

**ROSE TOWNSHIP BOARD OF TRUSTEES
REGULAR MEETING
October 13, 2010**

The following residents and guests signed in as present:

Paul Gambka	Bruce Proper	Darlyne Stanczyk	Jim Weil
Don Walls	Mark Bolan	Ralph Richman	Ben Richman
Robert Hauxwell	Alton Gray	Lyle Barger	Katherine Bair
Emile Bair	LeeAnn Hole	G.E. Noble	Stephanie
Minton			
Alec Buckner	Nancy Hanks	Jim Hanks	Janet Cousins

Other(s) present: Susan Weaver (Recording Secretary), John Mulvhill, Esq. (Township Atty.)

Supervisor Kalcec called the regular meeting of the Rose Township Board of Trustees to order at 7:30 p.m. at the Rose Township Hall, 204 Franklin Street, Holly, Michigan and led in the Pledge of Allegiance.

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

Communications available.

APPROVAL OF AGENDA:

A. Approval of Proposed Agenda for October 13, 2010.

Moved by Slaughter, seconded by Gordon, motion carried to approve the Agenda for the October 13, 2010 regular meeting of the Rose Township Board of Trustees as submitted.

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

CONSENT AGENDA:

Gordon pulls meeting minutes and bills.

Moved by Slaughter, seconded by Gordon, motion carried to approve receipt of monthly reports.

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

A. Approval of Minutes of September 8, 2010 and September 21, 2010 Meetings

Gordon states that the 9/8/2010 Minutes (p. 3, New Business, A. Appoint Two (2) Board Members To Attend Shared Services Meeting) reflect his vote as “No”, should be “Yes”.

Gordon states: 9/21/2010 Minutes (p. 1, Approval of Agenda, line 5, strike “raise” and replace with “salary”.

Moved by Scheib-Snider, seconded by Gordon, motion carried to approve the Minutes of the September 8, 2010 Board meeting as amended.

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

Moved by Scheib-Snider, seconded by Gordon, motion carried to approve the Minutes of the September 21, 2010 Board meeting as amended.

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

B. Receipt of Monthly Reports

- Building Department
- Constable
- NOCFA
- HAYA
- Financial Reports (Revenue and Expense Reports and Balance Sheets by Fund)

C. Payment of Bills

Gordon asks Clerk if the bills are paid and Miller responds yes. Gordon states the bills have to be approved by the Board before they are paid. Slaughter states this is the way it has been done for many years. Supervisor Kalcec states we send them to meeting prior to paying. Slaughter states this does not apply to all of the bills. Miller states if they were held, we would incur penalties. Supervisor Kalcec states if penalties would incur due to non-payment, they must be paid. Gordon questions a payment to Emile Bair. Slaughter states it was for work performed while Deputy Treasurer was on vacation. Supervisor Kalcec would prefer Board approval and would like it to go through payroll. Slaughter states she handled Emile Bair as a sub-contractor. Gordon recites MTA rule governing extra compensation, stating compensation for extra duties require Board approval. Slaughter states this was a special situation wherein Mr. Bair handled an extra duty outside his range of employment. Slaughter says the policy also states the Board cannot create jobs without Board approval, showing a need/necessity. She further states that Dave Schang has 4/5 jobs and Dave Plewes 2/3 jobs, which did not come before the Board for approval. Supervisor Kalcec states we will look at this and possibly revise our current policy. Miller states she has been paying bills for 2 years, on time, no penalties.

Moved by Slaughter, seconded by Miller, motion carried to approve payment of the bills.

Voting Yes: Kalcec, Miller, Slaughter
Voting No: Gordon, Scheib-Snider

PRESENTATIONS:

None.

PUBLIC COMMENT ON AGENDA ITEMS:

Don Walls, Resident, states Trustees should ask to stay on BCBS policy.

Robert Hauxwell, Resident, states if Mr. Walls is so concerned about monies people are making, he check into hours the Trustees, zoning administrator, and building inspector work. Resident states the Board is right back to beginning.

Chester Koop, Resident, states payment of bills should come to the Board prior to approval, checks not signed until after meeting. Resident states routine bills/paychecks are exempt. Paying employee additional monies has issues, Emile Bair/Constable being paid is inconsistent with past procedure wherein Clerk, Supervisor, etc. collected taxes. Who set hourly rate?

Unidentified Resident states, according to minutes, Trustees decided to have \$600.00/salary in lieu of benefits. What other communities give health care to part-time employees? Supervisor Kalcec states it still saves the Township money.

Jim Hanks, Resident, asks Supervisor why payment of the bills is so confusing now. Supervisor Kalcec states Clerk took the job and she has let Clerk make it hers. Supervisor Kalcec states we will work on getting the policy in place. Resident asks why management of tax payer dollars is not in writing and why is it not being followed. Supervisor Kalcec states it is provided to the Clerk and Clerk pays the bills.

Unidentified Resident states bills come in and they are paid, what is the problem?

Robert Hauxwell, Resident, states, regarding Trustee insurance, if you survey other Townships, they do not provide trustees with insurance or compensation in lieu of insurance.

Unidentified Resident asks if raise is not in lieu of benefits, what the reason is for it. Supervisor Kalcec states they are giving up \$14,000.00 in benefits. Going forward a policy amendment would take away Trustees' eligibility for health insurance. Resident states Clerk is saving Township money by giving up benefits and full-time deputy.

PUBLIC HEARING:

- A. **Hearing of Big Trail Special Assessment District Assessment Roll (Postponed to October 26, 2010)**

OLD/CONTINUING BUSINESS:

- A. **Township Hall Facilities**

Supervisor Kalcec states Redstone Architects have preliminary drawings ready for review and will be asking for comments. Need to have a meeting with Redstone and ask

questions. Slaughter asks if they will put together proposed costs. Supervisor Kalcec responds yes.

B. Municipal Civil Infractions Bureau – Discussion (TABLED 09/08/2010)

Moved by Slaughter, seconded by Gordon, motion carried to remove item from the table.

Voting Yes: Kalcec, Miller, Slaughter, Gordon, Scheib-Snider

Voting No: None

Supervisor Kalcec states the Board needs to decide whether to set up a Municipal Civil Infractions Bureau and collect fines. Karin Winchester (Holly Township Clerk/Zoning Administrator) does this regularly and they pay \$120.00 for 12 ticket books. Would have to adopt our own policies and procedures and authorize amendment to ordinance to create the Bureau.

Moved by Kalcec, seconded by Slaughter, motion carried to direct the Township Attorney to draft an ordinance amendment creating a municipal civil infraction bureau for Rose Township.

Voting Yes: Kalcec, Miller, Gordon, Scheib-Snider, Slaughter

Voting No: None

NEW BUSINESS:

A. Set Public Hearing for PY 2011 Community Development Block Grant Funds

Supervisor Kalcec states 2008 is still programmed for Parks and Recreation. We need a waiver to re-program. 2009-10 were programmed for Township Hall ADA improvements.

Moved by Slaughter, seconded by Kalcec, motion carried to set Public Hearing for PY 2011 Community Development Block Grant Fund for the November 10, 2010 Board meeting.

Voting Yes: Kalcec, Miller, Scheib-Snider, Slaughter, Gordon

Voting No: None.

B. Extend Moratorium on Regulation of Medical Marijuana Operations

Attorney Mulvihill states he attended a meeting with Oakland County Executives. Medical marijuana is illegal, State cannot authorize it as it is a federal matter and state law would be contradictory to federal statute. Slaughter asks how California is doing it and Attorney Mulvihill states it has been challenged and they have problems with it. If legislation is created it can be challenged. Moratoriums are usually favored by the law. We have a 6 month moratorium in place and can extend it 4 months. Supervisor Kalcec reads the proposed Resolution.

not limited to, Building Permits, Sign Permits, Certificates of Zoning Compliance and Certificates of Occupancy. During the moratorium this matter will be referred to the Rose Township Planning Commission to continue consultation with its Planner and Legal Counsel to further research the foregoing issues and draft the appropriate zoning regulations, if necessary, in conformity with the MMMA and any further pending bills which may be forthcoming from the Michigan Legislature.

C. Resolution of Intent to Create Williams Drive Maintenance Special Assessment District

Supervisor Kalcec states the district has expired and there is enough money in account to carry through this season. Next season we will need to renew and this is the first step of that process. ~~Miller~~ We would like to push ~~this line item~~ to December 8, 2010 meeting for public hearing.

Moved by Gordon, seconded by Miller, motion carried to adopt the Resolution of Intent to Create the Williams Drive Maintenance Special Assessment District.

Voting Yes: Scheib-Snider, Kalcec, Miller, Gordon, Slaughter

Voting No: None

D. Resolution to Approve Transfer of SMART Credits

Supervisor Kalcec contacted the Village of Holly for updates and has provided a memo from the Clerk/Holly. The Board usually transfers credits to the Village of Holly who operates the SMART system and serve Rose Township Residents.

Moved by Slaughter, seconded by Gordon, motion carried to adopt the Resolution transferring the SMART credits to the Village of Holly for transportation services.

Voting Yes: Scheib-Snider, Kalcec, Miller, Gordon, Slaughter

Voting No: None

**ROSE TOWNSHIP RESOLUTION 2010-25
RESOLUTION APPROVING FY 2011 CONTRACT WITH "SMART"**

BE IT RESOLVED that the Rose Township Board approves the FY2011 SMART Municipal Credits Contract in the amount of \$5,837.00 to be transferred to the Village of Holly for transportation services for senior and disabled citizens, and

BE IT FURTHER RESOLVED that the Rose Township Board approves said transfer based on its understanding that the Village of Holly will provide the above described services to Rose Township residents and will facilitate the transfer of credits to the OCPTA to provide the required local match, and

BE IT FURTHER RESOLVED that the Rose Township Supervisor is authorized to sign the FY 2011 SMART Municipal Credit Contract as described in this resolution.

E. Request from Oakland County Parks for Approval of Limited “Nuisance Beaver Trapping”

Supervisor Kalcec states Oakland County Parks and Recreation has requested to conduct limited nuisance beaver trapping. Last spring many houses on School Lot Lake were damaged by high lake levels caused by beaver activity in Rose Oaks Park.

Moved by Slaughter, seconded by Gordon, motion carried to allow Oakland County Parks and Recreation to conduct limited nuisance beaver trapping.

Voting Yes: Scheib-Snider, Kalcec, Gordon, Slaughter

Voting No: Miller

F. Proposed Policy Amendments

Moved by Kalcec, seconded by Gordon, motion carried to adopt the Resolution amending the Rose Township Policy and Procedure Manual.

Slaughter would like to know if we are going to have Burnham & Flower do an actuarial so employees in place prior to 2001 policy change (payment in lieu of). Supervisor Kalcec states this will not remove that matter from the policy and is strictly to remove Trustee eligibility from health insurance. This will also allow, should a future budget situation occur, employee contribution (pre-tax). Slaughter states it has to be fairly administered, if offered to one, must be offered to all. Attorney Mulvihill states he has not been asked to render a legal opinion. Supervisor Kalcec states we must offer this to everybody. Gordon states the Board received information from MTA stating it is against the law to provide payment in lieu of benefits to constables. Supervisor Kalcec states that it also read unless a specific plan is in place, you can offer it. Slaughter states it is the same type of actuary we performed for retirees and this would still be a savings.

Voting Yes: Scheib-Snider, Kalcec, Miller, Gordon, Slaughter

Voting No: None

G. Proposed Amendment to Rose Township Code of Ordinances

Supervisor Kalcec states this is a proposed amendment reflecting what was done to the Policy Amendments above.

Moved by Slaughter, seconded by Gordon, motion carried to adopt the amendment to Rose Township Code of Ordinances removing Trustee eligibility to receive health insurance benefits.

Voting Yes: Scheib-Snider, Kalcec, Miller, Gordon, Slaughter

Voting No: None

**ROSE TOWNSHIP
PROPOSED AMENDMENT TO THE ROSE TOWNSHIP CODE OF
ORDINANCES #158
CHAPTER 2, ADMINISTRATION
ARTICLE III, OFFICERS AND EMPLOYEES**

THE TOWNSHIP OF ROSE ORDAINS:

Article III, Chapter 2, Section 2-69 “Other Benefits,” Subsection (a) of the Rose Township Code of Ordinances is hereby amended to read as follows:

(a) Pursuant to Public Act No. 77 of 1989 (MCL 41.1b et seq.), the township board is hereby authorized to make arrangements with a prepayment plan authorized to transact business within the state, to insure and cover the township supervisor, clerk, treasurer, constable and their respective eligible dependents, under the policies of group insurance or prepayment plan contracts, or both, covering life, accident, health, hospitalization, dental, optical and medical and surgical service insurance.

Article III, Chapter 2, Section 2-69 “Other Benefits” of the Rose Township Code of Ordinances is hereby amended by the deletion of Section 2-69(b) and Section 2-69(c) becomes the new Section 2-69(b), Section 2-69(d) becomes Section 2-69(c) and Section 2-69(e) become Section 2-69(d) to read as follows:

(b) The township may contract for group insurance or arrange for prepayment plan coverage to cover its fulltime employees and eligible dependents of the employees. The township may, in its sole discretion, contract for group insurance or arrange for prepayment plan coverage to cover other employees of the township at their own expense.

(c) Fulltime employees or elected official assuming office on or before November 19, 2000, who have served the township for a period of 16 years or more, as an elected official, an eligible employee, or both, shall upon retirement from service to the township and having attained the age of 65 years, be entitled to receive, as secondary coverage at

township expense, benefits provided under the contract covering health, hospitalization, dental, and/or medical and surgical service insurance arranged by the township. The township's contribution to health care insurance premium shall be limited to the cost of a single person. Qualified individuals who retire prior to age 65 years may elect to continue insurance coverage under the township plan at their own expense.

(d) A fulltime employee, or an elected official assuming office on or after November 20, 2000, shall not be, upon retirement, entitled to receive health, hospitalization, dental, and/or medical and surgical service insurance arranged by the township.

EFFECTIVE DATE: This ordinance shall become effective immediately upon publication.

H. Proposed Budget Amendments – Trustee Cost Center

Supervisor Kalcec states this will reflect what will be done based on September 21, 2010 Motion. This proposed resolution contains budget amendments reflecting changes resulting from the removal of Trustee eligibility for health insurance benefits. Reducing Trustee cost center, originally budgeted this year at \$23,380.00, changing salary/removing health insurance reducing it to \$19,212.00. Supervisor Kalcec states while others receive payment in lieu of benefits, they have the ability to take advantage of the benefits should they choose, Trustees will not have that ability.

Moved by Gordon, seconded by Scheib-Snider, motion carried to adopt the Resolution FY 2011 Budget Amendments.

Voting Yes: Scheib-Snider, Kalcec, Miller, Gordon, Slaughter

Voting No: None

Moved by Slaughter, seconded by Miller, motion carried to have Burnham & Flower prepare necessary paperwork at no cost to the Township to extend payment in lieu of benefits.

Voting Yes: Kalcec, Miller, Slaughter

Voting No: Scheib-Snider, Gordon

I. Recording Secretary Contract

Supervisor Kalcec states Miller has provided a copy of the Recording Secretary contract as requested by Trustee Gordon. Gordon states there was a Zoning Board of Appeals meeting earlier this month and does not feel that Recording Secretary should have been there as it was a third meeting. Gordon asks if the contract could read 24 meetings a year. Recording Secretary/Susan Weaver states the contract reads “not to exceed two (2) meetings per month”. Slaughter states we are already under contract with Recording Secretary. Recording Secretary/Susan Weaver states statutorily the Clerk controls the

minutes and the recording of the same, it is the Clerk's decision as to whom she wants to prepare minutes. Recording Secretary/Susan Weaver is not inclined to alter her contract tonight. Miller responds that the minutes and their recording fall within her control. Miller feels this matter was placed on the agenda because Mr. Plewes was told Susan Weaver would be handling the minutes of the ZBA as this was only the second meeting of the month. Supervisor Kalcec states this is just a discussion; the contract cannot be opened without consent of both parties.

ANNOUNCEMENTS:

- A. Next Regular Planning Commission Meeting November 4, 2010 p.m. - 7:30 p.m. (If Needed)**
- B. NOCFA Board Meeting October 18, 2010, 7:00 p.m., Rose Township Hall**
- C. Next Recycling Date November 6, 2010, 9:00 a.m. until Noon**
- D. General Election November 2, 2010, Polls Open 7:00 am – 8:00 pm**
- E. Next Regular Township Board Meeting November 10, 2010 at 7:30 p.m.**

MISCELLANEOUS REPORTS:

A. NOCFA

Supervisor Kalcec states construction on Station 3 has begun.

B. Planning Commission

None.

C. Holly Area Youth Assistance

None.

D. Supervisor's Reports

Supervisor Kalcec states a complete copy of the Supervisor's Report is available.

Supervisor Kalcec states there are road closures coming up. Davisburg Rd. culvert one (1) east of Eagle and Davisburg; Milford, north of Rattalee Lake on 10/19/2010 and Hickory Ridge/Pellet 10/20/2010.

Supervisor Kalcec states the Consumers Energy pipeline project is complete and thanks residents for their patience.

Supervisor Kalcec states there was a shared services meeting and the next one will be on 10/28/2010 at the Carl Richter auditorium. Shared Services is now being called Northwest Oakland County Collaboration Task Force.

Supervisor Kalcec states archery (deer) hunting at Rose Oaks Parks is going well.

Supervisor Kalcec states the Wellhead Protection Meetings are set to begin again.

Supervisor Kalcec states there is an election coming up on November 2, 2010.

Supervisor Kalcec states on November 1, 2010 we will implement Springfield Township Parks & Recreation Agreement to share their facilities. We will track the use and get the word out to residents.

PUBLIC COMMENTS:

Unidentified Resident asks if Trustees receive a pension. Supervisor Kalcec responds yes. Resident asks if all Townships give Trustees pension. Resident asks if there is any progress on the Township Hall renovations. Supervisor Kalcec responds yes.

Don Walls, Resident asks about the meeting at Carl Richter.

Paul Gambka, Resident, states Plewes/Schang cost the Township approximately \$120,000.00 and this is hard to justify. Pension/health insurance costs are high. These positions should be cut back until such time they are necessary. Supervisor Kalcec will bring to the Board. However, if we cut back duties, someone else will have to perform them. Resident states with revenue going down, these positions are a luxury we cannot afford.

Jim Hanks, Resident, performed a study on Rose Township's building inspector cost compared to Holly Township's building inspector cost (same building inspector for both). Rose Township building inspector's salary is \$28,866.00 (85 permits). Holly Township's building inspector cost is \$9,353.00 for approximately the same number of permits. Resident states we pay him three times as much on his salary to be here while he spends ½ his time in Holly Township under contract. How can a salaried employee conduct building inspections in other townships (same amount of permit inspections)? If you do shared services, use Holly Township's budget for building inspector and save 2/3 in cost.

Robert Hauxwell, Resident states we have had this building inspector conversation before and have addressed the money being spent. No changes have been made and budget not altered. Resident asks the Supervisor why it is allowed to continue to tax payer money wasted. Resident agrees with Mr. Hanks. Supervisor Kalcec states this will be a Board decision and it can be discussed.

Unidentified Resident states there has been no progress at 4063 High Street in 2 years. Resident states this house/property is dangerous and the owners are a nuisance. Resident has made numerous complaints and Dave Schang/Building Inspector has done nothing about it. Supervisor Kalcec responds tickets have been issued and there is a court date. Resident states this should have been done a long time ago and the house should be demolished. Resident is constantly threatened by these property owners. Supervisor Kalcec understands the severity of the situation and it is her understanding there is a court date and a Judge will rule. Our next step is a court order to go onto property and bill the property owner's taxes.

Unidentified Resident states that the property at 4063 High Street is a nuisance and Rose Township has done nothing to remedy the problem.

Robert Hauxwell, Resident tells Board to step up to the plate. Resident states the Constable has been to the property working with them and Supervisor not doing her job. Resident states the building inspector could condemn the property. Supervisor Kalcec states there are violations. The next step is a dangerous building hearing.

Unidentified Resident asks why it was not deemed an unsafe building when it caught on fire.

Emile Bair/Constable states this property burned and has been allowed to stand and nothing has been done about it. Constable saw extension cord going to top of electrical pole. Supervisor Kalcec states building inspector checked into the extension cord and it had been cut. Constable states Dave Schang was going to be a contract employee, so he could work for Holly Township, but was made an employee instead of contract employee.

LeeAnn Hole, Resident asks how much the Chester Koop v. Rose Township lawsuit has cost the Township. Attorney Mulvihill responds the settlement was \$1,700.00 and legal fees \$5-6,000.00.

ADJOURNMENT:

Moved by Slaughter, seconded by Scheib-Snider, motion carried to adjourn the meeting at 9:19 p.m.

Voting Yes: Scheib-Snider, Kalcec, Miller, Gordon, Slaughter

Voting No: None


Debbie Miller, Clerk
Rose Township

Approved/Corrected