

**ROSE TOWNSHIP BOARD OF TRUSTEES  
REGULAR MEETING  
November 11, 2009**

The following residents and guests signed in as present:

Chester Koop	Mary Saiz	Don Walls	Pat Walls
Robert Hauxwell	Darlyne Stanczyk	Jim Weil	Jim Cassar
Frederick Malmquist	Bruce Proper	Lyle Barger	Jim Saiz
Emile Bair	Katherine Bair	Tim Cole	Andrew Wright
Mike Holowecki	Roy Emmons	Ron Hrubiak	Jim Hanks
Nancy Hanks	Amy Mayhew	Robert Kast	Robert Caster
Stacie Caster	Mark Bolan		

Other(s) present: Susan Weaver, recording secretary

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, led in the Pledge of Allegiance and requested a moment of silence in honor of our Veterans on Veterans Day.

Board Members Present: Kalcec, Miller, Slaughter, Gordon, Scheib-Snider

Board Members Absent: None

**APPROVAL OF AGENDA:**

**A. Approval of Proposed Agenda for November 11, 2009**

Supervisor Kalcec would like to add New Business D. Malmquist Performance Fund.

**Moved by Slaughter, seconded by Gordon, motion carried to approve the Agenda for the November 11, 2009 regular meeting of the Rose Township Board of Trustees with the addition of a new line item "D. Malmquist Performance Fund" under New Business.**

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

**Voting No: None**

**CONSENT AGENDA:**

**A. Approval of Minutes of October 14, 2009 Regular Meeting and October 27, 2009 Special Meeting.**

Scheib-Snider asks to pull October 27, 2009 Minutes.

**Moved by Slaughter, seconded by Scheib-Snider, motion carried to approve the Consent Agenda Items for the November 11, 2009 regular meeting of the Rose Township Board of Trustees with the exception of the October 27, 2009 Minutes.**

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

**Voting No: None**

Scheib-Snider (re: p. 2, 2<sup>nd</sup> ¶, October 27, 2009 Minutes), would like to add: (1) "This Board has already decided to allow all Trustees access to bank accounts, what is needed to do this?" and (2) "I have spoken to Kerry Vaughn (State Treasury Department/Manager of Auditing) and he sees no reason for Rose Township to not to pursue doing this."

**Moved by Gordon, seconded by Scheib-Snyder, motion carried to approve the Minutes of October 27, 2009 as corrected.**

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

**PRESENTATIONS:**

None.

**PUBLIC COMMENT ON AGENDA ITEMS:**

Jim Hanks, Resident (11255 Glen Hill Lane): states he is here to present facts, not opinions, about the decisions, actions and representations made by the Township Board, Supervisor and Building Inspector concerning the purchase and renovation of the New Township Hall/offices. The State of Michigan, Bureau of Construction Codes, has determined the Building to be in violation of the Michigan Building Code and the Barrier Free Design Code. The United States Department of Justice has not yet inspected the Building to determine if it is America with Disabilities Act compliant, it is not. During the construction/inspection process a new public drinking fountain was installed, the building's toilets were connected to the new water purification system; however, the drinking fountain was directly connected to the contaminated water well. On May 17<sup>th</sup>, 2007 Aqua Tests Laboratory, Inc. conducted a water test of the drinking fountain and sample no. 7124 was reported unacceptable. Also, in our local Community Voice there is a picture of a red biohazard bag over the brand new drinking fountain. The Township Building renovation contract with Envision Builders, Inc. states the contractor agrees to comply with all applicable state, federal, local statutes, ordinances and regulations. On March 2, 2007, the Rose Township Building Inspector, Dave Schang, issued/signed a Certificate of Occupancy for the building in spite of the following information. That same day, March 2<sup>nd</sup>, Township Treasurer/Insurance Coordinator, Susan Slaughter, sent a letter to Chester Koop, Alison Kalcec, Dave Gordon and Don Walls outlining the building risk assessment report from Selective Insurance, the Township's own insurance company, and I quote: "Mr. Vargus said we need to hire a professional consultant to assess the building. He repeatedly asked, how could we get occupancy with code laws not being met." Mapleridge Building, the company I work for, submitted an estimate to renovate the building that clearly pointed out in writing on p. 2, the existing design does not meet barrier-free codes. A written communication sent by regular mail, facsimile and registered letter, dated February 2, 2007 from me to inspector Dave Schang stating: The building permit for this building and renovation required sealed engineering and/or architectural plan and requires full, free, barrier free and/or ADA compliance" Another written communication sent regular mail, facsimile and registered letter dated March 2<sup>nd</sup>, the same day of the occupancy permit from me to the Rose Township Trustees, stated: "I am a Rose Township resident and have serious concerns regarding the building and requested the Board (1) verify Michigan Building Code compliance, (2) verify barrier-free and/or ADA compliance; and (3) seek qualified third-party consultant advice to determine tax payer liability before occupancy is available." "My concern is that this building

was permitted, renovated and possibly did not meet requirements of the Michigan Building Code and/or ADA barrier-free compliant. Furthermore, I believe because of this, Rose Township taxpayers will be placed in an unnecessary liability and financial risk.” That is exactly where we are right here and right now. On July 5, 2005, before the building was started, Dave Schang issued a memo to Township Supervisor Chet Koop that stated: “The following facilities that are present are not barrier-free and should be made so for any use and the upper floor is not technically handicapped accessible but does have a chair lift on the stairs and a ramp on the east side.” There is not a lift and Dave Schang knew the second floor would not be compliant. It should also be noted on July 10, 2007, Supervisor Chet Koop signed for a building permit no. BP07013 that was issued by Jeff Wren– Holly Village – to alter ramp landing and guard rail. This was the same ramp that Dave Schang approved and issued a Certificate of Occupancy through March 2, 2007 four months earlier and the same ramp Chet Koop assured everyone was code compliant and Chet Koop signed this building permit application. On March 14, 2007 I personally met with Supervisor Chet Koop and clearly stated that the Township’s actions had put the taxpayers in financial jeopardy. If there is an accident in this non-code compliant building and an ensuing lawsuit, the Township insurance company would not pay the claim because of non-compliance and would only pay the Township’s legal fees to defend the claims. This was based on my 15 years experience working as a contractor and a consultant to an insurance company. I also asked Chet Koop, is this building code and barrier-free compliant and will you take my recommendation to have the State of Michigan do an audit, review and inspection of the building to make a determination of code compliance? His answer was the building was completely compliant and would not seek advice or help from the State to determine the fact. There now has been an accident in the building. Township Treasurer, Susan Slaughter, has had an unfortunate injury accident falling down the building’s non-compliant stairway and the Township Board has now solicited proposals to have professionals conduct a barrier-free access audit of the public facility. The average bid price opened 2 days ago is \$4,919.00. This action should have been done 3 years ago, not now, it is way too late. Here are the facts concerning Chet Koop: at the September 9, 2009 Township meeting, and I quote from the Township Minutes, we have had inspections, have been in the building 3 years and have never, I repeat, have never heard a complaint to the Board regarding safety, code and handicapped violations before now. How could this statement possibly be accurate based on the written facts just presented? Additionally, in the Minutes, after stating they have never had a complaint, a Rose Township communication dated March 29, 2007, sent to me and signed by Chet Koop, clearly states: “ I have discussed your code concerns with both Dave Schang, Rose Township Building Official and Chief Jeremy Lintz, NOCFA”. Chet Koop’s own written statement contradicts his own public statement. This is the foundation of the problem in this Township. These facts clearly show, the Township Board (with the exception of Susan Slaughter, whose opposition to this entire process is well-documented, Supervisor Chet Koop and building inspector Dave Schang have been either negligent, incompetent or have purposely circumvented the very laws, codes and ordinances that they were trusted to uphold. Take your pick; any one of these reasons is unacceptable. Current Supervisor Alison Kalcec’s statement “we did the best we could” is no more than politically painting excuses up as reasons for incompetence. I told you, warned you and your own insurance company warned you. Yet, you have ignored the facts and politically spun reality to elevate yourself while pushing down our communities’ integrity and taxpayers’ financial well-being. The facts dictate that the Rose Township Building Inspector Dave Schang be fired right here, right now. He should also be removed from his other 5 positions in this Township without delay. Chet Koop, Dave Schang, Jeremy Lintz, Envision Builders, Inc., Jeff Wren and each and every participant in this potential financial liability mess, which I assure you will carry a heavy cost to correct, should be held accountable for their actions. Once this is all said and done, the taxpayers would not to have had to meet in this outdated building discussing the problem with the building up the street, while paying maintenance costs on both buildings which are inadequate, we could have had a new code compliant township hall at Davisburg and Milford Road for the same tax money that has been wasted. In my opinion, the new Township Offices were constructed illegally as a

monument to political egos and unmitigated arrogance for each and every one of the involved Township members. I ask you, do your job, fix the problem, make your choice. Continue to allow misrepresentation of the facts or represent the tax payers who you are supposed to.

Pat Walls, Resident (17475 Fish Lake Rd.) states that the red bag over the faucet was not a biohazard bag, it was a bag taken by employees from the supply room purchased for clean-up day.

Mary Saiz, Resident (9950 Oakhurst Road) feels there should be a full investigation into Chet Koop and anyone else involved with the building as it is not fair taxpayers make up for their mistakes.

Chet Koop, Resident (11750 Eagle Rd.) asks (re: New Business Line Item C. Proposed Budget Amendments) if there will be further discussion on the purpose of accounting firm, respect to financial records (possible training, or active bookkeeping suggestions). Would there be discussion as to how funds would be apportioned? Plante & Moran/\$9100.00 to get books ready for audit this year. Training or assistance should be apportioned to the office that cost. Supervisor Kalcec thinks we have made decision on how this is just budget amendment to discuss how.

Paul Gambka, Resident (not signed in) would like Dave Schang present at next meeting to explain the above-mentioned charges as he is the center of the storm so residents can get a better understanding and what he has to say.

Robert Hauxwell, Resident (3100 Maureen Lane) Budget/Invoice listing, p. 5, report summary, Mr. Schang, 2 mileage reports for October and November, why, are we picking up more permits? There is \$700.00 in mileage requests, what are we paying for mileage and is it conducive to what the IRS says for mileage? Supervisor Kalcec states we adjust mileage according to IRS rules in July of each year (.55/per mile). Supervisor Kalcec states that this mileage is not just building departments (NSP grants large piece), PEG when he goes to Springfield Township, Code enforcement and is split into all Mr. Schang's cost centers. Some of it is building inspection for outbuildings and remodeling. Resident asks what action the Board plans to take regarding the above-mentioned issues. Supervisor Kalcec states that we have started taking some action, 60 days to file request for exception, RFP's for barrier-free access audit on agenda for December for selection, next step put together plan to get to compliance and more RFP's for getting it done. Resident asks about the \$17,000.00 figure for elevator. Supervisor Kalcec states there are two \$17,000.00 figures, request to program 2009 CDBG fund for that and also 2010. Resident states that these would be unnecessary taxpayers funds had this been properly handled originally. Supervisor Kalcec states we knew we would have to put an elevator in, did not know it had to be done right away, documentation to support same. Supervisor Kalcec states we should have initially filed an application for an exception, giving us time to bring into compliance. The use changed and that should have triggered the exception. Resident states we paid over \$200,000.00 for that property, almost that amount in renovations, and are now putting more money into that building. Before taxpayers put another dime into that building, obtain an appraisal to get property's worth. Need to look at all the problems and what the costs will be and what the value is on the piece of property. We don't need two buildings and goes back years and years and there is no reason we can't do something else with it. Make it a library or museum. Need to get the issues taken care of that Mr. Hanks brought up. He thinks there is some liable. We need to document some of this stuff and find out what we're actually doing.

Jim Cassar, Resident (3300 Maureen Lane) questions exception and its timeframe. Supervisor Kalcec states we have 60 days to apply for exception and then appear before a board and they can grant us time to comply. Resident asks during this time, would the Township's insurance

company would cover any accident at the building. Supervisor Kalcec there was a risk assessment performed when construction was winding up, suggestions made, may move forward with another assessment.

Jim Hanks, Resident (11255 Glen Hill Lane) states the Board relied on Dave Schang to handle the building and keep them updated, evident he did not do this correctly. Dave Schang told the State of Michigan that renovation totals were 5-7%, the State of Michigan states it was over 50%. The Board cannot solve this problem with smoke and mirrors or a building inspector without a clue. Get someone in that knows what they are talking about , don't try to bury the problem, fix it.

Andrew Wright, Resident (7071 Fish Lake Rd.) states that he is a taxpayer and should have as much time as he needs and that we will be the only rural Township with an elevator.

LeeAnn Hole, Resident (not signed in) remembers voting on acquiring a new building, it was voted down. Who decided to buy this building? Supervisor Kalcec states the vote concerned borrowing money to build the building. It went from \$2 million, \$1.5 million, third request \$700,000.00. Resident states that taxpayers should have had a voice. Supervisor Kalcec states these decisions were made in an open meeting forum. As taxpayers we should have been able to vote on whether to buy and bring up to code.

Mary Saiz, Resident (9950 Oakhurst Road) asks who is helping fill out the exception form? Supervisor Kalcec states registered code official, Jerry McCallum.

Nancy Hanks, Resident (11255 Glen Hill Lane) asks who established costs for these proposals? Supervisor Kalcec states in 1996 a building committee of citizens came up with a number to be put on ballot, second time another committee, scaled the plan by half a million, voted down. Third time, perhaps we could do something with \$700,000.00, had enough money for building and parking lot but still needed to do site improvements and voted down. Resident asks if professionals were on committees? Supervisor Kalcec states there were architects, professionals from the township, builders, etc. Township Board has to vote to put on ballot.

Jim Hanks, Resident (11255 Glen Hill Lane) asks why an outside building officer is helping with the exception forms? Supervisor Kalcec states it is due to Mr. Schang's involvement. Resident asks if Tri-County Article stating building was \$65.00/sq foot, the correct amount is \$165.00/sq foot. If new Township Offices were vacated, the value would be cost of demolition. Who is going to buy an old church, it has no value.

Chester Koop, Resident (11750 Eagle Rd.) would like to respond to Mr. Hanks' last comment. The total cost of building (including purchase of land) \$428,675.67, square gross footage 6,100, cost per square foot for renovation was \$34.27. Adding everything performed, total \$70.38. Susan Slaughter suggested borrowing \$1 million to build new structure on Davisburg Rd. Resident did not like this idea because it was turned down three times to borrow money. The cost was not \$165.00 square foot.

Slaughter would like to see proof on any record wherein she stated to borrow \$1 million. Slaughter states she may have said that it would be smarter to do that than buy the current building, brought the Board two suggestions: a modular building; or considering purchasing a floor in Mr. Lopez' building which was on main road that would be more sellable. Chet Koop was figuring both floors and we are only able to use one floor.

Chester Koop, Resident (11750 Eagle Rd.) states the \$1 million reference was a board meeting, Slaughter talked to State Bank who said we could borrow \$1 million and build a new building.

Before the Board made decision to buy building and do the renovations, it looked at many different options and did not consider church until they approached the township.

Jim Hanks, Resident (11255 Glen Hill Lane) states he has 40 years experience in building and has pulled over 2,000 permits. Resident does not want the public to be confused by “gross” square footage of building, as lower level no different from a basement. The useable office area is 2,861 sq. ft. States his figures are \$464,355.43, divide by usable area on main floor = \$162.31/sq. ft.

Carl McConnahey, cannot believe Board did not know it did not have an elevator? Supervisor Kalcec states at the time she did not consider not being in compliance, should have filed a form to receive time to get elevator.

Pat Walls, Resident (17475 Fish Lake Rd.) states the Board did look into getting an elevator; Don still receives calls for wanting to give him elevator quotes.

Nancy Hanks, Resident (11255 Glen Hill Lane) asks what would be the cost of an elevator? Supervisor Kalcec states it ranges from \$5-6,000.00 could be up to \$25-30,000.00, plus other costs.

Mary Saiz, Resident (9950 Oakhurst Rd.) asks besides the elevator what other way is there out of the basement? What if power went out? Supervisor Kalcec states grant money from Oakland County paid for a generator that would run the elevator.

Chester Koop, Resident (11750 Eagle Rd.) states that during planning stages, contacted elevator companies, given three options: (1) lifts \$15,000.00-\$34,000.00, (2) Lift like an elevator, stand alone unit - \$37,000-\$42,000.00/plus installation; and (3) elevator – started at \$60,000.00.

Nancy Hanks, Resident (11255 Glen Hill Lane) states no matter what the cost of elevator, more money will result in a higher square footage dollar amount (not planned in budget). Supervisor Kalcec states she will wait for the experts’ opinion and could give better.

Unidentified Resident states that installing an elevator will not make basement code? Supervisor Kalcec will wait for the expert’s opinion.

Katherine Bair asks how long the Township has being using the new building? Supervisor Kalcec states since March of 2007.

## **PUBLIC HEARING:**

### **A. Programming of PY 2010 Community Development Block Grant Fund.**

Supervisor Kalcec opens the public hearing at 8:20 p.m. Planning figure is \$17,373 per year to remove architectural barriers.

Slaughter states even if it is decided to program this money for an elevator, can it be re-programmed in the future. Supervisor Kalcec states yes we can re-program in the future and documentation in packet for specific eligible projects.

Supervisor Kalcec closes public hearing at 8:25 p.m.

## **OLD BUSINESS:**

#### **A. Township Hall Facilities Update**

Supervisor Kalcec states we are moving forward regarding barrier-free access issues and the Board has authorized her to apply for a 60-day exception. Supervisor Kalcec spoke with Mr. Sommers who asked for a letter requesting an extension, agreed to a 60-day extension to fill out application and send to the State of Michigan. Pre Hearing conference and then they make recommendation to the full State Board will grant/not grant exception, received RFP's for barrier free access audit for meeting hall and for 9080 Mason St., received proposal from Planner to look at park on Rose Center/Milford Rd. All facilities we use on a day to day basis would be assessed for compliance. Will be on next meeting's agenda.

#### **B. Resolution To Transfer Property (Part of Hills of Davisburg) to Springfield Township**

This item is tabled and will remain tabled, waiting for response from the Springfield Township Board.

#### **C. Resolution to Re-Program PY 2009 CDBG Funds.**

Public hearing held on October 14, 2009. This resolution must be adopted to reprogram funds (\$17,373.00) to remove architectural barriers.

Slaughter states that if decided tonight could we change in future? Supervisor Kalcec responds yes.

**Moved by Kalcec, seconded by Scheib-Snider, motion carried to re-program the PY 2009 CDBG Funds for the removal of architectural barriers in the amount of \$17,373.00.**

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

**Voting No: None**

#### **E. Banking Financial Information Access Request**

Supervisor Kalcec states State Bank requires a certified copy of a resolution granting Trustees and Supervisor access to financial information. The Township Treasurer has suggested a different approach. The Board must decide what approach to take on this issue. It should be noted that the Township Board previously voted to allow the access and the proposed resolution is a formalization of that previous vote, however, to the best of Supervisor Kalcec's knowledge, the bank requires this type of document.

**Moved by Slaughter, seconded by Miller, motion fails to adopt and revise the proposed resolution granting the Township Supervisor only access to banking and investment information.**

Slaughter would like to remove reference to "Trustees" from paragraph 1 and 4 of the proposed resolution.

Slaughter states surrounding communities' Trustees do not have bank access. Slaughter states the statute reads that the Clerk and Treasurer (plus deputies) have banking authority. Other communities have the Supervisor on accounts and would like Rose Township to handle in this same manner. Spoke to Dave Ax, Groveland Twp Treasurer who quoted Michigan Case Law showing the reasons Trustees should not have access. Slaughter states that a reasonable

compromise would be to add Supervisor Kalcec onto accounts and will start (for Trustees' benefit) adding more data to the quarterly investment reports so they will know what type of investment and interest earned. Any questions from there can be taken to the Supervisor, Clerk or Treasurer.

Scheib-Snider states Sue's request is out of order. Roberts Rules of Order states reconsidering of a pre-decided matter a.) can only be done at the meeting of the original motion when it was decided or the immediate meeting following. This original decision was voted upon September 9, 2009.

Miller questioned if this is a revised resolution.

Slaughter states that we have not previously passed a resolution.

Supervisor Kalcec states we asked the bank to inform us what they required in order to allow Board members access to accounts and were informed that, for their protection, they needed a certified copy of a resolution naming the persons by name who would have access for their protection. This is a formalization of an action already taken but the action that was already taken was to allow "all" Board members to go to the bank and speak to bank personnel about accounts, look at statements, no authorization to perform transactions, change any money and that resides with the Clerk and Treasurer. The little red book on township government from MTA has a quote in it that states: "As the name implies, a Trustee is an individual placed in a position of public trust with fiduciary responsibilities to manage the funds of the township for the best interest of the public." This is what the trustees are asking for.

Scheib-Snider states she spoke to the Michigan State Treasury Department/Kerry Vaughn (auditing manager) and email from Township attorney that said this was something that can be done.

Slaughter states she has a copy of the MTA's Township Officials' Statutory Duties wherein it reads that all depositories, investments, etc. are the statutory duty of the Township Treasurer. Slaughter feels this action is trying to undermine the statutory duties of the Treasurer. Trustees' statutory duties are: (1) to vote on all issues; and (2) responsible for the Township's fiduciary health. That does not mean necessarily financial. Voting on the issues that are in the best interest of the township in general which could be a number of things. The motion passed a month ago is in violation of Rose Township's financial administration policy and we need to look closely at the financial administration policy. Attorney's letter of interpretation states: "any document prepared, owned, used or in the possession of or retained by the Township Treasurer in the performance of any official function shall be available to the public in compliance with the FOIA". This letter goes on to read any documents are available via FOIA, which is not necessary as Treasurer and Clerk have stated any Board Member can view information at their request. Clerk and Treasurer have both said over and over again any trustee is welcome to come into our offices at any time and look at any banking, any financial records, anything yet they have chose not to do that. Therefore Treasurer felt was a fair compromise without having five, six, seven people running into the bank asking different questions, keep it limited to the Clerk, Treasurer, and Supervisor would be a cleaner, neater way to go.

Supervisor Kalcec asks if other Township's Treasurers were ever in this type of situation (allowing Trustees to go to the bank)? Slaughter responds she does not know, just that Trustees do not have this authority. All townships said absolutely not, that a trustee is not allowed to go into the bank because the information is available in the office all the time.

Scheib-Snider wondered why MTA and State Department of Treasury Auditing Manager think otherwise.

Slaughter spoke with Kathryn/MTA after she rendered her decision and Alison had sent a letter to MTA that Treasurer was refusing to give Trustee authority but Supervisor did not have in the original base of letter was who stated Trustees have the right to have access to bank information. Then spoke with Cindy/MTA, who had an entirely different view, stated Trustees were not allowed to go to bank. Would like to table this matter to review the Township Financial Administration Policy so we do not violate such policy.

**Voting Yes: Slaughter, Miller**

**Voting No. Scheib-Snider, Gordon, Kalcec**

**Moved by Slaughter, seconded by Gordon, motion carried to table this item until it can be determined it is not in violation of Township's Financial Administration Policy.**

**Voting Yes: Kalcec, Miller, Slaughter, Gordon**

**Voting No: Scheib-Snider**

**Moved by Gordon, seconded by Kalcec, motion carried to have Township Attorney look into Township's financial policies.**

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

**Voting No: None**

#### **NEW BUSINESS:**

##### **A. Appoint Board of Review Member**

Supervisor Kalcec states that Rod Vogel, a long-standing member of the Board of Review, has resigned and Peg Thorsby is willing to serve on the Board for the remainder of the term (December 31, 2009).

**Moved by Kalcec, seconded by Slaughter, motion carried to appoint Peg Thorsby to serve out the remainder of the term vacated by Rod Vogel.**

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

**Voting No: None**

##### **B. Resolution to Program PY 2010 CDBG**

This resolution proposes to program CDBG funds for PY2010 (beginning in Spring 2010) for removing architectural barriers. Public hearing held this evening with no comments.

**Moved by Slaughter, seconded by Miller, motion carried to adopt a resolution to program the PY 2010 CDBG Funds for the removal of architectural barriers in the amount of \$17,373.00.**

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

**Voting No: None**

##### **C. Proposed FY 2010 Budget Amendments**

The Amendments proposed reflect the personnel changes and a software purchase proposal being drafted by the Clerk.

Supervisor Kalcec refers Board to amendments/General Fund. Elections: annual amount \$5,000.00 (8 months of \$5,000.00 = \$3,350.00), personal services for elections. Not clear if part time employee or contract position. Reduction in small equipment purchases of \$1,000.00. Assessor cost center does not change, only line item changes that basically reflect her change in status. Township Clerk's total cost center reduced by approximately \$50,000.00 with personnel changes. Deputy Clerk \$700.00/8 months deputy clerk. Township Treasurer cost center reduced amounts reflect the actual as deputy treasurer had a 90-day wait for benefits/pension. Tracking and charging mileage rates to the PEG mileage but nothing was budgeted, \$400.00 now. General Services: actual \$2,880.00, current year-to-date (Plante & Moran) \$1,880.00 outstanding this year, remainder \$8,880.00/accounting services. Budget is there but would like to get more accounting hours out of money spent, possible contract. Added additional training dollars because training and MTA dues come out of this account . Telephones adjusted after reviewing four months and did not have enough. Revenues are for three months and expenses are for four months explains the difference. Capital Outlay increased \$30,200.00 (bulk came from Clerk's cost center staff reductions) for tax reverted property purchase/partial payment purchase of software package Clerk is preparing for review.

Miller asks Supervisor if she is adding \$4,383.00 (increase \$15,583.00) to the elections cost center?

Miller states in the resolution the amount is \$15,583 but adding \$400 to trustees and deducting \$50,305 from Clerk but figures are not correct. Elections is \$11,200, an increase by \$2,607 but resolution \$4,383 incorrect but total is right. Should be \$2607 increase not \$4,383. Supervisor Kalcec states she believes that figure is the difference. Total is correct.

**Moved by Kalcec, seconded by Scheib-Snyder, motion carried to adopt proposed FY2010 Budget Amendments as presented.**

Supervisor Kalcec states there needs to be recognition that there was a full-time deputy clerk with full benefits attached to that position that has been dramatically decreased to a part-time deputy. Deputy would be assisting with elections and accounting, switching some of these activities to contract positions (i.e., accounting services). Clerk Miller states that the deputy she hired only amounts to 1 day a week every few weeks and contract is one day every three months. Supervisor would like to get more days for accountant for less money and we should look at others.

Slaughter states Plante & Moran is already coming in, programs in place, and they know what is going on. Slaughter states she understands the cost factor, however, one deputy doing majority of work and a deputy clerk to work elections (small amount of time), suggests keep Plante & Moran in place. Miller is looking into other alternatives. Slaughter states Plante & Moran may adjust their rates accordingly if other quotes come in lower. Miller spoke to township auditors PHP today and is very close in price. Supervisor Kalcec sent Plante & Moran an email and states if Plante & Moran stays in place, we need to obtain a new engagement letter. Budgeted the money but need to do homework to make sure we get the most for our money. Deputy Clerk is regular part time employee and accountant is contract position.

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

**Voting No: None**

**D. Frederick A. Malmquist - \$2,000.00 Performance Guarantee Waiver**

Fred Malmquist states he is requesting a waiver of the \$2,000.00 performance guarantee for a temporary dwelling. Ordinance reads that it is a guarantee of removal of a structure that is brought in and placed on the property, in this case an existing structure is being moved from point A to point B and hooked up to well/septic while new residence is built. Once the new

residence is built, structure will be disconnected from well/septic, remain on property as an out-building (i.e. log cabin being used as a storage barn) and will be inspected at close of construction.

Supervisor Kalcec states that this cash performance bond usually applies to mobile home dwellings being placed on the property during construction, thus insuring its removal.

Slaughter asks if this property is being farmed. Malmquist responds yes. Slaughter confirms it will be disconnected from well/septic and will remain on property as an out-building, what is zoning. Malmquist states R1R, 21 acres.

Scheib-Snider asks if construction has commenced and if there are footings. Malmquist responds septic recently approved by Oakland County Health Department, site area cleared and ready for construction, no footings yet. Scheib-Snider asks about the timetable? Supervisor Kalcec states building permits are for 1 year or get renewed. Malmquist states ordinance reads date of temporary dwelling permit 1 year, renewal 6 months if progress on residential structure.

**Moved by Slaughter, seconded by Miller, motion carried to waive the \$2,000.00 performance guarantee for parcel no. 06-18-200-018 in accordance with provisions contained in Mr. Malmquist's letter to Rose Township dated November 5, 2009.**

Gordon asks Malmquist if he has approved building permits and if he can complete project in one year. Malmquist responds yes to both questions.

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

**Voting No: None**

#### **ANNOUNCEMENTS:**

- A. Next Regular Planning Commission Meeting December 3, 2009, 7:30 p.m. (no meeting)**
- B. NOCFA Board Meeting November 16, 2009, Holly Township Hall**
- C. Next Recycling Date December 5, 2009, 9:00 a.m. - Noon**
- D. Zoning Board of Appeals December 1, 2009 (if needed to conduct business)**
- E. Next Regular Township Board Meeting December 9, 2009 at 7:30 p.m.**
- F. Community Meeting with DTE Energy and Consumers Energy, December 2, 2009, 6:30 p.m., Rose Township Hall to answer questions and give presentations**

#### **MISCELLANEOUS REPORTS:**

- A. NOCFA:** Fire hall open house held. Chief's review and attorney's opinion. Proposal/Village of Holly to formalize agreement to allow us to keep antenna under water.
- B. Planning Commission:** Scheib-Snider states there were changes to site/sketch plan applications. Discussion with planner (Nesbitt) regarding an ordinance for private wind turbines, which will be looked into further.
- C. Holly Area Youth Assistance:** Slaughter states there will be an internet safety program in early 2010 and HAYA is gearing up for Christmas Toy Program.
- D. Supervisor's Reports:**

Road Commission Update: Oakland County will be plowing roadways this winter with 8 fewer workers, 20 workers for Springfield, Holly, Rose Township area. If there are issues, we have a link on Rose Township's homepage that will take you to the Road Commission to report problems. Remove parked vehicles off the shoulder and into safer parking. Go through official channels and get reference number so township can follow up on complaint.

NOCFA Fire Hall Opening: NOCFA held an open house on October 24, 2009 at the new station located at 5051 Grange Hall Road. As part of the NOCFA, Township residents will have access to all of the services and facilities associated with the new facility. A grant application has been submitted for financing an addition to the Rose Township NOCFA station at Milford Rd. and Rose Center Rd. (housing/ambulance). To learn more about NOCFA, please visit <http://www.nocfa.org>.

Annual Audit of Township Financial Statement: The auditors reviewed financial records for FY2009 and will be in a few days in November focusing on preparing audited financial statements and the Township's annual report to the Michigan Department of Treasury. On December Agenda.

Bureau of Construction Codes Response: The Bureau of Construction Codes has granted a 60-day extension for the Township to submit its Application for Exception. Once application submitted, the process of hearings and decisions on the issues will begin. Supervisor Kalcec will be using a certified code inspector from another community to assist with this application.

RFP's for Barrier-Free Access Audit: The RFP's for the barrier-free access audit that the Board approved are in and a review of these proposals will be accomplished as soon as possible. Several interested architectural firms have visited the Township facilities.

NSP Grant: Several projects in the works, will know soon whether granted a 3-month extension.

Utility Companies Community Meeting: Meeting with DTE Energy and Consumers Energy to be held December 2, 2009 at 6:30 p.m. Supervisor Kalcec will speak with both utility companies to help them understand what issues are likely to come up at the meeting. Watch for notification of the meeting on Cable Channel 20 and the Township website: [www.rosetownship.com](http://www.rosetownship.com).

Police Services Survey: Supervisor Kalcec has received approximately 75 responses to the Police Services Survey. December 31, 2009 is the survey end date. The overall satisfaction thus far is around 50/50. Responses will be tabulated and made available to interested persons.

### **PUBLIC COMMENTS:**

Darlyne Stanczyk, Resident (7355 Fish Lake Rd.) thinks it is great to see so many people at the meeting, many times it is controversy instead of just coming to the meetings to find out what is going on in the township.

Robert Hauxwell, Resident (3100 Maureen Lane) believes the reason people are here is because of the problems within the Township, needs to be corrected. Board beating Trustee access to the bank issue to death, why is this discussed at every meeting, a waste of Board time and public time? Would like to know what is so important that you need to waste the resident's time and the Board's time. Slaughter states she brought a letter from State Bank's Vice President stating all funds were FDIC insured. Special meeting held wherein Vice President and Bank Manager/State Bank gave presentation to the public and the Board.

Slaughter understands concern but has supplied sufficient information. Resident asks how many hours Trustees are in the office? Kalcec states in the office probably no much but will let Trustees answer. Scheib-Snyder states 2-3 hours a day in the summer. Resident asks why Trustee could not walk into someone's office, ask the questions, and not waste time here? Scheib-Snyder states she is 1/5 responsible for the finances of this Township. Scheib-Snyder states resident is coming in here, pointing fingers at everybody that has been on the Board in the past and made decisions about a building. Where if something happens down the road and you want to know why she didn't look it is because she didn't have access. Resident thinks this is a waste of time bickering and looking like kids in a sandbox. Scheib-Snyder states she dedicates a lot of time to the Township and the Township is lucky to have her as a Trustee.

Resident states this is costing the township money and wasting time. Resident states there are zero Townships in Oakland County offering health care benefits to trustees. Supervisor Kalcec states that this policy originally instituted due to a 5 or more subscriber (1996) requirement, not enough people at that time to have a policy. We have small amount of employees, reduced benefits to just trustee (not family), law precludes the Township from reducing elected official's compensation during their term, benefits are considered compensation, can look at changing policies in 2012. Slaughter states she contacted BCBS, they are willing to allow existing group of 5 to go to 3 and still carry retirees, and we need to determine if health insurance is compensation or benefit. Resident states economy is poor, trying to put budget together, make cuts wherever possible. Resident states some communities contract inspections with state. Supervisor Kalcec states that plumbing/electric inspections get paid based on paid permits only and better service to have in-house inspections. By December 31<sup>st</sup> new taxable value for the Township and will have to make cuts (we have reduced staff, took pay cuts). Would like to maintain services, not cut them, for residents.

Paul Gambka, Resident states Springfield Township (a much larger Township) eliminated their entire building department and sub-contracting services out. Rose Township needs to be proactive and not lag behind. Gordon states he spoke to Springfield and their inspection costs are more than Rose Township's building inspector's salaries, lose building permit costs also.

Jim Hanks, Resident asks if current building inspector is employee or contractor? Supervisor Kalcec responds employee. Resident asks if he contracts with Holly Township? Supervisor Kalcec responds yes. Resident asks how many positions he holds within Rose Township? Supervisor Kalcec responds he is paid out of 5 cost centers (building inspection, mechanical inspector, PEG, zoning enforcement, CDBG, office computer). For clarification, inspector response is 72 hours not 2 or 3 weeks.

Mike Holowecki, Resident (8135 Tipsico Trail): Zoning enforcement wages and jobs? Supervisor Kalcec states a structure on residential lot, no primary structure, dangerous building ordinance, burned out house, noise provisions in the last few months.

Don Walls, Resident (17475 Fish Lake Rd.) A couple of Board members want to hire Plante & Moran and asks how long will entity supervising books go on? Slaughter states it is not "supervising" the books. Kalcec states we need to obtain a specific engagement letter outlying responsibilities. Slaughter states most communities have on-staff accountants and thinks it would be an excellent idea. Kalcec thinks it not a bad idea. Auditors also felt it is a good idea to have someone come in quarterly and check the books, keeping them safe. Miller state to double check the Supervisor, Clerk and Treasurer to ensure all entries are correct. Supervisor Kalcec states it is extremely unusual to have elected officials handling the accounting, as there are no minimal qualifications to get elected.

Robert Hauxwell, Resident (3100 Maureen Lane) will volunteer to serve on the Board of Review at no cost or benefits. Supervisor Kalcec will put name in the mix with the others.

Unidentified Resident states he filled out the Police Protection form and finds it strange that Board wants to have own police force. Supervisor Kalcec states that this is not the case. We can't get along with ourselves and fire department can't get along with Holly. Resident suggests limiting Board member term limits. Slaughter states term limits are state law. He is perfectly happy with the State Police.

Pat Walls, Resident (17475 Fish Lake Rd.) asks what is the Treasurer trying to hide from Trustees? Slaughter responds that any Board Member can come in at any time to look at bank documents or anything received from the bank.

**ADJOURNMENT:**

**Supervisor Treasurer Slaughter moves to adjourn the regular ~~special~~ meeting of the Rose Township Board of Trustees on November 11, 2009 at 9:35 p.m.**

Approved/Corrected

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Debbie Miller  
Rose Township Clerk