

BOARD OF TRUSTEES
Gary Wall, Supervisor
Sue Camilleri, Clerk
Margaret Birch, Treasurer
Anthony M. Bartolotta, Trustee
Art Frasca, Trustee
Karen Joliat, Trustee
Steven Thomas, Trustee



5200 Civic Center Drive
Waterford, Michigan 48329-3773
Telephone: (248) 674-6266 Fax: (248) 674-5455
www.waterfordmi.gov

Sue Camilleri
Clerk
scamilleri@waterfordmi.gov

Kari Vlaeminck
Deputy Clerk
kvlaeminck@waterfordmi.gov

SYNOPSIS

**PROCEEDINGS OF THE
CHARTER TOWNSHIP OF WATERFORD
BOARD OF TRUSTEES
MONDAY, AUGUST 27, 2018**

Approved	Amended Agenda – August 27, 2018
Approved	Consent Agenda
	August 13, 2018, Meeting Minutes
	August 23, 2018, Bill Payment
	Receive the Cable Department's July 2018 Report
	Received the Development Services May and June 2018 Reports
	Receive the IT Department's February, March, and April 2018 Reports
	Receive the Parks and Recreation Department's May and June 2018 Reports
	Receive the Treasurer's Office July 2018 Report
Approved	Crescent Lake SAD Resolution
Approved	Approval of Listing Price for Sale of Surplus Property – Hatchery Road
Approved	Hatchery Listing Extension Agreement
Held Hearing	Public Hearing on the Estimated Cost and Expenses for the Police and Fire Departments for 2019 and Objections to Those Estimates
Approved	Township Board Establishment of Police and Fire Special Assessment District
Approved	Township Board Determination of the Police and Fire Special Assessment District Levy Amount
Approved	Budget Amendment for Hess-Hathaway Park Playground Repairs
Approved	Sewer Rate Increase Recommendation
Approved	Repair and Maintenance of 6,000,000 Gallon Concrete Reservoir
No Action Taken	Citizen to Address the Board - C. Rosati
Entered into Closed Session	Possible Closed Session to Consider Confidential Opinion from Township Attorney Regarding Litigation/Settlement strategy in connection with SD Capital, LLC In Oakland County Circuit Court Case No. 2018-165086-AS.

Sue Camilleri, Township Clerk

Gary Wall, Township Supervisor

BOARD MEMBERS PRESENT:

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

OTHERS PRESENT:

Carole Wolfe
Diane C. Schuchmann
Josephine A. Ciaramitro
Mark Herne
Vaughn Wagner
Donna Wall
Dan Stickel
Ray Kozlowski
Mary Kozlowski
Ann Sage
Glenn Sage
Crystal McCready
Steve McCready
Sharyl Freeman
Glenn Graig
Daryl Reppuhn
K.L. Connelly
Sharon Thomas

Barb Miller
Bea Stephenson
Louis W. Feurino
Derek Diederich
William Lethemon
Susan Savage
Sherri Stralex
Grant Smith
Jared Black
Daniel Blatter
Janet Blatter
Janere Burke
Sam Whitting
Rebecca Whiting
Wendall Evans
Collette Rosetti
Jen Thom
Dennis Mercier

Andrew Mercier
Dawn Anders
Doug Smith
Daniel Wiegand
Kathleen Wiegand
Ryan McCleary
John Molitor
Alison Swanson
Pat Thomas
Joe Ashley
Christopher Smith
Derek Tyler
Amy Nelson
Jared Nelson
Peggy Simon
Michael Simon
Jason High

Supervisor Gary Wall called the meeting to order at 6:00 p.m. and asked for a moment of silence for the brave men and women that defend our Country.

1. Pledge of Allegiance was lead by Waterford Elks Boy Scout Troop 810

Roll call was taken and all Board Members were present.

2. APPROVE AGENDA**2.1 August 13, 2018, Agenda**

Moved by Camilleri,

Seconded by Thomas, RESOLVED, to amend the August 27, 2018, agenda by adding closed session regarding litigation/settlement strategy in connection with CTW v. SD Capital Case #2018-165086-AS to the end of the meeting

Motion carried unanimously.

Moved by Joliat,

Seconded by Frasca, RESOLVED, to approve the August 27, 2018, agenda as amended.

Motion Carried Unanimously.

3. ANNOUNCEMENTS

- 3.1 Waterford Township administrative offices and the Library will be closed Monday, September 3, 2018 in observance of Labor Day. Emergency services remain available during this administrative closure.
- 3.2 Beginning Tuesday, September 4, 2018, general administrative office hours return to Fall & Winter operating hours of 8:00AM to 5:00 PM Monday through Friday. All operating hours can be found on the Township website on each department's page at www.waterfordmi.gov.
- 3.3 The 16th Annual Longest Breakfast Table fundraiser pancake breakfast will be held on Saturday, September 8, 2018, 8:30-11:00 AM at Fire Station 1 on Crescent Lake Rd. & Hatchery. Join us while Waterford Police & Firefighters flip pancakes for the community! Enjoy fresh pancakes, sausage, juice, coffee and time spent with your Waterford neighbors and friends. All proceeds benefit the Police Benevolence Fund and Firefighters Charities.
- 3.4 Parks and Recreation will hold their annual Big Wheels event from 11:00 a.m. – 2:00 p.m. at the Civic Center Campus.
- 3.5 Walking Shoes Walking Shoes Street Art Exhibition opens Saturday, September 8. Ribbon Cutting will be on the Riverwalk next to Buffalo Wild Wings at Crescent Lake Rd & Highland Rd at 11:30 am Saturday, September 8.
- 3.6 The last day to pay your 2018 summer tax bill without interest is Friday, September 14, 2018. Payment options and more tax bill information can be found on the Waterford Township Treasurer's website at www.waterfordmi.gov/treasurer
- 3.7 Waterford Township's monthly paper and cardboard recycling September date has been moved to September 15. This service is provided every month-- usually on the first Saturday-- from 9:00a.m. to 1:00 p.m. in the parking lot at Township Hall. Waterford residents only, please.
- 3.8 The Waterford Historical Society presents "Summer Sundays in the Village". No hoopla, just history! Spend a leisurely Sunday afternoon with us walking Waterford's Historic Village at your own pace. Stuff a mattress or "wash" some clothes. Pack a lunch and enjoy Fish Hatchery Park. Free admission. Sundays: August 19 and September 16 from 1:00 p.m.-4:00p.m. The Historical Village is located in Fish Hatchery Park at 4490 Hatchery Road in Waterford. For more information please call 248-683-2697.
- 3.9 Did you know that Waterford Meals on Wheels delivers more than 1,200 meals per week to home bound Waterford senior citizens? Walk and Roll for Meals on Wheels is their largest fundraising event for this very important program in Waterford. Help support Waterford Meals on Wheels by participating in the 27th Annual Walk and Roll for Meals on Wheels Saturday, September 22, 2018. Registration begins at

6. BOARD LIASON REPORTS (VERBAL)

Trustee Bartolotta - August 14, 2018 Planning Commission Meeting, Arie Liebovitz – 435 N. Telegraph Road. The Planning commission reviewed the intent usage of the current zoning of the property and the Planning Commissioners basically gave them the okay to proceed further.

Tom Wilhelm had a sub plan review for Rural Street Condos.

A discussion was held with Jim Merrit regarding the former Lotus School property. He is proposing building 31 condominiums on the property.

Trustee Thomas -Cable Commission

The Waterford Coalition and the Waterford Media Network was awarded a \$6,000.00 grant to be used for Spotlight 2018. Five Waterford students will produce "You Think You Know But You Don't" Documentary. Topics will include bullying, vaping, marijuana, alcohol, texting.

Supervisor Wall – Waterford Historic Society.

Waterford Historical Society's "Summer Sundays in the Village" will be held Sunday, September 16 from 1:00 p.m.-4:00p.m.

Trustee Joliat – Zoning Board of Appeals

The Zoning Board of Appeals recently reviewed seven (7) cases.

7. OLD BUSINESS**7.1 Crescent Lake SAD Resolution**

Clerk Camilleri read the following Crescent Lake Special Assessment District Resolution.

RESOLUTION AMENDING PAYMENT DATE FOR CRESCENT LAKE AQUATIC WEED AND PLANT CONTROL PROGRAM SPECIAL ASSESSMENTS

WHEREAS, on April 23, 2018, the Township Board adopted a Resolution Confirming Crescent Lake Aquatic Weed and Plant Control Program Special Assessment Roll, Section 3 of which provided:

3. Each special assessment will be payable in five (5) annual installments, with each annual installment due and payable without interest or penalty on or before August 31st of each year beginning in 2018. Any unpaid annual assessment will be included on the December 1 winter tax bill for that year.

WHEREAS, the Township Board has now determined that the special assessment payment due date for the Crescent Lake SAD as originally established on July 8, 2013, for 2013 through 2017 should be continued for Crescent Lake SAD and Special Assessment Roll that was confirmed on April 23, 2018, for 2018 through 2022.

IT IS THEREFORE RESOLVED that Section 3 of the Township Board's April 23, 2018, Resolution Confirming Crescent Lake Aquatic Weed and Plant Control Program Special Assessment Roll is amended to read as follows:

Crescent Lake SAD Resolution Continued.

3. Each special assessment will be payable in five (5) annual installments to be billed on December 1 of each year from 2018 to 2022, with each annual installment due and payable without interest or penalty from December 1st through February 14th of the following year (* or the next business day if that date falls on a weekend or holiday.)

CERTIFICATION

I hereby certify that this Resolution was adopted by the Charter Township of Waterford Board of Trustees at a regular meeting held on the August 27, 2018.

Date

Sue Camilleri, Clerk,
Charter Township of Waterford

Moved by Joliat;
Seconded by Birch, RESOLVED, to approve the Resolution Amending Payment Date for Crescent Lake Aquatic Weed and Plant Control Program Special Assessments. A roll call vote was taken.

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

Motion carried unanimously.

7.2 Approval of Listing Price for Sale of Surplus Property- Hatchery Rd

Supervisor Wall submitted an addendum/amendment to exclusive right to sell for 5397 and 5445 Hatchery Road with Gary West of Real Estate One-Clarkston.

Moved by Camilleri;
Seconded by Joliat, RESOLVED, to approve the modified listing agreement amending the listing price to \$295,000 for the sale of surplus property at 5397 and 5445 Hatchery Road. Furthermore, to remove Gary Wall, Township Supervisor as a seller. A roll call vote was taken.

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

Motion carried unanimously.

7.3 Hatchery Listing Extension Agreement

Supervisor Wall submitted an addendum/amendment to exclusive right to sell for 5397 and 5445 Hatchery Road with Gary West of Real Estate One-Clarkston.

Moved by Camilleri,
Seconded by Birch, RESOLVED, to approve the Hatchery Road listing agreement addendum/amendment to for the surplus property at 5397 and 5445 Hatchery Road effective September 7, 2018 through

Hatchery Listing Extension Agreement Continued.

September 7, 2019. Furthermore, to remove Gary Wall, Township Supervisor as seller. A roll call vote was taken.

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

Nays: None

Absent: None

Motion carried.

Pat Crystal inquired as to where the money will go when the property sells. Supervisor Wall advised that it would go into the General Fund. Also, the property is located west of Civic Center Drive on Hatchery Road.

7.4 Public Hearing on the Estimated Cost and Expenses for the Police and Fire Departments for 2019 and Objections to Those Estimates

Township Attorney Dovre read following. Per the notice the Public Hearing is for the following three reasons:

1. An estimate of and any objections to the costs and expenses to operate, maintain, and equip the Township Police and Fire Departments for the 2019 calendar/budget year, with that estimate to be on file with the Township Clerk's office and available for public inspection on or before August 22, 2018.
2. On the question of, and to hear objections to, the creation of a Police and Fire Special Assessment District consisting of all real property in the Township that is not exempt from property taxes.
3. The amount of a special assessment to be levied on the December 2018 Tax Bills against real property in any Special Assessment District created, in an amount up to 2.95 mills, to defray the costs and expenses of equipping, maintaining, and operating the Police and Fire Departments in the 2019 calendar/budget year.

The Board made a presentation regarding the 2019 Police and Fire Estimate of Costs and Expenses Special Assessment District (SAD). Supervisor Wall thanked the voters for taking the time to vote.

Waterford Fire Department

Fire Protection Operations and Maintenance:

- Fire Protection Personnel: \$15,771,997
- Fire Protection Operations and Maintenance: \$2,057,474
(includes operational costs and maintenance costs for housing, buildings, equipment and personnel).
- Fire Protection Capital and Equipment: \$1,910,895
(includes motor vehicles, apparatus, and equipment).
- Estimated Total: *\$19,740,366*
- **Excludes Safer Grant**

Waterford Police Department

Police Protection Operations and Maintenance:

- Police Protection Personnel: \$13,102,944
- Police Protection Operations and Maintenance: \$1,491,057
(includes operational costs and maintenance costs for housing, buildings, equipment and personnel).
- Police Protection Capital and Equipment: \$240,000
(includes motor vehicles, apparatus, and equipment).
- Estimated Total: \$14,834,001

Trustee Thomas asked if the police and fire figures include over time. Deputy Chief Covey stated yes. Chief Underwood stated they should see a reduction in overtime as they are using overtime to staff some shifts.

Trustee Bartolotta asked Deputy Chief Covey if there are any plans on expanding the Walton Fire Station. If so, is that included in the funds? Deputy Chief stated that in their prior conversations that the Walton Fire Station barely holds a fire truck and that they own property next to Mason Middle School. Also, Deputy Chief Covey stated that the roof on Fire Station One needs roof repairs, concrete repairs, and other infrastructure that needs to be maintained. This will allow us to repair properties properly and not just put band-aides on wasting Township money.

Ray Kozlowski – 3642 Bay Court Dr. Inquired about the Pontiac Fire Service Contract.

Bill Lethemon - 3774 Maceday Lake Road. Mr. Lethemon asked how did we underestimate the need for 14 police and fire positions in the budgets, what are 2018 expenses, do we sell old equipment? Mr. Lethemon stated that the levy seems excessive.

Carol Wolf – 2720 Silverside Dr. Ms. Wolf asked why a Special Assessment District vs. Ad Valorem as an S.A.D. is not deductible on your Federal Income Taxes. Ms. Wolf asked how the S.A.D. increases the values of the property. She asked questions regarding information from the Citizens Research Council of Michigan. She objects to this S.A.D.

Dan Widger- 2280 Marwood. Mr. Widger inquired what the budget is for 2019. Also, why was this held on a Primary Ballot versus a General Ballot and why would it be placed on the back of the ballot? Clerk Camilleri stated that the proposal was on the front of every ballot. He asked what proportion of the budget goes towards servicing Lake Angelus and the City of Pontiac. If we get the SAFER Grant how much does the Township receive?

Ryan McLeay - 3478 Lexington. Mr. McLeay thanked the Board for their time working on this. He attended to object to this S.A.D. He is a new resident and his property taxes are uncapped. He will bear the whole brunt of this increase and it wasn't factored in when he purchased last December. He objects to this estimate as it doesn't show what is needed, doesn't explain where the money is going and the public cannot evaluate where the money is going. There hasn't been any information as how this SAD will not benefit to Lake Angelus and Pontiac. He has a few other objections including how Proposal A is factored.

Diane Schachmann - 3430 Loon Lake Ct. Inquired how many full time police officers we have. How much is the percentage of crime increased over a year ago? Calls for services have increased and the cases for the detectives have stayed the same. What percentage of the S.A.D. will go towards pensions? Ms. Shookman stated that the proposal was on the back of the ballot. She questioned if the precincts ran out of ballots. Clerk Camilleri stated that Waterford Township did not run out of ballots at any precinct and that the proposal was on the fourth column on the front of the ballot.

Michael Simon - 3963 Lake Street. He thanked the board for everything they do. He stated that he read the 0.425 mills for equipment and the rest of the \$6 million go for other things. Does anything change where year 3 will be a big year for equipment? He inquired if the 2.95% could be changed. He was advised that it set up to adhere to the purchase of vehicles. The lowest amount that could be assessed would be 0.425 mills. Does the Board know how many properties in the Township are tax exempt? Is there a list to get the tax exempt listing? He was advised the Assessor's office would have this information.

Robert Lest - 5724 Chevron Way. Mr. Lest read a statement regarding a signification tax increase as a result in the Special Assessment District. He questioned why the police and fire bond was not continued. He was advised that it was paid off with the winter taxes and that it was a .65 mill bond. He asked what funds the Parks and Recreation Department. He was advised that the Community Center Bond is just proposed and the question is on the November 2018 General Ballot.

Sam Whiting - 362 Rivera Terr. He thanked Chief Underwood and his staff for all of their help with the recent situation. As someone who was vehemently against this Special Assessment District he was happy he voted yes. There were citizens that swayed his vote as they had a very thought out and educated view that changed his mind. What are the protocols that any surplus will be utilized for the Police and Fire departments? The Board makes sure that the funds get appropriated correctly. Will the breakdown of funds be made available for the public?

John Molitar - 244 Hillcliff St. He doesn't claim to know too much of what is going on. He hopes the money will be well spent. He hopes the police department doesn't come up with programs like seatbelt checks and weigh masters. He hopes it goes to officers to fight crime. The statement says that if, after the public hearing, the Board creates a S.A.D. and he thinks it's a done deal. He doesn't see how they will never need that money. Do you ever foresee the Board saying we don't need the money?

Peggy Simmon - 3963 Lake Front St. Please hear your citizens that this is a painful thing for them. Please don't keep taxing them. She asked when the pension system closed. As in most public sector situations the legacy cost is a huge cost. Can you estimate what percentage we are taxed on goes to pay retirees? Is there anything we can do to change that? She asked if the all the trucks were housed in Waterford. She advised Chief Underwood that she rides a bicycle in Waterford and finds that Waterford residents are not happy to see her. She was happy to see the new law pass that a cyclist gets 3ft clearance. A few years ago a Police officer hit her son while on a bicycle. Do the police officers get continuing education? She was advised that they receive a bulletin on new laws. There are also complete training blocks and on-line training with questions and answers at the end.

Rebecca Whiting - 363 Riverra. She thanked them for the help on Riverra Ter recently. She was against the S.A.D. and thanked the citizens for breaking down how much it would be per day to feel safe. She has family in public safety and she never wants to leave here and she wants to put my faith in the Board to put these funds to good use.

Al Marwood - 3153 Woodfield Drive. Mr. Marwood asked what does it cost for a new fire truck. He was advised a new ladder truck is \$1.2-\$1.3 million, a Rescue truck/ambulance is approximately \$200,000 and a fire truck approximately \$400,000-\$800,000. He inquired how much will be spent, next year, to replace vehicles next year? He was advised the Fire Dept. would spend approximately \$1.3 million and the Police Dept. will spend approximately \$140,000 for 4 vehicles. He inquired if they will be building any new buildings and how long it would be to receive vehicles once they are ordered. He would like to see more officers on Woodfield Dr as people drive 40-50 mph.

Debbie Wiggan - She stated that precinct 10's ballot proposal was on the back of her ballot. She questioned if her ballot was being counted. Clerk Camilleri advised that the proposal was on the front and only precinct delegates, if any, were on the back, all ballots were counted and sample ballots are still on-line and you can see your ballot there. Ms. Wiggan stated she loves the Police and Fire.

Collette Rosetti - Ms. Rosetti was scheduled as citizen to address the Board at the end of the meeting and asked if she may speak now? She was advised if she speaks during the public hearing, now, she would be held to the 3 minutes like the other residents. If she would like more than 3 minutes she needs to wait to her placement on the agenda. She chose to wait to address the Board.

Attorney Jacob High - 6440 Lake Meadow. His property is registered as a farm in Waterford and glad to hear that the tax will not affect him. Mr. High stated that the sample ballot is not the same as the ballot at the polls. He is concerned that he would be paying more taxes. He records his objections as he believes it is unconstitutional.

Janet Birke - 2128 Glenshire Ln. She has great respect for the Police and the Fire Departments and wanted to voice her objection for the S.A.D. and the amount of it.

Kay Connelly, 6294 Barker Dr. She inquired that Lake Angelus and Pontiac are paying their fair share. If so, what do they pay? She was advised that the 2019 Lake Angeles's contract is \$231,525 and the 2019 City of Pontiac contract is \$7.5 million. The WFRD receives about 39 calls from Lake Angelus and about 4,500 calls from Pontiac. Also, the bond that was just paid off, what did that bond go for? She was advise the funds paid for the Police Headquarters and Station One construction cost. She asked what is transferred from General Fund to Fire and Police Funds.

Unidentified Resident. With 4,500 calls to Pontiac who pays for the vehicles that service Pontiac when they wear out? Discussion continued regarding the fees that the City of Pontiac pay for fire services.

Dan Wigen, Regarding the election ballot. There is a discrepancy regarding the ballot. Is it possible to see the voted ballots? Clerk Camilleri stated that the ballots are under seal per State Law. Once the ballots are released a FOIA would need to be completed. In addition, would not be able to touch the ballots and a Clerk's office employee would have to flip through each ballots.

Jacob High – 6440 Lake Meadow. Inquired if any of the S.A.D. money would go towards training.

Ray Kozlowski -3642 Bay Court. Mr. Kozlowski asked about the Community Center Bond. Will this cost us any money, where would the new building go, will it cost any money to move the soccer fields, and what would happen to the money from the sale of the old building?

Collette Rosetti - She believes that it is against the Michigan Constitution. She asked the name of the attorney that advised it was legal to place on the ballot. She believes they need to call the ballots into question. There have been a small group of people trying to not have this question on the ballot as a primary is not the time to have the vote. Many people believe that the legislature was very clear that the legislature was not followed. She hopes that the body of election officials and law enforcement doesn't feel they are above the law. She invited residents to see her if she would like to investigate this further. She doesn't want to be your enemy, you are my neighbor, but this is very important. She hopes she's not forced to create an injunction. She doesn't think people should have to pay to observe the ballots.

Attorney Dorve stated that the issue Ms. Rosetti brought up that it was addressed when this was brought up to Supervisor Wall. It was taken to the Oakland County Clerk's Office on June 7th. Attorney Dove read his June 7, 2018, e-mail.

"I serve as General Counsel for the Charter Township of Waterford. This email is in response to Lisa Plunkett's 2:21 PM email today regarding this subject. I disagree with Ms. Plunkett's contention, which while accurately describing the statutory definition of the general election, omits to address the statutory definition of a special election.

In relevant part, MCL 168.4(f) defines a special election as an election to submit a ballot question to the electors, with the definition of election in MCL 168.2(e), including a primary election at which electors of a subdivision of this state decide a ballot question lawfully submitted to them."

He stated that the response from the Director of Elections from Oakland County was that he was exactly right. He went to great lengths to make sure this was legal and everything was done correctly.

Vaughn Wagner - 2510 Wagner. He voted and campaigned for the SAD. He's glad it passed and he's glad he can call that number and have the PD and FD show up at his house. He stated that he voted at Precinct 10 and that the S.A.D. question was on the front of the ballot. You may look at it if you would like on the Township web-site.

Supervisor Wall closed the public hearing at 8:25 p.m.

Clerk Camilleri asked for advice from Township Attorney Dove. He stated the two resolutions provided in the Establishment of Police and Fire Department Special Assessment District and Resolution to Levy Police and Fire Department Special Assessment District.

7.5 Township Board Establishment of Police and Fire Special Assessment District

**RESOLUTION TO ESTABLISH POLICE AND FIRE DEPARTMENT
SPECIAL ASSESSMENT DISTRICT****RECITALS:**

1. State of Michigan Public Act Number 33 of 1951, as amended, MCL 41.801 ("Act"), allows townships to raise money for police and fire departments by special assessment, provides for township boards to submit the question of doing so to the voters at an election, and upon voter approval and after a hearing required by the Act, allows a township board to create and establish the boundaries of a special assessment district.
2. On August 7, 2018, the voters approved a ballot proposal authorizing the Township to levy an annual special assessment on the taxable value of all real property in the Township that is not exempt from property taxes, of up to 2.95 mills, and on August 27, 2018, the Township Board of Trustees held a public hearing on:
 - a. An estimate of and any objections to the costs and expenses to operate, maintain, and equip the Police and Fire Departments for the 2019 calendar/budget year.
 - b. The question of, and to hear objections to, the creation of a Police and Fire Special Assessment District consisting of all real property in the Township that is not exempt from property taxes.
 - c. The amount of a special assessment to be levied on the December 2018 Tax Bills against real property in any Special Assessment District created, in an amount up to 2.95 mills, to defray the costs and expenses of equipping, maintaining, and operating the Police and Fire Departments in the 2019 calendar/budget year.
3. After the public hearing on August 27, 2018, the Township Board of Trustees determined to adopt this Resolution.

IT IS THEREFORE RESOLVED that a Police and Fire Department Special Assessment District is hereby created, with its boundaries to be the boundaries of the Charter Township of Waterford.

CERTIFICATION

I hereby certify that this Resolution was adopted by the Charter Township of Waterford Board of Trustees at a regular meeting of the Board on August 27, 2018

Charter Township of Waterford

Date

Sue Camilleri, Township Clerk

Moved by Camilleri,

Seconded by Joliat, **RESOLVED**, to adopt the Resolution to Establish Police and Fire Department Special Assessment District as presented. A roll call vote was taken.

Ayes: Wall, Camilleri, Birch, Frasca, and Joliat

Nays: Bartolotta and Thomas

Absent: None

Motion carried.

7.6 Township Board Determination of the Police and Fire Special Assessment District Levy Amount

RESOLUTION TO LEVY AND DIRECT COLLECTION OF POLICE AND FIRE DEPARTMENT SPECIAL ASSESSMENT

RECITALS:

- 1. State of Michigan Public Act Number 33 of 1951, as amended, MCL 41.801 ("Act"), allows townships to raise money for police and fire departments by special assessment, provides for township boards to submit the question of doing so to the voters at an election, and upon voter approval and after a hearing required by the Act, allows a township board to create and establish the boundaries of a special assessment district, and determine the amount of the special assessment to be levied.
- 2. On August 7, 2018, the voters approved a ballot proposal authorizing the Township to levy an annual special assessment on the taxable value of all real property in the Township that is not exempt from property taxes, of up to 2.95 mills, and on August 27, 2018, the Township Board of Trustees held a public hearing on:
 - a. An estimate of and any objections to the costs and expenses to operate, maintain, and equip the Police and Fire Departments for the 2019 calendar/budget year.
 - b. The question of, and to hear objections to, the creation of a Police and Fire Special Assessment District consisting of all real property in the Township that is not exempt from property taxes.
 - c. The amount of a special assessment to be levied on the December 2018 Tax Bills against real property in any Special Assessment District created, in an amount up to 2.95 mills, to defray the costs and expenses of equipping, maintaining, and operating the Police and Fire Departments in the 2019 calendar/budget year.
- 3. After the public hearing on August 27, 2018, the Township Board of Trustees adopted a Resolution creating and establishing the boundaries of a Police and Fire Department Special Assessment District and then determined to adopt this Resolution.

IT IS THEREFORE RESOLVED that for the 2019 calendar/budget year, the Police and Fire Department Special Assessment to be levied on the December 2018 tax bills shall be at the rate of 2.95 mills, and the Township Supervisor is hereby directed to spread that levy on the taxable value of all real property in the Township that is not exempt from property taxes.

CERTIFICATION

I hereby certify that this Resolution was adopted by the Charter Township of Waterford Board of Trustees at a regular meeting of the Board on August 27, 2018

Charter Township of Waterford

Date

Sue Camilleri, Township Clerk

Moved by Camilleri,
Seconded by Joliat, RESOLVED, to approve the Resolution to Levy and Direct Collection of Police and Fire Department Special Assessment as presented. Furthermore, that for the 2019 calendar/budget year, the Police and Fire Department Special Assessment to be levied on the December 2018 tax bills shall be at the rate of 2.95 mills, and the Township Supervisor is hereby directed to spread that levy on the taxable value of all real property in the Township that is not exempt from property taxes. A roll call vote was taken.

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

Motion carried.

8. New Business**8.1 Budget Amendment for Hess-Hathaway Park Playground Repairs**

The following memo was received from Alison Swanson, Parks and Recreation Superintendent.

Attached you will find a proposal from Michigan Recreational Construction, Inc. for play equipment repairs and replacement for Hess-Hathaway Park totaling \$13,113.53. You will find on the attached proposal that we are in need of replacing two tire swings, both of the climbing nets and the two molded bucket swings.

This vendor is on the list of single source vendors and was called to come out and take a look at a few areas of the playground that were in need of repair earlier this summer. With the playground being 15 years old, components are no longer just in need of parts replacement, but require entire components be replaced. Over the past few years we have had to make larger purchases for replacement components to keep the playground safe for our patrons (tunnel slide, see saw, etc.) and I anticipate will need to continue to do so over the next few years until some of the major aging components have been all replaced.

I would be utilizing funds from the Capital Assets Hess Trust Account 24690-97125-MM001 to pay for these repairs. Funds in this account can only be utilized at Hess-Hathaway Park and are there from the Hess Trust from years past.

I am requesting that you approve this proposal and allow me to proceed with the necessary repairs and replacements to the playground.

Thank you for your attention to this matter. Please feel free to contact me if you have any questions.

Moved by Camilleri;

Seconded by Frasca, RESOLVED, to authorize the Hess-Hathaway Park Playground Repairs to be completed by single source vendor Michigan Recreation Construction, Inc. in the amount of \$13,113.53 utilizing funds from the Capital Assets Hess Trust Account 24690-97125-MM001. A roll call vote was taken.

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

Nays: None

Absent: None

Motion carried unanimously.

8.2 Sewer Rate Increase Recommendation

The following memo was received from Supervisor Gary Wall.

Please see the attached memo from Derek Diederich, Township Budget Director and DPW Administrative Superintendent pertaining to the current pass-through sewer rates.

The Oakland County Water Resource Commissioner (WRC) has notified Waterford Township of an increase to its sewage charges, and of the increase to the Clinton-Oakland Sewage Disposal System (COSDS) rates. These rates are determined by the Great Lakes Water Authority and are pass-through costs that traditionally occur every summer.

Sewer Rate Increase Recommendation Continued.

Based on the proposed increases, the Department of Public Works has recommended adoption of new sewer rates as detailed on page two of Derek's memo. The recommended proposal is merely a pass-through of the WRC rate change -- the Township will not realize additional revenue.

Recommended Board Action: adopt the Department of Public Works' proposed sewer rate increase effective September 1, 2018.

Derek Diederich Memo

The Great Lakes Water Authority (GLWA) has notified the Oakland County Water Resource Commissioner's (WRC) office of their new sewage charges for the 2018-19 fiscal year. The WRC has, in turn, notified the Township of the resulting increase to its sewage charges and of the increase to the Clinton-Oakland Sewage Disposal System (COSDS) rate. We should request approval of new sewage rates for Waterford's sanitary sewage customer's to offset the rate increase implemented by the WRC. In short, the sewer rates need to be adjusted to meet the new charge components; these are pass-through costs in nature and traditionally occur every summer. Again, these increases are from the Township's third party service providers, not the Township itself.

Attachment #I:

Please see the June 28th memo from the Water Resource Commissioner outlining the changes in all the different rate components. As you know, the rate components involve the GLWA, WRC, COSDS and OMI components. As you also know, Waterford does not have its own sewer treatment facility, so it is dependent upon these other entities to help convey and ultimately treat its wastewater.

Review and analysis of WRC's increase begins by breaking it down into component parts:

- 1.) **Wastewater Disposal Charge:** For 2018-19 Waterford's Monthly charge will be \$810,096.34 or \$9,721,156.08 annually. Last year the same component charge was \$758,082.25 per month or \$9,096,987 annually. This equates to a \$624,169.08 increase on an annual basis.
- 2.) **GLWA Industrial Surcharge and Industrial Waste Control:** These charges come directly off of the schedule from GLWA and the Township simply needs to adjust the schedule and rate tables to match the rate adjustment. The Township bills and collects for these charges but does not add any additional charge to this rate component; the Township simply collects these charges and hands them over directly to GLWA. For 2018-19 it is estimated the Township will bill \$12,394.74 in these charges to industrial and commercial customers and then send that portion directly over to GLWA.
- 3.) **True Up Adjustment:** The True-Up Adjustment is a charge (or credit) that the COSDS communities are assigned based on their proportional flow contribution. The adjustment is needed to balance the OMID Rehabilitation Project expenses. Bonds were secured with a fixed allocation to each COSDS community and the true-up is a mechanism to reconcile changing percentages. The FY 2018-19 True-Up Adjustment to Waterford is an annual credit of (\$155,101.32) or (\$12,925.11) per month.

Attachment #II:

- 4.) **Bond Debt:** There is no new Oakland County or (OMI) – Oakland Macomb Interceptor debt to pass along at this point. However, the board should be made aware of the multiple planned and staged County Bond Debt for 2019 and beyond.

Sewer Rate Increase Recommendation Continued.

The total annual sewage increase charge to the Township is \$624,169.08. As a result I am recommending the adoption of the new sewer rates as follows:

<p><u>Effective September 1, 2018</u></p> <p>Sewer and Water Customers Ready to Serve Increase \$64.95/per quarter to \$67.85/per quarter</p> <p>Sewer Usage Charge Increase from \$3.59 per 100 CF/quarter to \$3.72 per 100 CF/quarter</p> <p>Sewer Only Customers Flat Ready to Serve Charge Increase \$113.50/per quarter to \$126.25/per quarter</p> <p>Industrial Waste Control (IWC) Quarterly Charges Adjust rates as outlined in WRC 2018/2019 Rate Change letter.</p>
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Based on the proposed rates, the average residential customer, who uses 2,000 CF/quarter, will see an annual increase of \$22.00 per Year (\$5.50 per Quarter) or (\$1.83 per month).

Under the recommended proposal, the Township will not realize any additional revenue because it is merely a pass-through of the WRC rate change. It is my recommendation that the Board approve the proposed rates outlined above.

Moved by Camilleri;

Seconded by Birch, RESOLVED, to adopt the Department of Public Works' proposed sewer rate increase effective September 1, 2018 as outlined in the memo dated 7-31-18 from Russell Williams, DPW Director. A roll call vote was taken.

Ayes: Wall, Camilleri, Birch, Frasca, and Joliat

Nays: Bartolotta and Thomas

Absent: None

Motion carried.

8.3 Repair and Maintenance of 6,000,000 Gallon Concrete Reservoir

The following memo was received from Russell Williams, DPW Superintendent.

Please see the attached memo from DPW Engineering Superintendent Mr. Daniel Stickel, P.E. outlining the necessary repairs to Maceday Tank.

March of 2016 Waterford Township DPW contracted with Dixon Engineering to conduct a detailed inspection of the structure with repair recommendations. Based on these recommendations, Dixon Engineering designed a repair specification and bid package that has successfully completed the bidding procedure as defined by Waterford Township procurement policy. Dixon Engineering has recommended that Waterford Township DPW enter a contract with the original tank constructor, DN Tanks for the repairs.

Repair and Maintenance of 6,000,000 Gallon Concrete Reservoir Continued.

Although pricing came back higher than expected, a budget amendment will not be necessary at this time. Water infrastructure preservation priorities have been shifted to accommodate the repairs.

Requested Board Action

Award Maceday Water Storage Tank repair to DN Tanks per Dixon Engineering recommendation

Account: Water Capital – Infrastructure Preservation 59045 – 97010 \$94,750.00

Moved by Camilleri;

Seconded by Frasca, RESOLVED, to award the Maceday Water Storage Tank repair to DN Tanks in the amount of \$94,745.00 utilizing account 59045-97010. A roll call vote was taken.

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

Nays: None

Absent: None

Motion carried unanimously.

8.4 Citizen to Address the Board - C. Rosetti

Ms. Rosetti was unhappy with the Oakland County Sheriff's Department and how they handled a stolen cell phone case. Again, she stated it was her opinion that the Special Assessment District ballot proposal was not legal. Ms. Rosati also asked if there would be a review/audit of the August 7, 2018, Primary ballots. She was advised that ballots are sealed until October 2018, per state law, and a FOIA request would need to be made through the Supervisor's office to review the ballots. She inquired the wages of the Trustees and if part-time Trustees received a pension after one year. She was advised that was false information.

8.5 Public Comments - Public comments will be limited to three (3) minutes per topic.

Donna Wall, 3450 Alco Dr.

Mrs. Wall stated the Special Assesment District proposal was on the front of the ballot in precinct 5.

Sharon Thomas, 2768 Winkleman.

Ms. Thomas is puzzled as to the "large number" of people against the S.A.D. and stated that the voter is responsible to turn the ballot over to see if there is voting on the back. Ms. Thomas stated that she has voted many times. If she didn't turn the ballot over she wouldn't get a re-do. Voters should be educated and believes that she was told to look on both sides of the ballots. She thanked the Board for what they have done. She asked the other's to please come to the Board meetings. She's come to meetings over the last 10 years and she believes that the Board is doing the best they can. Whether or not we agree is a different issue.

9.0 Closed Session

- 9.1 Possible Closed Session to Consider Confidential Opinion from Township Attorney Regarding Litigation/Settlement strategy in connection with SD Capital, LLC In Oakland County Circuit Court Case No. 2018-165086-AS.

Moved by Camilleri,
Seconded by Thomas, RESOLVED, to enter into Closed Session to Consider Confidential Opinion from Township Attorney Regarding Litigation/Settlement strategy in connection with SD Capital, LLC in Oakland County Circuit Court Case No. 2018-165086-AS. A roll call vote was taken.

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

Motion carried unanimously.

The Board entered into closed session at 9:14 p.m. The Board returned from closed session at 10:08 p.m.

ADJOURNMENT

Moved by Joliat;
Seconded by Birch, RESOLVED, to adjourn the meeting at 10:08 p.m.

Motion carried unanimously.



Sue Camilleri, Clerk



Gary Wall, Supervisor

