, 2021 in the amount of \$18,680.91 3
 - c. May 25, 2021 in the amount of \$121,126.74 11
 - 2. Approval of Minutes 30
 - a. May 11, 2021 Regular
 - b. May 11, 2021 Special Closed
 - 3. Private Road Access Easements and Private Road Maintenance Agreement 36
- VI. **OLD BUSINESS**
- VII. **PENDING BUSINESS**
 - 1. Deputy Treasurer Resolution 21-11 69
 - 2. Historic District Commission (HDC) Casual Maintenance Position Approval 71
 - 3. Acceptance of Wilson Legacy Fund Design and Access Grant Number IG-202012403 From Community Foundation for Southeast Michigan for Paint Creek Trail Northern Trailhead Project 75
 - 4. Approval of Substation Improvements 79
 - 5. Fire Equipment Gear Purchase Approval 94
 - 6. 2021 Limestone/Gravel RCOC Approval 96
- VIII. **Public Comment for items not on the Agenda**
- IX. **Township Manager's Report** 97
- X. **Board Reports & Correspondence: Supervisor, Clerk, Treasurer, Trustees**
- XI. **Adjournment**

I see no items on the agenda meeting the above definition of "high interest". The agenda and meeting packet can be seen here:

<https://ecode360.com/documents/OA3183/public/603566437.pdf>

Board of Trustees, May 11 (2 meetings - Special Meeting and Regular Meeting)

The draft minutes are below, copied verbatim from minutes on line here: Rarely are the draft minutes revised. If they receive any significant revision, I will cover that in the future. After the minutes is 'Sentinel notes' to help understand further the item in the minutes, especially for those new to this.

May 11, 2021 Special Meeting (5:00-5:31)

"CLOSED SESSION MOTION by Giannangeli, supported by Mangiapane to approve going into closed session at 5:05 PM for the purpose to consider a personnel evaluation at the request of the employee."

Sentinel notes:

This was the only agenda item, except for public comment (none). Based on comments by Board members before the meeting was called to order the employee was Township Manager, Adam Kline. 15.268, 8(a) of the Open Meetings Act (below) allows closed sessions for the purpose stated in these minutes.

"15.268 Closed sessions; permissible purposes.

Sec. 8. A public body may meet in a closed session only for the following purposes:

(a) To consider the dismissal, suspension, or disciplining of, or to hear complaints or charges brought against, or to consider a periodic personnel evaluation of, a public officer, employee, staff member, or individual agent, if the named person requests a closed hearing. A person requesting a closed hearing may rescind the request at any time, in which case the matter at issue shall be considered after the rescission only in open sessions."

May 11, 2021 Regular Meeting (7:00-8:33)

Absent: Andy Zale, Trustee

ANNOUNCEMENTS AND PROCLAMATIONS *The purpose of the electronic meeting is to maintain COVID-19 social distancing. The Township Board at its April 13th, 2021 meeting passed a Resolution complying with the Michigan Public Health update that authorizes Township Boards, Committees and Subcommittees to continue to meet remotely in accordance with the Open Meetings Act. This Resolution does not grant any other emergency powers to any Township Official, Boards, Committees or Sub-committees. This Resolution expires on June 30, 2021.*

"AMENDMENTS/APPROVAL OF THE AGENDA

Trustee Mabry removed under Pending Business Item # 4 – Historic District Commission (HDC) Appointment.

MOTION by Buxar, supported by Giannangeli to approve the agenda as amended. Roll Call Vote: Ayes: Abbate, Buxar, Elder, Giannangeli, Mabry, Mangiapane Nays: None Absent: Zale Motion carried 6/0."

Sentinel notes:

The Board voted to remove this from the agenda at the request (he can't require removal) of Trustee Dave Mabry during agenda approval. He said he ".was not ready to address that appointment yet". I took that to mean he was not ready to vote on a particular candidate. A seven minute discussion took place about how to handle the appointment process. Treasurer Giannangeli suggested perhaps a subset of John Anderson's (HDC Commissioner) proposed questions might be sent to the applicants. Trustee Mangiapane said the Historic District Commission (she is a new member) was ready to vet the candidates and make a recommendation. (I cannot locate this decision in their minutes; perhaps this is her personal opinion of HDC thinking). Treasurer Giannangeli stressed his desire to not relinquish Board control over this appointment. No overt decision was made on how the selection process would proceed.

(See the video of the discussion at agenda 3, here :)

https://videoplayer.telvue.com/player/KGL-y_dHhCluQTy7c6YoVBzzQ5eHj7Lr/media/640968?autostart=true&showtabssearch=true

CONSENT AGENDA

MOTION by Mabry, supported by Buxar to approve the Consent Agenda as read.

1. Approval of Bills

a) Payroll via ACH

b) April 29, 2021 in the amount of \$3,547.92

c) May 11, 2021 in the amount of \$273,681.41

2. Approval of Minutes

a) April 27, 2021 Special Closed

b) April 27, 2021 Regular

3. Paint Creek Junction – Paint Creek Trail Northern Trailhead Contract

4. 2021 Chloride Agreement with Rochester Hills

Roll Call Vote: Ayes: Abbate, Buxar, Elder, Giannangeli, Mabry, Mangiapane

Nays: None Absent: Zale Motion carried 6/0.

Sentinel notes:

This means the above were approved without discussion.

"OLD BUSINESS

There was no Old Business to discuss."

"PENDING BUSINESS

1. Deputy Treasurer Resolution 21-11

MOTION by Giannangeli, supported by Mangiapane to approve Board of Trustees Resolution No. 21-11 to approve Deputy Treasurer Appointment and Salary as presented in the packet.

Trustee Giannangeli withdrew his motion and Trustee Mangiapane withdrew her support.

MOTION by Giannangeli, supported by Mangiapane to appoint Courtney Wahnefried as Deputy Treasurer effective May 29, 2021. Roll Call Vote: Ayes:

Abbate, Elder, Giannangeli, Mabry, Mangiapane Nays: Buxar Absent: Zale Motion carried 5/1."

Sentinel notes:

There was some uncertainty on how the new Deputy Treasurer's salary is to be determined. Treasurer Giannangeli thought the 2021-2022 budget answers that. Clerk Buxar disagreed, saying the budget only sets a maximum and was determined before the current Deputy Treasurer, Walt Blessed announced his plan to retire May 28. Attorney Kelly cleared up the issue by saying the Board, by law, sets or approves the salary. He suggested the Board could appoint the new Deputy now and deal with the salary at the next meeting. Clerk Buxar did not present a reason for voting against the appointment.

I did a little research on this topic and found the Board has no say in who is appointed, according to this Michigan Township Association Conference slides.

Me and My Shadow: What a Deputy Does 2008 MTA Educational Conference

https://www.michigantownships.org/members/media/topics/media/cams_2008_deputies_powerpoint_revised_2014.pdf

This MTA document specifically states that **the Board has no say in the appointment of a Deputy Treasurer**, only in the compensation.



How is a deputy appointed?

- ♦ ONLY the official can appoint
- ♦ NO board approval involved in selection (but board determines compensation)
- ♦ Official can appoint as many deputies as needed over time—
BUT ONLY ONE AT A TIME

9

**Revised Statutes of 1846 (EXCERPT)
Treasurer.**

41.77 Township treasurer; bond; deposit of funds; limitation as to assets; deputy; "financial institution" defined.

Sec. 77.

(5) The treasurer shall appoint a deputy, who shall serve at the pleasure of the treasurer. The deputy shall file an oath of office with the township clerk and shall give a bond to the township as required by the township board. The deputy, in case of the absence, sickness, death, or other disability of the treasurer, shall possess the powers and perform the duties of the treasurer, except the deputy shall not have a vote on the township board. The deputy shall be paid as the township board determines. With the approval of the township treasurer, the deputy may assist the treasurer in the performance treasurer's duties at any additional times agreed upon between the board and the treasurer, except the deputy shall not have a vote on the township board.

2. "2022 Water and Sewer Rate Approval and Presentation

The Board watched a presentation from Rapahel Chirella from WRC. The Board requested additional figures/data from the WRC."

Sentinel notes:

In order to follow the presentation by Water Resource Commission, one needed more previous knowledge of the topic than I have. As I understood the outcome, the Board has some flexibility in setting both the fixed minimum rate and rate for additional usage. Manager Kline will follow-up on answers to Board questions aimed at making the rate decisions.

3. "Planning Coordinator Contract Renewal

This is a contract the Township has had with Don Mende since November 2015.

MOTION by Buxar, supported by Mabry to renew Don Mende's independent contract agreement with the following amendments: Section #3 – Compensation, change pay from \$45.00 to \$55.00 and add at the end of section 3, "an increase in the same percent amount that is given to all other Township employees will be assessed at the same time as others, given a satisfactory performance review unless otherwise indicated by the Board of Trustees." Additionally in Section #3.1, remove the following: "The contractor agrees that this agreement shall be reviewed and reevaluated by the Township Manager upon the expiration of the initial six-month period. At that time the contractor agrees and understands this agreement may be modified at the sole discretion of the Township Manager upon the expiration of the six-month period".

***Roll Call Vote: Ayes: Abbate, Buxar, Elder, Giannangeli, Mabry, Mangiapane
Nays: None Absent: Zale***

Motion carried 6/0"

Sentinel notes:

This is Mr. Don Mende's first increase in compensation for services rendered in six years. Manager Adam Kline made the point that Mr. Mende has saved us more expensive outside consultant fees.(I presume he meant work that if Mr. Mende did not do we would pay Carlisle-Wortman to do with their fee schedule starting at \$60 per hour for a secretary.)

~~4. Historic District Commission (HDC) Appointment~~

Sentinel notes: See above under agenda

5. Firefighter Employment Approval

"The Fire Department would like to extend an offer of employment to Ashley Skurda. This full-time hire would replace the firefighter that resigned back in March.

MOTION by Buxar, supported by Mangiapane to approve the formal offer of employment to Ashley Skurda as a full-time firefighter/paramedic with a starting hourly wage of \$18.901 per the Labor Agreement with the Oakland Township Firefighters Union signed and dated 12/15/2017.

**Roll Call Vote: Ayes: Abbate, Buxar, Elder, Giannangeli, Mabry, Mangiapane
Nays: None Absent: Zale
Motion carried 6/0.”**

Sentinel notes:

This does not increase manpower levels. This replaces Timothy Haynes who resigned in March, after one year, to work for DTE.

PUBLIC COMMENT FOR ITEMS NOT ON THE AGENDA The Board heard public comment from: Frank Ferriolo – 5600 Kirkridge Trl

(Prior to 2013 summaries of such public comments were part of the minutes. I will attempt to resurrect that useful practice by making my own summary.)

Mr. Ferriolo made comments about the authority of the Board being high in approving appointments suggested by others. He said those decisions also can have repercussions

You can of course see Mr. Ferriolo’s full 3 minute comments in agenda 8 of the video here: https://videoplayer.telvue.com/player/KGL-y_dHhCluQTy7c6YoVBzzQ5eHj7Lr/media/640968?autostart=true&showtabssearch=true

BOARD REPORTS & CORRESPONDENCE

Supervisor Abbate – nothing to report.

Clerk Buxar – nothing to report.

Treasurer Giannangeli – stated that the interest rates are terribly low on our earnings and we are going to be taking a look at rebalancing and if there are any other alternatives. He is waiting to see if the rates stabilize and it looks like the rates will remain low for a while. We will be looking at alternatives and what we can do to maximize our returns with our investments.

Trustee Elder – commented that we need to find other vehicles to invest the Township money in.

Trustee Mabry – nothing to report.

Trustee Mangiapane – commented that she wanted to say thanks to the law enforcement officers and she is grateful to the Fire Department. She also reminded everyone to be cautious with all the residents out on the streets and paths. May is also law enforcement and public safety month.

Sentinel notes:

As a result of the Cash and Investment Report on pages 100-105 in the meeting packet <https://ecode360.com/documents/OA3183/public/601342636.pdf> and comments by Trustee Elder about how poor dollars are as an investment in these times of inflation, I did a little research to increase my knowledge of the subject. The topic is outside my area of expertise.

I did learn that

We have about \$24,000,000 in cash and investments as of 3/31/2021. The Treasurer's projections are an investment yield of 0.70%. (Page 105 chart). This is down from about a 2.3% high two years ago. That means earning about \$386,000 less than we would have two years ago. Each 0.1% drop in yield costs us about \$24,000 annually.

- Investing township funds in mutual funds is allowed by law <http://legislature.mi.gov/doc.aspx?mcl-act-20-of-1943>
- We have a formal Township investment policy (link) that allows investment in mutual funds

Historic District Commission

HDC met May 21, 2021.

I will post a link to the minutes when they become available as they will do a better job describing the meeting than I can.

Of particular interest was Tom Asmus story about working in the Peace Corps with his wife (in early 1960's before Kennedy assassination) helping bring water to a village in Honduras as a community effort and Dave Phillips annual tribute to veterans.

Read the March 17, minutes here starting on page 3.

<https://ecode360.com/documents/OA3183/public/597722122.pdf>

Library Board

Met 5/20/2021 for 30 minutes with 100% in attendance:

PRESENT:

Michael Tyler, President – attending electronically from Oakland Township, MI
Andrew Parker, Vice President – attending electronically from Oakland Township, MI
Marisa Kallie, Secretary – attending electronically from Oakland Township, MI
Henry Carels, Member – attending electronically from Oakland Township, MI
Mark Gerhard, Member– attending electronically from Oakland Township, MI
Mercedes Wirsing, Member– attending electronically from Oakland Township, MI

See agenda and meeting packet here: (This includes 1/21/2021 minutes)

<https://ecode360.com/documents/OA3183/public/602758237.pdf>

Video here:

https://videoplayer.telvue.com/player/KGL-y_dHhCluQTy7c6YoVBzzQ5eHj7Lr/media/643318?autostart=true&showtabssearch=true

I will post a link to the minutes when they become available as they will do a better job describing the meeting than I can.

Michigan State Legislature

Legislation that may be of interest. Click on links to see exact proposed bill

Rosemary Bayer (Our State Senator, one of 38) <https://senatedems.com/bayer/contact/>

New Bills or Resolutions:

- [SB 0454 of 2021](#)
Weapons: firearms; license or background check for purchase of firearms; require. Amends secs. 2, 2a, 2b, 12 & 14a of 1927 PA 372 (MCL 28.422 et seq.).
Last Action: 5/18/2021 REFERRED TO COMMITTEE ON GOVERNMENT OPERATIONS

Mark Tisdell (House of Representatives, one of 110, District 45 – Township southwest 2 precincts) <https://gophouse.org/member/repmarktisdell/posts>

Updated Bills or Resolutions:

- [HB 4288 of 2021](#)
Corporate income tax: flow-through entities; entity flow-through tax; provide for. Amends 1967 PA 281 (MCL 206.1 - 206.713) by adding secs. 254, 675 & pt. 4.
Last Action: 5/18/2021 REFERRED TO COMMITTEE ON FINANCE

John Reilly (House of Representatives, one of 110, District 46 – Township northern and eastern precincts) <https://gophouse.org/member/repjohnreilly/posts>

New Bills or Resolutions:

- [HB 4865 of 2021](#)
Weapons: firearms; 1927 PA 372; update references. TIE BAR WITH: HB

4863'21

Last Action: 5/19/2021 bill electronically reproduced 05/19/2021

- [HR 0110 of 2021](#)

A resolution to declare May 17-21, 2021, as Home Education Week in the state of Michigan.

Last Action: 5/18/2021 adopted

Parks and Recreation

Cam Mannino Latest Post

[Bear Creek Nature Park: Spring Arrives on a Wing and a Song | Natural Areas Notebook \(oaklandnaturalareas.com\)](#)

Zoning Board of Appeals (ZBA)

Approves Variance 3/2 to allow accessory building at 3031 Paint Creek

The Zoning Board of Appeals (ZBA) voted 3/2 to approve two variances from strict interpretation of the Zoning Ordinance. Variance #1 to allow an accessory building in a front yard of a lot than 10 acres and 2) to allow it 20 feet instead of 30 feet from Adams Road right-of-way boundary.

YES votes were Brian Blust, Judy Workings and Kathy Thomas, NO votes were John Boville and Bill Jandeska. Read the approved minutes when they come out later in June (after June 15 meeting) for accurate details of the discussions as approved by ZBA members. I don't like to paraphrase.

The applicant, Mr. Pete Bocato, was assisted in his presentation by Jim Carter, who has 20 years former experience on ZBA and Planning Commission, ending in 2013. Mr. Carter had sent a letter to ZBA outlining how criteria A through D to grant a variance were met, in his opinion. I will include this letter in my next and final article on this.

16-104.06 VARIANCES

The Zoning Board of Appeals may grant a nonuse variance based upon a written application demonstrating that practical difficulties exist in the way of carrying out the strict letter of this zoning ordinance relating to the construction, structural changes, or alteration of buildings or structures relating to dimensional requirements of this ordinance or to any other nonuse related standard in this ordinance, provided the applicant demonstrates and the Zoning Board of Appeals finds that the claimed practical difficulties, conform to the standards as set forth below:

A. Strict compliance with the restrictions governing area, setbacks, frontage, height, bulk, density and other similar items unreasonably prevents the owner from using the property for a permitted purpose or would render conformity with said restrictions excessively burdensome;

B. The variance would do substantial justice to the applicant as well as to other property owners in the zoning district as well as nearby owners in other districts; The relaxation of restrictions would not exceed what is needed to provide relief to the applicant and continue justice for others;

C. The practical difficulty of the property owner is due to unique circumstances of the property in that special conditions exist which are peculiar to the land, structures, or buildings involved and which are not generally applicable to other lands, structures, or buildings in the General Provisions Charter Township of Oakland I-8 Zoning Ordinance same zoning district; and

D. The practical difficulty is not self-created. The Zoning Board of Appeals may impose conditions upon the granting of a variance as may be permitted by law and ordinance. No nonconforming use of neighboring lands, structures, or building s in the same district, and no permitted or nonconforming use of lands, structures or buildings in other districts shall be considered grounds for the issuance of a variance.

Planning Coordinator, Don Mende said he had received no letters, emails or phone calls from neighbors about the project. The ordinance requires him to notify owners of all property within 300 feet (my simplification), For exact details see ordinance 16-103 at this link:

https://ecode360.com/documents/OA3183/public/431381679.pdf?_ga=2.84771738.2000043338.1621101115-270817071.1560107025

The applicant said no neighbors who talked to him objected.

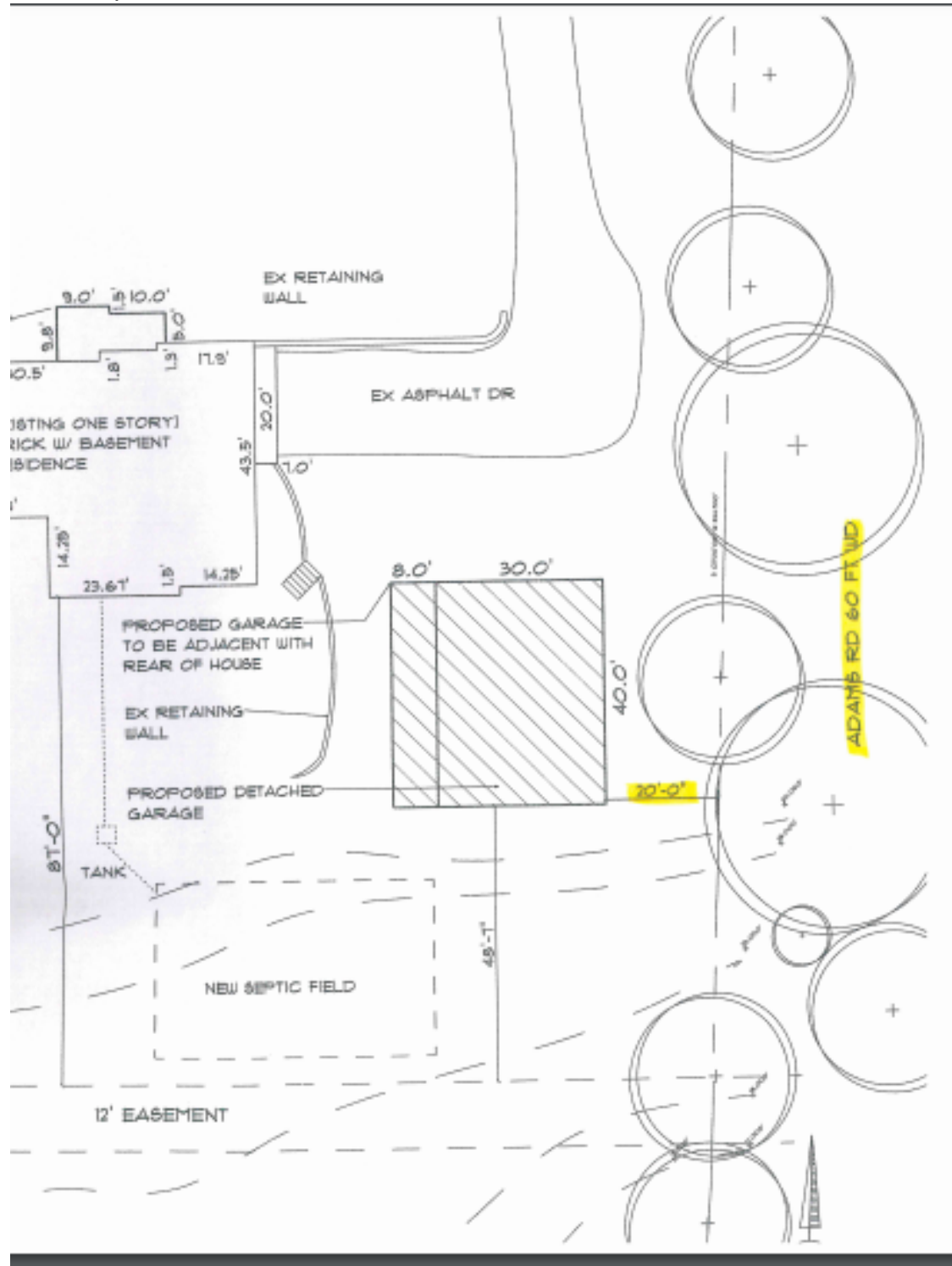
The building will look like this from Paint Creek Drive view.



FRONT ELEVATION

SCALE: 1/4" = 1'-0"

The site plan.



Events Calendars

Parks and Recreation

Get an account and see all upcoming Parks and Recreation events here:

<https://oaklandtownship.recdesk.com/Community/Home>

Township Events

See “View News” on Home page of Township Website for events listed there:

<http://www.oaklandtownship.org/newslist.php>

Public Body Meetings

See all upcoming Public Body Meetings on Township website calendar here:

<http://www.oaklandtownship.org/calendar.php>

To have your event posted here free, send an email stating that you want it posted. Structure the email so I can copy and paste your headline and announcement into word with no additional editing required on my part. Events of general public interest (in my opinion) will be posted.

For previous reports and our “Encyclopedia of Oakland Township” visit our website at

<https://oaklandtownshipsentinel.org/>

Comments, suggestions and respectful (no attacking anyone’s motive or personal attributes) letters to the editor are always welcome. Send them to me at

yagera@comcast.net

Bob Yager

Editor

Oakland Township Sentinel