

CHARTER TOWNSHIP OF WATERFORD  
5200 CIVIC CENTER DRIVE  
WATERFORD, MI 48329  
May 24, 2010  
6:30 PM  
- A G E N D A -

APPROVE AGENDA -  
APPROVE MINUTES -  
APPROVE BILL PAYMENT -

ANNOUNCEMENTS:

1. St. Pat's Committee to announce and present to the 2010 Stacey Giroux winner and runner-ups along with the 2010 Scholarship.

AWARDS & PRESENTATIONS:

1. Awards to Police Department Employees

REPORTS:

1. Fire Department, 2009 Annual Report
2. Library Department, April 2010
3. CPD Department, April 2010
4. Treasurer's Department, April 2010

OLD BUSINESS:

1. Resolution to Support Phosphate Fertilizer Ban

NEW BUSINESS:

1. Dance and entertainment license for 7100 Cooley Lake Rd.
2. A letter of no objection for SDM license for 7100 Cooley Lake Rd.
3. Appointment of Rod Lema to the Watkins Lake Improvement Board
4. Proclamation for Scleroderma Awareness Month, June 2010
5. Reappointment of Janice Richards to the Police and Fire Pension Board
6. Support of Legislation Addressing Statutory Mandates Resolution

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Betty Fortino, Clerk

IN CONFORMANCE WITH THE AMERICANS WITH DISABILITIES ACT, LARGE-PRINT AGENDAS AND MINUTES ARE AVAILABLE UPON REQUEST. BARRIER-FREE PARKING AND ACCESS ARE ALSO AVAILABLE AT TOWN HALL. MINUTES ARE AVAILABLE UPON REQUEST AT THE CLERK'S DEPARTMENT, AND ON THE TOWNSHIP'S WEB SITE.

Minutes of the Waterford Township Board Meeting, held May 24, 2010 at 6:30 PM in Town Hall Auditorium, 5200 Civic Center Drive, Waterford, Michigan 48329.

BOARD MEMBERS PRESENT:

Carl W. Solden, Supervisor  
Betty Fortino, Clerk  
Margaret Birch, Treasurer  
David Kramer, Trustee  
David Maloney, Trustee  
Bette O'Shea, Trustee

BOARD MEMBERS ABSENT:

Heather M. Coats, Trustee

OTHERS PRESENT:

Dawn Stankus	Sandra Ritter	Jeff Finkbeiner
Martin Stankus	Dan McCaw	Ron Spears
Craig Fuerst	Frank Mostek	Chet Bartle Jr.
Tracy Fuerst	Lori Best	Chuck Schlke
Bob Giroux	Jim Templer	Joe Latozas
Marlene Giroux	Anthony Bartolotta	Denise Doetsel
John Reiland	Brian Schram	Donna Letang
Jean Reiland	Carmen Lackey	Bill Teichman
Martin F. Kuhn	Liz Lesnau	Todd Johnson
Dennis Ritter	Sharon Thomas	Dan Burleigh

Supervisor Carl Solden called the meeting to order at 6:43 PM, asked for a moment of silence, then led the Pledge of Allegiance.

Moved by O'Shea,

Supported by Birch, RESOLVED, to approve the May 24, 2010 Agenda with Awards to Police Department Employees moved from item 1 to item 2 and the St. Pat Committee's presentation of the 2010 Stacey Giroux winner and runner-ups along with the 2010 Scholarship moved from Item 2. to item 1.

Motion carried unanimously.

Moved by Maloney,

Supported by O'Shea, RESOLVED, to approve the May 10, 2010 minutes adding Leslie Soloman under Others Present.

Motion carried unanimously.

Moved by Kramer,  
Supported by Birch, RESOLVED, to approve the payment of the bills for May 24, 2010 as presented. A list of the bills is attached to these minutes.

Motion carried unanimously.

Committee members of Jim Talley Girls Roundball Tournament Christie Kay and Sharon Schmitt announced winners and presented the following awards:

Al Nagle Scholarship Awards:	Kettering:	Sara Stinson
	Mott:	Holly Cooperrider
\$1000.00	Lakes:	Alexis Doetsch

Stacey Giroux Scholarship:	Kimberlyn Stankus
	Runnerup: Morgan Fuerst
	Runnerup: Emily Schram

The Board offered their congratulations.

Waterford Township Police Chief Dan McCaw made the following presentations:

Sergeant Jack Sutherland	Baby Blanket
Detective Gregory Drumb	Officer of the Year
Officer Michael Taylor	MADD Award
Officer William Dolehanty	Putnam Award
Lieutenant Frank Mostek	Chief's Award of Excellence
Officer Dennis Ritter	Letter Of Commendation
Lori Best	Letter Of Commendation
James Templer	Civilian Citation

The Board offered their congratulations

The following reports were presented:

1. Fire Department, 2009 Annual Report
2. Library Department, April 2010
3. CPD Department, April 2010
4. Treasurer's Department, April 2010

Moved by O'Shea,  
Supported by Maloney, RESOLVED, to receive the foregoing reports.

Motion carried unanimously.

The following memo was received from Environmental Coordinator Stacy St. James, Community Planning and Development Director Robert Vallina, and Building and Engineering Director Douglas W. Bradley:

At the May 10, 2010 Township Board meeting, an open discussion was held concerning the use of fertilizers containing phosphates on established lawns surrounding the numerous inland lakes located within Waterford. Trustee Kramer provided the Board with several documents describing the detrimental effects phosphate, when carried into the lakes by storm water runoff, will have on the health and continued viability of those lakes. Trustee Kramer requested that the Board investigate creating an ordinance banning the application of fertilizers containing phosphates by commercial contractors as well as ban the sale of fertilizers containing phosphates at retail stores located within Waterford.

The Township Board agreed that the use of fertilizers containing phosphates is not necessary for established lawns and is detrimental to the overall health of the inland lakes. Some members of the Board, however, questioned how effective a local ordinance would be if fertilizers containing phosphates remain available at retail stores located immediately across the Township line. Enforcement of such a local ordinance would be nearly impossible. Supervisor Solden expressed his opinion that the most effective method to dramatically reduce the use of fertilizers containing phosphates would be for the State of Michigan to enact a statute prohibiting the sale of fertilizers containing phosphates throughout the State, similar to the ban on phosphates in laundry detergents enacted by the Michigan Legislature in 1977. Treasurer Birch commented that two Bills have been introduced in the House of Representatives, HB 5368 and HB 5369, prohibiting the sale of fertilizers containing phosphates throughout the State of Michigan.

Following the May 10, 2010 Board meeting staff reviewed the two Bills being introduced in the House of Representatives and is convinced that enactment of either, or both, of these Bills will satisfy the desire of the Board to prohibit the use of fertilizers containing phosphates on established lawns. In an effort to advise our elected representatives in the State Legislature of our desire for them to expeditiously enact state wide controls on the sale of fertilizers containing phosphates we have prepared the attached Resolution for your consideration and approval.

If you have any questions or require additional information, please feel free to contact any of the authors of this memorandum.

The Resolution follows:

**RESOLUTION IN SUPPORT OF STATEWIDE BAN OF THE SALE AND DISTRIBUTION OF FERTILIZERS CONTAINING PHOSPHATES FOR USE ON ESTABLISHED LAWNS**

WHEREAS, the Charter Township of Waterford, which is located in the geographic center of Oakland County, contains an area of nearly 36 square miles, has a residential population of over 70,000, has 32 inland lakes and over six miles of the Clinton River within it's municipal boundaries; and,

WHEREAS, the inland lakes and Clinton River within the Charter Township of Waterford provide scenic vistas for the residents as well as provide for the economic value of the

Resolution continued.

properties; and,  
WHEREAS, the inland lakes and Clinton River within the Charter Township of Waterford provide for the efficient control and management of storm water runoff; and,  
WHEREAS, numerous scientific studies have concluded that excess phosphate available in established lawns, from the application of fertilizers containing phosphates, will be carried to the lakes and rivers by storm water runoff and result in accelerated growth of algae and weeds within those lakes and rivers; and  
WHEREAS, the Charter Township of Waterford, in an effort to protect the integrity, natural beauty and economic value of the inland lakes and Clinton River, has for a number of years supported and recommended the use of fertilizers containing zero phosphates on established lawns; and,  
WHEREAS, the Charter Township of Waterford has, for the past five years, specified that all fertilizers applied on the established lawns of municipally owned properties, such as the Civic Center Complex, the various cemeteries, the parks and the various athletic fields, shall contain zero phosphates; and,  
WHEREAS, the Charter Township of Waterford has not observed any detrimental effects on the overall health, vitality, color or durability of the established lawns from the use of fertilizers containing zero phosphates; and,  
WHEREAS, the Charter Township of Waterford is convinced that application of fertilizers containing phosphate on established lawns is not necessary for the continued vitality of the lawn and the runoff of those excess phosphates into the lakes and rivers results in the decline in value of the lakes and rivers by accelerating the growth of algae and nuisance weeds; and,  
WHEREAS, the Charter Township of Waterford is one of 61 municipalities in Oakland County and one of 1,420 municipalities throughout Michigan's 83 counties; and  
WHEREAS, the Charter Township of Waterford believes that it cannot efficiently and effectively reduce or eliminate the use of fertilizers containing phosphates on established lawns without a unified and regulatory effort joined by all Michigan municipalities; and,  
WHEREAS, the Charter Township of Waterford believes the most efficient and historically proven way to reduce or eliminate the use of fertilizers containing phosphates on established lawns would be a statute to prohibit the distribution and sale of fertilizers containing phosphate; and,  
WHEREAS, Michigan, in 1977, recognized the harmful effects that excessive phosphates were producing in the Great Lakes and took legislative action to prohibit the distribution and sale of detergents containing phosphates within the State; and,  
WHEREAS, there are currently two Bills, HB 5368 and HB 5369, under consideration in the Michigan House of Representatives that would prohibit the distribution and sale of fertilizers containing phosphates for use on established lawns throughout the State.  
NOW THEREFORE BE IT RESOLVED, the Board of Trustees for the Charter Township of Waterford, in an effort to protect the inland lakes and rivers, recommends that all fertilizers applied to established lawns should be those that contain zero phosphates; and,  
BE IT FURTHER RESOLVED, that the Board of Trustees for the Charter Township of Waterford strongly recommends that the Michigan Legislature take immediate action to pass Bills that will prohibit the distribution and sale of fertilizers containing phosphates for use on established lawns throughout the State, such as HB 5368 and HB 5369; and,  
BE IT FURTHER RESOLVED, that the Supervisor of the Charter Township of Waterford is hereby authorized to provide a copy of this RESOLUTION to all elected members of the Michigan Legislature.

Move by Kramer,  
Supported by O'Shea, RESOLVED, to approve the Resolution to Support Phosphate Fertilizer Ban.

Motion carried unanimously.

Clerk Betty Fortino received a request form the State Liquor Control Commission to amend the Waterford Lanes Class C Liquor License as follows:

Amend to include Inc. in the corporate name and amend to include request for a Dance-Entertainment permit in conjunction.

Moved by O'Shea,  
Supported by Kramer, RESOLVED, to amend Waterford Lanes Class C Liquor License to Amend to include Inc. in the corporate name and amend to include request for a Dance-Entertainment permit in conjunction. In addition to prior approval already granted as per attached copy of resolution adopted on April 12, 2010.

Motion carried unanimously.

A letter of no objection for a SDM license at 7100 Cooley Lake Road was requested by Clerk Fortino.

Moved by Fortino,  
Supported by Kramer, RESOLVED, to send the State Liquor Control Commission a letter of no objection for a SDM license for Waterford Lanes, Inc., 7100 Cooley Lake Road.

Motion carried unanimously.

The following memo was received by Supervisor Solden:

I respectfully request the Township Board's approval of the appointment of Rod Lema to the Watkins Lake Improvement Board due to the resignation of Jerry Meach. Mr. Lema would fill the position as a Citizen Representative of the Watkins Lake.

The members of the Watkins Lake Board are in full support of Mr. Lema's appointment and I concur.

Moved by Kramer,  
Supported by Birch, RESOLVED, to appoint Rod Lema to the Watkins Lake Improvement Board.

Motion carried unanimously

The following Proclamation was received from Supervisor Solden:

CHARTER TOWNSHIP OF WATERFORD  
SCLERODERMA AWARENESS MONTH-JUNE, 2010  
PROCLAMATION

*WHEREAS*, Scleroderma is a chronic, disabling autoimmune disease in which the body's soft tissues suffer from an overproduction of collagen; and

*WHEREAS*, Scleroderma can affect many parts of the body including skin, internal organs and blood vessels; and

*WHEREAS*, Scleroderma sufferers often experience damage to the heart, lungs, kidneys and the gastrointestinal system and many sufferers develop pulmonary hypertension as a result of constriction of the blood vessels; and

*WHEREAS*, African Americans are more susceptible to systemic Scleroderma and researchers have yet to identify the exact cause or causes of Scleroderma and found links between Scleroderma and rheumatic disease; and

*WHEREAS*, an estimated 300,000 Americans suffer from Scleroderma and 80 percent of those are women; and

*WHEREAS*, the estimated total economic impact of Scleroderma treatment is estimated to be in excess of \$1.5 billion annually, the morbidity cost associated with Scleroderma is an estimated \$819,000,000 annually and the direct cost of treatment for Scleroderma is estimated to be \$462,000,000 annually; and

*WHEREAS*, there is a significant need for further research focusing on the epidemiology of Scleroderma to increase understanding of the causes of the disease and its treatment; and

*WHEREAS*, the United States Congress has recognized the need to raise awareness of the impact of Scleroderma on public health and has designated a National Scleroderma Awareness Month; and

*WHEREAS*, Michigan should also designate a Scleroderma Awareness Month to help educate the public about autoimmune diseases and the need for increased research, funding and effective treatments for those diseases; and

*WHEREAS*, the designation of such a month would recognize the efforts of health care providers, patients and Scleroderma advocacy organizations to increase awareness of Scleroderma and of the need for increased research on Scleroderma; and

*WHEREAS*, June 2010 would be an appropriate month to designate as Scleroderma Awareness Month.

*NOW THEREFORE*, I, Carl W. Solden, Supervisor of the Charter Township of Waterford, do hereby proclaim June as Scleroderma Awareness Month in the Charter Township of Waterford, Michigan. I call upon all citizens, community organizations and

businesses to recognize this awful disease and commend the staff and volunteers of the Scleroderma Foundation Michigan Chapter for all they do to support, educate and stimulate research in cure of Scleroderma.

Moved by Maloney,  
Supported by Fortino, RESOLVED, to proclaim June as Schleroderma Awareness Month.

Motion carried unanimously.

The following memo was received from Supervisor Solden:

I respectfully request the Township Board's approval to reappoint Janice Richards to the Waterford Police and Fire Pension Board term to expire May 31, 2014.

Ms. Richards has served on the Police and Fire Pension Board for many years and continues to provide value to any issues at hand. The Pension Board is in favor of her reappointment.

I am in agreement and feel Ms. Richards' reappointment is an asset to the Pension Board serving the Township well.

Moved by Fortino,  
Supported by O'Shea, RESOLVED, to reappoint Janice Richards to the Waterford Police and Fire Pension Board, term to expire May 31, 2014.

Motion carried unanimously.

The following Resolution was received from Clerk Betty Fortino.

**RESOLUTION IN SUPPORT OF  
LEGISLATION ADDRESSING STATUTORY MANDATES**

WHEREAS the electorate of the State of Michigan passed an amendment in November 1978 to the State's Constitution that required the State to fund mandates imposed on local units of government (often referred to as the "Headlee Amendment"); and

WHEREAS the Headlee Amendment (Article IX, Section 29) states:  
"The state is hereby prohibited from reducing the state financed proportion of the necessary costs of any existing activity or service required of units of Local Government by state law. A new activity or service or an increase in the level of any activity or service beyond that required by existing law shall not be required by the Legislature or any state agency of units of Local Government, unless a state appropriation is made and disbursed to pay the unit of Local Government for any necessary increased costs. The

provision of this section shall not apply to costs incurred pursuant to Article VI, Section 18.”;and

WHEREAS The Headlee Amendment became effective on December 23, 1978; and

WHEREAS the State Legislature established the Legislative Commission on Statutory Mandates (LCSM) through P.A. 98 of 2007, as amended by P.A. 356 of 2008 and assigned the LCSM to identify mandates (including those involving reports) and the related cost of the mandates to local units of government, along with recommendations to resolve the unfunded mandates; and

WHEREAS the LCSM worked with the Citizens Research Council (issued an analysis of other state’s statutes and constitutional requirements similar to the Headlee Amendment) and local units of government associations, including:

- Michigan Association of Counties.
- Michigan Municipal League.
- Michigan Township Association.
- Michigan School Business Officials and Michigan Association of School Administrators.
- Michigan Community College Association.
- County Road Association of Michigan; and

WHEREAS the LCSM issued a report in June 2009 entitled “Interim Report of the Legislative Commission on Statutory Mandates” that indicated, among other matters, that the State had failed to enact legislation enabling the Headlee Amendment and has not complied with the Headlee Amendment since its adoption in 1978; and

WHEREAS the LCSM has completed its report in December 2009 entitled “Final Report of the Legislative Commission on Statutory Mandates” that reaffirms the Interim Report results and provides recommendations, including but not limited to:

- Drafted legislation and court rules that would mitigate unfunded mandates imposed on local units of government in the future.
- Proposed procedures that will prevent new unfunded mandates from being imposed on local units of government.
- Proposed procedures that would be corrective should unfunded mandates be imposed that include, among other requirements:
  - A submission of an action before the Court of Appeals to be heard by a special master in order to rule on whether the matter is a mandate and if the mandate is underfunded.
  - Require the Court of Appeals to rule on the above within six months of filing.
  - Should the Court of Appeals not rule on the above within six months, the local unit of government would have no obligation to continue to provide the services until such time as the State complies with the Headlee Amendment; and

WHEREAS the Michigan Association of Counties adopted a resolution of support for the recommendations contained in the final LCSM report in December 2009; and

WHEREAS legislation has been introduced to address the impact of legislation on local units of government, including HB 5766, and HB 5797 – HB 5802.

NOW THEREFORE BE IT RESOLVED that the Charter Township of Waterford Board of Trustees supports the findings and recommendations in the interim and final reports of the Legislative Commission on Statutory Mandates and encourages the Governor, Legislature and Supreme Court to adopt and enact the recommendations cited in the final Legislative Commission on Statutory Mandates report.

BE IT FURTHER RESOLVED that the Charter Township of Waterford Board of Trustees supports legislation that has been introduced to address the impact of legislation on local units of government, including HB 5766, and HB 5797-HB 5802.

BE IT FURTHER RESOLVED that the Charter Township of Waterford Board of Trustees approves the release of this resolution and requests the Township Clerk to distribute copies of the adopted resolution to the Governor and our State Representatives.

Moved by Fortino,  
Supported by O'Shea, RESOLVED, to approve the release of the Resolution Support of Addressing Statutory Mandates Resolution and directs the Township Clerk to distribute copies of the adopted resolution to the Governor and our State Representatives.

Motion carried unanimously.

Moved by Maloney,  
Supported by Birch, RESOLVED, to adjourn at 7:35 PM.

Motion carried unanimously.

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Betty Fortino, Clerk

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Carl W. Solden, Supervisor