

Oakland Township Sentinel

Sunday, April 10, 2022

Bob Yager – Editor

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Only two items this week:

BOT Meetings - Pages 1-8

Rochester Community Schools Meeting Delayed – Pages 8-9

April 12, Board of Trustees Meetings

These two BOT meetings will be my focus for this week

First, someone has proposed a closed session in a special meeting at 6 PM. Of course it is legal to discuss a written legal opinion on anything in closed session. That does not mean that all written legal opinions need to be discussed in closed session. I can perhaps see a closed session discussion of Stoney Creek Crossings water and sewer, but how will discussing the budget approval process in closed session be of benefit to 20,000 township residents?

Note that all meetings are open to the public. There is a public comment session listed before the vote to go into closed session. Attend and ask the above question. Observe who votes to go into closed session on the budget approval process and what reasons they give.

Charter Township of Oakland

4393 Collins Road, Rochester, Michigan 48306-1670

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www.oaklandtownship.org



BOARD OF TRUSTEES NOTICE AND AGENDA Tuesday, April 12, 2022

6:00 PM - OAKLAND TOWNSHIP BOARD OF TRUSTEES SPECIAL CLOSED SESSION

- I. **Pledge of Allegiance to the Flag and Roll Call**
- II. **Announcements and Proclamations**
- III. **Public Comment for items not on the Agenda**
- IV. **PENDING BUSINESS**
 - 1. Closed session:
 - Pursuant to MCL 15.268(h), closed session to discuss confidential legal opinion regarding sanitary sewer and water system issues.
 - Pursuant to MCL 15.268(h), closed session to discuss a confidential legal opinion regarding budget approval process.
- V. **Public Comment for items not on the Agenda**
- VI. **Adjournment**

Note the agenda restricts comments to “items not on the agenda”. The effect of that is to prohibit any comment whatsoever on the agenda items. That restriction is not allowed by the Open Meetings Act and is therefore is an illegal restriction on comment, in my layman’s opinion. Ignore it, if you want to comment on the agenda items, do so. Of course I am not a lawyer and this is not legal advice. Seek legal advice from an attorney, if needed. But I plan to comment on the agenda items if I make it to this meeting. I’ll say I can’t see how this budget closed session is helping me or any other resident and suggest voting against a closed session for this item.

After the special meeting comes a regular meeting. I predict that Item VII-5 will attract “torches and pitchforks”, as some say. It seems to be another volley in “War on Parks II” being waged by a few on the Board. I suggest the PRC officers attend this meeting.

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BOARD OF TRUSTEES NOTICE AND AGENDA

Tuesday, April 12, 2022

7:00 PM - OAKLAND TOWNSHIP BOARD OF TRUSTEES

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. March 29, 2022 in the amount of \$12,719.31	
	c. April 12, 2022 in the amount of \$833,727.58	4
	2. Approval of Minutes	8
	a. March 22, 2022 Special Closed	
	b. March 22, 2022 Regular	
	3. Emergency VFD Well Repairs	16
	4. Memorial Day Parade Payment Approval	17
	5. Contract for Chloriding with Rochester Hills	18
VI.	OLD BUSINESS	
VII.	PENDING BUSINESS	
	1. Posting for Maintenance Technician	20
	2. Stoney Creek Crossing Sanitary Sewer Improvements	23
	3. Review and Discussion: Employee Handbook Update	26
	4. Resolution for Repayment of Interfund Loan	77
	5. Resolution Regarding the Financing and Approval of the MNTRF Grant Property Improvements	79
VIII.	Public Comment for items not on the Agenda	
IX.	Township Manager's Report	82
X.	Board Reports & Correspondence: Supervisor, Clerk, Treasurer, Trustees	
XI.	Adjournment	

The proposed resolution (proposed by who?) in on the next two pages.



**CHARTER TOWNSHIP OF OAKLAND
COUNTY OF OAKLAND
STATE OF MICHIGAN**

RESOLUTION 22-03

RESOLUTION FOR PURCHASE OF PROPERTY

At a regular meeting of the Township Board of the Charter Township of Oakland, Oakland County, Michigan (the "Township"), held on April 12, 2022.

PRESENT:

ABSENT:

The following Resolution was offered by _____ and seconded by _____:

WHEREAS, the Charter Township of Oakland recently acquired two parcels of land: (1) Parcel Number 10-09-100-024 (previously 10-09-100-22 and commonly known as 1401 Lake George Rd., Oakland, MI 48363) and (2) Parcel Number 10-04-376-011.

WHEREAS, the Oakland Township Board of Trustees does hereby designate and name the above two parcels as the Fox Nature Preserve.

WHEREAS, the Fox Nature Preserve property was purchased with a combination of funding from a Michigan Natural Resource Trust Fund ("MNRTF") grant and the Township Land Preservation Fund, financed in part with an interfund loan from the Township General Fund to the Land Preservation Fund.

WHEREAS, expenditures from the Land Preservation Fund are under the sole authority of the Oakland Township Board of Trustees and for the purposes set forth in the Land Preservation Millage, those being for the "acquisition of land, the protection of natural habitat,

and the preservation of green spaces within the Township" (Land Preservation Millage language from December 2021 levy).

WHEREAS, it is the intent of the Township to maintain, operate, and fund all Fox Nature Preserve improvements and activities through the Land Preservation Millage and, thereby, consistent with the MNRTF grant, fund its operation and use to the protection of the natural habitat and preservation of green spaces.

NOW, THEREFORE, BE IT RESOLVED, the Oakland Township Board of Trustees does hereby order the above-stated parcels, which include approximately 235.2 acres, shall heretofore be known as the "Fox Nature Preserve," and consistent with and as allowed under the MNRTF grant, shall be operated, and maintained as a preserve through the Land Preservation Fund and for the express purpose of the protection of natural habitat and the preservation of green spaces within the Township.

BE IT FURTHER RESOLVED, all expenditures, improvements, and authorized activities on or to the "Fox Nature Preserve," which shall significantly or permanently affect the property or its structures, shall be submitted to the Board of Trustees by the Parks and Recreation Commission with all accompanying plans and specifications and such activities shall not be undertaken unless specifically authorized and approved by the Oakland Township Board of Trustees.

RESOLUTION DECLARED ADOPTED.

YEAS: _____

NAYS: _____

ABSTENTIONS: _____

CERTIFICATION

STATE OF MICHIGAN)
) ss.

COUNTY OF OAKLAND)

I hereby certify that the foregoing is a true and complete copy of a Resolution adopted at a regular meeting of the Charter Township of Oakland, Oakland County, Michigan, on April 12, 2022, the original of which is on file in my office.

IN WITNESS WHEREOF, I have hereunto affixed my official signature this 12th day of April 2022.

Robin Buxar, Clerk
Charter Township of Oakland

The underlined portion indicates, in my view, no understanding of what we got the grant to do at Lost Lake Nature Park Expansion, the official name already accepted by the State. How can we turn Land Preservation over to a Board who does not know what it is?

The otherwise very good Manager's report below gives no clue as to the source of the resolution. By law, the Manager, Supervisor or two Board members can place an item on the agenda. I suspect it is two Board members. I will not speculate who, but may be fairly obvious from past comments.

Memo



To: Board of Trustees
From: Adam Kline, Township Manager
Date: April 8, 2022
Re: Manager's Report

The following items are scheduled for the April 12 meeting agenda:

Contract for Chloriding with Rochester Hills: This is a routine and budgeted shared expense with Rochester Hills. Board approval is appropriate.

Emergency VRD Repairs: The Water Resource Commission (WRC) had emergency well repairs needed. Due to the amount, board approval is appropriate.

Memorial Day Parade Payment: This invoice is for the township's contribution to the Rochester Area Memorial Day parade which will take place on Adams Rd, finishing at the Oakland Township Veterans Tribute.

Posting for Maintenance Technician: The board may wish to consider this in lieu of outside contractors for an overall cost savings to the township. Backup is provided in the packet.

Stoney Creek Crossing Sanitary Sewer Improvements: Under the township's existing sewer policy, it is provided that the township may prioritize sewer extensions. This item has been reviewed by township engineers and legal counsel.

Review and Discussion: Employee Handbook Update: The proposed handbook has been updated and provided to the board. This would be the first update in many years and several sections are due for updates. Review and comments from the board are requested.

Resolution for Repayment of Interfund Loan: This resolution is proposed for repayment of the interfund loan from the land preservation fund.

Resolution Regarding the Finance and Approval of the MNRF Grant Property Improvements: This resolution is available for consideration by the board.

Other Township Business:

Planning Commission: No cases were submitted by the publishing deadline and, as a result, the April 5, 2022 Planning Commission meeting was not held.

Accounting: The Accounting and Finance Administrator has started work for the upcoming audit.

Zoning Board of Appeals (ZBA): No applications for zoning variances were received by the legal ad publishing deadline and, as a result, the April 19, 2022 ZBA meeting will not be held.

Commission Appointments: The township has several appointments open for boards and commissions this year including Historic District Commission and Zoning Board of Appeals. These appointments will be on future BOT agendas.

Boardroom Technology: The township is working with CMN to upgrade our Tricaster equipment and installing a document cam for use at meetings.

Oakland County West Nile Program: The Assistant Manager attended this annual meeting which allows the township to provide mosquito repellent to township residents at no cost. The Resolution for approval will be on the next BOT agenda.

Michigan Township Association (MTA) Conference: I will be at the MTA conference the week of April 25. The Assistant Manager will attend the April 26 BOT meeting.

Oakland County Animal Control Audit: Attached is a letter from Oakland County regarding the annual dog license audit.

Upcoming Items: The board can expect two liquor license public hearings and an update to the township tree ordinance on future agendas.

School Crossing Beacons: I have been meeting with school officials, Rochester Hills staff, and the RCOC on installation of the approved crosswalks at Musson and Delta Kelly Elementary schools.

Bear Creek Nature Park: Tree work started on April 6 to start preparing for the installation of permanent restrooms later this spring.

Equalization: Oakland County assessing staff will be working at township hall for the next several weeks.

Upcoming Items:

Good Friday Holiday, Offices Closed: April 15

MI DNR Happy Little 5k Run Program: April 22 - 29. Participants pick the day and time to run the race. Cranberry Lake Farm Historic District.

Next Regular BOT Meeting: April 26

No Haz: April 30, Oakland County Service Center Complex

Clean Scene: May 7

Here's a link to the entire Board Packet

<https://ecode360.com/documents/OA3183/public/654854206.pdf>

Tree Ordinance – another Volley in “War on Parks II”

Of course you may also have an opinion to express on this recent email below (FOIA 2235, received by me April 8). Quite a re-interpretation of a 32 years old ordinance #60 that was codified. I always thought Section 389-11 B exempted our Natural Areas Stewardship work. But I have recommended making it clearer in light of “War on Parks II”

“§ 389-11. Exceptions. Notwithstanding the requirement of §§ 389-6 through 389-10, the following activities are permitted unless otherwise prohibited by statute or other Township ordinances.

. B. Conservation of natural resources. Conservation of soil, vegetation, water, fish, wildlife, and other natural resources.”

We are not doing “tree management”. We already have a plan approved by EGLE and our own Board of Trustees in the grant application.

Mindy Milos-Dale

From: Adam Kline
Sent: Thursday, March 3, 2022 8:41 AM
To: Mindy Milos-Dale; Benjamin VanderWeide
Cc: Dan Kelly; Jamie Moore
Subject: Lost Lake

Mindy, as you are aware one of your commissioners whom is also a planning commissioner asked for a legal opinion about the Tree ordinance as it pertains to the Lost Lake expansion. I have received that opinion and it is Dan's opinion that the Tree ordinance does apply to that property and as such the actions taken already were unauthorized. If you are going to continue the tree work you and or Ben will need follow that ordinance. The ordinance requires that the applicant (owner-township) obtain a permit to remove a tree, however there are exceptions to obtaining a permit that involve:

- 1) Submit a Tree Management Plan prepared by a state registered forester or a registered landscape architect. The Tree Management Plan must include how the trees will be removed from the property without damaging remaining trees.
- 2) The Tree Management Plan must be submitted to, and approved by, the **Township Supervisor**. The Supervisor is to consult with the Township expert and grant or deny the exemption.
- 3) The person seeking approval and exemption (i.e., applicant) is required to establish an escrow with the Township Clerk to cover the cost of the Township's tree expert.

Please keep me informed on how you wish to proceed.

Adam T. Kline
Township Manager
Oakland Township
akline@oaklandtownship.org
248-218-6951




See our entire tree ordinance here:

<https://oaklandsentinel.files.wordpress.com/2022/04/tree-protection-preservation-and-removal-1.pdf>

Rochester School Board Meeting

The April 11 meeting was postponed to April 26 due to lack of quorum. If you have a child in Rochester Community Schools, I recommend you attend to develop an understanding of what is going on in the aftermath of the federal lawsuit. See notice below.

< Inbox Meeting update ^ v



ROCHESTER
COMMUNITY SCHOOLS
PRIDE IN EXCELLENCE

Rochester Community Schools

Dear RCS Families,

A quorum is not available for the Board of Education meeting planned for April 11, 2022; the Board will instead hold a special meeting on April 26 at the time previously reserved for a workshop. All members of the public who had previously requested to speak on the board's agenda will be automatically moved to the agenda on April 26. If you have questions or concerns, please reach out to the Board at <https://www.rochester.k12.mi.us/about-us/board-of-education/contact-the-board>.

Sincerely,

Barb Anness

Kevin Bears

Michelle Bueitel

Kristin Bull

Jessica Gupta

Scott Muska

Joe Pittel

