

**REGULAR MEETING of the PAINT CREEK TRAILWAYS COMMISSION**  
Held at the Rochester Municipal Offices, 400 Sixth Street  
Rochester, Oakland County, Michigan

**CALL TO ORDER:** The Tuesday May 18, 2010 meeting was called to order by Chairman Blanchard at 7:00 p.m.

**Voting Members Present:** Rock Blanchard, Ben Giovanelli, Edward Peters, Kathy Thomas, Ravi Yalamanchi (*enter 7:15 p.m.*)

**Voting Alternates Present:** Linda Gamage, Paul Miller (*enter 7:07 p.m., voting until 7:15 p.m.*), Martha Olijnyk (*voting until exit at 8:05 p.m.*)

**Non-Voting Alternates Present:** None

**Non-Voting Members Present:** Douglas Hobbs

**Voting Members Absent:** Richard Schultz, Maryann Whitman, Alice Young

**Alternates Absent:** Marc Edwards, Nathan Klomp, Jeff Matis, Jeff Phillips, Penny Shults

**Others Present:** John Makris, Attorney (*enter 7:25 p.m.*), Kristen Myers, Trail Manager

**APPROVAL OF AGENDA:**

**MOTION** by Giovanelli, supported by Thomas, *Moved*, to approve the May 18, 2010 agenda as presented.

Ayes: All      Nays: None

**MOTION CARRIED.**

**PUBLIC COMMENT:** None

**CONSENT AGENDA:**

- a. Minutes of April 20, 2010 Regular Meeting, approve and file
- b. Temporary Permit Approval: Cider Walk, October 16, 2010
- c. Temporary Permit Approval: Lake Orion Rotary Dual-A-thon, July 17, 2010

Item #c was removed for discussion.

**MOTION** by Peters, supported by Thomas, *Moved*, that the consent agenda be approved as amended.

Ayes: All      Nays: None

**MOTION CARRIED.**

Ms. Gamage inquired if the Lake Orion Dual-A-thon event was a race. Ms. Myers responded yes. There was concern that racers would interfere with regular trail users. The event will start at Atwater, go to Clarkston/Kern and back, and the participants will be staggered. Informational signs placed on the trail indicating "race ahead" will be suggested to the event sponsor.

**MOTION** by Gamage, supported by Giovanelli, *Moved*, that the Commission approves the temporary permit for the Lake Orion Rotary Dual-A-thon July 17<sup>th</sup> event, pending receipt of the permit fee and insurance paperwork.

Ayes: All      Nays: None

**MOTION CARRIED.**

**APPROVAL OF INVOICES:** Ms. Myers explained the bank statement error on the Treasurer's Report and indicated the report, after corrections, will be presented next month for approval. She then presented the invoices in the amount of \$7,289.31. This amount includes the invoice for the 2009 audit report, bike racks at the Cider Mill, the shuttle bus for National Trails Day (which will be reimbursed by Senator Bishop) and Mr. Makris' services for litigation. It was suggested that Mr. Makris' invoice for litigation be provided to the Commission as part of the packet. Fund balance is estimated at \$43,243.

**MOTION** by Miller, supported by Giovanelli, *Moved*, that the invoices presented for payment are approved in the amount of \$7,289.31 and orders be drawn for payment.

Ayes: All      Nays: None

**MOTION CARRIED.**

**MOUNTED PATROL WATER ACCESS PROJECT:** Ms. Myers stated she has had conversations with Janet Haering of the Mounted Patrol about the need for water on the northern end of the trail for the horses. Mr. Bjornstad, whose property abuts the trail, indicated there is an area on trail property next to his property where there is a small, possibly spring-fed, creek. The area is hidden by brush and Mr. Bjornstad has offered to pay for any necessary labor and will remove some of the brush and Ms. Haering will pay for the gravel to secure the banks. The gravel will be delivered to Mr. Bjornstad's property if the project is approved by the Commission. Concern was raised about erosion in the future, but the area is pretty level. Ms. Myers does not feel the horses will cause damage to trail property by traveling to the creek. The consensus is that this is a very worthwhile project, is at no expense to the Commission and a "thank you" letter should be sent to Mr. Bjornstad for his assistance. Ms. Myers will check with the Commission's insurance carrier to make sure that anyone working on this project is adequately covered. When Mr. Makris arrives, he will confirm whether a temporary permit or a waiver of liability for the work is necessary. Ms. Haering was thanked for her work towards this effort.

**MOTION** by Giovanelli, supported by Thomas, *Moved*, that the Commission approves the water access project, subject to the insurance company's review and Mr. Makris' approval and completion of appropriate paperwork.

Ayes: All      Nays: None

**MOTION CARRIED.**

**2009 AUDIT:** Mr. Myers indicated Commissioners received a copy of the Audit. The lawsuit has affected the audit and is addressed in the report.

**MOTION** by Giovanelli, supported by Peters, *Moved*, to receive and file the 2009 Audit Report.

Ayes: All      Nays: None

**MOTION CARRIED.**

**MOTION** by Olijnyk, supported by Peters, *Moved*, to revisit the Mounted Patrol Water Access Project now that Attorney Makris is present.

Ayes: All      Nays: None

**MOTION CARRIED.**

Ms. Myers clarified the Commission is in favor of the project, and asked Mr. Makris about the temporary limited use permit for the work to be done. Mr. Makris indicated there are two issues – one is the permit for construction of the site, getting it to the point where it is acceptable to the Commission, and the other is the actual use of the facility by whoever has a horse. We have to be careful of safety concerns and if it will create a hazard. Ms. Haering commented it is a very safe area for horses, being a level grade. Mr. Makris feels a limited use permit for construction is necessary as all the work is on our property, and will draft a modified permit pertinent to the situation by 9:00 a.m. on Monday, May 24<sup>th</sup>.

**2010 AUDIT SERVICES – Approval:** Ms. Myers indicated the quote for completing the 2010 audit services by Mr. Phillips, our current CPA, is \$3,700 – the same price as last year's services.

**MOTION** by Giovanelli, supported by Peters, *Moved*, that the Commission approves contracting with Mr. Phillips for the 2010 fiscal year audit services at a cost of \$3,700.

Ayes: All      Nays: None

**MOTION CARRIED.**

**LITIGATION – Financial Impact Discussion:** Ms. Myers provided a memo outlining the total costs for 2009 and 2010 of \$49,707.50, not including Mr. Makris' invoice tonight. This amount includes Ms. Myers' time, but does not include the time spent by the Encroachment Committee. For projecting budgeting measures and strategy, this item should be discussed in Executive Session. A copy of Mr. Makris' monthly invoice will be provided during Executive Session from this point on, as this is confidential information.

**2011 DRAFT BUDGET:** Ms. Myers provided a draft 2011 budget which is usually approved in June. Information is provided for 2009, 2010 and projected for 2011. The budget approved last year was a 2% decrease in both operations and patrol, and the 2011 budget is also projected as a 2% decrease based on the economy. The total 2011 projected budget is \$83,626. A big hit is realized from decreased interest on the bank account. Of the \$9,200 received from license fees \$5,200 gets transferred to operations and the remainder pays for the attorney's retainer fee. Ms. Myers is suggesting that approximately \$5,100 be put aside for legal fees for 2011. The comment was made that Ms. Myers' hours should not be cut to decrease the budget as, in this economy, her efforts are more important. Ms. Myers interjected that she hopes that transition to the Friends Group will alleviate some of her time. It might not be the right time for projects, e.g., an art project, to be completed. The per diem cost decreasing to zero, was brought up as a possible cost saving measure, and Mr. Makris will review the interlocal agreement language relative to this. This issue should be reviewed by the Compensation Subcommittee, represented by one member from each community. Mr. Giovanelli agreed to take the place of Mr. Becker. The compensation subcommittee should meet and return with a recommendation on the per diem language. License fees should be reviewed for a possible increase. The Commission was asked to review the budget and email suggestions/comments to Ms. Myers.

**NATIONAL TRAILS DAY UPDATE:** Ms. Myers asked for volunteers for this event. Mr. Miller will lead one of the garlic mustard pull events. Ms. Myers is working with the vendors for the native plant sale and the shuttle has been ordered. Press releases were prepared yesterday for the event. Approximately 8 people signed up at Earthfest to help with this event. Mr. Miller brought in a sample of the garlic mustard plant and summarized what will occur at the NTD event. The suggestion was made to insert this event on the various community's calendars and/or websites for more exposure. Also, it was suggested that native plant seeds could be available to replace the garlic mustard plants that are removed.

**MANAGER'S REPORT:** In addition to the written report, Ms. Myers distributed pictures of Oakland Township's and the Road Commission's improvements to the Dutton Road parking area, containing six spaces at minimal cost to the Commission. The spaces are now advertised as an official parking area. Ms. Myers will send a thank you letter to Oakland Township Parks and Rec for their efforts, as well as to Ms. Raschke for her persistence in cleaning up this area.

**ATTORNEY'S REPORT:** Nothing to report in open session.

**COMMISSIONER REPORTS:** It was reported that Oakland University's NoHaz event will occur this Saturday. Earthfest was a tremendous success despite the weather, handing out a lot of information and talking to numerous participants. This was an important event to have a presence at and it is hoped the Commission will have a bigger presence next year. Ms. Myers was thanked for her work on this event. The Commission welcomed new member Mr. Hobbs.

**ADJOURNMENT OF REGULAR MEETING TO ENTER INTO EXECUTIVE SESSION  
TO DISCUSS LITIGATION:**

**MOTION** by Giovanelli, supported by Gamage, *Moved*, to adjourn the Regular Meeting at 8:47 p.m. and enter into Executive Session.

Ayes: Blanchard, Gamage, Giovanelli, Peters, Thomas, Yalamanchi

Nays: None

**MOTION CARRIED.**

**NEXT MEETING: June 15, 2010 at 7:00 p.m.**

Respectfully submitted,

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KRISTEN MYERS, Trail Manager

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EDWARD PETERS, Trailways Secretary