

**REGULAR MEETING of the PAINT CREEK TRAILWAYS COMMISSION**  
Held at the Paint Creek Cider Mill Building, 4480 Orion Road  
Rochester, Oakland County, Michigan

**CALL TO ORDER:** The Tuesday January 17, 2012 meeting was called to order by Vice-Chairperson Gamage at 7:05 p.m.

**Voting Members Present:** Rock Blanchard, Edward Peters, Kathy Thomas, Maryann Whitman  
(enter 7:06 p.m.)

**Voting Alternates Present:** Linda Gamage, Nathan Klomp, Martha Olijnyk (voting until 7:06 p.m.)

**Non-Voting Alternates Present:** Paul Miller

**Village of Lake Orion Non-Voting Member Present:** Doug Hobbs

**Voting Members Absent:** Steve Sage, Richard Schultz, Ravi Yalamanchi, Alice Young

**Alternates Absent:** Mark Crane, Cathy Daldin, Marc Edwards, Jeff Phillips

**Others Present:** John Makris, Attorney (enter 7:40 p.m.), Kristen Myers, Trail Manager, David Becker, Guest

**APPROVAL OF AGENDA:** A Resolution opposing SB 499 will be added for discussion after the Ordinance Subcommittee Update.

**MOTION** by Olijnyk, supported by Klomp, ***Moved***, to approve the January 17, 2012 agenda as amended.

Ayes: All      Abstain: Thomas      Nays: None      **MOTION CARRIED.**

**PUBLIC COMMENT:** Mr. Phil Miller, 1004 Gunn Road, Oakland Township, came forward and read from a prepared letter. He feels that the rule of trail users having to yield to horses is ridiculous. This trail is primarily for people to use. People who ride horses have no concern for others by allowing horses to soil the trail. The trail is not the place for horses. He wants everyone to be able to use the trail in a way that is safe and enjoyable for all.

**CONSENT AGENDA:**

- a. Minutes – December 20, 2011 Regular Meeting, approve and file
- b. Treasurers Report – December 2011, receive and file
- c. 2012 Meeting Schedule Resolution - Revised, approve

**MOTION** by Klomp, supported by Gamage, ***Moved***, that the consent agenda be approved as presented.

Ayes: All      Abstain: Thomas      Nays: None      **MOTION CARRIED.**

**APPROVAL OF INVOICES:** Ms. Myers presented invoices for the routine monthly expenses in the amount of \$308.25. Estimated Fund Balance is \$30,567.00

**MOTION** by Gamage, supported by Thomas, ***Moved***, that the invoices presented for payment are approved in the amount of \$308.25 and orders be drawn for payment.

Ayes: All      Nays: None

**2012 COMMISSION GOALS AND OBJECTIVES:** Ms. Myers has prepared proposed 2012 goals and objectives for the Commission to consider, including items that were listed in the Master Plan. Because of the legal action and time constraints over the past three years, many of the goals and objectives listed in the Maser Plan were not attempted. Ms. Myers asked the Commission to review and prioritize what should be accomplished this year. Because of today's economic uncertainty, the Commission needs to be careful about doing things that will require financial outlay. The connection to the Polly Ann Trail, the Atwater Site Development, the Recycle Bin program and the Rochester Hills Art Project should be high on the list. The Polly Ann Trail connection could require signage - possibly through grants, and assistance from the Orion Township Safety Path Committee to pave the Glanworth section. It was suggested the Village of Lake Orion DDA could be asked for assistance in the Atwater landscape development. This could also be an Eagle Scout project. It would be nice to have an official winter trail event so that there would be three annual trail events. The Recycle Bin program is a great idea, but maintenance needs to be researched – possibly as a scout community service effort. It was also suggested that volunteers be recruited to help Ms. Myers in the office so that she could spend more time with the goals and objectives. The OPC, Dinosaur Hill and/or retirees may be of help in this endeavor. The Personnel subcommittee needs to meet in the near future and could look at which subcommittees Ms. Myers needs to be involved with. After discussion, it was decided most of the goals and objectives should be pursued and it was suggested subcommittees be formed to start meeting to brainstorm ideas relative to each goal. Volunteers to subcommittees include:

Ordinance Revisions – subcommittee already in place  
Development of Interpretative Materials – Miller, Gamage, Whitman  
Connection with Polly Ann Trail – Miller, Peters, Blanchard  
Atwater Site Development – Hobbs, Thomas  
Rochester Hills Art Project – Klomp, Miller (the Drinking Fountain project could be done in conjunction with this art project)  
Development of Trailway Property in Southeast Rochester – Becker, Gamage, Olijnyk  
Paint Creek Crawl – the Friends Group  
Labor Day Bridge Walk – the Friends Group  
Native Plant Approval Policy/Guidelines (a list of approved species/locations) – Whitman  
Recycle Bin Program – Miller, Gamage, Thomas, Olijnyk  
Memorial Program (bench, trees, location) – Blanchard, Young (suggested)  
Recruiting Volunteers for projects – Blanchard, Miller

**ORDINANCE SUBCOMMITTEE UPDATE:** Ms. Myers indicated the subcommittee met a couple times last week and went over the ordinances. Mr. Makris is reviewing the suggested changes and the goal is to bring a draft showing what the current ordinances are, and what is to be added and/or deleted to the February meeting. One ordinance considered to be added is that bicycles shall not be operated in an unsafe manner – this might cover some of the thoughts in terms of the reckless use of bicycles. One thing that might be added is an emergency powers clause – something to the effect that “nothing in this article shall prohibit the Trailways Commission or their designees from establishing emergency rules designed to protect the health, welfare or safety of trail visitors to protect trailways land and to protect order”. The subcommittee will meet prior to the next meeting and will bring this information back for Commission approval next month. If approved, it will then be sent to each community for their attorney's review and eventual first and second readings for ordinance adoption.

**RESOLUTION IN OPPOSITION TO SB 499:** Ms. Myers stated last month the Commission discussed some of the problems relative to answers received on Senate Bill 499. Based on that discussion, Ms. Myers has drafted a resolution for Commission consideration opposing the bill.

Mr. Makris stated he has reviewed the resolution and feels it is very well written. The economic importance of the trail to the communities should be added. It is the consensus of the Commission to send the Resolution as amended to Senator Marleau immediately.

**Paint Creek Trailways Commission Resolution #12-002  
In Opposition to SB 499, a bill to amend 1994 PA 451 entitled  
“Natural Resources and Environmental Protection Act”**

**RESOLUTION OPPOSING SB 499**

WHEREAS, the Paint Creek Trailways Commission, of Oakland County, Michigan, does hereby find as follows:

WHEREAS, the Paint Creek Trailways Commission, the intergovernmental agency that owns and operates the 8.9 mile developed Paint Creek Trail in Oakland County, Michigan, purchased the former Penn-Central Railroad property utilizing State grants and local funds in 1983 for \$450,000 and was the first Rail-to-Trail in the State of Michigan;

WHEREAS, the land owned by the Paint Creek Trailways Commission has a value today in excess of \$1.2 million dollars;

WHEREAS, the Paint Creek Trail is open for public use and receives over 100,000 users annually, including walkers, joggers, hikers, nature enthusiasts, equestrians, and cyclists and is a valuable local resource that enhances the quality of life for residents and visitors to southeastern Michigan;

WHEREAS, the Paint Creek Trail is an important transportation corridor, contributing to the local economy by connecting the two Main Street Oakland communities of Rochester and Lake Orion;

WHEREAS, telecommunication company use of public trails and parkland is a real and possible revenue source for local governments, agencies, and managing organizations;

WHEREAS, if SB 499 is passed, and a utility would be able to load a new crossing or lineal occupancy on to trail property without compensation to, or oversight by, the trail owners, it would effectively destroy the natural features of the trail;

WHEREAS, such legislation would encourage other utilities to seek the same benefit for their use - sewers, water lines, fiber optic systems, neighborhood above ground or underground electric delivery/distribution, gas lines, etc. - all without compensation to or protective conditions required by the property owning Trail Unit;

WHEREAS, such unilateral power to occupy the public trail by private/quasi-public entities most likely would/might violate the purpose of the trail as represented to qualify for Federal Grants or previous Federal or State funding;

WHEREAS, most, if not all, existing contracts have termination provisions which would be used to end agreements and be followed with new crossings (without conditions and protective clauses or rental payments);

NOW, THEREFORE, BE IT HEREBY RESOLVED THAT THE PAINT CREEK TRAILWAYS COMMISSION OF OAKLAND COUNTY, MICHIGAN is **strongly opposed to**

**SB 499**, a bill that would amend 1994 PA 451 entitled "Natural Resources and Environmental Protection Act".

Motion by: Gamage  
Supported by: Whitman

Ayes: Blanchard, Gamage, Klomp, Peters, Thomas, Whitman  
Nays: None

**MOTION CARRIED UNANIMOUSLY.**

**OFFICER ELECTION:** Mr. Blanchard indicated he would like to step down from being Chairperson as he's been in that position for many years. There was interest by Mr. Becker last year, but he has not yet been appointed to this Commission by the City of Rochester for 2012. Ms. Gamage reported she received information that Mr. Schultz has resigned, which was accepted by the City of Rochester last night. Election of officers could be postponed one more month, pending appointment of Mr. Becker.

**MOTION** by Klomp, supported by Whitman, *Moved*, that election of officers be postponed one month, and that the current officers continue to serve until that time.

Ayes: All Nays: None

**MOTION CARRIED.**

**MANAGER'S REPORT:** In addition to the written report, Ms. Myers indicated she spoke with Mr. Hartner, Rochester Hills Parks Director, about three trail bridges that were inspected. Many problems and issues were found; estimated repair is \$140,000 for the bridges. This is the first Ms. Myers has heard about the problems. Mr. Hartner indicated he will attempt to get the repairs into the City's CIP schedule for this year. Ms. Myers has requested copies of the inspection reports, this information will be passed on to the Commission. The Commission expressed their support of the necessary repairs and because of the safety of trail users, Ms. Myers was asked to draft a letter of support for the work to Mr. Hartner, copying City Council members. Mr. Klomp indicated he will pursue information relative to the inspections from the City. Ms. Myers reported that Mr. Sage's City Council alternate from Rochester is Ms. Cathy Daldin; a member packet and an invitation to attend meetings will be sent to her.

**ATTORNEY'S REPORT:** Mr. Makris reported that the default judgments were mailed today to the defendants, the consent judgments are ready to be mailed. The DNR dismissal letter has been mailed to the new attorney. In the Solaronics case, Mr. Gaber indicated he did not have the signed original documents, and that Mr. Makris should file the duplicate signed originals – he is in the process of doing that. A registered letter was sent from Mr. Makris to the tree-cutting encroachment individual in Oakland Township. A letter was received back from the property owner stating nothing was contained in the envelope and he does not know why he is being contacted; he indicated he has an attorney, but no name was given to Mr. Makris. No phone calls were returned to Mr. Makris from the property owner. The bottom of the brush pile that is on our property has been there for quite some time. The Commission needs to decide what to do with the brush on our property and also what should be done about the damage to trail property. We need to follow the encroachment policy – after notification and no action by the homeowner, the Commission could take care of the issue and charge for removal of the brush. Perhaps Oakland Township could be notified of this issue, remove the brush pile and charge it to the homeowner, thereby taking the Commission out of the picture. The value of trail property trees removed could be ascertained and the homeowner be asked for reimbursement for these trees – an estimate needs to be done. The encroachment policy needs to be reviewed and that will indicate what the next step is. Mr. Makris indicated this is definitely a trespass issue.

**COMMISSIONER REPORTS:** Ms. Myers was thanked for all her work on the ordinance revisions.

**ADJOURNMENT:**

Upon **MOTION** by Klomp, supported by Gamage, *Moved*, the Regular Meeting was adjourned at 8:45 p.m.

Ayes: All      Nays: None

**MOTION CARRIED.**

**NEXT MEETING: February 21, 2012 at 7:00 p.m. at the Paint Creek Cider Mill**

Respectfully submitted,

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KRISTEN MYERS, Trail Manager

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EDWARD PETERS, Trailways Secretary

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