

**ROSE TOWNSHIP BOARD OF TRUSTEES
REGULAR MEETING
July 8, 2009**

The following residents and guests signed in as present:

Darlyne Stanczyk	Emile Bair	Chester Koop
Mike Holowecki	Mark Bolan	Bruce Proper
Charlene Estes	Randall Estes	Stacie Caster
Robert Caster	Jim Weil	Sue Julian
Lee Ann Hole	Michael Berg	Jean Gramlich
GE Noble	Barbara Hole	Marvin Hole
Robert Fehlberg	Roy Emmons	Lyle Barger
Rex Field	Dorothy Field	Jim Holton
Mary Saiz	Bob Hauxwell	Sandy Hauxwell

Other(s) present:

John Mulvihill, Esq. (Township Attorney)

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. A moment of silence was observed to honor citizens serving in the military.

Roll Call: Present: Kalcec, Miller, Gordon, Scheib-Snider, Slaughter

Supervisor Kalcec states the communications received this month are available.

APPROVAL OF AGENDA:

A. Approval of Proposed Agenda for July 8, 2009

Supervisor Kalcec would like to add a line item G. to the New Business portion of the agenda regarding a proposal from Rose Township Gardeners To Help Their Neighbors By Sharing Garden Produce.

Slaughter would like to add line item H. NSP Programs and line item I. Update to Residents on Treasurer's Office to the New Business portion of the agenda.

Moved by Slaughter, seconded by Gordon, motion carried to approve the July 8, 2009 agenda with the addition of line items G. Garden Share Proposal; H. NSP; and I. Update From Treasurer's Office under 10. New Business.

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

Voting No: None

CONSENT AGENDA:

A. Approval of Minutes of June 10, 2009 and June 24, 2009 Regular and Special Meetings.

Supervisor Kalcec pulls the Minutes of June 10, 2009 and June 24, 2009.

Moved by Slaughter, seconded by Gordon, motion carried to approve the balance of the agenda (Receipt Of Monthly and Quarterly Reports and Payment of Bills).

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

Voting No: None

Supervisor Kalcec has changes to the June 10, 2009 Minutes.

- p. 3, Section A, third paragraph "Unidentified Resident": The amounts need to be changed to read "**\$260,000.00**" and "**\$220,000.00**".
- p. 3, Section A, fourth paragraph "Unidentified Resident": after "a 20% increase" insert: "**in health insurance premiums**".
- p. 4, second from last paragraph "Unidentified Resident": change last two words "require it" to "**make inquiry**".
- p. 5, fourth from last paragraph "Judy Ruth, Resident": second sentence, insert "**personnel**" after "management" and in last sentence, insert "**zoning administrator**" before the word "job".
- p. 6, first sentence: insert "**and voluntary wage reductions**" after the word "cuts".
- p. 10, Section B, first sentence should read: "Supervisor Kalcec explains that this states Rose Township accepts NIMS as its standard for incident **management**".
- p. 15, Section H, first sentence should read: "Scheib-Snider explains that the Planning Commission met and "**she**" did not like the two (2) hour fire wall separation and caretaker's residence should be separate from approved building".
- p. 17, "Unidentified resident (very difficult to hear)": insert "**that they would use environmentally sensitive methods**" at the end of first sentence.

Moved by Slaughter, seconded by Scheib-Snider, motion carried to approve the June 10, 2009 Minutes as corrected.

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

Voting No: None

Supervisor Kalcec has changes to the June 24, 2009 Special Meeting Minutes.

- p. 3, FY 2010 BUDGET ADOPTION PROPOSED RESOLUTION, first paragraph, second sentence, insert "**if Township reduced staff by one (1) employee**" at end of sentence.

Moved by Slaughter, seconded by Gordon, motion carried to approve the June 24, 2009 Special Meeting Minutes as corrected.

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

Voting No: None

B. Receipt of Monthly Reports

- Building Departments
- Constable
- NOCFA

- HAYA
- Financial Reports (Revenue and Expense Reports and Balance Sheets
by Fund)

C. Payment of Bills

PRESENTATIONS:

None.

PUBLIC COMMENT ON AGENDA ITEMS:

None.

PUBLIC HEARINGS:

None.

OLD BUSINESS:

A. Township Hall Changes-Update

Supervisor Kalcec states that a number of the maintenance items on the Township Hall have been completed and a part of the Township Hall was unable to be painted due to bat population damage. Supervisor Kalcec further states that they are working on bat exclusion, after maternity season installing a one way door, droppings removed and painting completed.

B. Resolution to Transfer Property (Part of Hills of Davisburg) to Springfield Township (Tabled)

Supervisor Kalcec states this item is not ready to be removed from the table.

C. Office Staffing Options Proposal (Tabled)

Moved by Gordon, seconded by Scheib-Snyder, motion carried to remove this item from the table.

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

Voting No: None

Supervisor Kalcec states she had a lengthy conversation with Catherine Mullhaupt from Michigan Townships Association ("MTA"). Supervisor Kalcec states she had proposed trying to use one (1) person and would like to open this matter up for discussion and decision.

Slaughter states that she was hoping the Clerk and Treasurer could share a deputy; current deputy has extensive accounting background. Slaughter states they learned they cannot have the same deputy and her thought was to have one (1) full time deputy and if Clerk agreed that this deputy could also be assigned to help Clerk.

Moved by Gordon, seconded by Scheib-Snider motion failed to hire two (2) deputies (deputy treasurer/deputy clerk) each for sixteen (16) hours per week, both cross trained, immediately, job description approved by Board.

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

Moved by Kalcec, seconded by Slaughter, motion carried to approve funding of thirty-two (32) hours per week for a deputy, cross trained and shared to the extent allowed by law.

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

NEW BUSINESS:

A. Set Public Hearing Date for Holly Shores Street lighting Special Assessment District

Supervisor Kalcec states there is a proposed resolution to set a public hearing date for the Holly Shores Street lighting District (August 12, 2009 meeting). The amount of the assessment needs to be increased which requires a public hearing. Slaughter states we will definitely need additional monies (\$2,500.00 estimate).

Moved by Slaughter, seconded by Miller, motion carried to approve the resolution setting the public hearing date for the Holly Shores Street lighting Special Assessment District for August 12, 2009 at 7:30 p.m.

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

B. Request Legal Opinion-Unpaid Escrow Balances For Hills of Davisburg

Supervisor Kalcec requests Board approval for legal opinion on \$380.00 owed to previous engineering firm on Hills of Davisburg, there is no money to pay this bill and we have hired another firm, could we asses this to owner's tax bill? Mulvihill states that the Township needs to pay the bill before any more work is done on the site. Mulvihill states that there is still matter pending before the Court and could ask Court to allow us to place on tax roll, may be cheaper to file motion this way. Supervisor Kalcec states that no continued work until there is an escrow and asks attorney to bring before the Court.

C. Authorize Supervisor to Sign "Letter of Agency"

Supervisor Kalcec states that NSP has requested a Letter of Agency, attorney prepared Letter of Agency and resolution for him to execute for Mr. Schang (administering the project) to sign the documents for upcoming projects (resale/demolish). Slaughter states that when NSP was first brought to the Board and given a grant to clean up neighborhood, we were told that we would not have to front any money, now they want us to put up \$85,000.00, does not believe fronting monies is what the Board intended. Supervisor Kalcec understood it to be a reimbursing grant and does not know how long it will take to get the money back, will inquire. Miller states she cut two (2) \$1,000.00 earnest money deposit checks and two (2) appraisals in

the last few weeks, what is turn around time. Board is in agreement that these monies be paid up front. Slaughter states that if the Board is authorizing them to sign checks and sending money up front item H. can be removed from agenda.

Moved by Kalcec, seconded by Gordon, motion carried to adopt a resolution authorizing Supervisor to execute a Letter of Agency for the Building Inspector regarding the Neighborhood Stabilization Program grant.

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

Voting No: None

D. Request to Preserve and Protect Requested Records

Supervisor Kalcec states that an appeal has been filed regarding a FOIA request and the person submitting appeal has asked that we protect the requested records. Supervisor Kalcec states that Miller has submitted a document stating she has informed the Township Attorney and Recording Secretary to keep tapes locked up and that they not be destroyed until this matter is resolved.

Moved by Kalcec, seconded by Gordon, motion carried that, for purposes of clearing up a FOIA request, Recording Secretary retain requested tapes for one hundred (180) days or until a decision has been made.

Supervisor Kalcec states she has had discussions with the Township Attorney regarding appeal responses and he suggests we may want to consider an addendum to contract to address the status of the tapes as public record.

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

Voting No: None

E. Remote Back Up Agreement for Service

Supervisor Kalcec states that the auditors have made recommendations for us to take steps to protect and preserve data on Township computer systems, back ups performed remotely may make Township data vulnerable. Auditor and Township Attorney have looked at the Agreement and are comfortable with it. Supervisor Kalcec will see if the late payment surcharge fee can be changed to five (5%) percent.

Moved by Slaughter, seconded by Gordon, motion carried to approve the remote back up agreement for service with our service provider including the confidentiality and non-disclosure. Language supplied by Attorney Mulvihill.

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

Voting No: None.

F. Appeal of May 15, 2009 Denial of Freedom of Information Act Request for Documents

Supervisor Kalcec reads Rose Township Resolution #2009-XX a Resolution to Respond to an Appeal of the Denial of a Freedom of Information Act Request as provided.

Moved by Kalcec, seconded by Gordon, motion carried to adopt Resolution to Respond To an Appeal of the Denial of a Freedom of Information Act Request.

Slaughter states that once a FOIA is denied, the person requesting documents must go to a circuit court not to a township board to ask for a decision on whether a FOIA request is granted or not. Slaughter further states that the FOIA coordinator coordinates and compiles information, if not sufficient, person requesting documents can go to circuit court. Township Attorney states that the person requesting documents can appeal to the head of the public body or go to court. Slaughter states that copying of documents to achieve redaction of information is necessary, if I copy a bank statement I must white out account information and this time and effort should be charged. Slaughter states that redaction and copying of documents is time consuming. Supervisor Kalcec states that a determination was made that many of the investment statements had columns redacted but the statements also contained account numbers needing to be redacted. Slaughter states that producing this documentation will take time and effort but she will comply to the extent statute requires.

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

Voting No: Slaughter

Miller would like residents to know that any meeting can be taped or videotaped at any time by any resident.

G. Proposal for Rose Township Gardeners to Help Their Neighbors by Sharing Garden Produce

Supervisor Kalcec explains the Garden Share project is requesting to use the Township Hall parking lot. Supervisor Kalcec states that she is not comfortable with the word "sponsor" in the language stating: "Therefore, be it resolved that Rose Township sponsor Garden Share from the end of July to the end of September 2009, on the grounds of the old Township Hall." Supervisor Kalcec does not believe the Township is prepared to devote any funds to the Garden Share other than the Township facilities.

Sue Julian states that this proposal does not request money and only seeks to offer a way to share garden produce. Ms. Julian would like residents to bring their produce to share or purchase for a nominal charge on Tuesday, Thursday and Saturdays from 7:00 a.m. - 9:00 a.m. toward the end of July. Slaughter would like to check into liability. Supervisor Kalcec states that she likes the idea and Township properties belong to the residents, would like Ms. Julian to come back with more information.

H. Update from the Treasurer's Office

Slaughter would like to inform residents that on June 10, 2009 she fell down the lower level stairs at the Township Hall and was badly hurt. Slaughter states that she was on doctor's order not to work for three (3) weeks, with another three (3) week restriction of light work. Slaughter states that her deputy is doing a good job and she is making phone calls from home and everything is getting done.

ANNOUNCEMENTS:

A. Next Regular Planning Commission Meeting August 6, 2009

- B. NOCFA Board Meeting July 20, 2009, Holly Township Hall, 102 Civic Drive
- C. Next Recycling Date July 11, 2009
- D. Zoning Board of Appeals August 4, 2009 (if needed to conduct business)
- E. July Board of Review July 22, 2009 – 10:00 a.m., Rose Township Offices, 9080 Mason Street

MISCELLANEOUS REPORTS:

A. NOCFA

Supervisor Kalcec states that the last meeting of fiscal year was held on June 15, 2009 wherein meeting dates were adopted for the upcoming year, final adoption of fire department budget. It is anticipated that in July/August NOCFA staff will be moving out of rented station and into the new Grange Hall Rd. facility.

B. Planning Commission

Scheib-Snider states that the Planning Commission did not meet this month but the Recreational Plan Committee met. Scheib-Snider asking for input. E-mail her at dianne@rosetownship.com.

C. Holly Area Youth Assistance

No July, 2009 meeting.

D. Supervisor's Report

Wellhead Protection Committee Membership: Supervisor Kalcec states she has become a member of the Village of Holly Wellhead Protection Committee. Supervisor Kalcec states that we share the same aquifer with the Village and would like to stay up to date with the efforts to protect that aquifer. Meetings to begin in the fall.

Road Commission Update: Supervisor Kalcec states she has received an update from Road Commission wherein they have identified roads needing drainage issue attention. The following roads need drainage improvements:

Munger Rd Milford to Buckhorn.
Terrace Road from Davisburg north to top of hill
Buckhorn Lake south of Munger
Bone west of Hickory Ridge
Baker west of Hickory Ridge
Rattalee Lake from Fish Lake to Taylor Lake
Buckhorn Lake between Davisburg & Rattalee Lake
Demode from Water to Buckhorn Lake
Demode from Water to Milford
Pepper from Ranch to Rose Center

Township Hall: Supervisor Kalcec states that we are in the process of contracting for bat exclusion.

Request for Public Meeting with Power Companies: Supervisor Kalcec states that she has been contacted by residents wishing to meet with DTE and Consumers Energy to discuss power outages, etc. Supervisor Kalcec will contact these agencies and attempt to schedule a meeting.

Citizen Request: Garden Share project. Sue Julian regarding produce exchange in Township Hall parking lot.

Police Services Committee: Supervisor Kalcec states this has not been followed up on yet and hopes to get something on the website soon. Supervisor Kalcec has not received any feedback from citizens as of yet.

PUBLIC COMMENT:

GE Noble, Resident (Ranch Road.) Is NSP federally funded? Board responds yes. Resident asks what the \$85,000.00 is for. Supervisor Kalcec responds that it is to purchase a foreclosed home, re-sell it with down payment assistance provided with the grant money. Slaughter states that when it is resold it cannot be resold for more than what was put into it. Resident asks where the Township received funds. Supervisor Kalcec responds that the county has the funds. Resident is concerned about the media matter going on, others in state and county would like to abolish township government, so let's get these matters cleared up quickly to prevent from circulating throughout Oakland County. Resident states that Gordon and Scheib-Snyder should look at the 2008 fiscal year financial report which listed a number of these problems, accounts summary statements. Resident is concerned about short term funds unsecured and uninsured, financial systems could allow us to lose them. Resident states that systems are not communicating with one another, county income system, and township system. Resident's major concern is that the Trustees have not read the 2008 financial report and the media games. Supervisor Kalcec states that Plante & Moran's letter and computer services agreement addresses some of the concerns. Resident would like a report by next month's meeting.

Chester Koop, Resident (11750 Eagle Rd., Davisburg) would like the Board to look at the FOIA request denial regarding costs on redactions, exempt v. non-exempt. Resident addresses his right as a resident to receive information from the Township. Has made three (3) FOIA requests in the thirty-two (32) years he has lived here. Resident states that Slaughter told him he could come in and inspect the records however, Resident wants a copy for his records because of an experience in 1989/State of Michigan juvenile detention facility. Slaughter states that Oakland County sends her emails throughout the year, she reads them, deletes them, so does not have them anymore. Resident states that the day he received the partial denial, Treasurer was shredding documents. Slaughter states that she was cleaning her office and Resident is falsely accusing her of hiding documents.

Mary Saiz, Resident (Oakhurst Rd.) asks why Chester Koop needs these documents, six of the months in question he was Supervisor and asked does he realize he is no longer supervisor. Supervisor Kalcec states that under FOIA we are not allowed to ask him why, we only have to provide documents.

Mike Holowecki, Resident (8135 Tipsico Trail) asks if some Board members are working less hours for the same amount of money? Supervisor Kalcec states that this began Monday. Slaughter states that she works at home constantly. Resident wants to know how his tax dollars are spent. Miller responds that she logs all of her work hours and suggests resident come look

at her planner. Resident asks about money allocations for training. Slaughter states this was done last year during 2008/09 budget, allocated extra money for training due to new people coming in after elections.

Bob Hauxwell, Resident (not signed in) states that last meeting facilities renovation was discussed, amount? Supervisor Kalcec states that renovation at 9080 Mason Street was approximately \$160,000.00 – \$180,000.00, has documentation. Resident asks about why building not passing building code. Supervisor Kalcec responds that Resident should ask Mr. Schang, understands there are different standards for existing buildings v. new construction. Supervisor Kalcec states that this facility will serve our needs for twenty (20) years with no taxes and no debt. Resident would like to request that this information be available at the next meeting. Slaughter states that there is a law regarding conversion of use (i.e., if remodel 50% or less of an existing building, the rest of the building does not need to be brought up to code, however, if remodel over 50% of the building the whole building needs to be up to code and we remodeled over 50%). Resident concerned over handicap access and we should be using the new building.

Lyle Barger, Resident (Oakhurst Rd) has a problem with supporting two (2) buildings. Resident states that Sue Slaughter was against the new building. States that the Board was asked if business was going to be conducted at the new Township Hall, Chester Koop (Supervisor at that time) said everything was going to be held at the new hall. Once hall purchased the Board stated we cannot hold meetings there due to handicap accessibility and elevator would cost hundreds of thousands of dollars.

Sandy Hauxwell, Resident (not signed in) asks what the cost is to maintain the old Township Hall? Supervisor Kalcec states that she would have to put together the bills, it is heated marginally, \$10-\$12,000.00 in preserving it because the windows were falling apart, even if disposing it still needs to be maintained. Supervisor Kalcec will have information for next meeting.

Mary Saiz, Resident (Oakhurst Rd.) asks who inspected the church, unbiased? Supervisor Kalcec will go back and check as to who inspected the building.

Jim Holton, Resident (Fish Lake Rd.) states that deputy clerk and treasurer issue was discussed at last meeting and the cost of cross training/training, there is no stability due to election frequency. Supervisor Kalcec states that the Township is organized under State law, may want to consider having separate salaries for employee and deputy portion. Supervisor Kalcec states that Groveland Township has 3-4 office employees receiving salaries, two (2) of them are deputized and getting an additional annual stipend. Resident states that there needs to be stability within the Township during and after elections. Supervisor Kalcec states that Township is the employer, elected official has absolute right to appoint that person and Board decides what they are going pay this person, it is confusing.

Mary Saiz, Resident (Oakhurst Rd.) confirms that the Planning Commission is not having a July meeting? Supervisor Kalcec states they are not due to lack of business to conduct and ongoing projects, big meeting coming up in August, Planning Commission only required to meet four (4) times a year. Resident asks if Schang and Plewes could go part-time and how many building permits have been pulled this year? Supervisor Kalcec states she will check into for total. Resident asks about building permits in Rose Township? Supervisor Kalcec states that we will have to look into, someone will have to pick up Schang's duties: in house service to computers,

administration of cable channels, NSP grant, and CDBG money for projects. Resident asks how many hours Schang is in the office. Supervisor Kalcec responds that he comes in a few hours in the morning or half a day, performs inspection, PEG administration from home and will show resident work log.

Sandy Hauxwell, Resident (not signed in) states that there is nothing in the law saying the same deputy cannot be appointed twice.

GE Noble, Resident (Ranch Rd.) states that we should be happy with the Township government we have; next level is Charter Township with higher taxes.

Janet Cousins, Resident (not signed in) is asking for clarification, one (1) person split between the Clerk and Treasurer's office as need, because deputy treasurer has already been hired, she will slide into that position and Clerk will deputize someone else as needed. Supervisor Kalcec states that the thirty-two (32) hours comes with benefits. Supervisor Kalcec responds that the Board can authorize compensation not pick the person, we can authorize hours for deputies but cannot appoint.

Rex Field, Resident (7225 Fish Lake Rd.) states we elected the best people and now the Board should clean it up.

ADJOURNMENT:

Moved by Slaughter, seconded by Scheib-Snider, motion carried to adjourn the meeting at 9:40 p.m.

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

Voting No: None

Approved

Debbie Miller

Rose Township Clerk