

**ROSE TOWNSHIP BOARD OF TRUSTEES
SPECIAL MEETING
November 22, 2010**

The following residents and guests signed in as present:

Jim Hanks	Nancy Hanks	Scott Fischer	Lyle Barger
Roy Emmons	Al Lopez	Don Walls	Pat Walls
Robert Hauxwell	Alton Gray	Paul Gambka	

Other(s) present: Susan Weaver (Recording Secretary), John Mulvihill, Esq. (Township Attorney)

Supervisor Kalcec called the special meeting of the Rose Township Board of Trustees to order at 6:00 p.m. at the Rose Township Hall, 204 Franklin Street, Holly, Michigan.

Board Members Present: Gordon, Kalcec, Miller, Slaughter, Scheib-Snider
Board Members Absent: None

APPROVAL OF AGENDA:

A. Approval of Proposed Agenda for November 22, 2010.

Supervisor Kalcec would like to add “**Adoption of Corrected Resolution**” to line item 4.

Moved by Scheib-Snider, seconded by Gordon, motion carried to approve the Agenda as amended.

**Voting Yes: Scheib-Snider, Kalcec, Gordon, Slaughter, Miller
Voting No: None**

PUBLIC HEARING BIG TRAIL SPECIAL ASSESSMENT ROLL AND ADOPTION OF CORRECTED RESOLUTION:

Supervisor Kalcec opens the public hearing on the Big Trail Special Assessment Roll at 6:02 p.m.

There were no public comments.

Supervisor Kalcec closes the public hearing on the Big Trail Special Assessment Role at 6:03 p.m.

Supervisor Kalcec states Mr. Kevin Walters could not attend tonight’s meeting but submitted an email to the Township stating he has reviewed the new tax roll and found it to be complete and error free.

Moved by Slaughter, Second by Miller, motion carried to adopt the resolution to create the Big Trail Special Assessment District No. 11 as corrected.

Slaughter would like to explain that we found parcels had been split, etc. so assessment district had to be changed to accommodate these findings. Supervisor Kalcec states notices were sent out containing this information.

Voting Yes: Slaughter, Miller, Gordon, Scheib-Snider, Kalcec
Voting No: None

WORK SESSION TO REVIEW ARCHITECTURAL PLANS:

Supervisor Kalcec asks for a 15 minute recess to review plans and documents.

Board reviewed blue prints and revised plans with Redstone Architects. Mr. Gittleman/Redstone Architects will make plans available for viewing at Township Offices.

Jim Hanks, Resident asks Gittleman/Redstone if project estimate is based on unit prices considering Davis Bacon. Architect responds yes. Resident clarifies the estimated \$221,000.00 does not include investigation fees or Redstone's drawing fee? Architect responds no. Resident responds this would be an additional \$30,000.00 (estimate) bringing total cost to an estimated \$250,000.00 plus inspection fee. Architect responds yes. Resident clarifies there is also a 2% overhead, 6% builder profit. Resident asks if it is standard on a government funded Davis Bacon project, this could have a 12% shortfall based on Redstone's numbers, making us \$20,000.00 short. Architect responds yes. Resident states in any government financed project, there should be a 10% overhead for general contractor and 10% profit. Resident wants to point out that based on Redstone's numbers, we will be approximately \$20,000.00 short of the reality. Gittleman/Redstone states we had contractor handle estimate and this is a realistic number. Resident asks Gittleman/Redstone if our building inspector broke law/rules by issuing certificate of occupancy. Gittleman/Redstone states that the building did not meeting ADA/code requirements.

Chester Koop, Resident states that given Bacon Davis requirements, CDBG becomes available in June, may want check to see if you can bifurcate ADA requirements until then. Supervisor Kalcec states we have already programmed for this.

Robert Hauxwell, Resident states the breakdown: \$165,000.00/offices, \$56,000.00/hall. Supervisor Kalcec responds yes. Resident asks why we are spending \$56,000.00 on the hall if the offices will have a conference room to accommodate 50/plus people. Supervisor Kalcec states that other associations use the Township Hall and it will still be used for meetings. If the Hall is ADA accessible it can be used by residents for various functions. Resident asks Mike (?), building needs to be appraised, why would any branch of government give more money toward this project. Mike (?) states this is a local decision. Resident believes this is throwing good money after bad.

G.E. Noble, Resident asks Gittleman/Redstone what percentage of projected costs are code violations. Mr. Gittleman responds we do not have a breakdown, code violations drove the cost up. There were not code violations in the hall, violations in office constitute at least half. Resident states there are many recipients of fund Davis Bacon,

and many cases of Davis Bacon violations wherein contractors are going to jail, Board must make sure these rules/laws are enforced and employees are paid properly.

Scott Fischer, Resident recommends that the building be appraised prior to construction. Supervisor Kalcec states the Board could decide to do this.

Jim Hanks Resident states on November 11, 2009, he stood before this Board and presented 23 allegations based on incompetence/ illegal procedures committed by this Township Board/employees relating to the purchase, renovation and occupancy of the 9080 Mason Street Township Offices. Resident would like the record to show that previous Supervisor Chester Koop informed the Township Board, media, and tax payers that the Township did its due diligence with the purchase of the building and had an appraisal when in fact there was not an appraisal, just an opinion. When the Township Building Inspector and Mr. Koop were questioned regarding required plans for the building, they could not remember, these plans were not provided by a professional licensed company. Chester Koop repeatedly stated that the building met code. Dave Schang/Building Inspector admitted the building did not meet code before he issued Certificate of Occupancy. Mr. Schang and Mr. Koop circumvented the laws entrusted to them to uphold. Resident states these actions are untrustworthy and illegal. Supervisor Kalcec formed a citizens' committee consisting of outstanding township residents who completed an investigative report of these 23 allegations and upon completion, Supervisor Kalcec resisted officially accepting such report and has not taken any action regarding the findings. Resident requested that the Township Board fire Dave Schang/Building Inspector who is paid three times the money as the same amount of permits and average permits costs as Holly Township pays for the same amount of work. Mr. Schang works in Holly as a contractor and is paid as an employee in Rose Township. Additionally, Resident states the Township had a \$700.00 dispute with Chester Koop regarding a FOIA request, which resolution turned into a series of closed door meetings/legal positioning. Mr. Koop ultimately settled for \$1,700.00 and we paid Township Attorney \$7,000.00 in legal fees. Resident asks how Mr. Koop was able to spend hours behind closed doors with members of the Board, attorneys, and auditors constructing a political attack against Treasurer/Slaughter. Mr. Koop had access to private citizen's facsimiles which he attempted to use as evidence. The personnel/employees of the Township have created this financial mess, need to fire Dave Schang/Building Inspector and take action against Messers Schang and Koop. With the exception of Debbie Miller and Susan Slaughter, the remainder of Board should consider resigning before any more financial decisions are made. If someone is hurt in the building based on today's findings and a claim is brought against the Township, insurance company will not pay the claim, will only pay legal fees and tax payers will pay the rest.

G.E. Noble, Resident suggest when Redstone sends out bids, use improvements of Township Offices as the base bid and use improvements to the Township Hall as alternate bid. This would allow the public to decide. Resident asks how much money is available in the grant. Mike (?) states it is based on a formula, divided into 52 communities (\$20,000.00 per year, \$40,000.00 available to Rose Township now). Resident urges Board to think about the process.

Pat Walls, Resident states it is unfortunate that Mr. Hanks does not understand it is not the Supervisor's responsibility alone to handle the citizen's report, it is a Board decision.

Chester Koop, Resident states his FOIA request did not pertain to building issues, but rather a result of FOIA violations pertaining to financial records. Mr. Koop states he appealed these issues to the Board, took Treasurer's advice and went to court and was only looking to get his costs back. Resident states it is unfortunate the Township had to pay this amount but Township officials refused him access to requested documents.

Treasurer/Slaughter states Mr. Koop is wrong and was in fact given what he requested. Slaughter states the Township Attorney informed her Mr. Koop was provided with the documents he requested under FOIA and if he was not happy he may appeal to the Board and then to circuit court.

Supervisor Kalcec states that she did in fact conduct research after Mr. Hank's allegations. The working facility in the basement was unsafe when we worked there prior to building being done and Board members said nothing. Supervisor Kalcec admits we missed one step, the change of use step requirement. Supervisor Kalcec further states when you change the use of a building it triggers a new building code. Supervisor Kalcec was not aware of this until she performed her research.

Robert Hauxwell, Resident asks why the state was told there would only be 5-10% remodeling of the building, this was hiding the facts. Supervisor Kalcec states the percentage was based on an opinion relating to no structural changes. There were not any structural changes and state never looked at the building after complaint. Supervisor Kalcec called to ask the state to look at building, they refused. Resident states you can build a house with \$225,000.00 and Building Inspector knowingly issued a certificate of occupancy for the building. Resident states the Board should put bidding on hold and determine if any further money should be expended. We will never get money spent out of this building. Gordon states he will not ask voters for more money and a new building cannot be constructed for \$221,000.00. Resident is asking Board to consider these alternatives. Supervisor Kalcec states voters initially turned down money for new construction three times, we did look into these options and felt remodeling was a better choice. Resident states Board should put additional information on website/cable, etc., keeping residents more informed. Supervisor Kalcec states we have options and Board needs to consider each one before we move forward.

Any CDBG funds, in order to be eligible for ADA you must remove existing barriers. CDBG could not be used for new construction.


Jim Hanks, Resident states he recognizes the problems faced here, however, based on what we are about to spend we will have \$750,000.00 into the building and could have had a new one. Resident performed cost analysis and found, for the money invested into these buildings, could have had a new building with a room big enough to hold Township meetings. This is not possible now, therefore a friendly solution would be, if a building could be built, money going to spend we are 1/3 financed. If there is a method in place to use what we have, consider not putting in an additional \$250,000.00 and consider using tax payer funds income, wait a few year for governmental funds and build a new building. The new building would be code compliant, could accommodate meetings and all this would go away. Mr. Hanks also apologizes to Mr. Koop; he did not bring the issue up regarding the building. Resident's issue is not with mistakes made, it is regarding statements made that the building was code compliant and Building Inspector stating he knew it was not and would not be code compliant. This is the issue, purposeful deception.

PUBLIC COMMENTS: Already heard above.

ADJOURNMENT:

Supervisor Kalcec adjourns the special Board meeting at 7:42 p.m.

Approved/Corrected


Debbie Miller, Clerk
Rose Township