

**Minutes of a Regular Meeting  
Pittsfield Charter Township Board of Trustees, October 28, 2003  
E.A. Jackson Morris Hall, The Robert A. Lillie Service Center  
6201 W. Michigan Avenue, Ann Arbor, Michigan 48108**

**Members Present:** Brostrom, Burhop, Conner, Lirones, Marine, Skrobola, Walter  
**Members Absent:** None.  
**Others Present:** Arianne Garza (Recording Clerk), Judith Walter, Evelyn Woolley, Douglas Woolley, Angie Matusz, Sue Gossage, Terry Bertram, Dennis Engstrom, John Phillips, Anita Zot, Mike Campbell, Loren Hansen, Bob Bykowski, Joyce Mueller, Marcia Ticknor, Greg Croasdill, Ruth Ann Helmer, Jean Connell, Phelps Connell, Paul Campbell, David Shepps, Chris Tressler, Jerry Helmer, Mark Perkoski, Mike Last, Greg Elliott, Ann Harris, Maureen E. Black, Mike Pulick, Pat Lennington, Marlene Chockley, Mark Spencer, Ross H. Dressel, Ron Torrella, Robert Brackenbury.

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**1.0 Call Meeting to Order**

Supervisor Walter called the meeting to order at 7:30 p.m. A quorum was present.

**2.0 Pledge of Allegiance** - led by Supervisor Walter.

**3.0 Roll Call** – all members present.

**4.0 Open Meetings Act/Public Comment I**

Doug Woolley, of 2770 Dayton Drive, addressed item 15.1 on the agenda. He said that in February of 1995 he had assumed the position of Supervisor of Pittsfield Township, and one of the first things he did was to meet with representatives of the subdivisions and officers of the condo associations to find out what they felt were the needs of the township. He said that they had overwhelmingly agreed that the greatest need was for active recreation and parks. He said that he had met with these folks three times regarding the best approach to meet this need, and it was a unanimous recommendation that a parks and recreation millage was needed. With the assistance of these groups and the excellent help of the members of the Park Commission, the issue was placed on the ballot and the millage was passed. He said that the statement on the ballot indicated that the purpose of the millage was to purchase land and develop recreational programs. He said that this Board is not following the stated purpose of that millage. Instead of developing parks, more than 2/3 of the revenue generated by the millage is being used to pay for land that will be undeveloped and of little use to the majority of the residents. He said that if the Board acts tonight as proposed, to place all of the park land that is undeveloped, and that which is developed, into the control of a conservancy, they will be depriving future generations from the use of the property. To cite a few examples, he said that there has been talk for years about the township needing another elementary school in addition to the one it has now, a new senior center is needed, and the replacement of the present Department of Public Safety building should be a priority. He went on to say that at this time the township has 2 adult baseball fields, 4 tennis courts, 2 T-ball diamonds, and 3 adult soccer fields which can be converted to 9 children's soccer fields. He said that for a community of more than 30,000 residents, and one that is still growing, much more active recreation is needed, and that the action proposed tonight will make that impossible. He said that since 1834 the township officers have acted on behalf of the residents, and have not tied the hands of future Boards because they know that future brings change. He said that this Board, if it takes

this action, will have the distinction of being the first Board that deprives future generations of using public lands. He added that the members of the Parks Commission are unanimous against this action and have expressed it to the Board. He said that it is not necessary because the Parks Commission has done fine work up to now planning the use of the township parks, and he felt confident that they will continue to do the same in the future. When the millage comes up for renewal, he said that it will be interesting to see if the taxpayers will support spending millions of dollars for undeveloped land which cannot be used for active recreation. He thanked the Board.

Bob Bykowski, of 1242 W. Bemis Rd., said that he supports what the Parks and Recreation Commission has been doing over the past years and has been supportive of all the greenbelt and conservation issues, but that he wanted to voice his opposition against item 15.1, of giving away the township's right to handle this property in the future. He said that he thought it was unprecedented, and that he judged that in the future, Boards, and this Board, would do the right thing. He said that he also had a concern, primarily as a real estate appraiser, that values in this area and those protected properties will significantly increase. He said that he had a question about a conflict of interest for one of the Board members who owns property next door to one of the designated areas. He said that, should that 40 acres be sold at \$25,000 an acre, that person could make a million dollar profit. He urged the Board to vote against the issue and to leave the parks under the control of the Parks and Recreation Commission. He thanked the Board.

Robert Brackenbury, of 1452 Bicentennial Parkway, said that he is a Washtenaw County Commissioner for District 7 in Pittsfield Township. He said that item 15.1 is troubling for him, for many reasons. First and foremost, the whole concept of giving public taxpayer land rights to an independent 3<sup>rd</sup> party was one area he was concerned with. Another aspect was with the Park Commission who, given that this is their purview, haven't voted on this issue. He said that what is being proposed this evening, and the ultimate goal in this proposal, is unprecedented in the State of Michigan. He said that the reason for that is because the Board is not authorized to do this. He said that a legal opinion, which could have been sought in advance of putting this on the agenda, would have certainly disclosed that. In particular, he said that there is an official Attorney General opinion that is on point in regard to this issue. He said that it specifically says that township Boards do not have the authority to encumber public park land; rather, the township Park Commission – which is comprised of elected members - has exclusive jurisdiction over that. He said that opinion is unequivocal. He said again that legal opinion would have easily found that note in there and, as the Board should know, the opinions of the Attorney General's Office are binding on all public entities, including townships. He said that his concern is that if the Board approves this agenda item, they will essentially be spending public funds for a document that will be null and void in the end. He thanked the Board.

David Shepps, of 2000 Prairie Dunes Ct., said that he is a Natural Resources Commissioner for Pittsfield Township and Chair of the standing committee of that Commission on wetlands protection. He said that he wanted to speak in support of agenda item 15.1, the proposal to enter into a contract for development of a conservation easement. He said that he has taken a look at whether other townships have entered into conservation easements and said that one notable example of a successful one was the town of Amherst in western New York. He said that the town of Amherst had entered into a conservation easement to protect Natureview Park, and that the easement had been written by the Western New York Land Conservancy in collaboration with the Amherst Township Planning Department. He said that there are some practices that the township should look at potentially replicating; the conservation easement allows for a small rustic educational building with an associated parking lot,

and other types of town activities – in the case of Amherst the town decided, under their flexible conservation easement, that maintenance, emergency and police action, protection of public health and welfare, fire protection, roadways and trails with limits, pest management, and ditches are all permitted and remain the responsibility of the town of Amherst, and the town of Amherst remained responsible for the management of Natureview park. He said that the conservation easement did not allow the land conservancy to take over management of the town property, and it continued to be property of the town. He added that there was a portion of the land in the park that was set aside and not subject to the conservation easement. He said that land could be used for ball fields, recreational buildings, etc. He added that in June of 1999 the Western New York Land Conservancy was invited by the Amherst town Board to hold a conservation easement, and the question of why a conservation easement is important for Natureview Park was raised. He said that a conservation easement assures that Natureview will be retained forever in its predominantly unbuilt and natural open space condition, and will be protected from harmful permanent changes. He said that it will also provide a natural setting for education and passive recreation for future generations. As for the question regarding why a State Park designation is not sufficient to protect Natureview Park, he said that the current State Park designation in the State of New York can be modified or removed by an act of the legislature. He added that a State Park designation does not require that the park be left in a natural state; it can be logged, developed into a golf course, used for recreational facilities, or a host of other activities that do not protect the conservation values of Natureview Park. He said that the conservation easement is an additional layer of protection, and that Pittsfield Township has some great park land that is in need of that additional layer of protection. He thanked the Board.

Anita Zot, of 3666 Cloverlawn Ave., said that she was here both as a Natural Resources Commissioner and, more importantly, as a resident who enjoys the park land. She said that she wanted to address the issue of the conservation easement and applaud the Board for taking this into consideration as a way of protecting these lands from development. Regarding any concerns about the action taken tonight, she said that it was clear that what will be decided tonight is to look into the possibility of doing this, what all of the ramifications are, and what can be done. She said that it will not be completely decided tonight, but rather it is the beginning of a process where we can all work together to make sure that the type of easement that we all agree on allows for recreational facilities or a school or education center – if that is what is decided. She said that this does not mean that the land will just lie fallow. She commented that it has been said that this will tie future Board's hands, and she said that it will instead tie future Boards to upholding the will of the people in the township to keep this land as park land. The way it stands now, if there is no conservation easement, instead of ball fields and hiking trails there can very easily be condominiums and stores, because the way it is now, there is nothing to stop a future Board from selling that property right back to a developer and to have NewMarket in that space again. She said that this will protect the land from future development, while ensuring that ~~that the~~ township residents can use that property for their recreation. She thanked the Board.

Terry Bertram, of 1399 Bicentennial Parkway, said that this issue had come up at the last meeting and he had spoken against it, so Supervisor Walter had agreed to postpone it. He thanked Supervisor Walter for postponing the issue and said that it was a glimmer, a shine of democracy in what otherwise has been less than that by this Board. However, he said that he is very, very concerned about where we are going with this. He said that, as he had brought up in the last meeting, the first step should be to hire an attorney, not a land conservation expert, to see whether or not the township could actually do this. He said that Mr. Brackenbury had brought up an Attorney General's opinion – not written by republican Attorney General Cox, but rather written by

Attorney General Frank Kelley in 1981 - specifically on point indicating that only the Parks and Recreation Commission – which is an independently elected body in this township - has the right to start any process of conveyance to any third party. He said that it will then go before the Board based on the Parks and Recreation Commission's recommendation, and that is inviolable. ~~cannot be violated~~. He said that, as he had indicated last time, we have the cart before the horse. He said that everything in the commentary that Supervisor Walter had handed out tonight had to do with doing a conservation easement. He said that the only question was about what size, where will it fit, and where will it be placed. He asked if we shouldn't first ask the question ~~on~~ *whether there should* be a conservation easement at all, before we talk about the size and shape of it. He said that this is a foregone conclusion the way it is put forward. He went on to say that it is a sad day in this township. First with NewMarket, whether you liked it or you didn't like it, he said that this Board had said: "We don't trust the voters. We're going to do it ourselves." He said that now the Board is saying, "We don't trust the voters to elect the right representatives at the Parks & Recreation Commission. We even don't trust the voters to re-elect us. They might put some other people in there, and you know what they might do? They might look at some land and decide that it isn't park land - that we just bought it to prevent development, not for park land – and they might do something that we don't want. So we have got to tie their hands in the future because we don't trust our citizens to elect the right people. We only trust ourselves." He said he wanted to move on to another issue – conflict of interest. He said that this was a follow up to what Mr. Bykowski had said, and that he would use the name of the person that he and Mr. Bykowski were talking about: Ms. Lirones. He said that in the NewMarket "thing", which was right next to her land, during all of the discussion she had said, "I have no conflict of interest. I have no conflict of interest." Then when it had come to the vote, after she had participated in negotiations, he said she had said, "I abstain." He continued to say that after all of it was over, in November of last year, she had come back before the Board and said, "Hey, I need a resolution for a gift because my tax accountant wants it, because I get to get a tax break." He said that if that is not a conflict of interest, if she did not have a pecuniary interest in that, then he did not know what an ethical conflict is. He said that on this issue we were talking about the Pittsfield Preserve, which is a halo around her property, and she is the one that is pushing this with Mr. Lonik. Mr. Bertram said that he submitted to Clerk Lirones that she has an ethical obligation to withdraw herself from any and all activities as it relates to this, since it bounds her property, and her property would gain substantially if there was a conservation easement that was contiguous to it. He thanked the Board.

Loren Hansen, of 2350 Textile Rd. and member of the Parks and Recreation Commission, said that the property that is proposed for conservancy belongs to the residents of Pittsfield Township. He said that it was his opinion that it would be a mistake to give that to anyone else, to allow any group besides the Park Commission or the Township Board to make the decisions concerning that property. He said he had a letter from Mark Lindke, another Park Commissioner, who wanted him to read it. He said that he would read just part of the letter. He read: "...It is a process that apparently negates any need to consult the public in it being developed to protect. Over the years Pittsfield Township residents and our leadership have consistently and clearly demonstrated the resolve for in support of preserving land and controlling development. That responsibility and right has always belonged to the Board of Trustees, as supported by the will of the people. That should remain their right and responsibility as a trustee Board. It is a process that on the surface seems to have some basis in the sense of urgency to do this now, before circumstances change and we miss the opportunity. Change is imminent. This is a democracy, and that is how democracy works. Past Pittsfield Township trustee Boards, along with our current Board of Trustees, have worked hard to guarantee that the will of the people, the township residents, is acknowledged and that they have the freedom to do so. As our circumstances change,

for whatever reason, future Boards will have those same responsibilities, and also should have those same freedoms. As a member of an advisory committee, I respect that fact and my realm is merely to advise the Board of Trustees on Parks and Recreation issues, and that your role ~~is~~ is to make difficult decisions. That is your right and responsibility. To date, no one from the public has approached me about the need for and the value of creating a conservation easement to protect our park land properties. Mr. Mark Lindke.” He thanked the Board.

Evelyn Woolley, of 2770 Dayton Drive, said that that she was representing the residents and herself as a Parks Commissioner. She said that some of the present Board of Trustees want to place a 3<sup>rd</sup> party conservancy trust easement that would essentially turn over the legal control of all township park property, including our developed parks. She said that was Lillie Park and Montibeller Park, and the open space acquired during the million dollar purchase of the 535 acres now known as the Pittsfield Preserve. She corrected that it was an 11.2 million dollar purchase. She said that these are all public lands bought with taxpayer money. She said that Montibeller and Lillie Park are already fully protected by DNR grants of a million dollars, with signed agreements with the DNR that require grant payback if the parks are sold or changed from public parks. She said that she had recently talked to two nearby township supervisors, both of whom had agreed to be quoted. She said that both are very interested in encouraging donations of wetlands and acquiring more park land, and that Superior Township Supervisor Bill McFarlane had further stated that he does have some donated wetlands that are in the conservancy, but that he’s never paid a nickel for placement or supervision to Superior Conservancy, who takes care of these. She said that other knowledgeable people associated in township or city land management with whom she’d spoken seemed flabbergasted that a Board of Trustees would even want a 3<sup>rd</sup> party to manage their own taxpayers’ bought-and-paid-for land. She said that all 4 people thought it was grossly unfair to the taxpayer residents. She said that when Barry Lonik had been asked by a Parks Commissioner if any other place in Michigan had in place a 3<sup>rd</sup> party conservancy easement such as the one he was preparing for Pittsfield, he had answered that he had never done an easement like this with public taxpayer paid-for land before. She said that the word just seems to be starting to get out about the easement issue. She said that she has had 5 residents call her in the last few days and that 2 had thought that Parks & Recreation had done it and were mad at her for putting something over their park land. She said that both were angry at her and she wasn’t sure exactly what they had said, but she had gotten the impression that they didn’t like it. She said that 2 residents had figured it out and knew how easements worked and didn’t think that taxpayers’ land was a place for it, although both were in favor of easements when private parties request them for land they own, or wetlands. She said that one had angrily said something about liking it when the land was bought, but that this thing the Board was doing made no sense and that it was nothing more than a monument to themselves that would not benefit residents, was an expense to the taxpayer, private range space for those living nearby to it, and that they’d better not ask her to vote for another millage. She said that if they are getting the benefit, then they can pay for it themselves. She said that another had said less, but essentially the same thing - especially about millage renewal. She said that the reason Clerk Lirones gave to the Parks Commission for her insistence that the conservancy trust is necessary to protect Pittsfield park land has nothing whatsoever to do with Pittsfield. She said that Clerk Lirones had said that the City of Novi had recently settled a multi-million dollar lawsuit - many millions of which Ms. Woolley had heard of recently - with a developer and had to pay this large sum by giving up park acreage to the developer. She said that the alternative to giving up park land, something that is not easy to do if you like parks as much as she does, was to put in a tall financial burden to the taxpayers, should they have had to repay it. Ms. Woolley said that made giving up that park land sound like the better choice. She said that she had no idea what Novi had to do with Pittsfield, but

she supposed that one excuse is as good as another if you don't want to give one's real excuse. She said why not just say "no" like other government bodies do when they think somebody wants to buy park land. She said that it is really overkill, and that an easement is a drastic way to say "no". She said that she, herself, thought it was political, and that a better way to handle it is to finish the master plan. She said that courts do recognize master plans, not that she is concerned that the park land isn't safe now with the Board of Trustees, Parks Commissioners, and township attorneys looking after it. She thanked the Board.

Jerry Helmer, of 7171 E. Michigan Avenue, said that he wanted to express his opposition to this plan to turn the park land over to the conservancy. He said he was wondering if there has been a problem with losing parks to development and asked the Board if we have lost any park land unbeknown to the voters and residents. He said that we have a representative form of government and that the will of the people should prevail, whether it is this administration or another. He added that he had found it very disturbing that this plan was proceeding with almost no notice and very few township residents even aware of this. He thanked the Board.

Ann Harris, of 2397 E. Textile, said that it was surprising to her that after so many years of trying to purchase and preserve that property for future generations that there was so much opposition to making sure that that is, in fact, the case. She said that, while she lived in that area, it is certainly not for her self-interest. She said that the reason that she had gotten involved many years ago was in looking at our children, and our grandchildren, and their children and what will be left for them. She said that one of the only ways that she knew of to ensure that, in an area that is passive, where there is not a lot of park development, even if it is a passive park - areas that are kept in a more natural state - is with a conservation easement. She said that she supports that, but is also sorry to hear that the Park Commission is not really involved in this, at least, that is what she is hearing people say. She said that she would love to see people coming together to make this happen for the entire community and to also assure that as we are looking at easements, we are also creating an overall plan for the Pittsfield Preserve, which as far as she knew hadn't been done yet. She thanked the Board.

Supervisor Walter moved agenda item 15.1 up to follow after item 6.1.

Trustee Marine commented that recently in the township hall there had been a \$3,000 donation to help upgrade the sound system, which is why every one could hear the Board members tonight. Unfortunately, he said that the gentleman that had given that donation, Lloyd Johnson, a long-time resident of the township, had recently passed away. He said that Mr. Johnson had done a lot of work in the township and for the community, and while Trustee Marine was not a fan of Richard Nixon, he had also seen Mr. Johnson's picture with Richard Nixon (as a fund raiser). He said that the Board should consider sending a letter of sympathy, and that he personally would send on his sympathies to Mr. Johnson's family and friends and hope that he will rest in peace.

Motion by Trustee Marine, supported by Trustee Conner, to send a letter of sympathy, on behalf of the Board, to Lloyd Johnson's family.

**MOTION CARRIED.**

Treasurer Skrobola agreed that it was an excellent idea and Mr. Johnson had made many major contributions to this community over the years and it was the least that the Board could do to recognize those contributions to his family and friends.

Trustee Conner said that the first time he met Mr. Johnson was in a park, and that Mr. Johnson had enjoyed the parks and had contributed greatly to the community.

## **5.0 Public Hearings/Presentations**

### **5.1 Washtenaw County Health Department: Health Improvement Plan, Jenna Bacolor and Sharon Sheldon of the Health Promotion/Disease Prevention section.**

Jenna Bacolor said that she is the Coordinator of the Health Improvement Plan program that is run under the direction of the Washtenaw County Health Department. She said that Sharon Sheldon, Manager for Health Promotion and Disease Prevention for the County, was here tonight as well. She said that the topic that she would be discussing, the nationwide obesity epidemic, was relevant to the topic being discussed this evening, and that parks and space and infrastructure issues certainly impact our physical activity. She congratulated Pittsfield Township for its recent award of the Active Community Environment Award from the State for promoting physical activity. She said that it shows dedication to promoting physical activity in many different forms throughout the community, including the schools, parks, and residential areas, and that it was truly a feather in the cap for this community. She said that Pittsfield Township was a leader in Washtenaw County for that effort. Moving on with her presentation, she went over a few slides demonstrating headlines from the local and national publications regarding obesity and inactivity. She quoted the Director for the National Center for Chronic Disease Prevention and Health Promotion as having said, "We have never seen an epidemic like this in our country. We have engineered physical activity out of our lives. We are going to drive-throughs, we are driving our kids to school, and we have had a systematic engineering-in of unhealthy, inexpensive food." She said that it really comes down to calories in and calories out, and went over a demonstration of Body Mass Index – a ratio of height to weight – since 1985. She showed a map of obesity in the US beginning in 1985 and then panned through the same map in the following years until 2001 showing the incredible spread of obesity in the United States. She said that if this had been West Nile Virus or SARS, then we would have the National Guard out in every city doing surveillance and giving out masks and shots. She said that we have to tackle obesity in an equivalent way in our communities. She said that locally, the goal of the Health Improvement Plan is to establish a "healthy weight", which is a body mass index of greater than 18.5 and less than 25. She illustrated the rise of overweight people in Washtenaw County since 1995 and said that it is only slightly better than the state. She said that during the same time physical activity rates for adults had gone down. She listed the health implications for adults for obesity, and then in children, and said that nationally there has been a tremendous nationwide increase in obesity in children. She said that Type II diabetes is no longer called Adult onset diabetes because it has become so much more common in children. She said there had been academic research done to find out what kind of physical activity interactions would work best, and highlighted some local examples of community wide campaigns to get the word out about obesity in Saline, Chelsea, Manchester, and Dexter. She also explained the use of "point of decision prompts" which prompt people to take the stairs instead of elevators, etc. She said that at the County Health Department they have done a stairwell beautification to encourage employees to use the stairs more. She also said that buddy systems are effective, as well as increased physical education in schools, as well as creating places where people can be physically active, such as walking areas and trails. She said that the idea of "destinations" is also important to encourage people to walk. She said that people who are employed for wages are the most at risk. She said that Washtenaw County has the highest proportion of sedentary workers in the State. She said that there are many successful worksite based plans that can help. She went on to describe how the Health Improvement Plan can help, and said that her group does consultations with community groups, provides presentations, displays, information,

and initiatives. She said that there will be an event in the spring to kick off the healthy eating initiative, and there is a community health committee that meets bi-monthly. She said that the Health Improvement Plan can be accessed at [www.ewashtenaw.org](http://www.ewashtenaw.org).

Anita Zot, of 3666 Colverlawn Lane, asked if the Health Improvement Plan had any relationship with school cafeterias.

Ms. Bacolor said that they are presently pursuing that.

Ms. Sheldon said that there is a statewide initiative that is looking at programs like that.

Ms. Bacolor went over the last few slides showcasing active communities with clearly marked pedestrian and bike paths.

Trustee Conner asked if there was any relationship between the amount of park space and obesity.

Ms. Bacolor said that there was a connection between density of housing and obesity.

Ms. Sheldon said that there is research currently being done on this, and that data was still being accumulated, but that there appears to be a correlation.

Ms. Bacolor said that there is an article that defined communities as either “walkable” or “non-walkable”, another negative side effect of which was pedestrian deaths.

Trustee Conner asked if by “non-walkable” she meant lacking sidewalks.

She said yes, as well as disconnected “lollipop” or cul-de-sac housing.

Ms. Sheldon said that the whole issue of urban sprawl was associated with obesity.

An audience member asked about supporting recess for middle school children.

Ms. Bacolor agreed that it was a good idea.

A member of the audience asked if there were more interconnections being looked at, like greenways.

Ms. Bacolor said that her agency had applied for a grant for that to increase sidewalks in certain areas, but that it had been denied. She said that they have also been actively supporting other groups and communities who have been doing that, including Ypsilanti.

Ms. Sheldon said that a benefit of coming out to interested communities such as Pittsfield is that the health impacts are looked at when planning land use decisions.

Supervisor Walter asked if the township could call on Ms. Bacolor and Ms. Sheldon for support for the Urban County grant funds. He said that he had made a pitch for sidewalks along Carpenter and Packard Roads, mostly for safety and accessibility.

Ms. Bacolor said that they can provide support.

Supervisor Walter said that as a community that originally was rural and has urbanized rapidly, a lot of the roads are still not the right profile for walkability, and perhaps the health aspect will help some of the granting agencies to be more favorable.

## **6.0 Approval of Minutes**

### **6.1 Request to Approve Minutes of the Regular Meeting Held on October 14, 2003.**

Motion by Treasurer Skrobola, supported by Trustee Brostrom, to approve minutes of the regular meeting held on October 14, 2003, as corrected.

Trustee Brostrom said that in the center of the 1<sup>st</sup> paragraph in the 1<sup>st</sup> page the word “affect” should be changed to “effect”. On page 3 under item 5.2, the end of the 3<sup>rd</sup> line from the end should read, “...and it became a charter township...”, and 3<sup>rd</sup> paragraph below that the first line should end in “has” instead of “had”. On the very top of page 4, he asked if Treasurer Skrobola could clarify the sentence.

Treasurer Skrobola said that it should read: “...and the addition to the current public safety facility.”

Trustee Brostrom said that on page 8, in the middle paragraph, the 5<sup>th</sup> line from the end should say “...he *believes*...” In the last paragraph of page 9, he said that the 3<sup>rd</sup> line should read, “...probably *be* coordinating...” On the very bottom of page 10 in the square brackets, the word “was” should be replaced with “is”. He submitted the remainder of punctuation corrections to the recording secretary.

Clerk Lirones added that in the 5<sup>th</sup> line on page 23, “He” should be changed to “She”.

**MOTION CARRIED.**

## **7.0 Consent Agenda**

### **8.0 Items from the Treasurer**

#### **8.1 Request to Approve Resolution to Recognize Public Safety Director John W. Phillips for Twenty Five Years of Service to Pittsfield Charter Township.**

Motion by Treasurer Skrobola, supported by Trustee Conner, to approve the resolution to recognize Public Safety Director John W. Phillips for twenty-five years of service to Pittsfield Charter Township.

Treasurer Skrobola read the resolution:

A Resolution to Recognize Public Safety Director John W. Phillips for Twenty-Five Years of Service to Pittsfield Charter Township.

Minutes of a Regular Meeting of the Township Board for Pittsfield Charter Township, Washtenaw County, Michigan, held at the Pittsfield Township Administration Building, located at 6201 W. Michigan Avenue, in said Township on Tuesday the 28<sup>th</sup> day of October 2003, at 7:30 pm.

WHEREAS, Public Safety Director John W. Phillips was sworn as a police officer for Pittsfield Township on October 23, 1978 and currently serves as the Director of the Public Safety Department; and

WHEREAS, Director Phillips has served with devotion and distinction in the Police Department as a patrol officer, corporal, sergeant, and captain; and

WHEREAS, John W. Phillips was appointed Pittsfield Charter Township Director of Public Safety on August 11, 1998; and

WHEREAS, Director Phillips initiated and maintained many programs within the police department including vehicles maintenance, firearms training, supervising the auxiliary police unit and coordinating the Field Training Officer program; and

WHEREAS, Director Phillips obtained a bachelor of science degree in criminal justice and a masters degree in political science from Eastern Michigan University as well as attending the first Northwestern University Traffic Institute School of Police Staff and Command held in Michigan; and

WHEREAS, Director Phillips attended the FBI National Academy 165<sup>th</sup> session in 1991 and subsequently served several terms on the State Executive Board of the Michigan Chapter, FBI National Academy Associates, elected as the president of the board in 2001; and

WHEREAS, Director Phillips represents the Pittsfield Township Department of Public Safety in various national, state and local professional organizations and is regarded with great respect by his peers; now

THEREFORE, BE IT RESOLVED, That the Pittsfield Charter Township Board of Trustees hereby recognizes Director John W. Phillips for twenty-five years of outstanding and meritorious service to the Department of Public Safety; and

THEREFORE, BE IT FURTHER RESOLVED, That the Pittsfield Charter Township Board of Trustees hereby commends Director Phillips for his leadership of the Department of Public Safety and for his devotion to duty and to the community.

Treasurer Skrobola congratulated Director Phillips.

Supervisor Walter presented Director Phillips with a certificate of appreciation.

Director Phillips told Treasurer Skrobola that this meant a lot to him, and that he appreciated working alongside this Board. He said that it was a privilege to serve this community and that there is not a better place in the world to be a police officer than Pittsfield Township. He said that the best day of his life was when former Supervisor Robert Lillie hired him in the fall of 1978 to be a patrol officer in Pittsfield Township. He said that it meant a lot to him to have Margaret Lillie present tonight in the back row, and that there was not a day that goes by that he doesn't miss two people: his father who passed away in 1996 - and he knew that he would have been proud - and Robert Lillie. He said that he had worked for some great bosses - Doug Woolley, Jack Morris, Supervisor Walter, and Public Safety Committee Chair Skrobola, and that they had worked together in opening Public Safety stations along the way, and that it had

been an honor to work alongside them. He thanked the Board and said that he was humbled. He said that you are only as good as the people you work with, and that he had worked for some great people. He said that we have some of the finest police officers and firefighters in the State of Michigan that work next door. He said that he was truly humbled to just be one of them and work alongside them as each day. He thanked the Board.

**ROLL CALL VOTE:**

**AYES:** Brostrom, Burhop, Conner, Lirones, Marine, Skrobola, Walter.

**NAYS:** None.

**ABSENT:** None.

**ABSTAIN:** None.

**MOTION CARRIED.**

Supervisor Walter thanked Margaret Lillie for coming as well and said that her presence here was appreciated. He then said that there had been a typo in the resolution to lend the Brookside subdivision water system \$15,099.79 at the last meeting. He said that the bills there are bi-monthly, which was shown twice, but then inadvertently on the third from the last line it said "quarterly", and that should have said bi-monthly.

**9.0 Items from the Clerk**

**9.1 Request Approval for Payment of Payables, Checks #44440-44564, for the amount of \$469,675.60.**

Motion by Trustee Conner, supported by Trustee Burhop, to approve payment of the payables, checks #44440-44564, for the amount of \$469,675.60.

**ROLL CALL VOTE:**

**AYES:** Brostrom, Burhop, Conner, Lirones, Marine, Skrobola, Walter.

**NAYS:** None.

**ABSENT:** None.

**ABSTAIN:** None.

**MOTION CARRIED.**

**9.2 Request for Action, Resolution #03-59 to Amend the 2003 Building Department Fund Budget.**

Motion by Clerk Lirones, supported by Trustee Burhop, to approve resolution #03-59, to amend the 2003 Building Department Fund Budget. (See Attachment #1)

**ROLL CALL VOTE:**

**AYES:** Brostrom, Burhop, Conner, Lirones, Marine, Skrobola, Walter.

**NAYS:** None.

**ABSENT:** None.

**ABSTAIN:** None.

**MOTION CARRIED.**

**9.3 Request to Approve Frisbie Appraisal Service, for Property Appraisals.**

Motion by Clerk Lirones, supported by Trustee Burhop, to approve Frisbie Appraisal Service for property appraisals of 5415 Crane Rd. and 5105 Michigan Avenue, for an estimated fee of \$4,100.00

Trustee Marine said that he did not understand the appraisal on the golf course because it said that the Board may be looking at the possibility of purchasing this property. He said that he had not known that this Board was considering that to begin with, so he did not know why the Board would want to spend money on an appraisal to do so.

Supervisor Walter said that in the public hearing on the proposed rezoning for that property, there had been quite a few citizens who had expressed interest in the Board doing that. He said that basically, before the Board can even look into this, it needs to have some idea about what was being talked about in terms of money.

Clerk Lirones added that it was not certain that the appraisals will be done on that property, but that the quotes had been obtained, and she wanted to get the Board's authorization should this option be pursued. She said that there were a few different options that may come up on this rezoning and she wanted to have the ability to hire the appraiser, should the need arise.

Trustee Marine said that was he had not known that the Board itself had made a decision that this property should be looked at. He said that he could approve the one appraisal, but not the one for the golf course. He said that if it had been put in front of him that this was being done for these options and it was all written out and spelled out, then maybe he could; however, at this point the only information that he had was that we might be looking to purchase this property, and he had not known that and is not in favor of doing that. He asked that the motion be divided.

Supervisor Walter granted the request to divide the motion.

Clerk Lirones said that this has been discussed administratively because it is a complicated zoning issue. She said that the owner is proposing a rezoning, which is not in conformance with the comprehensive plan or the current zoning ordinance. She said that she had had discussions with the administrative officers and she had suggested looking into the possibility of purchasing this property for park land and the response was, how much would it cost? She said that the Board has to know how much it is looking at before the members can even think about it. She said that you have to get the ball rolling at some point.

Trustee Burhop said that this idea had gotten so much support at the public hearing, which she had attended, and that she agreed that it is wise to get the appraisal now rather than waiting until the last minute.

Trustee Marine said that he has no problem with getting the ball rolling on something this Board makes a decision to do, but that he had not known that the Board had made this decision, this is \$2500, not a small amount. He said that before the Board spends \$2500 to get the ball rolling on something it hasn't actually decided it wants to do, then maybe it should first decide that this is something that it wants to do.

Trustee Conner said that it seems hard to know if you can do anything unless you know how much it costs. He said that the appraisals will give us an idea on how much we're talking about, and that's probably the first thing you look at when you go out and look at a piece of property for sale. He said that there first, one would consider conceptually whether to pursue this, but the second thing to consider would probably be the cost.

Trustee Marine said that he would not get an appraisal on a home that he was not planning to buy. He said that he did not know why *we're* getting an appraisal on a piece of property that he currently did not know the township was planning to buy. He

said that he thought spending \$2500 to get an appraisal on this was a potential waste of money.

Motion by Clerk Lirones, supported by Trustee Burhop, to approve Frisbie Appraisal Service for the property appraisal of 5105 Michigan Avenue, for an estimated cost of \$1,600.00.

**ROLL CALL VOTE:**

**AYES:** Brostrom, Burhop, Conner, Lirones, Marine, Skrobola, Walter.

**NAYS:** None.

**ABSENT:** None.

**ABSTAIN:** None.

**MOTION CARRIED.**

Motion by Clerk Lirones, supported by Trustee Burhop, to approve Frisbie Appraisal Service for the property appraisals of 5415 Crane Rd., for an estimated fee of \$2,500.00

**ROLL CALL VOTE:**

**AYES:** Brostrom, Burhop, Conner, Lirones, Skrobola, Walter.

**NAYS:** Marine.

**ABSENT:** None.

**ABSTAIN:** None.

**MOTION CARRIED.**

**10.0 Items from the Supervisor/Assessor**

**10.1 Motion to Authorize Supervisor of Pittsfield Township to Send Two (2) Letters of Support, One for HUGS and One for Kids and Trees. to Mr. Byron Hestevold.**

Motion by Treasurer Skrobola, supported by Trustee Conner, to authorize the Supervisor of Pittsfield Charter Township to send two (2) letters of support, one for HUGS and one for Kids and Trees, to Mr. Byron Hestevold.

**MOTION CARRIED.**

**11.0 Items from the Office of Public Safety**

**11.1 Request to Approve Agreement for Enforcement of Uniform Traffic Code on Private Property for Wellesley Gardens, Pittsfield Development Group, L.L.C., and Request to Authorize the Supervisor to Sign Agreement on Behalf of Pittsfield Township.**

Motion by Trustee Conner, supported by Trustee Burhop, to approve the agreement for enforcement of the Uniform Traffic Code on Private Property for Wellesley Gardens, Pittsfield Development Group L.L.C., and to authorize the Supervisor to sign the agreement on behalf of Pittsfield Township.

**ROLL CALL VOTE:**

**AYES:** Brostrom, Burhop, Conner, Lirones, Marine, Skrobola, Walter.

**NAYS:** None.

**ABSENT:** None.

**ABSTAIN:** None.

**MOTION CARRIED.**

**11.2 Request to Receive Police Department Call Activity Statistical Report for the Month of September 2003.**

Motion by Treasurer Skrobola, supported by Trustee Burhop, to receive Police Department Call Activity Statistical Report for the Month of September 2003.

**MOTION CARRIED.**

**11.3 Request to Approve the Purchase of a Salt Spreader – Fire Department, From Wolverine Rental, at a Cost of \$2,500.00 and Charged to Account #336-778 – Fire Building Maintenance/Supply.**

Motion by Trustee Brostrom, supported by Trustee Burhop, to approve the purchase of a salt spreader – Fire Department, from Wolverine Rental, at a cost of \$2,500.00, charged to account #336-778.

**ROLL CALL VOTE:**

**AYES:** Brostrom, Burhop, Conner, Lirones, Marine, Skrobola, Walter.

**NAYS:** None.

**ABSENT:** None.

**ABSTAIN:** None.

**MOTION CARRIED.**

**11.4 Request to Purchase Copy Machine Replacement, from Millennium Business Services, at a Cost of \$8,395.00 and Charged to Account #301-970 – Police Capital.**

Motion by Trustee Conner, supported by Trustee Burhop, to approve the purchase of a copy machine replacement, from Millennium Business Services, at a cost of \$8,395.00 and charged to account #301-970 – Police Capital.

**ROLL CALL VOTE:**

**AYES:** Brostrom, Burhop, Conner, Lirones, Marine, Skrobola, Walter.

**NAYS:** None.

**ABSENT:** None.

**ABSTAIN:** None.

**MOTION CARRIED.**

**12.0 Items from the Office of Municipal Services/Planning and Zoning**

**12.1 Request to Approve Resolution to Consent Judgment, Wexford Builders, Inc. vs. Charter Township of Pittsfield (Washtenaw County Circuit Court File No. 02-30-AW).**

Motion by Treasurer Skrobola, supported Trustee Brostrom, to approve the resolution regarding the consent judgment, Wexford Builders, Inc. vs. Charter Township of Pittsfield (Washtenaw County Circuit Court File No. 02-30-AW). (See Attachment #2)

**ROLL CALL VOTE:**

**AYES:** Brostrom, Burhop, Conner, Lirones, Marine, Skrobola, Walter.

**NAYS:** None.

**ABSENT:** None.

**ABSTAIN:** None.

**MOTION CARRIED.**

**12.2 Request to Approve Resolution to Replace the Air Conditioning Compressor at the Pittsfield Charter Township Administration Building and Authorize Township Supervisor to Accept Contract with Goyette Mechanical, for a Price Not to Exceed \$8,950.00, Charged to Account #265-778.**

Motion by Trustee Conner, supported by Trustee Burhop, to approve the resolution to replace the air conditioning compressor at the Pittsfield Charter Township Administration Building and authorize the Township Supervisor to accept a contract with Goyette Mechanical, for a price not to exceed \$8,950.00, charged to account #265-778.

WHEREAS, the Township has a need to replace the air conditioning compressor, and

WHEREAS, the Township has a fair and reasonable price,

NOW, THEREFORE, BE IT RESOLVED, that the Township Supervisor be authorized to accept a contract with Goyette Mechanical for a price not to exceed \$8,950.00

**ROLL CALL VOTE:**

**AYES:** Brostrom, Burhop, Conner, Lirones, Marine, Skrobola, Walter.

**NAYS:** None.

**ABSENT:** None.

**ABSTAIN:** None.

**MOTION CARRIED.**

**12.3 Request to Approve Resolution to Authorize Air and Water Balancing of the HVAC System at the Township Administration Building and Authorize the Township Supervisor to Enter into A Time and Materials Agreement with International Test & Balance, Inc. For a Price not to Exceed \$5,100.00 Without Further Authorization by the Supervisor, Charged to Account #265-778 – Building and Grounds.**

Motion by Trustee Burhop, supported by Trustee Brostrom, to approve the resolution to authorize air and water balancing of the HVAC System at the Township Administration Building and authorize the Township Supervisor to enter into a Time and Materials Agreement with International Test & Balance, Inc. for a price not to exceed \$5,100.00 without further authorization by the Supervisor, charged to account #265-778 – Building and Grounds.

WHEREAS, the Township has a need for air and water balancing of the HVAC system, and

WHEREAS, the Township has a fair and reasonable price,

NOW, THEREFORE, BE IT RESOLVED, that the Township Supervisor be authorized to enter into a time and materials agreement with International Test & Balance, Inc., for a price not to exceed \$5,100.00 without further authorization by the Supervisor.

**ROLL CALL VOTE:**

**AYES:** Brostrom, Burhop, Conner, Lirones, Marine, Skrobola, Walter.

**NAYS:** None.

**ABSENT:** None.

**ABSTAIN:** None.

**MOTION CARRIED.**

**12.4 Request to Approve Resolution Authorizing the Hire of Ms. Laura Ford to the Position of Department Assistant I – Planning Department, Effective November 3, 2003 at a Starting Wage of \$10.05 per hour, as Stipulated by the AFSCME Union Contract.**

Motion by Trustee Conner, supported by Clerk Lirones, to approve the resolution authorizing the hire of Ms. Laura Ford to the position of Department Assistant I – Planning Department, effective November 3, 2003 at a starting wage of \$10.05 per hour, as stipulated by the AFSCME Union Contract.

WHEREAS, the Pittsfield Charter Township Board of Trustees would like to authorize the hiring of Ms. Laura Ford for the position of Department Assistant I, and

WHEREAS, Ms. Laura Ford meets the qualifications set forth in the Department Assistant I job description and has successfully completed the pre-employment hiring process,

NOW, THEREFORE, BE IT RESOLVED, that the Pittsfield Charter Township Board of Trustees authorize the hiring of Ms. Laura Ford to serve in the position of Department Assistant I, effective Monday, November 3, 2003, at a starting wage of \$10.05 per hr., as stipulated by the AFSCME Union Contract.

Trustee Marine asked if this position was for an administrative assistant or a planner.

Clerk Lirones said the position was Department Assistant I, clerical.

**ROLL CALL VOTE:**

**AYES:** Brostrom, Burhop, Conner, Lirones, Marine, Skrobola, Walter.

**NAYS:** None.

**ABSENT:** None.

**ABSTAIN:** None.

**MOTION CARRIED.**

**12.5 Resolution for Approval of an Ordinance RZ 03-05 Kesselring/Covington Investment [2<sup>nd</sup> Reading].**

Motion by Trustee Conner, supported by Trustee Burhop, to adopt the resolution of approval for Ordinance RZ 03-05 Kesselring/Covington Investment [2<sup>nd</sup> Reading]. (See Attachment #3)

**ROLL CALL VOTE:**

**AYES:** Brostrom, Burhop, Conner, Lirones, Marine, Skrobola, Walter.

**NAYS:** None.

**ABSENT:** None.

**ABSTAIN:** None.

**MOTION CARRIED.**

**12.6 Request to Approve Resolution RZ 03-01 Platt Road Condominiums [1<sup>st</sup> Reading].**

Motion by Treasurer Skrobola, supported by Trustee Brostrom, to adopt the resolution of approval for RZ 03-01 Platt Road Condominiums [1<sup>st</sup> Reading]. (See Attachment #4)

Mark Spencer, Senior Planner, said that this is a petition to rezone 22 acres of land directly across the street from the Administration Building on Platt Road, from R2-B to PUD. He said that it was for 124 units of attached single/multi-family development.

Trustee Conner asked about the wetland on the property that was visible on the large plan. He asked if there was a walkway or buffer around it.

Mr. Spencer said that there was a 25 foot buffer around the wetland.

Trustee Conner asked if there was a walkway in addition to that.

Mr. Spencer said that there was a path through the wetland, but that there was no walkway around the edge of the wetland.

Dennis Engstrom, of B/K/G Pittsfield Development LLC., said that part of the plan was to encourage circulation of pedestrian traffic through the development. He said that they had proposed a walkway consisting of crushed limestone around the wetland with a wooden elevated walkway through the wetland, but that the exact location was yet to be determined.

Trustee Conner said that there was a sizeable list of trees on the document, and that it appeared that about 50% of them would be destroyed.

Mr. Engstrom said that are about 1400 trees that will be removed, and about 700 will be mitigated on site, and the others at another location to be worked out with the township.

Mr. Spencer said that on the site plan there was a small .02 acre wetland that will be filled. He said that it was a little flat area that falls outside of the township wetland ordinance mitigation requirements.

Trustee Conner asked if runoff will go to the retention pond.

Mr. Engstrom said that the developed area is proposed to go into the detention pond, which then is proposed to outlet into the Koch Warner Drain. He said that the remainder is natural watershed to the wetland, and the site planner had to make sure that the hydrology of the wetland was not changed. He said that the wetland drains a significant portion of water from north of the property, and as a result there have been some storm culverts added to continue the trend of water. In terms of the hydrology of the water coming out, he said that there is an outlet for the storm sewer on the plan that allows it to act in its existing condition, so that it has the same inlet and outlet.

Trustee Conner asked if this site drained across the street.

Mr. Engstrom said that was correct, and that it fills up and gets to a certain elevation and then it flows over land into the right-of-way. He said that outlet had to be provided so that it would not fill up and overflow into the woodland.

Trustee Conner asked if it flowed into the pond before it went across the street.

Mr. Engstrom said no, that through the Drain Commission review, the engineers had to do a separate parallel system that bypasses the pond and outlets directly into the drain.

Trustee Marine asked if the wetland that will not have to be mitigated might not be part of the larger wetland, like those described in the township's wetland ordinance.

Mr. Spencer said that there are possibilities for connectivity in different places, and in this case the reports that had been reviewed determined that there is no connectivity. He said that it is not the typical wetland, that it is a wooded wetland, and that if one were to go out there today and did not know where it was, it would probably not be found. He added that any site plan changes that incorporate any encroachments into the regulated wetland will require a permit.

**ROLL CALL VOTE:**

**AYES:** Brostrom, Burhop, Conner, Lirones, Marine, Skrobola, Walter.

**NAYS:** None.

**ABSENT:** None.

**ABSTAIN:** None.

**MOTION CARRIED.**

**12.7 Request to Approve Resolution to Grant Final Approval to the Preliminary Plat for SP 00-02 Pines of Lakeforest Subdivision No. 2 & 3.**

Motion by Trustee Conner, supported by Trustee Brostrom, to approve the resolution to grant final approval to the preliminary plat for SP 00-02 Pines of Lakeforest Subdivision No. 2 & 3. (See Attachment #5)

Mark Spencer, Senior Planner, said that the Board members had received a report in their packets, dated October 22<sup>nd</sup>, that went through the items that the Township Board imposed as conditions on the Planned Unit Development re-zoning, as well as compliance with the tentative preliminary plat, compliance with the subdivision ordinance, and compliance with the direction that he was given on the landscape and mitigation items by the Township Board. He said that he had brought that issue to the Board for clarification in March of this year, and the Board had made a determination that it wanted the landscape plan incorporated in the preliminary plat. He said that the applicant has done a good job on all of the aspects of the landscaping plan, with the exception of one. He said that the issue was to graphically display the areas of restricted sight distance where the Washtenaw County Road Commission will not permit street trees to be planted. He said that several subdivisions have been developed and then ordered to remove trees by the Road Commission, sometimes after having been planted for several years. He went over the conditions listed in the resolution.

**ROLL CALL VOTE:**

**AYES:** Brostrom, Burhop, Conner, Lirones, Marine, Skrobola, Walter.

**NAYS:** None.

**ABSENT:** None.

**ABSTAIN:** None.

**MOTION CARRIED.**

**12.8 Truck Price Comparison (Information).**

Supervisor Walter explained that the Board members had the latest quotes for the controversial truck purchase from the last meeting, and that approval for purchase had been held off until tomorrow. He said that the motion that had been passed was to purchase the GMC trucks and that unless the Board voted to rescind that motion, he would authorize the purchase of the GMC trucks in the morning.

Trustee Conner said that there had been a claim made at the last meeting that the Ford product was inferior to General Motors product. He presented some data which had been collated by All-Data, a subsidiary of Auto Zone, which keeps this sort of data for ASE Certified Technicians. He said that that he had pulled the data for the 4x4's and the 2x2's, which are virtually the same among the companies. He said that on the first 3 pages there are about 69 bulletins on the GM product, for the 6.6 diesel 4x4. The following list for the 2x2 was essentially the same. He said that he had highlighted all of the ones that related to powertrain, automatic transmission, and diesel engine function. He said that the last 2 pages were for the Ford product, F-250 2-wheel drive and 4-wheel drive, which have 9 and 10 issues each. He stated that the data is collated by an independent party, not Ford or GM. He said that the offer from Briarwood Ford should be seriously considered, because they are in the township, pay taxes here, employ residents here, and arguably offered better quality than the GM product. He said that will probably overcome the few hundred dollar difference, and added that Red Holman was not even in Washtenaw County, but rather in Oakland. He said that Briarwood Ford was right down the street and could probably offer better service than someone in a different county.

Clerk Lirones asked which was cheaper, and if the prices had gone down from those shown at the last meeting.

Supervisor Walter said that the prices were significantly lower, by a few thousand dollars, and that the GMC price was cheaper by \$370.96.

Trustee Burhop said that if the trucks have to be in for repairs then it's better to use the nearby dealership. She added that she agreed with Trustee Conner and preferred to work with the township businesses. She said that if repair was going to be a problem with the GMC, then the township could save money over the long run.

Supervisor Walter said that the people who will actually be using the trucks preferred the GMC trucks, and that there had been a concern about the starting mechanism. He said that the Ford diesel truck uses a glow plug, which can be a problem in cold weather, and the GMC truck used a device with heated air. He said that if there was a good reason to override the recommendation and not go with the lower bidder, then that was fine, but that he wanted some clear justification. He said that he did feel that it was a good idea to support local businesses whenever possible.

Trustee Marine said that they had just saved the township \$5,000 - \$6,000 dollars simply by getting better quotes. He said that he was glad to see that the township could negotiate for better prices and said that this was something that Board members should certainly remember in the future. He said he agreed with Trustee Conner, but was concerned with giving the Utilities department a truck they didn't want, or didn't find as useful.

Supervisor Walter said that he believed that both of these are very reliable trucks, and that he thought that the Utilities Department will be glad to be getting new trucks, whatever the choice.

Trustee Conner pointed out that on the GMC list of issues for the diesel engine there was an intake heater glow-plug R&R revision, which is the same technology used by Ford. He said that the Ford engine is made by Navistar International, otherwise known as International Harvester, which makes long-haul heavy-duty diesel engines that run for very long periods of time. He said that the Ford product also has more horsepower, and more torque.

Trustee Brostrom said that he was inclined to support the local business and that the monetary difference was not very large. He said that the emission problem was probably only an issue in extremely cold temperatures, which will probably not be an issue here.

Trustee Conner commented that there was a super-stroke diesel engine at the Dearborn Assembly Plant that was used for various purposes all year long, and there had never been a problem starting it.

Motion by Trustee Conner, supported by Trustee Marine, to rescind the Board of Trustees authorization to purchase 2 GMC ¾ ton extended cab pick-up trucks from Red Holman Pontiac GMC.

**ROLL CALL VOTE:**

**AYES:** Brostrom, Burhop, Conner, Marine.

**NAYS:** Lirones, Skrobola, Walter.

**ABSENT:** None.

**ABSTAIN:** None.

**MOTION CARRIED.**

Motion by Trustee Conner, supported by Trustee Burhop, to approve the purchase of two Ford F250 Supercab diesel pick-up trucks from Briarwood Ford, for a total cost of \$51,280.96.

**ROLL CALL VOTE:**

**AYES:** Brostrom, Burhop, Conner, Lirones, Marine, Skrobola, Walter.

**NAYS:** None.

**ABSENT:** None.

**ABSTAIN:** None.

**MOTION CARRIED.**

**13.0 Items from the Parks & Recreation Department**

**13.1 Request to Approve Ayres, Lewis, Norris & May, Inc. for Detailed Construction Plans for the Washtenaw County Road Commission Permit Applications for Access Parking Lot Points (One on Textile Road and One on Thomas Road), for the Pittsfield Preserve, for a Cost of \$4,000.00, Charged to Account #208-821.000.**

Motion by Clerk Lirones, supported by Trustee Brostrom, to approve the hire of Ayres, Lewis, Norris & May, Inc. for detailed construction plans for the Washtenaw County Road Commission Permit Applications for Access Parking Lot Points (one on Textile Road and one on Thomas Road), for the Pittsfield Preserve, for a cost of \$4,000.00, charged to account #208-821.000.

Trustee Marine asked if the township was building parking lots in the middle of the Pittsfield Preserve.

Supervisor Walter said that they will not be in the middle of it, but rather along the edge.

Trustee Marine asked what they were for.

Supervisor Walter said that they were so that people could park their cars when they visit the Preserve because it is dangerous to leave a car parked on Textile Rd.

Trustee Marine said that there is no park yet, that it is just open space, and now the township is going to put two parking lots in the middle of it.

Clerk Lirones explained that these were the two locations that people were already using as parking lots, but that the Road Commission had said that that the township has to get a driveway permit to use them. She said that they both lead into trailheads, one leading into an extensive trail system through the woods on the former Harwood property, and the other into some of the wooded areas off of Thomas Rd. She said that this would essentially finish what is already there, and may be semi-temporary over the years. She said that she thought that it was worth it to give people a place to park and enjoy the parks.

Trustee Marine asked if the County Road Commission was mandating that the township spend \$4,000 for a parking lot where there is already a place for cars to park without any impervious surface.

Clerk Lirones said that any time there is an access point to a public road, a permit is required, and to get a permit you need some sort of engineered plan. She said that these were not proposed to be paved; if anything they would be crushed limestone.

**ROLL CALL VOTE:**

**AYES:** Brostrom, Burhop, Conner, Lirones, Skrobola, Walter.

**NAYS:** Marine.

**ABSENT:** None.

**ABSTAIN:** None.

**MOTION CARRIED.**

**14.0 Unfinished Business**

**15.0 New Business**

**15.1 Request to Authorize the Supervisor to Sign a Contract with Barry Lonik to Develop Proposals for Conservation Easements for Township Park land, at a Cost Not to Exceed \$3,000.00, Charged to Account #208-801. (Received Information in Last Board Packet.)**

Motion by Trustee Conner, supported by Trustee Brostrom, to authorize the Supervisor to sign a contract with Barry Lonik to develop proposals for conservation easements for township park land, at a cost not to exceed \$3,000.00, charged to account #208-801.

Supervisor Walter said that there were obviously a lot of people in attendance who had concerns with this issue, and he said that he will not vote for any easement that hamstring the Parks Commission, particularly in terms of both active or passive recreation, and greenways. He said that the administrators had already met with the Chair of the Parks Commission and one of the Parks Commissioners and made it clear that if this motion passed tonight, the first action will be to sit down with the Parks Commission and the officers of the township, and with the consultant and essentially go over the parameters. He said that whatever comes out of this should be very flexible. He said that what he did not want to see is the land sold off for subdivisions or other non-public uses. He said that some of the land has already been designated for other public uses, such as the water project, a proposed new building for Public Safety, and a new senior citizens' center. He said that some of the issues raised tonight deserve some further consideration, and he appreciated that the fact that some of those in attendance simply did not know what this meant, and others do not believe it is a good idea at all. He said that it is his understanding, notwithstanding the Attorney General's opinion

from 20-some years ago, that Springfield Township has done this, and he believed that another had as well. He said that the Board obviously will have to look into the legality, and that the questions that are being looked at with the consultant are, can it be done, should it be done, and how should the township craft it in order to provide maximum ability for future boards to use the lands for public purposes. He said that there is no interest in tying hands, or anything of that sort, and there will be no turning of land over to a conservancy. He said that the terms of the easement can be very restrictive, or very flexible or generous. He said that is something to be decided and he invited everyone to participate throughout the process. He said that he wanted to hear from the public on this, whether they like it or not. He said that he has been very distressed by hearing talk of things being done behind closed doors, or in secret. In fact, as the Parks Commissioners were well aware, Barry Lonik, Clerk Lirones, Trustee Burhop and he had met with the Parks Commission in the summer and discussed this issue. He said that the Natural Resources Commission had also discussed it. He said that this had been brought up at the last meeting and Terry Bertram and others had pointed out that there were others that would like to examine this and so it had been put off until this meeting so that the Board could have a chance to hear from people. He said that some very strange and wild accusations have gone around, but that if people want to know what's going on to please call him or speak to him or attend the meetings. He said that all of the meetings are open and that this is a public process. He said that nobody is trying to hoodwink anybody and that he hoped that we could get something that we could have a broad consensus on. He said that the main thing is that this needs to be a cooperative process, so we need to hear from the public, and the Parks Commissioners. He said that all we care about is that this is public land and that it remain in the hands of the public, not to hamstring or to say, "you have to have a ball field here or a meadow there." He said that we want to understand that in the future, as land uses or demands change, or opportunities arise – opportunities for greenways, pathways, or roads - that the land will be available to the public. He said that as the township grows, it will probably need more roads, and at this point, the Board has already indicated to MDOT that the township is willing to have the preferred alignment of Michigan Avenue run through some of the park land, which will take a sliver of the land, but that is a legitimate public purpose. He said that the Board would do nothing to prevent a reasonable use.

Clerk Lirones said that she has a flu bug and apologized for having had to leave the room for a moment. She said that it was nothing personal, and that she takes everyone's comments seriously. She said that she had checked with the attorney as far as whether there would be any conflict of interest for her, because her property is close to this area, and he had stated that on this particular vote, he stated unequivocally that there would be no conflict, and that she can vote on this. She added that she appreciated everyone's concerns and thanked them for bringing it to everyone's attention.

Trustee Brostrom said that he agreed wholeheartedly with Supervisor Walter's comments, and that it is healthy and good to be able to hear from members of the community. He added, however, that in 2000 he had spoken to hundreds of citizens regarding the explosion of growth in the area and the escalating traffic problems and the gradual degradation of the quality of life in Pittsfield, and when the Trustees took office they believed that they might be able to do some things about that. He said that the purchase of this land was an ideal opportunity to try to preserve some of the natural beauties we have in Pittsfield, and it was even better to purchase land that can be used in a multitude of ways. He said that some of the comments that he had heard tonight had absolutely no relation to any thought that had ever crossed his mind about this particular undertaking, and that at this point his only concern as a Trustee is to protect the land, and certainly not to tie anyone's hands or not to cooperate with the Parks and Recreation Commission. He added that he used to Chair that Commission and that he

knew exactly how it functions. He said that the Board wanted to cooperate with them fully, and that certainly if there are legal problems, they need to be investigated. He said that every aspect of this needed to be investigated and that it is conceivable that it might be decided that this won't work because of insuperable difficulties. However, at this point, the Board members simply want to investigate what they might be able to do here to preserve this land for future generations.

Treasurer Skrobola said that he had voted against the purchase of the property in question, or at least most of the property in question, for a number of reasons. However the main reason had been because it had not been presented for a vote by the people. He said that he had felt that the outcome of an issue of this materiality should be determined by the voters. He said that this end of it as well should have a strong flavor of the voters involved in it, and that the process here is certainly part of it, but that he felt that the final voice should be – because it does involve all of the park land and it did cost \$11.6 million – decided by the voters. He said that he did not disagree with the goals of maintaining park land, but that he does disagree with the process that is being undertaken here. He said that he did not know, from his perspective, that an easement was necessary to accomplish those goals.

Supervisor Walter asked for a quick straw vote to see who would support putting it on the ballot.

There was a show of hands in support of that.

Supervisor Walter said that he would stay in tune, and if he received a strong message that that is the way that the township wants to go, then that is one possibility; however, before that can be done the administration has to do the investigation and get the consultants to help write these things. He added that his concern is that it be flexible enough so that the Parks Commission or any other township entities that need to use public land can use it. He said that the township will retain ownership of the land, but if there is an easement, there are restrictions. For example, he said that the township holds a deed restriction on a piece of land off of Oak Valley. Typically, deed restrictions are held by a third party, and this is one way to guarantee that we do have public land in the future. He said that this is a public process and that all are invited to participate, and if anybody has any knowledge or expertise in any of the areas that are being considered to please let him know. He said that this is just a first step to get a consultant so that that information can be pulled together.

Trustee Burhop said that she is for the proposal of doing everything legally and ethically to keep this land as a public preservation of what Pittsfield once was. She said that Pittsfield is so developed now that there are many areas where you'll never see what you can see in the Pittsfield Preserve. She said that the Parks & Recreation Commission has done a good job with Lillie Park, and the Preserve deserves to be kept in pristine fashion, at least partially, so that it can be what Pittsfield used to be. She said that all of the Board members were interested in this park land and she hated to say what it would have been if there had been another administration here tonight. She said that she would like to see it maintained and that this is a step in the right direction. She said that this does not mean that there will be no authority over that land, but that it is a way to protect land, and that is very important.

Trustee Marine welcomed Mr. Lonik and said that he has the utmost respect for him in this endeavor. He said that he had met Mr. Lonik because he had become involved in land conservation. He said that in 2000, when the current Board had run for election, there had been a single issue, and that was the preservation of the central area, or not. He said that the current administration had run on the premise of land conservation, and

had won. He said that he truly believed that the reason he holds office now is because the electorate had asked him to help to preserve that space. He said that he truly plans to do everything in his power to help preserve that space. However, he said that he had problems with the process and how this has proceeded. He said that he has had some Park Commissioners tell him that they were opposed to this, which concerned him drastically because they are responsible for helping to maintain our parks. He said that he thought his biggest concern was that we want to put conservation easements on all of our parks and he did not believe that conservation easements were necessary for Montibeller or Lillie Park, so he could not support that. As for the Pittsfield Preserve, he believed that there is an absolute need to preserve that land. He said that before we go about taking land out of commission to do this or that, something which we have already proceeded in with the water storage tank and a number of small issues, he said that he is deeply troubled that there is no plan for the park. He said that we 530+ acres that are yet to be planned, and he didn't know what we were going to do with this area because there had been so much talk about buildings, storage tanks, preservation, soccer fields, trails, etc. He said that Terry Bertram had said that we are putting the cart before the horse, and he agreed, but not for the same reason. He said that we keep making small plans and piece-mealing the central area without having a large plan to know what we expect or want it to look like. He said that sustainability says that we should know what we're planning should look like 50 years down the road, and right now we don't know that. He said that he wasn't bothered by taking this land away from the hands of future Boards because that's what happens all the time when land gets zoned. He said that we had walked into a situation where there was all types of land zoned in ways that we can't change – not without being sued and losing, the lawsuit. He said that's the way politics work, and that's the way the legal system works. Taking this land away from the hands of future Boards and not allowing them to decide to develop this land, is not a concern because we were elected to preserve this land, and he believed that the Board members were elected to preserve it in perpetuity. He said that his only concern was with the current process that the Board is taking in order to do that.

Trustee Conner said that he believed that the election was a referendum on the Board's ability to settle the NewMarket dispute, which it had done. He said that he did not believe that it should have gone to a vote. It would have been nice to have a vote, but a vote would have cost us an additional million dollars. He said that he didn't think it would have been worth it to pay that much just to have an election because he felt that the Board had been empowered to settle this when the members were elected. As Trustee Marine had pointed out, the election was all about NewMarket. He added that there have been other notable purchases of land that were not voted on – the Louisiana purchase was not voted on by the American people, nor was the Alaska purchase. He said that almost without a doubt all of the people who spoke in opposition to the investigation for preserving this park land were those who had supported NewMarket. He said that he was for preserving the Pittsfield Preserve and the rest of the park land in the township, and he hoped that we would be able to find a way to do it. He said that he did not know that easements were the way to do it, but whatever way we can find to do, we should do it before it looks like Central Park in New York City around here. He said that we will have a better quality of life by having more open space.

Supervisor Walter clarified that the million dollars that Trustee Conner had mentioned was the additional million that the developer said he would tack on to the price tag if he was made to wait for a referendum before the purchase. He said that he had strongly felt that we should have had a public vote, but on balance, he did not think that it was worth paying an extra million dollars for the land in order to have that luxury. He said that is the kind of decision that the people of Pittsfield hired him to make. He said that he takes full responsibility for that, and if people don't like that decision, there are ways if dealing with it. He said that it had been a matter of balancing his preference for

having a vote and the additional cost, which had been a very difficult decision to make. He said that was what he was here for, and as long as people wanted him here, he'd stay; otherwise, he'll move on.

Trustee Marine asked what it will cost to put these properties into conservation easements, aside from the contract with Barry Lonik.

Supervisor Walter said that was one of the questions that will probably be answered as part of the consulting process. He did not think they could put a number on that now, and that various land trusts had different prices.

Trustee Marine asked what kind of provisions will be taken into this contract to protect the township in the event of an emergency and allow for termination of the easements to do with that property what the township feels is necessary to serve the best public interest.

Supervisor Walter said that is something that still needs to be investigated. He said that these are the kind of questions that need to be dealt with at the level of investigation. He said that we do not have an easement in front of us yet, and so we can't do anything more than say that is a concern.

Trustee Marine asked for an explanation of what actually happened in the Novi court case with the park land that would cause the township to want to put existing parks into conservation easements.

Doug Woolley, of 2770 Dayton Drive, said that a subdivision had been approved by the city with the condition that the city would see that a road was built from the town to the subdivision. He said that the subdivision was started and there was no road built because the city said that it could not do it because it would cost too much and it thought it was going to be done by the Road Commission. The Road Commission had no plans on doing that, so the owner of the subdivision sued the city and it was settled with damages at about \$40 million. During the appeal process, with interest accruing, it grew to \$70 million. As a result of that, there was not enough money, with the liability insurance and what the city had, to pay that amount of money, so it made an arrangement to trade off the park land in terms of settling the debt.

Trustee Marine asked if the City Council of Novi had actually just offered that park land up as a way to settle the debt.

Mr. Woolley said that was correct and that otherwise they would have had to increase the taxes and have the taxpayers pay it off.

Trustee Marine said that he wanted to know before we get into this how we are going to produce these contracts, and who will be involved. He said that he was asking because he wanted to be one of the people who is directly involved in working on these conservation easements, and so far he wasn't sure that he was.

Trustee Conner read directly from the proposed contract which had been included in the Board member's information packets: "Contractor agrees to attend meetings with the Pittsfield Township Clerk, Supervisor, Treasurer, Parks Director, and other officials in the completion of the easements and baselines. Contractor will meet with representatives of the Southeast Michigan Land Conservancy, to discuss details of their role, and their financial expectations."

Supervisor Walter said that there have already been meetings with the Parks Commission as a whole and then with two of the Parks Commissioners, and discussions with many people. He said that if a work session is needed in order to do this, that can be arranged. He said that the first thing that is needed is to get the information. He said that it is very important that the consultant be told that we need maximum flexibility for the township to be able to use the land for township purposes.

Trustee Marine said that we have actually directed four members of the township, the "other officials", and the representatives from the SMLC. He said that it was not directly clear that everything will come with sufficient time to take part in the negotiating process over every part of the easement for every member of the township Board. He said that he did not want to receive an easement, have a work session, and then a vote. He said that he wanted to be part of the entire process.

Supervisor Walter said that everyone in this room is part of the process in the sense that everyone is welcome to give suggestions and information. He said that the meetings were not going to be huge and that the attendees did need to get some work done, but that we want to be able to process all the information and then take it back and have people check it over and make further suggestions and come back. He said it is a process.

Trustee Marine asked if some of the planning meetings could be held evenings or weekends so that he could attend.

Barry Lonik said sure.

Trustee Burhop asked how many people in the audience would raise their hands and say that they wish that NewMarket were here now instead of a large public park.

Supervisor Walter said that he did not think that was a fair question.

Terry Bertram, of 1399 Bicentennial Parkway, told Supervisor Walter that he needed to share with him what was being debated and asked what the contract was. He asked if the \$3,000 was for 50 hours of "x", 20 hours of "y", 10 hours of "z".

Clerk Lirones said that that the contract was available to view in the Board packet at the back of the room.

Mr. Bertram said that it had not been there when he came in because he had looked for it.

Clerk Lirones pointed out the Board packet in the back of the room.

Mr. Bertram said that Trustee Marine had mentioned "SMLC" and said that the Board was using acronyms and that the public did not necessarily know what those meant.

Supervisor Walter said that "SMLC" stood for the Southeast Michigan Land Conservancy, but that there may be a motion to substitute an appropriate conservancy for that. He said that the Board hadn't gotten to any amendments, because there is still some debate.

Trustee Marine asked if the township attorneys had been spoken to prior to the idea of setting up a conservation easement.

Supervisor Walter said that there had been brief conversations, as well as conversations with Springfield Township who had done this very same thing. He added that the legality will be fully explored before anything is done.

Trustee Conner added that Springfield Township is a Michigan Township.

Bob Brackenbury said that there may be other townships that have done this, a couple names of which had been mentioned, and he couldn't speak for certain, but he assured the Board that they had not done it alone. He said that there had to be involvement of the township Parks Commission, or it could have been the exception that they did not have a Parks Commission. He said that if that community did have a Parks Commission, that township Parks Commission had to give that authority. He said that it works both ways and that the township Parks Commission cannot simply say in the future that it wants to sell of the land, because the township Board has to approve that also. He said that the township Board does not have the exclusive authority to do that.

Supervisor Walter asked Mr. Brackenbury if he had a copy of that opinion.

Mr. Brackenbury said that it was OAG – “Official Attorney General Opinion” - #5892.

Supervisor Walter asked Mr. Brackenbury if he happened to know if it applied to land that was deeded to the Parks Commissions.

Mr. Brackenbury said that was correct.

Supervisor Walter said that none of Pittsfield Township's land was deeded to the Parks Commission.

Mr. Brackenbury said it may not be deeded, but if it was an official park for which grants had been applied for or received, then it is park land.

Supervisor Walter said that what Mr. Brackenbury was saying was completely contrary to what John Etter, the township attorney, had told him in early 1997 about the powers of the Parks Commission. He said that he is hearing from two different attorneys now and that this needs to be checked out. He said that will be part of the process.

Clerk Lirones suggested amending the contract to replace the term “Southeast Michigan Land Conservancy” with the phrase “an appropriate land conservancy”, wherever that occurs. She said that the consultant should meet with the full-time administrators. She said that it should read “Township Supervisor, Clerk, and Treasurer”. She added that under “Reporting” it should read: “Contractor shall report to the Township Administration.”

Supervisor Walter asked if there was any objection to the changes.

**ROLL CALL VOTE:**

**AYES:** Brostrom, Burhop, Conner, Lirones, Walter.

**NAYS:** Marine, Skrobola.

**ABSENT:** None.

**ABSTAIN:** None.

**MOTION CARRIED.**

Supervisor Walter noted in a jocular manner that there are split votes on this Board, and that it is not a rare occurrence, as some people had been claiming. He thanked everyone for attending.

**16.0 Public Comment II**

Supervisor Walter said that Thursday night at 7 p.m. there will be a drainage meeting with the Lakeforest residents. He said that the Drain Commissioner will be presenting the findings and the engineering study. He said that a fairly robust turnout was expected, and that that this will be important because the Board will have to make a decision whether to proceed with requesting a Chapter 4 drain, and then whether or not the drain is actually done is dependent upon a Board of Determination. He said that we want the residents to know what they are getting into and try to get some feedback so that the Board isn't forcing this on the residents. He said that the administration wants to do what the citizens want in that subdivision.

**17.0 Adjournment** by Supervisor Walter at 10:05 p.m.

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Arianne Garza, Department Assistant  
Recording Clerk  
Pittsfield Charter Township

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Christina L. Lirones, Clerk  
Pittsfield Charter Township

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James R. Walter, Supervisor  
Pittsfield Charter Township

MINUTES APPROVED, AS CORRECTED, AT THE PITTSFIELD CHARTER TOWNSHIP  
BOARD OF TRUSTEES MEETING HELD NOVEMBER 10, 2003.