

**ROSE TOWNSHIP BOARD OF TRUSTEES
REGULAR MEETING
June 8, 2011**

The following residents and guests signed in as present:

Bruce Proper	Pat Walls	Don Walls	Jan Koop
Sandra Villarreal	Jim Weil	Dawn Claus	Rev. Terry Claus
D'Lois Bryant	Richard Bryant	Tim Claus	Lowell Boldt
LeeAnn Hole	Barbara Hole	Emile Bair	Tom Willwerth
G.E. Noble	Janet Cousins	Jim Saiz	Lyle Barger
Patty Smith	Adoline Eddington	William Eddington	Manuela Miron
Mark Bolan	Bill Parsons	Ann Troppens	Chester Koop
Tim Jagielo	Darlyne Stanczyk	Jean Gramlich	Matthew Cowper

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

Supervisor Kalcec called the regular meeting of the Rose Township Board of Trustees to order at 8:05 p.m. at the Rose Township Hall, 204 Franklin Street, Holly, Michigan.

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

APPROVAL OF AGENDA:

A. Approval of Proposed Agenda for June 8, 2011

Supervisor Kalcec adds line item F. Continuation of CDBG under New Business.

Moved by Slaughter, seconded by Gordon, motion carried to approve the Agenda with the addition of line item (New Business) F. Continuation of CDBG Cooperation Agreement.

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

CONSENT AGENDA:

A. Approval of Minutes of May 5, 11 and 18, 2011

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

Moved by Slaughter, seconded by Gordon, motion carried to approve the Consent Agenda as submitted.

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

PRESENTATIONS:

A. North Oakland County Fire Authority (NOCFA) Annual Report

Jeremy Lintz, Fire Chief, refers residents to report and summarizes. There are 2 stations serving Holly and Rose Townships, Grange Hall and Milford/Rose Center. Received \$760,000.00 federal grant last year, used to renovate the Rose Township fire station. Construction going well, anticipate completion by August. NOCFA received highest marks on FY2010 audit. NOCFA receives high marks in patient quality of care from Oakland County Medical Control Authority and Genesys Hospital, audited quarterly. We participate/host many charity raising functions and the fire prevention team continues to visit schools/daycare centers. Continue lowering ISO ratings (insurance ratings used for homeowner rates). Three years ago ISO rating of 10, currently an 8, and striving for a 6. NOCFA largest fire district in southeast Michigan, employs 50 firefighters (includes 17 paramedics, 18 emergency medical technicians, 15 medical first responders). 694 calls/runs last year, 70-75% are medical runs requiring ambulance, totaling 4,500 incident hours. Treated 359 patients, 247 transported to hospitals. Received \$1,200,000.00 in grant money/donations over past 6 years. Average property owner pays approximately \$85.00/year to support the fire department. Operating budget over last few years approximately is \$1-1,200,000.00. Last year at \$1,700,000.00 due to station remodel/additions.

Tim Claus, Resident asks who works on the fire department grants. Chief Lintz responds himself, Lieutenant Barb Weil and Doug Smith collectively.

Chief Lintz states we received another \$30,000.00 grant three weeks ago from the Greater Flint Mott Harding Foundation; will purchase furnishings for new station remodel. The other half of the money used for an ATV equipped with rescue carrier. Notified we will receive a new smoke house (trailer) to take to schools, etc.

Unidentified Resident asks as to life saving equipment. Chief Lintz responds we have heart monitoring equipment (EKG) and can send results to the hospital enroute.

Darlyne Stanczyk, Resident asks as to the average response time. Chief Lintz responds the northern area 7 minutes (priority calls) and south area 10 minutes.

Unidentified Resident asks where they transport patients to.

Chief Lintz states 90% of patients are transported to Genesys Hospital. Will also go to Huron Valley and Pontiac hospitals. We are emergency response and will call private ambulance company for non-emergency transport.

Tim Claus, Resident thanks the fire department for everything they do.

B. Attorney Report

Attorney Mulvihill reviewed the Township's conflict of interest forms and explains conflict of interest laws.

PUBLIC COMMENT ON AGENDA ITEMS:

Mike Holowecki, Resident states (regarding mailing of meeting notices) every month letters are sent

out stating there will not be a ZBA meeting. Suggests only notifying residents when there is going to be a meeting.

PUBLIC HEARINGS:

A. Proposed FY2012 Budget and 2011 Tax Rates

Supervisor Kalcec states there is a decline in taxable values within the Township, resulting in a decline in property tax revenue. Expecting a 2.8% increase in revenue sharing from State but proposed budget amount reflecting much less. We changed chloride application companies to save money, asking residents to report quality of chloride applications. Health insurance benefits have been cut by half over the past three years. Dave Plewes agreed to a part-time position, wage reduction and reduction in benefits. More revenues than expenditures. ADA improvements progressing.

Unidentified Resident asks as to cost of chloride application. Supervisor Kalcec explains fund is split between two cost funds 402 and 101.

Unidentified Resident states Holly Township budgeted \$6,000.00 for elections and Rose Township \$30,000.00. Miller responds the number of elections is unknown at this time, if they are not budgeted for we would have to go into another cost center.

Supervisor Kalcec opens Public Hearing at 8:39 p.m. for the purpose of taking public comments regarding the 2012 Budget and 2011 Tax Rates.

Unidentified Resident states Trustee wages increased. Supervisor Kalcec states the insurance company would not cover Trustees and it was agreed to pay them in recognition of this change. Resident states this changes payroll taxes. Supervisor Kalcec states there are many jobs Trustees perform residents do not see. Resident states under assessing, employer/FICA/Medicaid, reflects 8.29% rather than 7.65% (\$179.00 difference). Supervisor Kalcec states this error, will be corrected.

Robert Hauxwell, Resident asks why Assessor is full-time rather than contract. Supervisor Kalcec states this is a part-time position that, due to state mandates, cannot be contract as the assessor position must be an employee to officially sign the documents/certify the assessment roll. Resident asks if Assessor holds a position in Birch Run area. Supervisor Kalcec states she holds a position in Bridgeport.

LeAnn Hole, Resident asks why Rose Township Trustees are paid 2-3 times more than surrounding area trustees. Supervisor Kalcec responds data has been collected and can be shared. Scheib-Snider responds Trustees gave up their health benefits and the average pay is \$565.00 in other communities, she did a survey. Resident states other areas pay trustees \$100.00/meeting. Gordon responds he attended seven meetings in April and five in May. Supervisor Kalcec states Gordon has been working with her on the Village of Holly Wellhead Protection and shared services meeting. Gordon states we took a \$350.00/month cut, saving the Township \$25,000.00/year for the two trustees health insurance premiums.

Unidentified Resident asks how many meetings Trustees attend per month on average. Gordon states they attend three meetings a month that they are paid for. Gordon states Scheib-Snider attends more as she sits on the Planning Commission. Scheib-Snider states she attends 4-6 meetings/month and spends little time in the office.

Robert Hauxwell, Resident asks if Trustees log meetings they attend. Supervisor Kalcec states attendance is reflected in the minutes.

Unidentified Resident states the work preparation, research necessary to attend meetings is also time consuming for the Trustees. Attending meetings just part of it.

Unidentified Resident states Trustees took a 30% pay cut, making up for it in wages. Gordon states 29.5% and saving Township \$350.00/month. Supervisor Kalcec states \$14,200.00 in the budget is for 2 Trustees.

Unidentified Resident states Michigan's economy is tough and Rose Township's budget numbers are higher than Holly's in many areas. Resident suggests Rose Township confer with Holly regarding their budget. Resident states many companies requiring employee contribution toward health benefits, suggests 20% employee contribution. Supervisor Kalcec responds we have explored this and have cut our health insurance costs in ½ this year.

Tim Claus, Resident states Mr. Koop suggests taking money from elected officials, why not Trustees? Resident requested a work log from the building official (David Schang) and has not received one. Supervisor Kalcec states there has been a tremendous increase in ordinance enforcement and permit activity has increased. Resident requests a work log and concerned that the Building Official is overseeing ADA construction on building.

Robert Hauxwell, Resident asks why building official is not contracted. Supervisor Kalcec states if that position were contracted, many functions would have to be farmed out. Resident states Board let an offer go for a resident to handle ordinance enforcement for \$1.00/year. Resident states we pay \$2,800.00 for building official's cell phone. Supervisor Kalcec states we pay a portion of the total phone bill allocated to that fund, not cell phone. Gordon states plumbing/electrical inspector phone charges go toward that fund also.

Unidentified Resident states the telephone line item for building department reflects \$1,200.00 for all 3 inspectors not \$2,800.00 as previously mentioned. Supervisor Kalcec reduced this amount according to actuals for this year.

Unidentified Resident, misc. services/general fund, summer tax collection. Supervisor Kalcec states no budget number in summer tax collection, there is revenue which funds services of Treasurer's office. Resident asks about utilities under ordinance enforcement. Supervisor Kalcec states Groveland Township's Supervisor requested Holly and Rose Townships share costs for MSP post on Dixie/Grange Hall Rd.

Unidentified Resident asks why we keep approximately \$900,000.00 in the general fund (125% of annual budget). Supervisor Kalcec would like to discuss designated a portion of this fund for severe weather warning (county will share cost) and we need to be careful with spending.

Unidentified Resident asks about charging for Clean-Up Day. Supervisor Kalcec states we have considered charging residents but would like to keep it as a service, may discourage people from coming. Slaughter states it will probably come to charging eventually.

Several residents express their gratitude for clean-up day.

Unidentified Resident asks how much money has been spent on building thus far. Supervisor Kalcec states approximately \$400,000.00.

Unidentified Resident shows concern over building costs and Dave Schang handling permits. Supervisor Kalcec states we have an architect involved at this level and are aware of problems

Hearing no further public comments, Supervisor Kalcec closes the public hearing at 9:28 p.m.

OLD/CONTINUING BUSINESS:

- A. Township Hall Facilities.

NEW BUSINESS:

- A. Resolution Establishing FY2012 Meeting Dates

Moved by Slaughter, seconded by Gordon, motion carried to adopt Resolution establishing meeting dates for the Rose Township Board, Planning Commission and Zoning Board of Appeals.

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

Voting No: None

**ROSE TOWNSHIP RESOLUTION 2011-19
MEETING DATES FOR THE TOWNSHIP BOARD OF TRUSTEES,
PLANNING COMMISSION, ZONING BOARD OF APPEALS FOR
FY 2011-2012**

WHEREAS, the State of Michigan has enacted PA 267 of 1976, the "Open Meetings Act," which requires a public body to give prior public notice of all regular meetings and that said notice shall provide the dates, time, and place, and

WHEREAS, it is the desire of the Rose Township Board, a public body, to conduct all of its business in an open forum, in compliance with said act.

NOW THEREFORE BE RESOLVED THAT the Rose Township Board of Trustees will hold regular meetings during the fiscal year beginning on July 1, 2011 and ending on June 30, 2012, on the following dates at 7:30 P.M. at the Rose Township Hall, 204 Franklin Street, (in Rose Center), Holly, Michigan 48442:

July 13, 2011
August 10, 2011
September 14, 2011
October 12, 2011
November 9, 2011
December 14, 2011
January 11, 2012
February 8, 2012
March 14, 2012
April 11, 2012
May 9, 2012
June 13 2012

BE IT FURTHER RESOLVED THAT the Rose Township Planning Commission will hold regular meetings during the fiscal year beginning on July 1, 2011 and ending on June 30, 2012 unless cancelled but at least 4 times per year on the following dates at 7:30 P.M. at the Rose Township Hall, 204 Franklin Street, Holly, Michigan 48442:

July 7, 2011
August 4, 2011

September 1, 2011
October 6, 2011
November 3, 2011
December 1, 2011
January 5, 2012
February 2, 2012
March 1, 2012
April 5, 2012
May 3, 2012
June 7, 2012

BE IT FURTHER RESOLVED THAT the Rose Township Zoning Board of Appeals will hold regular meetings (as needed) during the fiscal year beginning on July 1, 2011 and ending on June 30, 2012 will be held on the following dates at 7:30 P.M. at the Rose Township Hall, 204 Franklin Street, Holly, Michigan 48442:

July 5, 2011
August 2, 2011
September 6, 2011
October 4, 2011
November 1, 2011
December 6, 2011
January 3, 2012
February 7, 2012
March 6, 2012
April 3, 2012
May 1, 2012
June 5, 2012

BE IT FINALLY RESOLVED THAT the Rose Township Board, Planning Commission or the Zoning Board of Appeals may cancel or reschedule a regularly scheduled meeting provided that the provisions of the Open Meetings Act are met.

B. Resolution Designating Newspaper of General Circulation for Legal Notices

Moved by Slaughter, seconded by Gordon, motion carried to adopt Resolution designating newspaper of General Circulation for legal notices.

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

**ROSE TOWNSHIP
RESOLUTION #2011-20**

**DESIGNATING NEWSPAPER OF GENERAL CIRCULATION
IN ROSE TOWNSHIP FOR LEGAL ADVERTISING**

WHEREAS, Michigan Township Laws require that townships designate a newspaper of general circulation within the township for the publication of legal notices,

NOW, THEREFORE BE IT RESOLVED, that the Rose Township Board designates the Tri-County Times, published in Fenton, Michigan as the newspaper in which legal notices pertaining to Rose Township will be published.

BE IT FURTHER RESOLVED, that, from time to time, a legal notices may be published in the Oakland Press published in Pontiac, Michigan in addition to publication in the Tri-County Times, on the Rose Township Website and Cable Channel and in The Holly Express online publication when the township clerk determines that such additional notice is likely to enhance public access to the information contained in the notice.

C. Meeting Date for Budget Adoption and FY 2011 Budget Amendments

Moved by Slaughter, seconded by Gordon, motion carried to hold a meeting for purposes of budget adoption and amendments on June 29, 2011.

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

D. Award Bid for Audio Visual System in Lower Level Meeting Room

Supervisor Kalcec states we received bids, money coming in from the cable company that can only be used for public education/government, used a portion for computer equipment and are proposing to use monies to install audio visual system in the new meeting room so meetings can be recorded onto a DVD and played on cable/website.

Moved by Slaughter, seconded by Gordon, motion carried to award bid for the audio visual system in the lower level to lcom in the amount of \$31,020.14.

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

E. Meeting Date for Budget Adoption and FY 2010 Budget Amendments

Supervisor Kalcec states this is duplicate line item.

F. Continuation of CDBG Cooperation Agreement

Moved by Slaughter, seconded by Miller, motion carried to adopt Resolution continuing the CDBG Cooperation Agreement.

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

ANNOUNCEMENTS:

- A. Next Regular Planning Commission Meeting July 7, 2011 - 7:30 p.m. (if needed)
- B. NOCFA Board Meeting June 20, 2011, 7:00 p.m., Rose Township Hall

C. Next Recycling Date July 2, 2011, 9:00 a.m. until Noon

MISCELLANEOUS REPORTS:

A. **NOCFA**

Chief Lintz provided report.

B. **Planning Commission**

Moratoriums on medical marijuana issue.

C. **Holly Area Youth Assistance**

Miller attended meeting, working on budget and in need of contributions. Need volunteers for various functions. Awarded 2 scholarships in May.

D. **Supervisor's Report**

Full text copy available. Supervisor Kalcec summarizes:

Contracted with Road Maintenance Corp. To provide chloride application, looking for feedback.

ADA project at Township Offices moving forward.

Shared Services Committee did not meet in May. Cultural differences between Villages and Townships. Village concerned about losing revenue sharing, cannot form cooperative agreements. Still in discussions.

Sign at Dearborn Park stolen, asking residents to report if seen.

Residents may use Springfield Township's Park and Recreation locations at reduced rates.

Notified environmental firm will be coming out to ensure areas disturbed during the Consumers Energy pipeline project are fixed.

Meeting scheduled for the new Cemetery Committee.

Mosquito control products available at Township offices via an Oakland County grant.

Oakland County MTA chapter holding a meeting at Duck Lake Pines (re: sirens).

E. **Others**

PUBLIC COMMENT:

Unidentified Resident asks if Road Maintenance Corp. and will be working with RCOC. Supervisor Kalcec states they are supposed to be applying chloride on RCOC's schedule.

Terry Claus, Resident states Township Attorney appeared in Court and presented various pictures in the case against his family. Resident was offered a guilty plea and pay only \$150.00. Resident asks why Township Attorney is being paid an hourly rate to take him to Court for allegedly running a landscape business out of his property. Resident believes Board selectively enforces ordinances and accuses Gordon of running similar business from his property. Gordon explains he falls under home occupation ordinance (equipment stored in garages) and does not have employees. Gordon explains Resident was not ticketed for home occupation, different scenario. Supervisor Kalcec states there is not a specific permit for home occupation, there is a definition. Gordon states Judge ruled on Resident's case. Resident states he has expended thousands of dollars defending action in Court and only wanted to farm his property. Supervisor Kalcec states it is her understanding the distinction of farming was not met, found to be a business. Supervisor Kalcec states the ticket was for running a business not farming. Resident states he has tried to grow crops and deer eat them, wanted to build fence.

John Mulvihill, Esq. states five tickets were issued against Resident on two parcels of property (Claus' property). Offered to drop all the tickets upon inspection of the house, Residents would not agree to such an inspection. Therefore, matter taken to Court in front of an impartial Judge, tried the case; Mr. Claus would not testify in the case, Tim Claus did, Judge ruled information received on Right to Farm Act was not credible and did not find farming activity to justify such defense. Judge further ruled industrial items found on the property and being used as a contractor's storage yard. The Court found

Mr. Claus responsible for all five tickets and fined him accordingly.

Terry Claus, Resident states the house has been inspected and we will continue challenging this matter. Resident will look for public opinion. Resident states the facts in the Fact Finding Report presented by Fact Finding Committee were correct. Resident states money for the building could have been better spent. Resident states people use his property as a dump, built wall to curtail illegal dumping. Resident asks if the Board has a personal prejudice against him. Resident states he came to Board asking for help, received none. Resident accuses Gordon of receiving special consideration.

Unidentified Resident states he lives across the street from the Claus property and sees evidence of illegal dumping, agrees Resident should erect a fence to stop illegal dumping on his property.

G.E. Noble, Resident asked the Board to review the Claus situation and feels the Claus' have been wronged. The Board needs to look at specifics as to what zoning administrator is doing and the logic behind it. Supervisor Kalcec states we are looking at requiring Board approval prior to issuance of any tickets and will place on next meeting agenda.

Tim Claus, Resident states he did not receive a fair trial and is getting a fair trial from his neighbors. Resident states Mr. Schang/Mulvihill brought cameras onto his property without his permission. Resident states this is unfair and the Board has spent \$10,000.00 prosecuting him. Resident states his violations have not been clearly defined.

Unidentified Resident states this is not the first time the Board has bankrupted a resident. Supervisor Kalcec states we act upon complaints received; Board received a complaint against Mr. Claus. Resident states he does not want his tax money used in this type of court action for fighting citizens. Supervisor Kalcec suggests Resident(s) attend meetings wherein zoning ordinances are discussed or developed. Resident attended meetings for Master Plan. Supervisor Kalcec has always believed property owners should be allowed as many rights as possible on their property. However, residents came to Board requesting zoning ordinances and we acted on these recommendations.

Tom Willwerth, Resident states Mr. Claus was fined for having lumber over 40" long. Supervisor Kalcec states there is a difference of opinion. Supervisor Kalcec states the Judge found there was a violation of the zoning ordinance.

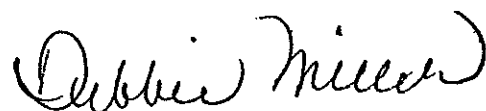
Terry Claus, Resident states if we did not cut the wood into 40" lengths it would be deemed illegal and he has letter from Mr. Mulvihill's office to prove this.

John Mulvihill, Esq. states there were timber mats throughout the property and Mr. Claus stated he was going to use them for firewood, never mentioned fence. Once it was mentioned to cut into lengths of 40" he said it would be used for fencing.

ADJOURNMENT:

Meeting adjourned at 10:20 p.m.

Approved/Corrected



Debbie Miller
Rose Township Clerk