

**ROSE TOWNSHIP BOARD OF TRUSTEES
REGULAR MEETING
May 10, 2017**

The following residents and guests signed in as present:

Paul Englehart
Linda Call
Tom Wirth

Marilee Carstens
Keith Call
Linda Dagenhardt

Maura Jung
Dior Ruston

Kurt Jung
Pat Hefferan

Other(s) present: Susan Weaver (recording secretary), John Mulvihill, Esq. (Township Attorney)

Supervisor Scheib-Snider called the regular meeting of the Rose Township Board of Trustees to order at 7:30 p.m. at the Rose Township Hall, 9080 Mason Street, Rose Township, Michigan and led in the Pledge of Allegiance.

Board Members Present: Miller, Gambka, Noble, Blaska, Scheib-Snider
Not Present: None

APPROVAL OF AGENDA:

A. Approval of Proposed Agenda for May 10, 2017

Moved by Blaska, seconded by Gambka, motion carried to approve the Agenda as submitted.

**Voting Yes: Gambka, Miller, Noble, Blaska, Scheib-Snider
Voting No: None.**

APPROVAL OF CONSENT AGENDA:

A. Approval of Regular Board Meeting Minutes of April 19, 2017

B. Receipt of Monthly Reports

- Building Department
- Constable
- NOCFA
- HAYA
- Financial Reports
- Treasurer's Report
- CDBG Report

D. Payment of Bills

Moved by Gambka, seconded by Noble, motion carried to approve the Consent Agenda as submitted.

**Voting Yes: Blaska, Noble, Miller, Gambka, Scheib-Snider
Voting No: None.**

PRESENTATIONS:

None.

BRIEF PUBLIC COMMENTS/AGENDA ITEMS ONLY (limit comments to 3 minutes each item):

None.

UNFINISHED BUSINESS:

A. Medical Marijuana Facilities Act

None.

NEW BUSINESS:

A. Fire Suppression Well Discussion, NOCFA Deputy Chief Doug Smith

Deputy Chief, Doug Smith (NOCFA) states surveys have shown (Hickory Ridge Rd.) that wells work better than pumpers. Ideally, looking for legitimate water source every 1.5-2 miles. New rating schedule this year and looking to improve upon current ratings. For example, to improve Township ratings, if a fire occurred at YMCA camp we need to prove we could deliver 2,500 gallons per minute for 2 hours. Where would the tankers be filled? The Fire Hall is strongest source. Formula by which to determine the amount of water necessary is as follows: 1.7 x distance plus .65. Most of Township has strong water sources, hiring engineer to get any wells certified.

Noble asks what can be done to get a better rating for residential properties. Deputy Chief Smith responds 1000 feet from a water source is rated as a class 5, the balance of the Township is rated 8B. We believe we can expand 2000-3000 feet from any water source. Well systems would be better than dry hydrants, more effective. Within budget parameters would need 500 gallons per minute. Ten years ago state police agreed to allow a well drilled on their tower site, need to re-visit a well proposal on this site.

Scheib-Snider states there is money in the infrastructure fund which could help cover the cost of this plan, should this route be decided upon. Deputy Chief Smith states there is basically no upkeep on the proposed wells. Looking at 500 gallons/minute at 30 psi.

B. Comcast Franchise Agreement (2), John Gardner – Director of External Affairs

John Gardner (Comcast/Director of External Affairs) states there are two (2) agreements because there are two (2) areas of the Township developed by different companies, both fall under the Comcast umbrella.

Moved by Scheib-Snider, seconded by Blaska, motion carried to approve the Comcast of Flint Franchise Agreement at 5% and 0% PEG.

Voting Yes: Gambka, Blaska, Noble, Miller, Scheib-Snider

Voting No: None.

Moved by Scheib-Snider, seconded by Blaska, motion carried to approve the Comcast of Michigan Franchise Agreement at 5% and 2% for PEG.

Voting Yes: Miller, Gambka, Blaska, Noble, Scheib-Snider

Voting No: None.

Jon Gardner speaks as to perks and programs offered to qualifying individuals: internet essentials targeting school age children families, expanded program to help with back due bills outside of collections, programs providing in home internet/Wi-Fi for \$9.95/month, purchase a computer/lap top for \$150.00, digital literacy training. There is an internet portal online open to everyone with or without a Comcast account/service.

C. Resolution Grant Agreement for New Voting System

Miller states this Resolution authorizes the Clerk to sign the Grant Agreement (approximately \$35,000.00) with the State of Michigan for new election equipment. This will be a completely new system and with the grant money Rose Township will only have to pay approximately \$15,000.00,

Moved by Noble, seconded by Gambka, motion carried to approve the Rose Township Resolution State of Michigan Grant Agreement for New Voting System in the approximate amount of \$35,000.00.

**ROSE TWP. RESOLUTION # 2017-09
PROOF OF AUTHORITY
GRANT AGREEMENT WITH THE STATE FOR NEW VOTING SYSTEM**

WHEREAS, the Rose Township Board wishes to apply to the Secretary of State for a grant to purchase an optical scan voting system and related Election Management System (EMS) software to comply with the Help America Vote Act (HAVA).

Local funding details: FY 2016-2017 Elections Budget.

WHEREAS, the Rose Township Board has chosen to submit a grant application for a new optical scan voting system in 2017.

WHEREAS, the deadline to apply is "upon receipt of the grant agreement."

NOW THEREFORE, BE IT RESOLVED that the Rose Township clerk is authorized to submit this grant application on behalf of Rose Township, Oakland County on this day of May 10, 2017.

Voting Yes: Noble, Miller, Gambka, Blaska, Scheib-Snyder

Voting No: None.

D. Small Wine Maker

Scheib-Snyder states a Township resident wishes to have a small wine making business, property zoned agricultural. If the Board agrees, will send to Planning Commission to create the draft ordinance. Noble asks if the grapes will be grown on the property. Scheib-Snyder responds the zoning states a percentage of the product will need to be grown on the property. Property owner states wine can be made from any fruit, vegetable or flowers. They intend to sell/produce country wine, made with produce such as fruit, vegetables or flowers.

Moved by Scheib-Snyder, seconded by Blaska, motion carried to consider micro brewing and small wine makers allowable in an agricultural district with an ordinance created by the Planning Commission as a special land use for agricultural property.

Voting Yes: Blaska, Noble, Miller, Gambka, Scheib-Snider
Voting No: None.

E. Correspondences with the Township Attorney Policy for Supervisor

Moved by Scheib-Snider, seconded by Gambka, motion carried to approve the policy manual language as presented and amended as follows:

“The Township Supervisor being the legal agent of the Township shall have the sole authority to correspondence on all legal matters.

The Township Supervisor and/or their designee shall have sole authority to communicate with and including but not limited to contractors, government agencies and the Township Attorney on any and all legal matters.

The Township Supervisor when request by any Rose Township Board member to be briefed on legal matter shall do so personally and in private to maintain the confidentiality of the legal matter.

Once the Township Supervisor by the advice of the attorney has determined that all necessary information has been obtained and that a Township Board decision is imminent, the Rose Township Board will go into a close session to allow information to be discussed and to allow the Board to make a decision on legal matters when and if necessary.

The Township Board may meet with its attorney in closed session regarding trial or settlement strategy in connection with specific pending litigation. This does not include threatened or potential litigation, and the Township may only use this exemption if an open meeting would have a detrimental financial effect on the litigation of settlement position of the public.

Closed sessions for making necessary legal decisions will be scheduled and take place a Rose Township Board meeting.

After the issue is closed, a report shall be given to the Township Board concerning litigation and zoning issues.

Miller states she contacted the Township Attorney, litigation was mentioned and the Board should be aware of this as it is the statutory duty of the Clerk to be the keeper of all Township records. Scheib-Snider reads a prepared statement which is on file with the Clerk's office and attached. There is a concern of disclosure of attorney-client/confidential information. Gambka states he had discussions with the Township Attorney as Supervisor regarding Township legal/confidential matters and these discussions were not brought to the Board. Once a conclusion was reached or litigation commenced the matter was brought to the Board. Miller states her office is the Township Keeper of the Records and was unaware of many letters, has to confer with Dave Plewes regarding simple matters such as CDBG. Miller is only asking that when a file is closed, it be provided to the Clerk for retention as this is her statutory duty. Noble states the Trustees have a statutory duty regarding fiduciary matters of the Township such as litigation, misinterpretations of zoning. Trustees should be kept informed of these matters. At a minimum the Trustees/Board should receive quarterly/semi-annual reports of all zoning, litigation, etc. matters and be notified of issues or resolutions, the actual participants/parties need not be mentioned. Attorney Mulvihill states litigation matters are always disclosed to the Board.

Voting Yes: Gambka, Blaska, Noble, Miller, Scheib-Snider
Voting No: None.

F. Dearborn Park Discussion

Noble states there have been several memos regarding Dearborn Park and discusses the direction and future of the Township parks. Memorandums discuss/depicts possibility of a picnic viewing site and fishing site on Buckhorn Creek. A planning consultant is revising the Parks and Recreation Plan. There are DNR grants available but a Recreation Plan needs to be in order in order to apply/receive. Noble states these are long range goals, no current commitments. Trail markers will be added. Farm trails to be added and clean-up of existing trails, ADA compliance discussion.

G. Resolution CDBG Participation Agreement

Moved by Noble, seconded by Miller, motion carried to approve the CDBG Participation Agreement Resolution.

**Rose Township Resolution 2017-10
INTERESTED IN PARTICIPATING – RESOLUTION REQUIRED
Community Development Block Grant (CDBG) Program
Oakland County, Michigan
Urban County Qualification 2018-2020
Resolution Language**

We resolve to opt into Oakland County's Urban County Community Development Block Grant (CDBG) programs for the years 2018, 2019 and 2020. Furthermore, we resolve to remain in Oakland County's Urban County Community Development programs, which shall be automatically renewed in successive three-year qualification periods of time, or until such time that it is in the best interest of the local Community to terminate the Cooperative Agreement.

Voting Yes: Miller, Gambka, Blaska, Noble, Scheib-Snyder

Voting No: None.

H. Proclamation Oakland Community Health Network – May Mental Health Month

Moved by Scheib-Snyder, seconded by Blaska, motion carried to accept the proclamation of Mental Health Awareness Month through the Oakland County Community Health Network of May 2017.

Voting Yes: Noble, Miller, Gambka, Blaska, Scheib-Snyder

Voting No: None

Miller included the Holly Area Veterans Resource Center information, will be provide in monthly Board packets. They meet the first and second Tuesday of each month. There is a fundraiser at McDonalds, May 16, 2017, will receive percentage of sales in store and drive-through. Drafted a letter to Mr. Mulvihill regarding benches/items being placed in the cemetery and their removal of the same as they interfere with grounds keeping efforts, not allowed per cemetery ordinance.

ANNOUNCEMENTS:

- A. Next Regular Planning Commission Meeting – June 1, 2017 at 7:30 p.m.**
- B. Zoning Board of Appeals Meeting, June 6, 2017 at 7:30 p.m.**
- C. NOCFA Board Meeting – May 18, 2017 at 3:00 p.m. – Holly Station #1**
- D. Assessing Office – 2nd Tuesday every month – 9:00 a.m. – 4:00 p.m. – Rose Township**
- E. Next Township Regular Board Meeting – June 14, 2017 at 7:30 p.m.**

- F. **Rose Township Clean-Up Day – May 20, 2017 – 8:00 a.m. – 4:00 p.m.**
- G. **Rose Township Shred It Day – August 5, 2017 – 9:00 a.m. – 1:00 p.m.** Allowing 4 boxes or 4 grocery size bags per household, anything after there is a \$5.00/box charge.

MISCELLANEOUS REPORTS:

- A. **NOCFA** – Scheib-Snyder, new firefighters sworn in, draft budget presented, asking for additional \$5,000.00 per Township contribution. Looking to build a storage facility.
- B. **Planning Commission** – Noble state the Planning Commission is working on the Master Plan. Working on dog ordinance, approved cell tower site plan (5-1) some had environmental concerns and applicant would not furnish information. Discussing site plan review for non-residential facility, need a special land use amendment so that Township receives environmental data regarding a site that is adjacent to or near any of the three (3) known hazardous waste sites in the Township.
- C. **Holly Area Youth Assistance (HAYA)** – Blaska states they are working on summer camp scholarships. Can purchase fundraising popcorn at the car wash. Working on a blood drive, June 20, 2017.
- D. **Cemetery Committee** – Miller states the next meeting is July 18, 2017 at 1:00 p.m.
- E. **Parks and Recreation** – Noble refers the Board to the memorandums.
- F. **Supervisor’s Report** – Heritage Committee/Old Township Hall, working on the bus tour. \$10/per person. Itemizing historical pieces for display, etc. Met with the Oakland County Preservation Architect regarding Old Township Hall. Working on drawing, bathrooms are an issue. Electrical to be finished/inspected. Phase I completed by July 1, 2017. Road Commissioner informed grading/chloride will be completed within one (1) week. Shoulder of the roads are mowed once maybe twice. West Nile Resolution was approved/accepted by Oakland County and the product has been received (spray/wipes). Rose Township Personal Policy Manual has been distributed, will hold a workshop for presentation to the Township Board. At that time the Board can submit changes or ask questions.

BRIEF PUBLIC COMMENT – General Items NOT on Agenda (limit comments to 3 minutes each item):

Tom Wirth, Resident is glad to heart that the PC and board is updating the Master Plan. Hopes that the Board will prevent any puppy mills within the Township.

Linda Dagenhardt, Resident asks the Board if they have had a chance to contact CSX. Scheib-Snyder states she has been contacted.

ADJOURNMENT:

Meeting adjourned at 9:22 p.m.


 Debbie Miller, MMC, CMMC
 Rose Township Clerk

Approved/Corrected

ATT BOARD MTR
RCA
5-10-17

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Once the Township Supervisor by the advice of the attorney has determined that all necessary information has been obtained and that a Township Board decision is imminent, the Rose Township Board will be go into a close session to allow information to be discussed and to allow the Board to make a decision on legal matters when and if necessary.

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Closed sessions for making necessary legal decisions will be scheduled and take place at a Rose Township Board meeting.

ADD ATT
END OF MINUTES
1/4 REPORT
OR
SEMI ANNUALLY
REBIRTHENATION
6000- NOTIFY ONLINE
BOARD
TRUSTEES
NEED TO KNOW
DANGER BY ROAD
+ ROAD
AT MEETING

REC
AT
6-14-17
MOON
FROM
DIAVUS
SANCIB-SJ.00R
REQUESTS
BE
ATTRACTED
TO
MINORS

I am not creating a new policy here. This is the past and the current acceptable policy use by Rose Township.

This is a written version I created based of the current policy that Rose Township has been using since at least November of 1998. I gathered this date and data based on information I received from past supervisors this past week. I would like this language to be added to our current policy manual.

Changing of a current policy such as this really is a board decision

Our Township Attorney has expressed that this has been the past and current practice since he has been representing our township (12 years?) and that it has always been the Township Supervisor who would correspond with him concerning legal matters and other the board members were not included in the correspondents

He also stated to me that having board members copied in on legal issues would be more costly to the Township and could jeopardize confidential information from being kept confidential.

As A trustee serving two terms since 2008 I was never copied in on legal matter with the township supervisor and the attorney and I would have to ask for permission from the supervisor to contact him.

Even during a closed session documents given to me by the attorney were always given back to him before the township board resumed back to our open meeting

* I have most of the legal files in my office dating back several years. And I was told by MTA attorney Catherine that all records do not need to be in the clerk's possession and that they can be in the office assigned to them and that is what we are currently doing.

Also once there is a breach in an attorney/client conversation the discussion can become subject to a FOIA., Because the conversation has become public. Details of conversation on legal matters can fall under attorney client conversation and may not warrant a FOIA. (Per MTA)

I approve the Attorneys bill this also has been a standard practice. Stating that you can't approve the bills to be paid because you don't actually receive the emails that we are being charged for is silly because that would mean that before approving code enforcements invoice "for example" I would need to see every building permit that they are charging us for and Those are not even kept in the office. I'm sure there are other good examples.

If you feel that we are being charged incorrectly or dishonestly, and cannot approve the bills again as stated in my emails to the entire board please come and see me, call me, email me. I have not received any complaints to this until last week.

If you are accusing myself or for that matter the other past supervisors from as far back as 1980 of hiding public information you are incorrect. I am doing my statutory duty and following past practices that have always been acceptable to this township board.

I also spoke with the current supervisors from Orion, Groveland, Holly, Highland, Commerce, and Milford Townships and They all contact their attorney and do not copy in other board members. Their practices are similar to our current one.

The attorney did however share information pertaining to my legal conversations with the township clerk on Wednesday May 3,2017.

The Township clerk states all originals and copies of records must be given to her for storage and that I and Mr. Plewes is in violation then I am assuming we all are. All emails need to be

copied and given to the clerk? Yet the statutory duties of the Supervisor are to keep all their records. I do not even make copies of my emails Most are stored on my computer. I feel her statement about this is more about who it involves than the Township itself. If this is an issue bring to the board.