

BOARD MEMBERS PRESENT:

Gary Wall, Supervisor
Margaret Birch, Treasurer
Anthony Bartolotta, Trustee
Art Frasca, Trustee
Karen Joliat, Trustee
Steven Thomas, Trustee

BOARD MEMBERS ABSENT:

Sue Camilleri, Clerk

OTHERS PRESENT:

Julie Josselyn
John Lyman
Dan Stickel
Shelly Schloss
Derek Diederich
Sally Hart
Jim Christopher
Josh Dorman
Jim Cooper
Dan Spohr
Ryan Wells

Dan D
Owen Straight
Erik McLean
Trevor Gignac
Ken Green
Marcia Green
Kari Vlaeminck
Colin Wells
Kyle Cummings
J. Todd
Jen Thom

Barb Miller
Tim Green
Noah Lesner
Alison Swanson
Judge Todd Fox
Joan Rogers
Dohn Lyons
Matt Covey
Gary Allison

Supervisor Gary Wall called the meeting to order at 6:02 p.m. and asked for a moment of silence for the brave men and women who have served our Country and then lead the Pledge of Allegiance.

1. APPROVE AGENDA

1.1 January 28, 2019

Moved by Bartolotta;

Seconded by Thomas, RESOLVED, to amend the January 28, 2019, agenda by removing item 3.1 Goodfellows - Award Presentation.

Motion carried unanimously.

Moved by Thomas;

Seconded by Joliat, RESOLVED, to approve the January 28, 2019, agenda, as amended.

Motion carried unanimously.

2. ANNOUNCEMENTS

- 2.1 Friends of the Library Used Book Sale will be held on Saturday February 2, 2019, 10:00 a.m. -4:30 p.m. and Sunday, February 3, 2019, 1:00 p.m. - 4:00 p.m. with the bag sale, \$5/bag, from 2:00 p.m.- 4:00 p.m.
- 2.2 The annual Valentine's Daddy Daughter Dance will be held on Saturday, February 9, 2019, at the Waterford Recreation Center. Pre-registration is required. Contact Parks and Recreation for more information at 248-674-5441 or visit waterfordmi.gov/parks.
- 2.3 Winter 2018 taxes are payable without penalty through February 14, 2019. See the tax bill, front and back, for more information. To review tax information and/or to pay taxes online, please visit www.waterfordmi.gov/taxes
- 2.4 Waterford Township administrative offices and the Library will be closed Monday, February 18, 2019 in observance of Presidents' Day. Emergency services remain available during this administrative closure.
- 2.5 The annual State of the Township breakfast event will be held on Wednesday, February 20, 2019, at 7:30am at the Overtyme Fireside Lounge. Hear firsthand from Township Supervisor Gary Wall & Waterford School District Superintendent Dr. Keith Wunderlich about what's being accomplished now and what's in store for the community in 2019. Visit the Waterford Area Chamber of Commerce website www.waterfordchamber.org for more information and to purchase tickets at \$20 per person - advance registration only.
- 2.6 The Charter Township of Waterford is looking for community minded people to serve on various Township Boards. Board members are required to attend approximately one to two meetings a month. If you are interested in serving your community please contact the Supervisor's office via e-mail supervisor@waterfordmi.gov or call 248-674-6201.
- 2.7 Are you a Waterford business owner or do you know a Waterford business who is celebrating a milestone business anniversary 25+ years in 2019? Let us know! We are now taking nominations for anniversary awards at the upcoming 2019 Business Recognition Breakfast. Call or email the Supervisor's office 248-674-6201 supervisor@waterfordmi.gov

3. AWARDS AND PRESENTATIONS**3.1 Introduction of New Board of Education Member, Julie Josselyn**

Newly elected School Board Member, Ms. Julie Josselyn, introduced herself to the Board of Trustees. She is excited to serve the community and welcomed open communication between residents and the Board of Trustees.

3.2 Fire Department Presentation

Fire Chief Lyman presented the following Life Saving Awards:

Silver Life Saving Award

Deputy Chief Covey, Lt. Jake Helgemo, Firefighter Kyle Cummings, Firefighter Colin Walls, and Trevor Gignac received the Silver Live Saving Award for their actions on December 25, 2018, at the house fire on Rea Street in Waterford. The victim who was rescued was not breathing; in which they performed advanced life support procedures while enroute to a local hospital. The patient was transferred to a burn center hospital in serious condition.

Gold Life Saving Award

Lt. Jamie Todd, Tim Green, Don Lyons, Erik Mclean received the Gold Life Saving Award for their actions on December 25, 2018, at the house fire on Rea Street in Waterford. Upon arrival they entered the home and found a man unconscious near the fire and quickly rescued him from the fire and handed him over to other firefighter/paramedics for transport to the hospital.

Deputy Chief Covey presented Jim Christopher, owner of Leo's Coney Island – Waterford and White Lake, with a plaque thanking him for his dedication and support to our community. He is always looking for ways to help the Fire and Police Departments. Mr. Christopher has donated and served food for the Fire Department's Open House's since 2013, and is always trying to find a way to help the community. Deputy Chief Covey stated it's an honor to know Jim and thanked him for his time and service to the community. The Board congratulated Mr. Christopher and thanked him for his contribution to the community.

4. CONSENT AGENDA

Board Members may remove items from the Consent Agenda for discussion purposes or for the purpose of voting in opposition. Public comment for items removed from the consent agenda may be received in the same manner immediately following the Consent Agenda.

4.1 January 14, 2019, Meeting Minutes

4.2 January 28, 2019, Bill Payment

4.3 Receive the Fire Department's December 2018 Report

4.4 Receive the Library's October, November and December 2018 Reports

4.5 Receive the Police Department's 4th Quarter 2018 Reports

4.6 Hess Hathaway Park Advisory Committee - Appointment of John Himmelspach

I respectfully request the Township Board's approval for the appointment of Waterford Township resident John Himmelspach to the Hess Hathaway Park Advisory Committee for a three-year term of February 1, 2019 – February 1, 2022. John's successful appointment to the committee will succeed member Greg Ford who recently announced his resignation.

As you know, John served on the Waterford Board of Education for more than 20 years and has also served as the Board of Education liaison on the Hess-Hathaway Advisory Committee for many years. His experience, knowledge, insight and contributions to the committee have been valuable, and I'm confident John will continue to be an asset to the committee, park, and the community in this capacity.

Thank you for your consideration.

4.7 Drayton Plains Nature Center Board Re-Appointment - Terri Chapdelaine & Gerard Couture

I respectfully request the Township Board's approval for the re-appointment of Waterford Township residents Terri Chapdelaine and Gerard Couture to the Drayton Plains Nature Center Advisory Board for three-year terms.

The current Nature Center Advisory Board voted to renew both appointments, both Ms. Chapdelaine and Mr. Couture have agreed to continue service on this Board, and I concur with these recommendations.

If appointed, Terri Chapdelaine's term will expire March 9, 2022, and Gerard Couture's appointment will expire February 1, 2022.

Thank you for your consideration.

4.8 Walk Permit -Waterford Township Friends of the Library

Moved by Bartolotta,

Seconded by Frasca, RESOLVED, approve Consent Agenda items 4.1 through 4.8. A roll call vote was taken.

Ayes: Wall, Birch, Bartolotta, Frasca, Joliat, and Thomas

Nays: None

Absent: Camilleri

Motion carried unanimously.

5. BOARD LIASON REPORTS (VERBAL)

Trustee Bartolotta reviewed the January 23, 2019, Planning Commission meeting

Supervisor Wall announced, weather permitting, demolition of the Summit Place Mall is scheduled to start on April 1, 2019.

Trustee Joliat reviewed the January 15, 2019, Drayton Plains Nature Center meeting.

Trustee Frasca shared that Mr. Himmelspach is being appointed to the Hess-Hathaway Board.

6. INTRODUCTION

6.1 Introduction of Ordinance 2019-001, Clean Smoking, Tobacco, Vapor Products Ordinance Amendment

The following memo was received from Township Attorney Dovre.

The Ordinance that accompanies this letter is an expanded version of the Ordinance that was removed from the January 14th Agenda at my suggestion. Underlining has been used to identify changes to existing Ordinance Sections. New Sections being added are not underlined. The clean version is what would actually be introduced.

The prior version was focused on making the prohibitions regarding minors and tobacco applicable to minors and vapor products. What is now presented for possible introduction at your January 28th meeting still addresses minors and vapor products under some refined and relocated definitions. However, it also deals with some other issues under the general subject of smoking that I identified as appropriate for your consideration. By reference to the Section numbers of the Ordinance, those are summarized below.

11-001(a). Because they have application to more than one Article or Division of Chapter 11, the 4 definitions have been placed here under a numbering format that will facilitate easily adding future generally applicable definitions under the next number in sequence.

11-341. Adopts the Michigan Clean Indoor Air Act by reference as the Clean Indoor Air Ordinance. A copy of that Act is provided with this letter.

11-342. Would prohibit the use of Vapor Products in the same places that smoking is prohibited by the Michigan Clean Indoor Air Act.

11-358. Prohibits use of tobacco products on school property in the same manner and with the same exceptions as state law, MCL 750.473. Although it could be challenged on preemption grounds, in my opinion you are not required to include those exceptions.

11-359. Prohibits use of vapor products on school property in the same manner and with the same exceptions under MCL 750.473 for tobacco products.

Section 4 of Ordinance. The provisions in the current Ordinance Code that allow smoking in educational facilities in designated areas conflict with the Michigan Clean Indoor Air Act and would be repealed.

11-383, 11-387 and 11-388 are the Sections where references to vapor products have been added.

Introduction of Ordinance 2019-001, Clean Smoking, Tobacco, and Vapor Products Ordinance Amendment Continued.

As indicated, these Ordinance Amendments are presented for introduction. That may be as presented, or with any changes that are identified in the motion to introduce.

**CHARTER TOWNSHIP OF WATERFORD
ORDINANCE NO. 2019-001**

SMOKING AND TOBACCO AND VAPOR PRODUCT ORDINANCE AMENDMENTS

An Ordinance to amend the Waterford Charter Township Code to add definitions of nicotine, tobacco, and vapor products, adopt the Michigan Clean Indoor Air Act by reference, amend the Code to prohibit use of tobacco and vapor products on school property, repeal the Code provisions on smoking in educational facilities, prohibit the sale and furnishing to and the purchase, possession, and use by minors of vapor products, and provide penalties for the added and amended Code provisions.

THE CHARTER TOWNSHIP OF WATERFORD ORDAINS:

Section 1 of Ordinance

That Section 11-001(a) in Article I, In General, of Chapter 11, Offenses, of the Waterford Charter Township Code is hereby amended to read as follows:

Sec. 11-001. Definitions and violations.

(a) Definitions. In addition to the rules of construction and definitions contained in Section 1-002 and this Chapter, definitions of words and phrases in The Michigan Penal Code, Public Act No.328 of 1931, as amended, MCL 750.1 - MCL 750.568, and in Chapter 752 of the Michigan Compiled Laws for Crimes and Offenses, MCL 752.1 et. seq. shall be deemed to apply when those words and phrases are used but not defined in this Chapter or Code. When used in this Chapter, the following words and phrases are defined as follows:

(1) **Nicotine Product** means tobacco and any other product, substance, or device containing or used to deliver nicotine for human consumption, whether chewed, absorbed, dissolved, inhaled, or ingested by any other means.

(2) **Tobacco Product** means a product that contains tobacco that is intended for human consumption, including but not limited to cigarettes, noncigarette smoking tobacco such as cigars or loose tobacco for smoking in a pipe or other device, and smokeless tobacco such as chewing tobacco, that is consumed by placement in the mouth, inhaling through the nostrils, or other means.

(3) **Use a Tobacco Product** means carrying a lighted cigarette, cigar, pipe, or other smoking device, or smoking, inhaling, chewing, or placement within a person's mouth of a tobacco product.

(4) **Vapor Product** means a product or device that employs a heating element, power source, electronic circuit, or other electric, chemical, or mechanical means, regardless of shape or size, that when used, produces vapor, fumes, or smoke from a nicotine product or other substance or solution. Vapor products include an electronic cigarette (E cigarette), electronic cigar, electronic cigarillo, electronic pipe, or similar product or device and a vapor cartridge or other container of a nicotine product, or other substance in a solution or other form that is intended to be used with or in an electronic cigarette (E cigarette), electronic cigar, electronic cigarillo, electronic pipe, or similar product or device.

Introduction of Ordinance 2019-001, Clean Smoking, Tobacco, and Vapor Products Ordinance Amendment Continued.

Section 2 of Ordinance

The Waterford Charter Township Code is hereby amended by adding Sections 11-341 and 11-342 in a new Division 3, Indoor Smoking and Use of Vapor Products, in Article VII, Offenses Against Public Safety, of Chapter 11, Offenses, to read as follows:

ARTICLE VII OFFENSES AGAINST PUBLIC SAFETY

Division 3. Indoor Smoking and Use of Vapor Products.

Sec. 11-341. Michigan Clean Indoor Air Act Adoption by Reference; Civil Infraction.

- (a) As allowed by MCL 42.23, the Michigan Clean Indoor Air Act, which is Part 126 of the Public Health Code, MCL 333.12601 through MCL 333.12617, as amended, is adopted by reference as an ordinance of the Township to prohibit smoking in enclosed indoor areas that are defined as public places in the Michigan Clean Indoor Air Act.
- (b) This ordinance shall be known and may be cited as the Clean Indoor Air Ordinance.
- (c) Violation of this Clean Indoor Air Ordinance is a civil infraction, punishable as provided in Section 1-10(b) of this Code, with the fine for a first violation not to exceed \$100.00, and the fine for a second or subsequent violation not to exceed \$500.00.

Sec. 11-342. Indoor Use of Vapor Product; Civil Infraction.

- (a) No person shall use a vapor product, as defined in Section 11-001, in an enclosed indoor area that is defined as a public place in the Michigan Clean Indoor Air Act adopted as the Clean Indoor Air Ordinance in Section 11-341.
- (b) Violation of this Section is a civil infraction, punishable as provided in Section 1-10(b) of this Code, with the fine for a first violation not to exceed \$100.00, and the fine for a second or subsequent violation not to exceed \$500.00.

Section 3 of Ordinance

The Waterford Charter Township Code is hereby amended by adding Sections 11-358 and 11-359 to Division 1, General-Prohibited Conduct, in Article VIII, Offenses on School Grounds, of Chapter 11, Offenses, to read as follows:

Sec. 11-358. Use of Tobacco Products; Misdemeanor.

- (a) Except as provided in subsection (b), no person shall use a tobacco product, as defined in Section 11-001, on school property.
- (b) Subsection (a) does not apply to outdoor areas on school property on Saturdays, Sundays, and other days when there are no regularly scheduled school hours, or after 6:00 p.m. on days when there are regularly scheduled school hours.
- (c) Violation of this Section is a misdemeanor, punishable as provided in Section 1-10(a) of this Code, except that the fine shall not exceed \$50.00.

Sec. 11-359. Use of Vapor Product; Civil Infraction.

- (a) Except as provided in subsection (b), no person shall use a vapor product, as defined in Section 11-001, on school property.
- (b) Subsection (a) does not apply to outdoor areas on school property on Saturdays, Sundays, and other days when there are no regularly scheduled school hours, or after 6:00 p.m. on days when there are regularly scheduled school hours.

Introduction of Ordinance 2019-001, Clean Smoking, Tobacco, Vapor Products Ordinance Amendment Continued.

- (c) Violation of this Section is a civil infraction, punishable as provided in Section 1-10(b) of this Code, with the fine for a first violation not to exceed \$50.00, and the fine for a second or subsequent violation not to exceed \$100.00.

Section 4 of Ordinance

The Waterford Charter Township Code is hereby amended to repeal Division 2, Smoking in Educational Facilities, and Sections 11-371, 11-372, 11-373, and 11-374 in that Division, of Article VIII, Offenses on School Grounds, in Chapter 11, Offenses, with this repeal based on the Michigan Clean Indoor Air Act adopted by reference as the Clean Indoor Air Ordinance in Section 1 of this Ordinance as Code Section 11-341.

Section 5 of Ordinance

That Sections 11-383, 11-386, 11-387, and 11-388 in Division 1, Generally, of Article IX, Offenses Involving Minors, in Chapter 11, Offenses, of the Waterford Charter Township Code are amended to read as follows:

Sec. 11-383. Furnishing alcohol, controlled substances, tobacco products or vapor products to minors; Misdemeanor.

- (a) A person shall not sell, give or furnish alcoholic liquor or beverages or a controlled substance, as regulated under Act 318 of 1978, the Public Health Code, to a person under the age of twenty-one (21) years, except in the case of prescription drugs where the person is licensed to dispense such controlled substance under a physician's prescription. A violation of this subsection is a misdemeanor punishable as provided in Section 1-010(a) of this Code, unless the charging of the violation is not allowed under Section 701 of the Michigan Liquor Control Code of 1998, as amended, MCL 436.1701.
- (b) A person shall not sell, give or furnish a tobacco product or vapor product to a person under the age of eighteen (18) years. This subsection does not apply to the handling or transportation of a tobacco product or vapor product by a person under 18 years of age under the terms of that minor's employment. Violation of this subsection is a misdemeanor punishable by a fine of not more than \$50.00.

Sec. 11-386. Tobacco and Vapor Products -- Definitions.

As used in Sections 11-383, 11-387 and 11-388, vapor product has the meaning defined in Section 11-001 and tobacco product has the same meaning as defined in the Youth Tobacco Act, MCL 722.644, as amended, which is a product that contains tobacco and is intended for human consumption, including but not limited to, cigarettes, non-cigarette smoking tobacco, or smokeless tobacco such as chewing tobacco (loose tobacco or a tobacco which may be inhaled through the nostrils, chewed or placed against the gums.)

Sec. 11-387. Purchase, possession, or use of tobacco products or vapor products by minor prohibited; Misdemeanor.

- (a) Except as provided in this section and in MCL 722.642, as amended, a person under the age of eighteen (18) years shall not do any of the following:
- (1) Purchase or attempt to purchase a tobacco product or vapor product.
 - (2) Possess or attempt to possess a tobacco product or vapor product.
 - (3) Use a tobacco product or vapor product in a public place.
 - (4) Present or offer to an individual a purported proof of age that is false, fraudulent, or not actually his or her own proof of age for the purpose of

Introduction of Ordinance 2019-001, Clean Smoking, Tobacco, Vapor Products Ordinance Amendment Continued.

- purchasing, attempting to purchase, possessing, or attempting to possess a tobacco product or vapor product.
- (b) Subsection (a) does not apply to a minor participating in any of the following:
- (1) An undercover operation in which the minor purchases or receives a tobacco product or vapor product under the direction of the minor's employer and with the prior approval of the Township attorney's office as part of an employer-sponsored internal enforcement action.
 - (2) An undercover operation in which the minor purchases or receives a tobacco product or vapor product under the direction of a Township police officer as part of an enforcement action.
 - (3) Compliance checks in which the minor attempts to purchase tobacco products or vapor products for the purpose of satisfying federal substance abuse block grant youth tobacco access requirements, if the compliance checks are conducted under the direction of a substance abuse coordinating agency as defined in Section 6103 of the public health code, 1978 PA 368, MCL 333.6103, and with the prior approval of the Township police department.
- (c) Subsection (a) does not apply to the handling or transportation of a tobacco product or vapor product by a minor under the terms of that minor's employment.
- (d) This section does not prohibit the individual from being charged with, convicted of, or sentenced for any other violation of law arising out of the violation of subsection (a).

**Sec. 11-388. Purchase, possession, or use of tobacco and vapor products_by minor--
Penalty and sanctions.**

An individual who violates Section 11-387 is guilty of a misdemeanor punishable by a fine of not more than fifty dollars (\$50.00) for each violation. Pursuant to a probation order, the court may also require an individual who violates Section 11-387 to participate in a health promotion and risk reduction assessment program if available. An individual who is ordered to participate in a health promotion and risk reduction assessment program under this section is responsible for the costs of participating in the program. In addition, an individual who violates Section 11-387 is subject to the following:

- (a) For the first violation, the court may order the individual to do the following:
- (1) Perform not more than sixteen (16) hours of community service in a hospice, nursing home, or long-term care facility
 - (2) Participate in a health promotion and risk reduction program, as described in this subsection.
- (b) For a second violation, in addition to participating in a health promotion and risk reduction program, the court may order the individual to perform not more than thirty-two (32) hours of community service in a hospice, nursing home, or long-term care facility.
- (c) For a third or subsequent violation, in addition to participation in a health promotion and risk reduction program, the court may order the individual to perform not more than forty-eight (48) hours of community service in a hospice, nursing home, or long-term care facility.

Section 6 of Ordinance

Should any section, subdivision, sentence, clause or phrase of this ordinance be declared by the Courts to be invalid, the same shall not affect the validity of the Ordinance as a whole or any part thereof other than the part as invalidated.

Section 7 of Ordinance

This Ordinance shall take effect immediately upon publication.

Introduction of Ordinance 2019-001, Clean Smoking, Tobacco, Vapor Products Ordinance Amendment Continued.

CERTIFICATION

I certify that this Ordinance was adopted by the Board of Trustees of the Charter Township of Waterford at a regular meeting held on _____, 2019.

CHARTER TOWNSHIP OF WATERFORD

Date

By: _____
, Township Clerk

Introduced:
Adopted:
Published:

Moved by Birch,
Seconded by Joliat, RESOLVED, to introduce Ordinance 2019-001, Clean Smoking, Tobacco, Vapor Products and to schedule for possible for adoption at the February 11, 2019, Board Meeting adoption. A roll call vote was taken.

Ayes: Wall, Birch, Bartolotta, Frasca, Joliat, and Thomas
Nays: None
Absent: Camilleri

Motion carried unanimously.

6.2 Introduction of Clinton River Water Resource Recovery Facility Industrial Pretreatment Program Discharges Regulation Ordinance No. 2019-002

The following memo was received from Township Attorney Dovre.

Provided with this letter is an Interjurisdictional Agreement that needs to be approved and an Ordinance that needs to be adopted because the Township's sanitary sewage discharges to the Clinton-Oakland Sanitary Sewage Disposal System ("COSDS") and Clinton River Water Resource Recovery Facility in Pontiac ("Facility") that is part of the COSDS..

The Township's discharges to the Facility are governed by a 2013 COSDS Inter-Municipal Contract" between the Township and Oakland County. That Contract provides that the Township's discharges to the COSDS must comply with all applicable local, State, and Federal laws, ordinances, rules, regulations, and orders. The Oakland County Water Resource Commissioner's Office ("WRC") operates the Facility through the Clinton River Water Resource Recovery Facility Drainage District ("Drainage District").

The 2013 Contract also requires the Township to adopt and enforce an ordinance pertaining to the use, design, and construction of sewers, and the discharge of commercial and industrial wastes into sewers, where such sewers are tributary to the Facility. The Township's ordinance must be consistent with and at least as stringent as all applicable provisions of the pertinent ordinance adopted by the City of Pontiac. The provisions of the Pontiac Ordinance that was

Introduction of Clinton River Water Resource Recovery Facility Industrial Pretreatment Program Discharges Regulation Ordinance No. 2019-002 Continued.

adopted in 2017, included Industrial Pretreatment Program (IPP) regulations which were required by the NPDES Permit for the Facility and State and Federal regulations concerning sewerage.

The proposed Ordinance prepared by the WRC (with minor edits by me) to govern discharges into the COSDS, includes the same IPP Regulations adopted by the Pontiac Ordinance. Those rather lengthy (142 pages) Industrial Pretreatment Program Regulations for Discharges to the Clinton River Water Resource Recovery Facility, would become part of the Ordinance Code as Appendix D of Chapter 17 on Water and Sewers as provided in Section 17-311 of the Ordinance.

Michigan Administrative Code, Rule 323.2306 and the NPDES Permit for the Facility require the Township to delegate the authority to enforce the IPP regulations on discharge of commercial and industrial wastes into the Township's sewers to the Drainage District for the Facility. This delegation is provided for in Section 17-312 of the Ordinance and Interjurisdictional Agreement prepared and presented by the WRC's Office.

Approval of the Agreement and adoption of the Ordinance are necessary for the Drainage District to meet its legal obligations and for the Township to be in compliance with the 2013 COSDS Inter-Municipal Contract. Although I am not convinced that the IPP Regulations needed to be as lengthy as they are, they were prepared by WRC's attorney (who specializes in this field) and have already been adopted by Pontiac and most, if not all, of the other COSDS communities that discharge to the Facility. Based on that and considering that it will be the WRC that administers and enforces those Regulations, I have not attempted any detailed review of them.

At your meeting on January 28, 2019, my recommendation is that you:

1. Approve the Interjurisdictional Agreement and authorize the Supervisor to sign it.
2. Introduce the Ordinance and schedule it for possible adoption on February 11, 2019

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

ORDINANCE NO. 2019-002

CLINTON RIVER WATER RESOURCE RECOVERY FACILITY INDUSTRIAL PRETREATMENT PROGRAM DISCHARGES REGULATION ORDINANCE

An Ordinance to adopt Industrial Pretreatment Program Regulations for Discharges to the Clinton River Water Resource Recovery Facility, including discharge limits and prohibitions, user pollution controls and permit requirements, and sampling, monitoring and reporting requirements, to provide for enforcement, penalties, sanctions and relief for violations, and to authorize the Oakland County Water Resource Commissioner to enforce the Industrial Pretreatment Program Regulations within the Township.

THE CHARTER TOWNSHIP OF WATERFORD ORDAINS:

Section 1 of Ordinance

The Waterford Charter Township Code is hereby amended by adding Sections 17-311 and 17-312 in a new Division 5, Industrial Pretreatment Program Regulations for Discharges to the Clinton River Water Resource Recovery Facility, in Article IV, Wastewater Disposal Standards and Regulations, of Chapter 17, Water and Sewers, to read as follows:

Introduction of Clinton River Water Resource Recovery Facility Industrial Pretreatment Program Discharges Regulation Ordinance No. 2019-002 Continued.

Division 5. Industrial Pretreatment Program Regulations for Discharges to the Clinton River Water Resource Recovery Facility.

Sec. 17-311. – Adoption of Regulations as Appendix D to Chapter 17 of Code.

The Industrial Pretreatment Program Regulations for Discharges to The Clinton River Water Resource Recovery Facility presented with and considered a part of this Ordinance as Appendix D, which the township is required to adopt because it discharges wastewater to the Clinton River Water Resource Recovery Facility, are adopted as an Ordinance of the township, and the Waterford Charter Township Code is hereby amended to add those regulations as Appendix D of Chapter 17, as part of Division 5 in Article IV.

Sec. 17-312. - Delegation of Authority.

The Oakland County Water Resources Commissioner, or the “WRC,” is authorized to administer and enforce the provisions of Appendix D of Chapter 17 of this Code, on behalf of the township. The township has executed and hereby ratifies the Clinton River Water Resource Recovery Facility Interjurisdictional Agreement and its delegation agreement with the WRC, which sets forth the terms and conditions of such delegated authority and allows the WRC to perform the specific responsibilities of control authority pursuant to state and federal law.

Section 2 of Ordinance

Any prior ordinances or terms of ordinances in direct conflict with the provisions of this ordinance are hereby repealed.

Section 3 of Ordinance

If one or more sections, provisions, phrases or words of this ordinance are declared to be invalid by a court of competent jurisdiction, such declaration shall not affect the validity of the remaining sections, provisions, phrases and words of this ordinance, which shall continue in full force and effect, and to this end, this ordinance is declared to be severable.

Section 4 of Ordinance

All proceedings pending and all rights and the liabilities existing, acquired or incurred at the time this ordinance takes effect are saved and may be consummated according to the law in force when they are commenced.

Section 5 of Ordinance

This ordinance shall take effect immediately upon publication.

CERTIFICATION

I certify that this Ordinance was adopted by the Board of Trustees of the Charter Township of Waterford at a regular meeting held on _____, 2019.

Date

Township Clerk

Introduction of Clinton River Water Resource Recovery Facility Industrial Pretreatment Program Discharges Regulation Ordinance No. 2019-002 Continued.

Introduced:
Adopted:
Published:
Effective:

Moved by Joliat,
Seconded by Bartolotta, RESOLVED, to introduce Ordinance No. 2019-002, Clinton River Water Resource Recovery Facility Industrial Pretreatment Program Discharges Regulation Ordinance and to schedule for possible for adoption at the February 11, 2019, Board Meeting. A roll call vote was taken.

Ayes: Wall, Birch, Bartolotta, Frasca, Joliat, and Thomas
Nays: None
Absent: Camilleri

Motion carried unanimously.

7. NEW BUSINESS

7.1 Approval of Clinton River Water Resource Recovery Facility Interjurisdictional Agreement

The following memo was received from Township Attorney Dovre.

Provided with this letter is an Interjurisdictional Agreement that needs to be approved and an Ordinance that needs to be adopted because the Township's sanitary sewage discharges to the Clinton-Oakland Sanitary Sewage Disposal System ("COSDS") and Clinton River Water Resource Recovery Facility in Pontiac ("Facility") that is part of the COSDS..

The Township's discharges to the Facility are governed by a 2013 COSDS Inter-Municipal Contract" between the Township and Oakland County. That Contract provides that the Township's discharges to the COSDS must comply with all applicable local, State, and Federal laws, ordinances, rules, regulations, and orders. The Oakland County Water Resource Commissioner's Office ("WRC") operates the Facility through the Clinton River Water Resource Recovery Facility Drainage District ("Drainage District").

The 2013 Contract also requires the Township to adopt and enforce an ordinance pertaining to the use, design, and construction of sewers, and the discharge of commercial and industrial wastes into sewers, where such sewers are tributary to the Facility. The Township's ordinance must be consistent with and at least as stringent as all applicable provisions of the pertinent ordinance adopted by the City of Pontiac. The provisions of the Pontiac Ordinance that was adopted in 2017, included Industrial Pretreatment Program (IPP) regulations which were required by the NPDES Permit for the Facility and State and Federal regulations concerning sewerage.

The proposed Ordinance prepared by the WRC (with minor edits by me) to govern discharges into the COSDS, includes the same IPP Regulations adopted by the Pontiac Ordinance. Those rather lengthy (142 pages) Industrial Pretreatment Program Regulations for Discharges to the Clinton River Water Resource Recovery Facility, would become part of the Ordinance Code as Appendix D of Chapter 17 on Water and Sewers as provided in Section 17-311 of the Ordinance.

Approval of Clinton River Water Resource Recovery Facility Interjurisdictional Agreement Continued.

Michigan Administrative Code, Rule 323.2306 and the NPDES Permit for the Facility require the Township to delegate the authority to enforce the IPP regulations on discharge of commercial and industrial wastes into the Township's sewers to the Drainage District for the Facility. This

delegation is provided for in Section 17-312 of the Ordinance and Interjurisdictional Agreement prepared and presented by the WRC's Office.

Approval of the Agreement and adoption of the Ordinance are necessary for the Drainage District to meet its legal obligations and for the Township to be in compliance with the 2013 COSDS Inter-Municipal Contract. Although I am not convinced that the IPP Regulations needed to be as lengthy as they are, they were prepared by WRC's attorney (who specializes in this field) and have already been adopted by Pontiac and most, if not all, of the other COSDS communities that discharge to the Facility. Based on that and considering that it will be the WRC that administers and enforces those Regulations, I have not attempted any detailed review of them.

At your meeting on January 28, 2019, my recommendation is that you:

1. Approve the Interjurisdictional Agreement and authorize the Supervisor to sign it.
2. Introduce the Ordinance and schedule it for possible adoption on February 11, 2019

Moved by Birch,

Seconded by Thomas; RESOLVED, to approve the Interjurisdictional Agreement and to authorize the Township Supervisor to sign the agreement. A roll call vote was taken.

Ayes: Wall, Birch, Bartolotta, Frasca, Joliat, and Thomas

Nays: None

Absent: Camilleri

Motion carried unanimously.

7.2 Accept the Retirement of Clerk Sue Camilleri

The following memo was received from Clerk Camilleri.

This letter serves as my formal notification of retirement commencing on January 28, 2019.

According to statute, this notice must be provided to the Board in writing. Further, it must be accepted by action of the Township Board and becomes effective when accepted by the board unless otherwise indicated.

My intention in providing two months' notice to you is to give you ample time to seek out interested and qualified candidates to consider for appointment to the position of Township Clerk. This appointee will serve the remainder of my unexpired term. This process will allow for a seamless transfer of duties from me to the newly appointed clerk.

It has been my honor to work with each of the board members these past 6 years and has been my pleasure to serve the residents of Waterford for the past 22 years in the Building Department and on the Township Board.

Accept the Retirement of Clerk Sue Camilleri Continued.

Moved by Birch,
Seconded by Bartolotta; RESOLVED, to accept the resignation of Clerk Sue Camilleri effective January 28, 2019. A roll call vote was taken.

Ayes: Wall, Birch, Bartolotta, Frasca, Joliat, and Thomas
Nays: None
Absent: Camilleri

Motion carried unanimously.

7.3 Appointment of Kimberly Markee, Township Clerk

The following memo was received from Supervisor Wall.

On November 28, 2018 Waterford Township Clerk Sue Camilleri announced her intent to retire effective January 28, 2019. As you know, Sue has served Waterford Township for more than 22 years – first as a staff member in Development Services, then as the Township Clerk after her election to the position in 2012. Sue's dedicated service to the community is appreciated and we wish her well in her retirement.

At this time, I respectfully request the Township Board's approval to appoint Waterford resident Kimberly Markee to the Waterford Township Board of Trustees as Waterford Township Clerk to complete Mrs. Camilleri's term through November 20, 2020.

Upon notice of Sue's intent to retire, we began the process of seeking a qualified candidate to fill this vacancy. Upon review of the 10 letters of interest I received from qualified candidates, Sue and I personally met with each individual to discuss the position and learn more about their background and qualifications. Although each candidate had something unique to offer the position, Ms. Markee emerged as the front-runner.

Kim earned a Bachelor of Business Administration from University of Michigan, a Masters of Science in Manufacturing Management from Kettering University/General Motors Institute, and had a long and successful career as a Senior Financial Analyst achieving promotions and serving in leadership roles.

The details of Kim's impressive career demonstrate her ability to thoroughly understand complicated financial matters. Kim's analytical, troubleshooting, communication, and innovation skills are also exceptional and will be a significant asset to serving the Waterford community as its Clerk. office is responsible for:

- Elections
- Business Licenses, Permits & Registrations
- Township Ordinances
- Agendas & Minutes
- Accounting
- Purchasing

As a full-time employee, duties of the Township Clerk include:

- Acts as custodian for all records, books, and papers of the Township
- Files and retains all certificates of oaths

Appointment of Kimberly Markee, Township Clerk Continued.

- Handles record keeping of all accounts receivable/accounts payable and annual audit of the Township
- Provides notice of all Boards and Commissions meetings
- Publishes agendas and minutes of Township Board meetings
- Administers voter registration and all elections conducted within the Township

The Clerk has an equal voice in legislative and administrative governmental decisions. As are all members of the Board of Trustees, the Clerk is tasked with investigating and studying important issues before the board and participating in decisions and deliberations by voting.

With confidence in her knowledge, skills and character, I recommend Kimberly Markee for appointment to the Township Clerk position on the Waterford Township Board of Trustees. I believe Kim has the ability and commitment required to effectively serve in this role and in making informed decisions in the best interest of Waterford as a whole.

Thank you for your consideration. Please contact me with any questions.

Moved by Bartolotta,

Seconded by Frasca; RESOLVED, to appoint Ms. Kimberly Markee to the position of Waterford Township Clerk, term to expire November 20, 2020.

Ayes: Wall, Birch, Bartolotta, Frasca, Joliat, and Thomas

Nays: None

Absent: Camilleri

Motion carried unanimously.

Judge Todd Fox swore Ms. Markee in as Township Clerk. The Board offered their congratulations and welcomed Ms. Markee.

7.4 Consideration of Cable Budget Amendment

The following memo was received from Gary Allison, Cable Coordinator.

The Cable Commission respectfully requests that the Township Board of Trustees approve the transfer of \$10,842.00 from the Cable Fund to the Cable Commission's budget under Capital Operating Equipment (25090-97131) for the replacement and upgrade of the Township Auditorium audio system. Additionally, the Cable Commission respectfully, requests that the Township of Board of Trustees approve the transfer of \$21,000.00 from the Cable Fund to the Cable Commission's budget under PEG Services (25090-84905) to correct an oversight during budget hearings.

Moved by Birch,

Seconded by Bartolotta; RESOLVED, to approve the transfer of \$10,842.00 from the Cable Fund to the Cable Commission's budget under Capital Operating Equipment (25090-97131) for the replacement and upgrade of the Township Auditorium audio system; furthermore, to approve the transfer of \$21,000.00 from the Cable Fund to the Cable Commission's budget under PEG Services (25090-84905). A roll call vote was taken.

Ayes: Wall, Birch, Bartolotta, Frasca, Joliat, and Thomas

Nays: None

Absent: Camilleri

Motion carried unanimously.

7.5 Budget Amendment to 2019 Water & Sewer Budget (590) Fund

The following memo was received from Dan Stickel, DPW E

At the December 12, 2018 Township Board Meeting, the Board unanimously approved a water rate increase effective January 1st, 2019. As this rate increase was not accounted for in the original 2019 budget (also approved at the December 12th Board meeting) a line item adjustment is now required. As outlined in the presentation to the Township Board, these additional funds will be used toward needed Capital Improvement projects, and for FY2019, will primarily be used to replace aging, deteriorating water mains and study, and eventually replace, water filter media at water plants.

The following is a summary of the recommended revenue & expense line item adjustments to realize the revenue and allocate the resources towards the identified/needed capital improvement projects:

- A.) **59001-64500** Water Sales Revenue
 $\$1,046,637 \times 0.75 = \mathbf{\$784,977}$ (estimated) The total revenue is being prorated since the full rate increase will not reach all ratepayers until the 2nd quarter, due to quarterly billing schedule.
- B.) **59045-97000** Water Capital Infrastructure
 - a. \$585,000 – Construction of replacement water mains
 - b. \$58,500 – Construction contingencies

\$643,500 Total

Budget Amendment to 2019 Water & Sewer Budget (590) Fund Continued.

- C.) **59044-84500** Services Other Professional
 - a. \$58,500 Engineering for Water Main Replacement
 - b. \$50,000 Engineering study for water filter media replacement

\$108,500 Total

Recommended Board Action
Approve the budget amendment as outlined to allocate funds from the previously approved rate increase to the appropriate revenue and expense line items.

Moved by Joliat,
 Seconded by Frasca; RESOLVED, to approve the budget amendment funds from the previously approved rate increasing account number 59001-64500, Water Sales Revenue, in the amount of \$784,977, account number 59045-9700, Water Capital Infrastructure, in the amount of \$643,500, and account number 59044-84500, Services Other Professional, in the amount of \$108,500. A roll call vote was taken.

Ayes: Wall, Birch, Bartolotta, Frasca, Joliat, and Thomas
 Nays: None
 Absent: Camilleri

Motion carried unanimously.

7.6 Hiring of New Operations Assistant at the Fire Department – Wilbur White

The following memo was received from Fire Chief Lyman.

The position of Operations Assistant became vacant on January 1, 2019. This position was originally created in 2012 during the transition with Pontiac Fire, and it continues to serve the Fire Department in very positive ways. It creates efficiencies across the board for the department. This is a contract position, 40 hour per week with no other benefits. Funding for this position is in our 2019 budget.

The person in this position serves under the direction of the Deputy Chief. They work with each division active within in the Fire Department. Assists the Training Division, conducting training for the Fire Training Officer and the EMS Coordinator. Oversees the Hazardous Materials/Firefighter Right To Know rules tracking 302 and SARA Title III sites. Conducting training and informing our firefighters what is in our communities that is a serious threat to them in their emergency responses. Attends various table top exercises including GM Facilities, active shooter, etc. Again, taking this information back to our firefighters in training scenarios, working to keep our firefighters safe.

This person assists the Apparatus Division moving vehicles around from our repair facility to a commercial repair shop, or picking up parts or even picking up a mechanic after dropping off a vehicle at a station, repair facility etc.

Station supplies, inventory and light maintenance are very important to the everyday work. Including going to hospitals to pick up Narcan kits, backboards, and other EMS equipment. Currently, this position handles snow plowing and salting at our four Pontiac Fire Stations. We are still working to determine if we should continue with this.

Hiring of New Operations Assistant at the Fire Department – Wilbur White Continued.

Deputy Chief Covey and I have interviewed two people and we would like to recommend for Township Board approval, Wil White. He retired from Royal Oak Fire Department in 2012 as Fire Chief. He brings a wealth of knowledge and experience of the fire service that will serve this fire department and the 131,000 residents that we serve.

We thank you for your time and consideration in this matter.

Treasurer Birch stated that it is a no benefits position. Trustee Bartolotta inquired what the salary was for the position. Chief Lyman stated that it was \$55,000.00 a year.

Moved by Joliat,

Seconded by Thomas; RESOLVED, to approve the hiring of Wilbur White to the position of Operations Assistant. A roll call vote was taken.

Ayes: Wall, Birch, Bartolotta, Frasca, Joliat, and Thomas

Nays: None

Absent: Camilleri

Motion carried unanimously.

7.7 Request from Fire Department to Re-Mount One Fire Department Rescue/Ambulance

The following memo was received from Fire Chief Lyman.

Waterford Regional Fire Department is requesting Township Board approval on the Rescue/Ambulance Remount project that is scheduled for 2019. The remount cost of \$133,243 will come from account 20630-97136 and was approved in the 2019 budget.

EV+ in Holland, MI is our Wheeled Coach dealer that we use for our current ambulances and have for many years. They will take our ambulance box (patient care area) off our current dead truck and re-mount it on a new chassis. Remounting of ambulances is more common than in the past, and we believe that we will get an excellent finished product at a tremendous savings to Township taxpayers. The cost of a new ambulance could range from \$190,000 to \$200,000. Details of the remount are attached with this memo.

We believe this a great opportunity for the Fire Department and we thank you for your time and consideration in this matter

Moved by Bartolotta,

Seconded by Frasca; RESOLVED, to approve the Rescue/Ambulance Remount project in the amount of \$133,243 utilizing funds from line item 20630-97136. A roll call vote was taken.

Ayes: Wall, Birch, Bartolotta, Frasca, Joliat, and Thomas

Nays: None

Absent: Camilleri

Motion carried unanimously.

7.8 Waterford Parks & Recreation's 2019-2020 Contract Award For Background Checks

The following memo was received from Sara Frederick, Parks and Recreation Supervisor.

The Waterford Parks and Recreation Department obtains bi-annual quotes for background checks that are utilized for volunteer and employee screening. The average annual amount spent on background checks is \$1,918.00. This amount varies based on the number of volunteers and employees obtained each year.

Quotes for the current two-year period which will run from January 1, 2019-December 31, 2020, were received from the four (4) companies listed below.

- SSCI
- National Background Investigation Inc.
- Sterling Talent Solutions
- Background Investigation Bureau, LLC (BIB)

After reviewing the submitted quotes, I am recommending that the award go to SSCI as the lowest qualified bid.

Please feel free to contact me if you have any questions.

Moved by Joliat,

Seconded by Birch; RESOLVED, to award the 2019-2010 contract for background checks to SSCI. A roll call vote was taken.

Ayes: Wall, Birch, Bartolotta, Frasca, Joliat, and Thomas

Nays: None

Absent: Camilleri

Motion carried unanimously.

7.9 Waterford Parks & Recreation's 2019-2020 Contract Award For Portable Restrooms

The following memo was received from Sara Frederick, Parks and Recreation Supervisor.

The Waterford Parks and Recreation Department obtains bi-annual quotes for portable toilets that are utilized during its programs and activities. The average annual amount spent on portable toilets is \$12,700.00. This amount varies based on the number of activities and rentals held at our facilities each year.

Quotes for the current two-year period which will run from January 1, 2019-December 31, 2020, were received from the two (2) companies listed below:

- Brendel's Septic Tank Service, L.L.C.
- Jay's Septic Service

After reviewing the attached submitted quotes, I am recommending that the award go to Brendel's Septic Tank Service, L.L.C.

Please feel free to contact me if you have any questions.

Waterford Parks & Recreation's 2019-2020 Contract Award For Portable Restrooms Continued.

Moved by Bartolotta,
Seconded by Thomas; RESOLVED, to award the 2019-2020 portable restrooms contract to Brendel's Septic Tank Service, LLC. A roll call vote was taken.

Ayes: Wall, Birch, Bartolotta, Frasca, Joliat, and Thomas
Nays: None
Absent: Camilleri

Motion carried unanimously.

7.10 Request for Adoption of Waterford Township Parks and Recreation Plan

The following Resolution was received from Alison Swanson, Parks and Recreation Director.

**Resolution to Adopt
Waterford Township Parks & Recreation Plan**

Whereas, the Waterford Township Parks and Recreation Board has undertaken a five-year Parks & Recreation Plan which describes the physical features, existing recreation facilities, goals, objectives, and the desired actions to be taken to improve and maintain recreation facilities during the period between January 1, 2019 and December 31, 2023 and,

Whereas, the Waterford Township Parks & Recreation Plan was completed according to the Michigan Department of Natural Resources *Guidelines for the Development of Community Park, Recreation, Open Space and Greenway Plans*, and,

Whereas, a community input survey was made available to residents from July 2 to August 20, 2018, for the purposes of gathering input from the public, and

Whereas, the draft plan was made available for review from December 22, 2018, through January 22, 2019, at the Waterford Parks & Recreation Department, 5200 Civic Center Drive, Waterford; the Waterford Recreation Center, 5640 Williams Lake Road, Waterford; and online at <http://bit.ly/waterfordrec>; and

Whereas, a public meeting was held on January 22, 2019, at 6:30 p.m. in the gymnasium at the Waterford Recreation Center, 5640 Williams Lake Road, Waterford, to provide an opportunity for citizens to express opinions, ask questions, and discuss all aspects of the Parks & Recreation Plan, and

Whereas, Waterford Township has developed the Parks & Recreation Plan for the benefit of the entire community and wishes to use the plan as a document to assist in meeting the recreation needs of the community, and

Whereas, the Waterford Township Parks and Recreation Board on January 22, 2019, recommended that the Waterford Township Board of Trustees adopt the Waterford Township Parks & Recreation Plan.

Request for Adoption of Waterford Township Parks and Recreation Plan Continued.

Now, therefore be it resolved that the Waterford Township Board of Trustees adopts the Waterford Township Parks & Recreation Plan.

Yeas:

Nays:

Absent:

I do hereby certify that the foregoing is a true and original copy of a resolution adopted by the Waterford Township Board of Trustees at a Regular Meeting thereof held on January 28, 2019.

, Clerk
Charter Township of Waterford

Moved by Bartolotta,
Seconded by Thomas; RESOLVED, to approve the Resolution to Adopt the Waterford Township Parks and Recreation 5 Year Plan. A roll call vote was taken.

Ayes: Wall, Birch, Bartolotta, Frasca, Joliat, and Thomas

Nays: None

Absent: Camilleri

Motion carried unanimously.

7.11 Consider Petition by Frank and Eleonora Vago to Vacate Portion of Cottage Grove Street

The following memo was received from Township Attorney Dovre.

On September 10, 2018, the Township Clerk's office received the filing fee and documents that were treated as a request for the Township Board to vacate part of a platted subdivision street. The documents included December 30, 1992, and September 20, 1995, Road Commission Resolutions abandoning separately described portions of Cottage Grove Street, and a tax parcel map highlighting the street between lots 132 and 152 as the only part of the street they are asking to be vacated (the 1995 Road Commission Resolution appears to have abandoned considerably more of Cottage Grove Street.)

Although those documents were reviewed and signed off on by all Township Departments (see attached provide with this letter), I recommended against placement on your Agenda until a Petition with the information and documents specified in Section 15-112(b) was filed. That omission was cured with the January 11, 2019 Petition by Mr. and Mrs. Vago, which is the seconded attachment provided with this letter.

With the required Petition now on file with the Clerk's office, it was proper to place it on your Agenda for the first of two (2) required proceedings before you under Ordinance Section 15-113. At the first proceeding which is scheduled for your January 28, 2019, meeting (and which you may adjourn for stated reasons) you are presented with and analyze the Petition and reports and recommendations by the various Township Departments and provide the Petitioner with the opportunity to be heard. Once that proceeding is concluded, the Board has two options.

Consider Petition by Frank and Eleonora Vago to Vacate Portion of Cottage Grove Street Continued.

The first option is to deny the Petition by an adopted Resolution that states the reasons for denial that must be based on something that has been presented by the Petitioner or in the Department reports and recommendation. If the Petition is not denied, the second option is to tentatively determine that the Petition may be granted and set a date for a public hearing. Under that option, the Board may require the Petitioner to submit additional information and documentation by a specified date for consideration at the public hearing.

The Department reviews being provided with this letter do not identify any objections. Subject to your independent review and determination, it would appear that the proceeding under the second option and setting a public hearing on the Petition would be appropriate. If you go that route, the February 11th or 25th meetings could be chosen.

One consideration that might dictate against February 11th is the need under Ordinance Section 15-113(d) to mail a notice of the public hearing to the Petitioners, the County Water Resources Commissioner, and the owners of lots within 300 feet of the any part of the street proposed to be vacated. While the Ordinance does not specify a deadline for those notices in relation to the hearing date, it would seem that you would want to pick a hearing date that allowed the notices to go out at least a week ahead of time.

Moved by Joliat,

Seconded by Birch; RESOLVED, to tentatively determine that the Petition may be granted and set the public hearing for Monday, February 25, 2019; furthermore to direct the Clerk to prepare and mail the notice of public hearing as required by Ordinance Section 15-113(d). A roll call vote was taken.

Ayes: Wall, Birch, Bartolotta, Frasca, Joliat, and Thomas

Nays: None

Absent: Camilleri

Motion carried unanimously.

7.12 Consider Adoption of Resolution Regarding Notice of Intent and Grants for West Oakland Transportation Authority

The following memo was received from Township Attorney Dovre.

Provided with this letter is a Resolution for your possible adoption regarding the West Oakland Transportation Authority (WOTA) that would be created if the ongoing discussions between Waterford and other municipalities lead to an agreement. Adoption of this Resolution would not commit the Township Board to approving an agreement it was not comfortable with, or any agreement at all.

As stated in the last Whereas clause of the Resolution, the reason this is being presented before a final agreement to create WOTA is ready for your consideration is that even though WOTA has not yet been created, it is possible to apply for grants for WOTA in anticipation of and subject to WOTA being created.

I see no legal issues or problems if you adopt the Resolution. Highland Township's Board adopted a nearly identical Resolution on January 9, 2019.

Consider Adoption of Resolution Regarding Notice of Intent and Grants for West Oakland Transportation Authority Continued.

**CHARTER TOWNSHIP OF WATERFORD
OAKLAND COUNTY, MICHIGAN**

**RESOLUTION REGARDING NOTICE OF INTENT AND GRANTS FOR
WEST OAKLAND TRANSPORTATION AUTHORITY**

At a regular meeting of the Charter Township of Highland Board of Trustees, held on January 28, 2019, at 6:00 P.M., the following resolution was offered and supported.

WHEREAS, Township is considering an Interlocal Agreement with other municipalities to create the West Oakland Transportation Authority ("WOTA") as a separate entity to provide transportation services to eligible persons, generally described as persons residing in those communities that are over the age of 55 or disabled and over the age of 18; and,

WHEREAS, based on the progress that has been made on the Interlocal Agreement, WOTA could be created and operating during the first six (6) months of 2019; and,

WHEREAS, the Interlocal Agreement being considered would authorize WOTA to apply for and use state, federal, and private grants to fund WOTA's operations, and provides for participating municipalities to assign or transfer any transportation grant funds in the municipality's name to WOTA; and,

WHEREAS, although the Township Board has not yet approved an Interlocal Agreement to create WOTA, it is satisfied that doing so would be an improvement over the transportation services currently provided to Township residents; and,

WHEREAS, the Township Board has been informed that even though WOTA has not yet been created, it is possible to apply for grants for WOTA in anticipation of and subject to WOTA being created.

IT IS THEREFORE RESOLVED, that the Township Board hereby provides notice of its intent to approve an Interlocal Agreement to create WOTA once it has been finalized and is ready for consideration.

IT IS FURTHER RESOLVED, that pending and in anticipation of the creation of WOTA, the Township Supervisor and Parks and Recreation Department Director are authorized to jointly sign and submit applications for state, federal, and private grants, and other sources of money to be used toward funding WOTA's operations upon its creation.

CERTIFICATION

I hereby certify that this Resolution was adopted by the Township Board of Trustees at a regular meeting held on January 28, 2019.

Date

Clerk

Moved by Joliat,
Seconded by Birch; RESOLVED, to approve the Resolution regarding Notice of Intent and Grants for West Oakland Transportation Authority. A roll call vote was taken.

Ayes: Wall, Birch, Bartolotta, Frasca, Joliat, and Thomas
Nays: None
Absent: Camilleri

Motion carried unanimously.

7.13 Public Comments limited to three (3) minutes per topic.

Sally Hart, 2284 Oakdale

Ms. Hart is excited to have Julie Josslyn elected to the Waterford School Board.

Ms. Hart said hello to Clerk Kim Markee and she looks forward to working with her during the 2020 Elections.

8.0 Closed Session

8.1 Possible Closed Session to Discuss Confidential, Township Attorney-Client Privileged Opinion Letter Regarding Proposed MIDC Grant Agreement

Moved by Joliat,

Seconded by Bartolotta, RESOLVED, to enter into closed session to discuss confidential Township Attorney Client Privileged Opinion Letter Regarding Proposed MIDC Grant Agreement and to include Clerk Kim Markee, Derek Diederich, Barb Miller, and Jen Thom. A roll call vote was taken.

Ayes: Wall, Birch, Bartolotta, Frasca, Joliat, and Thomas

Nays: None

Absent: Camilleri

Motion carried unanimously.

8.2 Possible Closed Session to Discuss Confidential Township Attorney Client Privileged Communication Regarding Dispatch Tentative Agreement

Moved by Bartolotta,

Seconded by Thomas, RESOLVED, to enter into closed session to discuss confidential township Attorney Client Privileged Communication Regarding Dispatch Tentative Agreement and to include Mark Simlar. A roll call vote was taken.

Ayes: Wall, Birch, Bartolotta, Frasca, Joliat, and Thomas

Nays: None

Absent: Camilleri

Motion carried unanimously.

The Board entered into Closed Session at 6:45 p.m. and Supervisor Wall advised that the board will return and may vote on the MIDC Grant Agreement.

Moved by Joliat,
Seconded by Frasca; RESOLVED, to return to open session at 7:29 p.m. A roll call vote was taken.

Ayes: Wall, Birch, Bartolotta, Frasca, Joliat, and Thomas
Nays: None
Absent: Camilleri

Motion carried unanimously.

8.3 Approval of MIDC Grant Agreement Item 7.14 New Business Continued

The following memo was received from Township Attorney Dovre.

The Michigan Indigent Defense Commission Act ("Act") was adopted and took effect back in 2013, and was recently amended by Public Act 214 of 2018, effective December 23, 2018. Under that Act, a 19 – member Michigan Indigent Defense Commission ("MIDC") is responsible for developing uniform minimum standards for Michigan courts to provide indigent criminal defense services, and to ensure compliance with those standards. The Act provides for State grants to assist in complying with the standards. As the funding unit for the 51st District Court, the Township is ultimately responsible for compliance with the minimum standards and would be the recipient of grants as an "Indigent Criminal Defense System".

With that basic background, provided with this letter is a Grand Agreement presented by MIDC with the indication that it must be approved by the Township by the end of this month. The Grant Agreement has the following 3 attachments that are also provided:

- A. To Township's MIDC approved Compliance Plan for the first 4 MIDC standards.
- B. The Budget for the 51st District Court's Indigent Defense System for 10/1/2018-9/30/2019 (The State fiscal year) showing a total cost of \$274,618, to be funded by a State grant of \$243,495 and Township funding of \$31,123. The first 2 pages of this Attachment are a request by Ms. Thom to reallocate \$12,000 between line items.
- C. State travel reimbursement rates.

A separate confidential, attorney-client privileged opinion letter will be provided to you regarding legal issues and considerations regarding this Grant Agreement, and I suggest a closed session discussion before you act on the Agreement.

No action was taken.

Dispatch Tentative Agreement Continued.

WATERFORD TOWNSHIP

AND

**MICHIGAN ASSOCIATION OF POLICE
Representing the Dispatcher's Association**

January 10, 2019

1. Duration – 1 year
January 1, 2019 through December 31, 2019
2. Wages – A 2% across the board pay increase will be provided.
3. Healthcare – Article XXX – Hospitalization Medical Coverage. The only change is set forth below; the balance of the language remains unchanged.
BCN HMO Option – See attached change from BCN 2 which is deleted and substituted with BCN 4 in the contract which will be offered along with the present CB4 option at an open enrollment after ratification.
4. Section 7.13. Shift and Vacation schedule. Should be included in 21.2.
5. Section 21.2. Modify to reflect on schedule not two.
6. Page 38. Fix typo. Disability.
7. Incorporate language that dispatchers assigned to train new dispatchers shall receive CTO compensation at the rate of one hour at time and a half per day for each day they are training.
8. Call in/Court time/Mandatory meeting: Employees to be paid a minimum of two hours at time and one-half or the actual time spent, whichever is greater.

WATERFORD TOWNSHIP

WATERFORD TOWNSHIP DISPATCHERS
ASSOCIATION / MICHIGAN ASSOCIATION
OF POLICE

Moved by Joliat,
Seconded by Frasca, RESOLVED, to approve the Dispatch Tentative Agreement as presented. A roll call vote was taken.

Ayes: Wall, Birch, Bartolotta, Frasca, Joliat, and Thomas
Nays: None
Absent: Camilleri

Motion carried unanimously.

ADJOURNMENT

Moved by Bartolotta;
Seconded by Frasca, RESOLVED, to adjourn the meeting at 7:30 p.m.

Motion carried unanimously.
bjb

Kim Markee, Clerk

Gary Wall, Supervisor