

Corrected
ROSE TOWNSHIP BOARD OF TRUSTEES
REGULAR MEETING
August 12, 2009

The following residents and guests signed in as present:

Chester Koop	Don Walls	Pat Walls
Bruce Proper	Matt Weil	Darlyne Stanczyk
Jim Weil	Dianna Stone	Paris Spreeman
Tracy Wagner	Nancy Wagner	William Chase
Mike Berg	Margaret Blair	Phillip Blair
Adolene Eddington	William Eddington	Christopher Baum
Al Lopez	Jean Gramlich	Gisela Lendle King
Lyle Barger	Mary Saiz	LeeAnn Hole
Mark Bolan	Paul Gambka	Yvonne Porter
Jim Porter	Richard Derrick	Mary Derrick
Chris Evans	Joann Evans	Robert Hauxwell
Sandra Hauxwell	Roy Emmons	Shelby Meredith
Michelle Bertram	Janet Roberts	Tracy Wagner
Nancy Wagner	Mike Holowecki	Ron Steinmetz
Rob Farrell		

Other(s) present:

John Mulvihill, Esq. (Township Attorney)
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 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 August 12, 2009

Gordon proposes additions under line item 10. New Business:

- L. Discuss Change of Insurance Coordinator
- M. Request Correspondence between Accident Fund and Insurance Coordinator
- N. Plante & Moran Update
- O. Set Date for Regular Township Audit

Moved by Gordon, seconded by Scheib-Snider, motion carried to approve the August 12, 2009 agenda with the addition of line items L, M, N, and O under 10. New Business.

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

CONSENT AGENDA:

A. Approval of Minutes of July 8, 2009 Regular Meeting.

B. Receipt of Monthly Reports

- Building Department
- Constable
- NOCFA
- HAYA
- Financial Reports (Revenue and Expense Reports and Balance

Sheets by Fund)

C. Payment of Bills

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

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

PRESENTATIONS:

None.

PUBLIC COMMENT ON AGENDA ITEMS:

Robert Hauxwell questions why the Township Hall Wood Replacement/painting process is being handled step by step. Supervisor Kalcec responds that the original proposal stated there may be extra costs and contractor was asked to first submit charges for wood replacement. Resident asks if all this (wood replacement, glazing, etc.) was included in the original bids sent out and how many contractors were sent the bid? Supervisor Kalcec states that four (4) bids were received and are available at the Township Offices or through FOIA.

Ron Steinmetz states that it looks more like \$300.00 of work, not \$980.00

Robert Hauxwell feels more taxpayer money is being spent rather than getting job done as a package deal. Supervisor Kalcec reiterates that the original bid stated there may be wood replacement work necessary which would be billed at separate rate and approved by the Board.

Ron Steinmetz states when he bid the Township Hall project there were no specifics; Mr. Schang walked him over and told him what needed to be done. Supervisor Kalcec states she would look at the documents.

Robert Hauxwell states that there should be a consistent standard procedure as to how business is conducted.

Adolene Eddington asks would contract have covered a cost over run? Board responds no.

Mary Saiz, Resident (9950 Oakhurst) would like to recommend the Board obtaining a second opinion regarding handicap accessibility at the Township Hall. Supervisor Kalcec states that this may be dealt with under Old Business, line item A.

Gisela Lendle King asks if this meeting is the first time the CCIRF study is being discussed? Supervisor Kalcec responds yes and a CD bid has been received from the White Lake Township Supervisor containing the entire summary report.

Robert Hauxwell states that, regarding the barrier free issue, there should be documentation with past prices quoted. Supervisor Kalcec states they have this documentation.

Sandra Hauxwell states that a July 19, 2005 memo from Mr. Schang to Mr. Koop stated that the lower floor was not barrier free. Resident states that a March 6, 2006 memo from Mr. Fox to Chester Koop contained a proposal for a three (3) step lift costing \$26,500, not including prep work. Resident further states that on March 2, 2007 a Certificate of Occupancy was signed by Mr. Schang and after that everything was dropped.

Mike Holowecki asks why the CCIRF study took so long? Supervisor Kalcec responds that grant funds have become available through Oakland County to conduct the study.

PUBLIC HEARINGS:

A. Holly Shores Street lighting Special Assessment Roll

Supervisor Kalcec opens the public hearing at 7:46 p.m.

Janet Meredith, Resident (17169 Holly Shores Drive) states there is not a Holly Shores address on the document. Supervisor Kalcec states that Holly Shores Subdivision has always been called Holly Shores Street Lighting District. Resident asks if Holly Shores residents have to have streetlights? Supervisor Kalcec responds that this only pertains to existing street lights.

Supervisor Kalcec states that if a resident has not received anything, they are not considered in the district and if the resident does not have streetlights, this does not apply.

Slaughter states that up until now \$950.00 was collected to pay Consumers Energy to handle street lights, utilities rates have increased so more money is necessary. The street lighting charge is included on the winter tax bills.

Shelby Meredith, Resident (17169 Holly Shores Drive) states the paper stated he and his neighbors were going to be taxed on new streetlights. Supervisor Kalcec states that this was misleading.

Vickie Jeffers, Resident (17179 Holly Shores Drive) states that if residents are going to be assessed, lights should all be working (all lights out except one). Supervisor Kalcec responds that she will contact Consumers Energy.

Supervisor Kalcec closes public hearing at 7:52 p.m.

OLD BUSINESS:

A. Township Hall Changes-Update

Supervisor Kalcec suggests keeping this item on the agenda and holding discussions with the Board as to how Township Hall projects will move forward this year (i.e., improving barrier free access).

Slaughter states she would like to see a third party (Risk Assessment Company) evaluate the building.

Moved by Slaughter, seconded by Miller, motion carried to conduct a third-party evaluation on the barrier free compliance of the building at 9080 Mason Street.

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

Voting No: None

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

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

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

Voting No: None

Supervisor Kalcec states she is involved in discussions regarding the transfer of property to Springfield Township in exchange for Parks and Recreation services.

Attorney Mulvihill explains that the above-mentioned parcel of property was part of the Hills of Davisburg Consent Judgment. This parcel is inaccessible from Rose Township and is located in Springfield Township. Part of the Consent Judgment provided for an easement allowing access from a parcel along Eagle Road/Railroad. The property was of a very sensitive environmental nature that was used as part of the drainage basin for the Shiawassee Drainage Basin. Because recreational programs are non-existent in Rose Township, this property would be conveyed to Springfield Township and remain in its natural state for passive recreational uses. In exchange Springfield Township would

agree to provide the residents of Rose Township, for a period of ten (10) years, access to their recreational facilities and programs available to them at the same rate their residents pay. Attorney Mulvihill further states that he feels the most appropriate way to handle this exchange would be to enter into an Interlocal Agreement wherein Springfield and Rose Townships would set forth the terms and conditions of their agreement and have it approved by both township boards.

Slaughter states there are typographical errors on the Interlocal Agreement: P. 2, paragraph 2 should read the "Charter Township of Springfield" rather than "Springfield Township; P. 2, paragraph 7 "seemed" should be changed to "deemed".

Supervisor Kalcec states that this item will remain on the agenda.

NEW BUSINESS:

A. Proposal for Ball Field Improvements from Fenton Travel Baseball

Supervisor Kalcec states that Bret Barker would like to provide, at no cost to Rose Township, improvements to the park. Mr. Barker will attend a meeting in the future and describe the proposed improvements.

Moved by Scheib-Snider, seconded by Miller, motion carried to table this item.

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

Voting No: None

B. Diehl's Orchard and Cider Mill Banner Permit

Supervisor Kalcec states that Diehl's Orchard is requesting a permit to erect a banner across Milford Road to advertise the Ciderfest.

Motion by Slaughter, seconded by Gordon, motion carried to approve Diehl's Orchard and Cider Mill's request for a permit allowing them to erect a banner over Milford Road for Ciderfest.

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

Voting No: None

C. Proposed Resolution to Encourage Continuation of the Road Commission Tri-Party Program

Supervisor Kalcec states that based on information received from Mr. Bullard regarding discontinuation of the Tri-Party Program, a resolution is proposed to encourage continuation of the Road Commission's Tri-Party Road Improvement Program.

Moved by Slaughter, seconded by Scheib-Snider, motion carried to adopt a Resolution to support continuation of the Road Commission for Oakland County's Tri-Party Road Improvement Program.

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

Voting No: None

D. Authorization to Sign Agreement for Ongoing Planning Services

Moved by Slaughter, seconded by Gordon, motion carried to authorize the Supervisor to sign the agreement for ongoing planning services as submitted.

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

Voting No: None

E. Approval for Payment for Wood Replacement at Township Hall

Supervisor Kalcec states that the contractor responsible for painting the Township Hall has submitted a bill for an additional \$980.00 for replacing wood during the project (i.e., gables, fascias, shed/addition, damaged siding, railing on deck, doors).

Slaughter states that wood replacement was not mentioned in bids, contractors were told they could not perform this without first obtaining Board approval.

Supervisor states that this was also her understanding.

Slaughter states that this bid now becomes the higher bid, other bid would have been \$500.00.

Moved by Gordon, seconded by Scheib-Snider, motion carried to set up meeting with contractor, reiterate the Board's understanding and ask them to lower their price.

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

Voting No: None.

F. Request for Reconsideration of Denial of "Charge for Services Appeal"

Supervisor Kalcec states the Township denied an appeal of the charge for services resulting from a response to a FOIA request. The appellant has requested a reconsideration of this denial and the Board must decide if they wish to do so.

Slaughter states that the Township has an established adopted fee schedule stating charges per copy. In order to redact copies you have make additional copies and there should be no reconsideration.

Moved by Gordon, seconded by Scheib-Snider, motion failed to reconsider the denial of Charge for Services Appeal.

Attorney Mulvihill explains that FOIA does not provide the ability to reconsider once a decision has been made. Under Robert's Rules of Orders the Board may reconsider but under FOIA he does not see where this should be permitted. In a court room once a motion is decided it can only be reconsidered if there has been a glaring error of law and/or the Court received erroneous information. It would be a high standard for a court to reconsider a previously determined motion. The Board has made a determination and therefore, unless there has been a glaringly inappropriate or blatant omission, it should remain in effect. Attorney Mulvihill said his position is that the MTA indicates that it is

appropriate to provide a copy required to allow for blacking out exempt information. The FOIA provision the appellant refers to applies more to labor costs than copying costs. If there are additional copying costs as a consequence of redacting, an entity is entitled under the statute, to charge for them.

Voting Yes: None

Voting No: Slaughter, Gordon, Scheib-Snyder, Miller, Kalcec

Miller states the FOIA request is being handled and will be expedited.

G. Appoint Dangerous Building Hearing Officer

Supervisor Kalcec states the Township has retained Keift Engineering as its consulting engineering firm and Patrick McWilliams (Keift Engineering) is being recommended as the Dangerous Building Hearing Officer. Rose Township has a dangerous building ordinance and when a building is deemed dangerous the owner is entitled to a hearing before action is taken.

Moved by Scheib-Snyder, seconded by Slaughter, motion carried to appoint Patrick McWilliams from Keift Engineering as Rose Township's Dangerous Buildings Hearing Officer.

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

Voting No: None.

H. CCIRF Study-Discussion and Feedback

Supervisor Kalcec states that several area townships have been evaluating the feasibility of using a single trash hauler and there is currently an opportunity for Rose Township to participate. Supervisor Kalcec states that she has obtained both positive and negative feedback and such an arrangement would eliminate competition thereby giving citizens less choices. Supervisor Kalcec states that she has worked in a community involved in the provision of these services and can testify that everything that happens within the garbage business will come through the Township thus becoming very labor intensive.

Slaughter states that she has received phone calls from residents who are against this idea.

Attorney Mulvihill states that there are few entities on the east side who have dealt with this issue/process and he could confer with them to obtain information.

I. Discussion-Additional Check Signer

Slaughter states that there is a third check signer in place, the deputy treasurer.

J. NSP Funding

Supervisor Kalcec states that in order to move forward with purchases, the Treasurer has reported it will be necessary to remove money from investments due to the delay in receiving reimbursements from the County. Therefore, the Board needs to decide

whether to liquidate investments to move projects along or to wait for reimbursement of funds already expended. Supervisor Kalcec feels there should be no moving forward until reimbursement has been received.

Slaughter states that we have put up \$100,000.00 (not receiving interest), taking resources out of the community, and does not wish to move forward until reimbursed.

Board Consensus to put forth no further expenditures until the County reimburses Rose Township for costs already expended.

K. Determination of Need or Disposal of Donated Theater Chairs

Supervisor Kalcec states that theater chairs previously donated to the Township are not being used and a request for these chairs has been received by the Pastor at Tyrone Presbyterian Church.

Moved by Miller, seconded by Gordon, motion carried to donate the theater chairs previously donated to Rose Township to Tyrone Presbyterian Church.

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

Voting No: None.

L. Change to Insurance Coordinator

Gordon would like to change the insurance coordinator due to Ms. Slaughter's injury and reduced workload of employees and states that Supervisor Kalcec is willing to perform this duty.

Slaughter states that she has been performing this function for many years and there has never been any interruption or delay in this job function. There is not a conflict as Debbie Miller handles the workman's compensation aspect. There have been requests and I have handled them that day.

Gordon asks Slaughter who ~~handled her previous workman's compensation~~ filed her June 2009 claim ~~after a fall in the parking lot.~~

Slaughter said Debbie Miller. Slaughter responds that she filed the incident claim but nothing further and anytime someone falls an incident report must be filed whether they are hurt or not.

Supervisor Kalcec states the record should reflect that Debbie Miller will handle incident reports/workman's compensation.

M. Request Correspondence between Accident Fund and Insurance Coordinator

Gordon would like to request all correspondence between the Township Clerk and the Accident Fund.

Slaughter states that Supervisor Kalcec has access to this information at any time.

Moved by Gordon, seconded by Scheib-Snider, motion carried to request all correspondence between the Township Clerk and the Accident Fund between June 10, 2009 and the present for the Board's review.

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

N. Plante & Moran Update

Supervisor Kalcec states she received an email from Plante & Moran stating they have reconciled the bank account through June 30, 2009, property taxes reconciled, currently reviewing the balance sheet and income statement from Township Clerk in preparation for June 30, 2009 year-end audit, currently working to set up staff training date (½ day), working with Township staff internal controls (½ – 1 day).

Miller states that this will be completed by the end of August.

O. Set Date for Regular Township Audit

Miller states that it will probably take place the third week of September, 2009.

Supervisor Kalcec states that Ms. Miller has contacted Rose Township's auditing firm and is trying to schedule annual audit for the third week of September 2009.

ANNOUNCEMENTS:

- A. Next Regular Planning Commission Meeting September 3, 2009
- B. NOCFA Board Meeting August 17, 2009 – Rose Township Hall, 204 Franklin Street
- C. Next Recycling Date September 5, 2009
- D. Zoning Board of Appeals September 1, 2009 (if needed to conduct business)
- E. Next Regular Township Board Meeting September 9, 2009

MISCELLANEOUS REPORTS:

A. NOCFA

Supervisor Kalcec states that things are busy, in process of moving from downtown Holly to facility on Grange Hall Rd. Response run tally sheets are available.

B. Planning Commission

Scheib-Snider states the Planning Commission met last week, there is a lot of business going on and they are working on updating the parks and recreation plan. Would like to hear from public.

C. Holly Area Youth Assistance

Slaughter – No report.

D. Supervisor's Report

(Did not receive a copy in the packet)

Supervisor Kalcec states that the assistant supervisor of Davisburg garage said they have been working on the following projects this summer: new ditch line on east and west side of Buckhorn Lake Rd., south of Rattalee Lake Rd., ditched the intersection of Fish Lake Rd. and Rattalee Lake Rd. and Rattalee Lake Rd. west of Fish Lake Rd., ditching on the southeast corner of Milford Rd. and Davisburg Rd. intersection, put cross tube on Hensell Rd. north of Davisburg Rd., ditching on the south side of Rattalee Lake Rd. east of Milford Rd. and ditched and installed cross tube on Fish Lake Rd. south of Fenton Rd., north of Rattalee Lake Rd.). Improving drainage.

Slaughter states that they have also done a lot of cutting on roads.

NOCFA will be hosting an archery competition/lunch on August 30, 2009 at the new fire station. Contact George Murray.

Oakland County is pursuing stimulus funding, along with Tri-County Wireless, to improve broadband access to rural communities.

Rose Township put together a response to the Complaint filed with the Bureau of Construction Codes.

Rose Township's new offices hours are working out well thus far.

July Board of Review was held, number of corrections and exemptions.

Rose Township received word from MTA, requiring the Township to re-classify the assessor from contract to regular employee because she certifies tax roll.

Supervisor Kalcec attended a hearing today at the capital on revenue sharing/efficiency committee, structural changes in state government to balance the budget. Proposing Townships to restructure revenue sharing to support only specific services, in exchange will increase local unit tax authority. They would let us charge sales tax, increase our taxing authority. Looking to consolidate local units of government. Create a new governmental advisory office to facilitate all actions/changes.

Supervisor Kalcec attended a public works committee meeting at Village of Holly regarding fire service issues.

E. Others- Police Services Committee

Supervisor Kalcec will post on website to obtain feedback

PUBLIC COMMENT:

Don Walls suggests the Board looking into cumbersome planning commission process regarding residential wind turbines (made in Michigan). Resident inquires as to the status of the Township's revenue sharing. Supervisor Kalcec states the Township is doing alright, have taken a few hits, will hear more when we get closer to State's fiscal

year end. Resident asks how much Rose Township has spent on Plante & Moran's services. Supervisor Kalcec responds approximately \$5-\$6,000.00.

Jean Gramlich, Resident (18060 Tipsico Lake Rd.) is concerned about CCIRF, 4-5 waste haulers driving around has a negative impact on the environment. Recycling at Township is nice, but curbside service is more efficient. Would like the Board to look further into CCIRF.

Unidentified Resident asks how large the property Rose Township is deeding to Springfield Township is? Board responds thirty-five (35) acres, has to stay natural.

Mary Saiz, Resident (9950 Oakhurst Rd.) asks again who inspected the new Township Hall? Supervisor Kalcec responds that it was Rose Township's building inspector.

Adolene Eddington asks who owns the property being deeded to Springfield Township? Supervisor Kalcec responds that Rose Township owns it as part of a Consent Judgment and would also be trading off liability of property located within Springfield Township. Gordon states that Springfield Township will be able to protect property and erect fences located within their township. Resident feels that Springfield Township should be giving Rose Township more for the property. Resident seeking clarification that Tri-Party involves the whole County. Supervisor Kalcec responds yes. Resident asks about CCIRF and concerned about opposition. Resident asks who signs the Township checks. Slaughter responds: herself, Miller and deputy treasurer. Resident asks about the NSP and Supervisor Kalcec explains no money going out until money received. Resident asks if employees receive salaries while on Workman's Compensation. Slaughter responds that she is not on Workman's Compensation.

Jim Porter, Resident (9585 Ryella Lane) asks if Rose Township will be forced into CCIRF? Supervisor Kalcec responds that is being left to the Township Board.

Bob Hauxwell, Resident (3100 Maureen Lane) states that the Board should look at Prime Painting's \$300.00 quote. Resident states that he does not believe one (1) company can handle all the garbage hauling and a procedure should be put together regarding same. Questions Kalcec about reports he requested.

Mary Saiz, Resident (9950 Oakhurst Rd.) understands that Mr. Schang works full time for Rose Township and also for Holly Township? Supervisor Kalcec states that Mr. Schang is contracted only to perform inspections for Holly, also performs Rose Township's information technology services, PEG administration, administrating NSP grant, building and mechanical inspections. Supervisor Kalcec further states that Mr. Schang's Rose Township functions are split into different cost centers and is making a \$38,800.00 salary, his work log is available. Resident asks how Mr. Schang was hired? Supervisor Kalcec states that he was hired in 1992-3. Slaughter states he was initially hired as a full-time building and mechanical inspector. Slaughter further states that in 1999 Mr. Schang came to the Board and asked if he could also work in Holly Township and was told that he could if he became a contracted employee but the Board never enforced this. Supervisor Kalcec has correspondence from this time and will share them with Resident.

Gisela Lendle King states that CCIRF may be cheaper and better for the environment.

Unidentified Resident asks how much money is set aside for new elected officials, is this standard? Supervisor Kalcec responds that if there is a change, money is set aside. Slaughter states that if money is budgeted and not used, it can be moved elsewhere in the budget.

Unidentified Resident comments on trash hauling, if Township took bids allowing one (1) trash hauler in the Township (trash hauler would handle phone calls, etc.).

Sandra Hauxwell states there should be a bidding procedure in place (i.e. a line-by-line spec sheet and officer's review). Supervisor Kalcec states that this will be looked into.

Jim Weil, Resident (9695 Milford Rd.) clarifies that the Supervisor ~~and Treasurer~~ took pay cuts. Supervisor Kalcec states that she took a pay cut. Resident asks if the assessor needs to be an employee and Board responds that this has been looked into. Resident asks if there is a separate deputy treasurer and clerk? Miller states that there is a deputy treasurer. Slaughter states that by law there needs to be two.

Chester Koop, Resident (11750 Eagle Rd.) asks the Board to clarify the letter received from the Internal Revenue Service. Supervisor Kalcec states the MTA requested an opinion. Supervisor Kalcec states that under "assessor" it reads a certified assessor who ~~sides in assessment~~ signs an assessment roll ~~role~~ must be classified as a public officer for income tax withholding purposes and as an employee of the township for FICA purposes, that authority cannot be contracted to an independent contractor. Resident states that the assessor has two (2) locations right now. Supervisor Kalcec states that this opinion just came in and it is being handled and Attorney Mulvihill will look at it. Resident states that Supervisor Kalcec should get her pay cut back and Supervisor Kalcec responds she personally cannot ask the staff to do it and not take it herself.

Sandra Hauxwell states that some members of the Board do not take benefits, therefore not paid out of their salaries.

Christopher Baum, Resident (8860 Buckhorn Lake Rd.) states that there are problems on Buckhorn Lake Rd. as in 2007 the road commission decided they had to crown the road (cut down the road edges), now water running to the sides making its own ditches, widening each year. Supervisor Kalcec responds that she will inform the road commission of this problem.

Mary Saiz, Resident (9950 Oakhurst Rd.) states that the same thing is happening on her road.

ADJOURNMENT:

Moved by Slaughter, seconded by Scheib-Snider, motion carried to adjourn the meeting at 9:21 p.m.

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

Voting No: None

Approved/Corrected



Debbie Miller
Rose Township Clerk