

**ROSE TOWNSHIP BOARD OF TRUSTEES
REGULAR MEETING
May 12, 2010**

The following residents and guests signed in as present:

Robert Hauxwell	Robert Kast	Roy Emmons	C.E. Noble
Emile Bair	Mike Holowecki	Pat Hefferan	
Darlyne Stanczyk	Bruce C. Proper	Chester Koop	
Jim Weil	Ron Stachura	Lyle Barger	

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

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

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

Communications available and a copy of information received from the drain commission.

APPROVAL OF AGENDA:

A. Approval of Proposed Agenda for May 12, 2010.

Supervisor Kalcec, adds line items under New Business: **F. Resolution Expediting Permits for Structures on Big School Lot Lake, G. Request Cash Flow Funding for the NSP Program, H. Closed Session.**

Moved by Slaughter, seconded by Gordon, motion carried to approve the Agenda for the May 12, 2010 regular meeting of the Rose Township Board of Trustees with the addition of items F. Resolution Expediting Permits For Structures On Big School Lot Lake and G. Request For Cash Flow Funding For The NSP Program.

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

CONSENT AGENDA:

Supervisor Kalcec pulls the April 14, 2010 Minutes.

Moved by Gordon, seconded by Scheib-Snider, motion carried to approve the Consent Agenda with the exception of the April 14, 2010 Minutes.

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

A. Approval of Minutes of April 7, 2010 and April 14, 2010 Meetings

Supervisor Kalcec corrects the April 14, 2010 Minutes as follows: P. 3, 2nd paragraph, response to Mr. Holowecki, 2007 should be 2000; and P. 11, Motion re: Closed Session needs to state the reason for closed session is because a discussion in an open meeting may have detrimental financial effect on the Township.

Scheib-Snider, p. 4, sentence 3, states she is not in favor of a millage, in favor of special assessment.

Moved by Gordon, seconded by Scheib-Snider, motion carried to approve the Minutes of April 14, 2010 Regular Meeting as corrected.

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

None.

PUBLIC HEARING:

None.

OLD BUSINESS:

A. Township Hall Facilities

Supervisor Kalcec received a quote for a full code inspection from Carlisle Wortman Associates in the amount of \$1,055.00. Would like to approve and began inspection with Carlisle Wortman Associates.

Moved by Slaughter, seconded by Scheib-Snider, motion carried to ask the Managing Director of Carlisle Wortman Associates to move forward with code inspection.

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

Voting No: None

B. Comprehensive Policy Review Project

Supervisor Kalcec has not received any submissions for policy amendment and would like to include this in the budget work session as policy decisions tie into this year's budgeting. Continue as an Agenda item.

C. Implementation Plan for Auditors' Recommendations

Supervisor Kalcec states this is an ongoing Agenda item and we are moving forward with auditor's recommendations.

D. Fire/EMS Funding Proposal(s)/Tabled

Supervisor Kalcec passed out revised Special Assessment resolution wherein the 2nd to last sentence of states "This first collection under the proposal would be approximately 2.0 mills (\$2.00 for each \$1,000 of taxable value) which would generate approximately, \$470.00." Another resolution for millage question, Supervisor Kalcec spoke with Joe Rozell (Director of Elections/Oakland County) and he was clear that the intent of the law is to make ballot language as clear as possible. Millage questions containing explanatory paragraphs. Deadline to be certified to the County is May 25, 2010.

Slaughter asks (re: millage proposal) if we can state that 1.35 is not enough to fund our portion in the explanation language. Supervisor Kalcec states we need to be careful as we cannot advocate. Slaughter reiterates that the residents need to decide on the millage. Miller states residents have expressed displeasure with special assessments because it can go up 10% each year without a vote of the residents. Scheib-Snyder is in favor of special assessment if voted on. Gordon, if millage is locked in at 2.1 mills will not be enough in the end.

Moved by Slaughter, seconded by Miller, motion carried to move forward with a millage.

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

Voting No: Gordon

E. Clinton Street Abandonment Request/Tabled

Supervisor Kalcec states she is not comfortable with using the Zoning Board of Appeals. If residents wanted to put up escrow, we could move forward with abandonment. We cannot use public funds to move forward with abandonment.

Board Consensus to compose letter to the Oakland County Road Commission and if requesters wish to assume responsibility for costs (i.e. escrowed monies) it may be advisable to proceed with abandonment.

F. FY2010 Tri-Party Program

Supervisor Kalcec states we worked very hard to reinstate this program. Fish Lake Rd. from Demode Rd. to the Township border, our portion would be \$10,557.00. Slaughter

states that every road in the Township needs gravel, with budget cuts, cannot go along with this. Scheib-Snider states that it is a lot of money, but supports it.

Moved by Scheib-Snider, seconded by Miller, motion carried to approve gravel project for Fish Lake Rd. to Demode Rd. to the Township boundary in the amount of \$10,557.00.

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

NEW BUSINESS:

A. NOCFA Building Permit Fee Waiver

Supervisor Kalcec states the Building Inspector has asked if the Township would waive the building permit fees relating to the addition at the fire station, must have board approval. Slaughter states we normally waive permit fees when it benefits the Township.

Moved by Miller, seconded by Slaughter, motion carried to waive building permits fees for the addition at the fire station.

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

B. Proposed Noise Ordinance

Supervisor Kalcec states that due to a large number of complaints, this proposal would regulate noise levels within the Township. There are problems measuring so many noise complaints. Supervisor Kalcec states that 80 decibels is too high and State Police could do more about complaints if we had a local ordinance.

Slaughter states that 7:00 a.m. - 10:00 p.m. is late, suggests 9:00 p.m., should move forward with ordinance, there is a need. Attorney Mulvihill states he just received this ordinance, communities shy away from the decibel meters due to operator error, look at disturbing the peace ordinance. Attorney Mulvihill recommends the Board confer with the Township Planner. Gordon suggests the Planning Commission look at this ordinance. Supervisor Kalcec states we can adopt or send to the Township Planner and would like to obtain State Trooper input.

Moved by Slaughter, seconded by Miller, motion carried to table the Proposed Noise Ordinance and Supervisor Kalcec will send to the Planning Commission.

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

C. Fireworks Display Permit

Supervisor Kalcec states Roger Rakowski has applied again this year for a permit to have a fireworks display on Lake Braemar. Mr. Rakowski states he has letters from land owners/island and his license expires June 1, 2010. Mr. Rakowski states he has applied

for his license, 90 day waiting period; ATF inspector informed him he can write a letter as an extension of his current license.

Moved by Slaughter, seconded by Gordon, motion carried to adopt resolution granting Mr. Rakowski Fireworks Display Permit adding a sentence that a letter extending his current license will be sufficient.

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

D. Proposed FY2011 Budget

Supervisor Kalcec, includes health insurance options, 2 proposals regarding employee premium contribution. Take into consideration the possibility of Lansing requiring all public employees to pay 20% of health insurance premiums. Would like to schedule a work session.

Moved by Kalcec, seconded by Scheib-Snider, motion carried to adopt the NOCFA Operating Fund Budget and the Capital Fund Budget.

Slaughter concerned as we do not know what kind of funding we will have. Supervisor Kalcec states there is an increase due to timing of loan payments. Miller asks re: reason for \$40,000.00 increase in personnel. Supervisor Kalcec states personnel took a decrease last year. Gordon states our share has only gone up \$4,485.00.

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

Supervisor Kalcec needs a proposed budget for the public 10 days prior to June 9, 2010.

Board consensus to hold a budget/policy issue workshop Thursday, May 20, 2010, 7:00 p.m.

E. Planning Commission Chair Request for Consideration of Ordinance re: Medical Marijuana

Supervisor Kalcec states the Planning Commission Chairperson has inquired as to Board's interest in adopting an ordinance addressing the issue of growing medical marijuana. Scheib-Snider states that the Township Planner has suggested following State guidelines. Supervisor Kalcec states we can send to Planning Commission for discussion/review.

Moved by Slaughter, seconded by Scheib-Snider, motion carried to send the consideration of an ordinance on medical marijuana to the Planning Commission for review, discussion and recommendation on whether this is something the Township can move forward with.

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

F. Resolution to Support Expediting Permits For Structures On Big School Lot Lake.

Supervisor Kalcec explains the Resolution encouraging the NBNRE to expedite permits. Rose Oaks County Parks applied for a permit to install 8 additional structures under beaver dams to allow water to flow through and under the dams. Slaughter states due to the dams, the water is rising over the roads, homes and covering septic systems. Supervisor Kalcec states water has receded 4 inches with installation of 1 device. Applied/granted a permit to trap 10 out-of-season beavers to handle over population.

Supervisor Kalcec would like to adopt the following resolution language:

“THEREFORE, BE IT RESOLVED that the Rose Township Board of Trustees supports the Parks and Recreation Commission Staff in entering into a pleading with MDNRE permitting process for the installation of water flow devices at known beaver dam locations within Rose Oaks County Park to mitigate the impact of damming activity on adjacent residential property on Big School Lot Lake with said money for this project to come from Parks and Recreation funding.”

Moved by Slaughter, seconded by Gordon, motion carried to adopt a resolution supporting the Parks and Recreation staff in getting MDRNE permits to install water flow devices at known beaver dam locations.

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

Voting No: None

G. Request Cash Flow Funding for NSP Program

Supervisor Kalcec states that the NSP Program is nearing end, the County has been slow with reimbursement, and we still have obligations for property rehabs on Webberdale. Mr. Schang has 7 unpaid reimbursements requests totaling \$29,436.00 and will soon submit another reimbursement in the amount of \$89,200.00 upon a project's completion. In the meantime, there is a cash flow slow down due to County's slow processing, asking that the Board authorize an additional \$100, 00.00 which would be reimbursed. Slaughter states that \$100,000.00 is too much, have not spent this much. Supervisor Kalcec states we still have obligations to other properties, 4636 Webberdale and remodeling Baker Rd. property. Slaughter states we have been reimbursed \$30,000.00, Schang has previously asked for \$31,000.00 which was denied due to lack of funds in general ledger.

Supervisor Kalcec recommends that the NSP Committee meet with Dave Schang and decide what needs to be done.

H. Closed Session with Township Attorney – Lawsuit Resolution Proposal

CLOSED SESSION

ANNOUNCEMENTS:

A. Next Regular Planning Commission Meeting June 3, 2010 p.m. - 7:30 p.m. (If Needed)

- B. **NOCFA Board Meeting May 17, 2010, 7:00 p.m., Rose Township Hall**
- C. **Next Recycling Date June 5, 2010, 9:00 a.m. until Noon**
- D. **Zoning Board of Appeals June 8, 2010 (if needed to conduct business)**
- E. **Next Regular Township Board Meeting June 9, 2010 at 7:30 p.m.**
- F. **Annual Meeting of the Electors of Rose Township, June 9, 2010 at 7:00 p.m.**
- G. **2010 Dog Licenses are available at the Township Offices**

MISCELLANEOUS REPORTS:

A. NOCFA

None.

B. Planning Commission

Scheib-Snider states the Planning Commission approved a private wind turbine ordinance which will now come to the Board of Trustees. Still looking at parks and recreation plan. There is no funding at this time for the gardening project.

C. Holly Area Youth Assistance

Slaughter states a scholarship was awarded in the amount of \$1,000.00.

D. Supervisor's Reports

Road Commission Update: Gravel and chloride applications underway and Board is deciding whether to participate in the Tri-Party Road improvement Program this year. The cost to participate would be \$10,000.00. The Oakland County Board of Commissioners was going to eliminate the program, but has decided to fund at lower level.

Village of Holly Wellhead Protection Committee: Supervisor Kalcec is continuing to attend meetings and cooperating with the committee.

Township Offices – Building Improvements: Redstone Architects is beginning to implement phase ___ of the project to enhance the accessibility of the Township Offices/Hall.

Oakland County Chapter, Michigan Township Association: OCCMTA held its quarterly meeting on April 22, 2010. Robert Daddow from L. Brooks Patterson's office presented information showing the extent to which the State has ignored its responsibilities under the Headlee Amendment. This Amendment required the State to fund the mandates it handed down to municipalities. This funding has been ignored and municipalities have been forced to fund the State mandates.

NOCFA: Expecting to begin construction of an addition at the fire station at Milford Rd/Rose Center Rd. this spring. This addition will be funded by a grant and is the first step to stationing an ambulance crew in the Township.

Funding Fire and EMS Services: Township making decisions regarding method of funding for NOCFA. NOCFA provides fire, rescue, EMS and ALS/ABLS transport to all

residents of Rose and Holly Townships. Rose Township's funding mechanism facilitating the funding of these services expires this year and a new funding mechanism must be approved to continue these services.

Neighborhood Stabilization Program ("NSP"): NSP is on track, deadline for expending funds extended to May 31, 2010. Detailed report of activities available in Township offices.

Storm Warning Reminder: Comcast Cable Channel 20 is broadcasting up-to-date weather warning banners.

Garner Drain: Supervisor Kalcec wrote a letter to Water Resources Commission ("WRC") regarding the Garner Drain Special Assessment District. Copies of this letter and all relative correspondence are available at the Township Offices. The WRC is willing to evaluate individual properties to determine whether they are correctly included in the Special Assessment District.

Big School Lot Lake Beaver Dams: Supervisor Kalcec met with Big School Lot Lake property owners on several occasions to assist them with flooding issues associated with the beaver dams in Rose Oaks Park. Oakland County Parks and Recreation has been helpful and is working on the installation of several underwater structures which allow water to flow under/through the dams. Because beavers cannot hear running water, they do not seek to expand current dams. The first installation dropped the water level several inches in a weekend. Permits for the installation of additional structures from MDNRE will be required and park staff has been assured that the permit application will be expedited. In order to address the flooding issues, an out of season trapping permit has been issued and a contractor has been hired to trap 10 adult beavers. The Township will look into the possibility of allowing recreational trapping in the vicinity of the Lake.

Clean-Up Day and Re-Use Day: Clean-Up Day was a success. Re-Use Day was also a success, many people utilized this service. Supervisor Kalcec and Scheib-Snyder are attempting to coordinate volunteers for next year.

ITC Meeting: Supervisor Kalcec will be holding a meeting with ITC and Holly Township Supervisor Jesse Lambert this month to get an update on the project to replace many wood utility poles in the Townships.

Holly-Rose Township Burning Regulations: Supervisor Kalcec met with Holly Township Officials and NOCFA Chief Lintz on May 17, 2010 to review new State burning standards in relation to identical open burning ordinances that the 2 Townships adopted several years ago.

E. Others - Police Services Committee

None.

PUBLIC COMMENTS:

G.E. Noble, Resident (Ranch Rd.) states the Township has a Planner and Building Inspector, previous meeting stated interviewing another competent architect. Planners are in the construction business and hopes these individuals are qualified. Resident states that noise ordinances are a can of worms. Resident suggests the Board give consideration to pass a resolution requesting that Drain Commission abandon the Garner Drain and enforce Chapter 17. Supervisor Kalcec states she had a phone conference with Steve Korth and Drain Commission Legal Counsel, they believe there will not be any give with respect to the Garner Drain. Resident further states NSP/reimbursement program contract states that the Township would be paid 30 days from receipt of the bill. If there are contracts out that are not timely reimbursed they should be canceled. Board needs to review contracts.

Ron Stachura, Resident (1400 Bone Rd.) Brought the noise ordinance to the Board's attention last month and is not talking about loud tractors or everyday noises. Resident is talking about loud bass music and at late hours, this is what should be addressed. Trying to use the decibel meter at 1:00 a.m. is difficult and Township may want to consider a disturbing the peace ordinance. State Troopers hands are tied and the Board should confer with them. Supervisor Kalcec is attempting to contact the State Troopers and will continue to work on a resolution to this problem.

Mr. Eddington, Resident (not signed in) can be in his house vacuuming and can still hear loud music from across the street. This happens late at night. Would like to see them ticketed.

Unidentified Resident states Dave Schang has looked into noise problem and there are things in place to cover this problem, they just need to be enforced. Resident complains of loud 4 wheelers. Board needs to be careful; we don't want too much government. Suggests a full time code enforcement officer, Constable. Resident is concerned why we are putting gravel on Munger one year and Fish Lake another and Rose Center Rd, a primary road, is in horrible condition. Supervisor Kalcec states that we apply chloride to Rose Center Rd. Resident states many roads in bad condition. Supervisor Kalcec states there is a link on the web-site to the Road Commissions complaint department which has been helpful and goes a long way to allocate funding to communities. The Davisburg Garage makes recommendations and Township Board makes the final decision as to what roads receive help. Resident states that it appears no one knows what is going on with the grants, who are in charge. Supervisor Kalcec states the grant came through as a reimbursable grant from the federal government in the amount of \$524,000.00 called the Neighborhood Stabilization Grant. This Grant was a short time frame and we had to move quickly. In order to make fast decisions on contractors/houses we appointed a committee from the Township Board (Clerk Miller/Trustee Scheib-Snyder) to work with Mr. Schang (administering the grant) and make decisions as to the awarding of bids. Resident states the Township Hall matter is not progressing. Supervisor Kalcec states a lot has been accomplished; we did an ADA evaluation of the buildings, authorized implementation (drawings/plans) of list, etc. We also want a building code review, discussed tonight, so it can be all one project. Carlisle Wortman's involvement will be added to the ADA portion.

Don Walls, Resident asks when Plante & Moran will be in the office. Supervisor Kalcec states we have 3 days to use before July 1, 2010.

Darlyne Stanczyk, Resident (7355 Fish Lake Rd.) Asks if auditors will handle the items needing to be fine tuned. Supervisor Kalcec states when auditors come in they will likely handle these matters. Slaughter states we are all adjusting to the new system.

Robert Hauxwell, Resident (3100 Maureen) asks as to the status of his inquiry last month relating to the Fire Chief's vehicle/fire department equipment being marked last month. Chief Lintz responds that his vehicle is not marked because it is also used personally as he is on call 24/7. Resident asks who pays for Chief's vehicle and is it part of the fire equipment. Resident further states that if the tax payers pay for the fire department equipment it should be clearly marked, wants it done. Supervisor Kalcec will bring this to the attention of the fire board on Monday, May 17, 2010.

Unidentified Resident states if the Chief is using this vehicle for personal reasons it must be reflected on his income tax. Chief Lintz responds that he is in full compliance with IRS regulations.

Mike Holowecki, Resident (8135 Tipsico Trail) asks what are clean up/re-use day costs? Miller responds \$9,082.00. Resident asks if this is bid out. Supervisor Kalcec responds every 3-4 years obtain new bids. Resident states we should be charging residents a nominal fee. Resident states we should have 1 trash hauler, because of multiple suppliers we have trash bins out all the time causing a mess.

Pat Walls, Resident congratulates Scheib-Snider on a successful Re-Use Day, next year it will be an even better success. Thanked Alison for being there.

ADJOURNMENT:

Moved by Slaughter, seconded by Scheib-Snider, motion carried to adjourn the regular Board meeting at 9:17 p.m. and move into closed session with Township Attorney regarding lawsuit settlement strategy in connection with pending litigation involving Koop v. Rose Township as discussion of these matters in an open meeting may have a detrimental financial effect on the Township.

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

Voting No: None

Approved/~~Corrected~~