

**ROSE TOWNSHIP BOARD OF TRUSTEES
REGULAR MEETING
September 10, 2014**

The following residents and guests signed in as present:

Bill Eddington	Adie Eddington	Ken Graning	Judy Graning
Pat Hefferan	Susan Julian	Dave Sudbury	Matt Weil
Jim Weil	Tom Wirth	Huthisons	Sandra Villarreal
Marilee Carstens	Kendall Carstens		

Other(s) present: Susan Weaver (recording secretary)

Supervisor Gambka 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, Trevethan, Kemp, Scheib-Snider, Gambka
Board Members Absent: None

APPROVAL OF AGENDA:

A. Approval of Proposed Agenda for September 10, 2014

Scheib-Snider adds line item F under New Business – Kieft Engineering.

Moved by Scheib-Snider, seconded by Kemp, motion carried to approve the Agenda as amended.

Voting Yes: Scheib-Snider, Miller, Trevethan, Kemp, Gambka

Voting No: None

CONSENT AGENDA:

A. Approval of Regular Board Meeting Minutes of August 10, 2014

B. Receipt of Monthly Reports

- Building Department
- Constable
- NOCFA
- HAYA
- Financial Reports (Revenue and Expense Reports/Balance Sheets by Fund)

C. Payment of Bills

Moved by Scheib-Snider, seconded by Miller, motion carried to approve the Consent Agenda as submitted.

Voting Yes: Kemp, Scheib-Snider, Miller, Trevethan, Gambka

Voting No: None

PRESENTATIONS:

John D. Mulvihill, Esq. reviewed fireworks act, amended in 2013, allowing Townships to regulate consumer fireworks. Townships can ban/prohibit fireworks except for the day before, day of and day after a National holiday. There are ten (10) national holidays. Recommends issuance of tickets for violations, fines. Restrict/regulate displays, etc. Springfield Township allows fireworks seven (7) days before and seven (7) days after the 4th of July holiday. Attorney Mulvihill offers to draft a fireworks ordinance if so requested. Miller asks who residents would report their complaints to, Township or State Police. Attorney Mulvihill responds both are available. State law is no minors, no intoxication.

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

Adie Eddington, Resident states she does not want to tie people's hands too tightly with regard to fireworks ordinance. There is state law in effect. Resident asks if there is a firearm discharge ordinance after dark.

Tom Wirth, Resident asks if fireworks should be restricted to the user's own property, if their fireworks travel off of their property, they should be held responsible. Chinese lanterns are a fire hazard.

Pat Hefferan, Resident states all people have rights, even the fireworks users, but some fireworks are so loud they infringe on other's rights. MCL 28.462 states it is a crime to have fireworks landing on other properties. It is hard to contain noise. Resident asks Attorney Mulvihill once the ordinance is finalized how can violations be confirmed, is it even possible to investigate? Will officers be able to use their judgment.

Sue Julian, Resident representing sentiments of NOHLC. At their last board meeting a resolution was passed opposing the pipeline. Urges the Board to pass a motion stating the same.

Judy G., Resident – states she owns horses, and fireworks are huge stress factor to all animals, especially horses. Many residents own animals and it is a problem.

Unidentified Resident states the Board could add personal injury to fireworks ordinance.

Unidentified Resident states if the Township passes a fireworks ordinance, most residents will comply, others will not. Resident states the ET Rover pipeline introduces many safety hazards, pipelines crossing, etc.

OLD BUSINESS:

Tabled – proposal to sell Township property to Rose Township residents James & Lori Huthinson.

Supervisor Gambka states whatever the property was sold for, profits go to Oakland County. This property was a tax sale and unfortunately cannot be sold.

Moved by Trevethan, seconded by Kemp, motion carried to remove this line item from the table.

**Voting Yes: Trevethan, Kemp, Scheib-Snider, Miller, Gambka
Voting No: None**

Moved by Trevethan, seconded by Kemp, motion carried to not allow the sale of said property.

**Voting Yes: Trevethan, Kemp, Scheib-Snider, Gambka, Miller
Voting No: None**

NEW BUSINESS:

A. Discussion of Possible Fireworks Ordinance.

Supervisor Gambka states the state police will not come to Rose Township if there is no ordinance in place.

Moved by Scheib-Snider, seconded by Miller, motion carried for the Township Attorney to draft an ordinance for Board review.

**Voting Yes: Scheib-Snider, Miller, Trevethan, Kemp, Gambka
Voting No: None**

B. Discussion and Approval of Township Health Care Plan.

Trevethan states health plan costs have increased and current plan is unavailable this upcoming year. New plan will cap out-of-pocket expenses.

Moved by Gambka, seconded by Scheib-Snider, motion carried to approve new health care plan for the upcoming year.

**Voting Yes: Kemp, Scheib-Snider, Miller, Trevethan, Gambka
Voting No: None**

C. Discussion and Approval of Township FSA Plan.

Trevethan states the FSA Plan is employer held with no contributions from employer. Employee(s) contribute pre-tax dollars taken out of their payroll checks. The FSA Plan is essentially a savings account and the funds can be used toward medical costs. There is a \$2,500.00 maximum contribution, with \$500 carry over. Determination needs to be made as to health plan calendar year, currently runs November 1st. Proposes January 1st.

Moved by Gambka, seconded by Miller, motion carried to approve the Township FSA Plan as of January 1, 2015.

**Voting Yes: Trevethan, Kemp, Scheib-Snider, Miller, Gambka
Voting No: None**

D. Resolution to Oppose the Proposed ET Rover Pipeline and Resolution to Re-Route the Proposed ET Rover Pipeline.

Supervisor Gambka states he believes the ET Rover pipeline is not going through Oakland County. Supervisor Gambka would still like to support/assist other counties. Surveyors are looking in Lapeer County. Seems prudent to send the Resolution regardless.

**Rose Township Resolution 2014-21
RESOLUTION TO
OPPOSE THE PROPOSED ET ROVER PIPELINE**

At a special meeting of the Township Board of the Township of Rose, County of Oakland, State of Michigan, held on September 10, 2014, at 7:30 p.m.

PRESENT: Miller, Trevethan, Kemp, Scheib-Snider, Gambka
ABSENT: None

The following preamble and resolution were offered by Trevethan and supported by Miller.

WHEREAS, less than two years ago Energy Transfer (the parent company to ET Rover) claimed there was no need for the existing amount of natural gas capacity in Michigan (Docket No. CP12-491-000) and sold its north/south transmission line to Enbridge Energy so that it could be used to transport petroleum;

WHEREAS, approximately seven months (November 7, 2013) after the Federal Energy Regulatory Commission (FERC) issued the Order Approving Abandonment (Docket No. CP12-491-000) granting permission for Energy Transfer to abandon their Trunkline, Energy Transfer reapplied for authority to **reconstruct** a natural 42” natural gas trunkline (Superhighway). It is obvious that plans were underway to construct a new trunkline while Energy Transfer was petitioning FERC for abandonment of their existing trunkline.

WHEREAS, Energy Transfers shifting position smacks as trickery at the public’s expense as well as the onerous taking of private property through the power of Eminent Domain.

WHEREAS, the proposed route of the ET Rover pipeline does not supply natural gas to Michigan beyond the MichCon delivery point in Livingston County contrary to what is depicted on the map provided by ET Rover and is merely a “pass through” to another country which does not necessitate serving the common good of Michigan residents beyond Livingston County;

NOW, THEREFORE, BE IT RESOLVED, Rose Township Board of Trustees oppose the proposed construction of the ET Rover natural gas pipeline due to lack of necessity and lack of serving the common good of Michigan residents beyond Livingston County.

BE IT FURTHER RESOLVED, that a copy of this Resolution shall be filed as a comment before the Federal Energy Regulatory Commission and sent directly to U.S. Senator Debbie Stabenow, U.S. Senator Carl Levin, U.S. Representative Mike Rogers, Governor Rick Snyder, Senator Dave Robertson, Representative Joe Graves, Oakland County Executive L. Brooks Paterson, Oakland County Commissioner Robert Hoffman, Oakland County Water Resources Commissioner Jim Nash and other Oakland County Townships along the proposed pipeline route.

Roll Call Vote: **AYES:**Scheib-Snider, Miller, Trevethan, Kemp, Gambka

NAYS: None

ABSENT: None

RESOLUTION APPROVED and ADOPTED.

Moved by Trevethan, seconded by Miller, motion carried to oppose the ET Rover Pipeline going through Rose Township.

Voting Yes: Scheib-Snider, Miller, Trevethan, Kemp, Gambka

Voting No: None

Rose Township Resolution 2014-22
**RESOLUTION TO
REROUTE THE PROPOSED ET ROVER PIPELINE**

At a regular meeting of the Township Board of Rose Township, County of Oakland, State of Michigan,
held on September 10, 2014, at 7:30 p.m.

PRESENT: Miller, Trevethan, Kemp, Scheib-Snider, Gambka

ABSENT: None

The following preamble and resolution were offered by Scheib-Snider and supported by Trevethan.

WHEREAS, Pipeline 6B was constructed in Rose Township in 1968 when Rose Township was known for its horse farms and according to the 1970 census had a population of 2,502 and Rose Township is now primarily residential with a population of 6,250 according to the 2010 census;

WHEREAS, Rose Township has heavily wooded areas, and as such seeks to preserve and protect our woodlands and surrounding ecosystems. The construction of the proposed pipeline would not only be devastating to the dense environmental aesthetics of our woodlands but also their surrounding high priority ecosystems;

WHEREAS, Rose Townships proximity to the headwaters to the Shiawassee River and The Huron River watersheds (Exhibits 1 & 2) and construction of the proposed pipeline would pose a threat to our very sensitive wetland ecosystems;

WHEREAS, Based on the environmental and safety consequences of a potential rupture of a proposed 42” diameter pipeline at a minimum psi of 1100 the Potential Impact Radius would be 961 feet and would potentially be a safety hazard to the many residents living along the proposed pipeline route;

WHEREAS, experts believe placing a natural gas pipeline in close proximity to an existing petroleum pipeline could be disastrous;

WHEREAS, should this additional pipeline be constructed, property values of the homes in its vicinity would plummet;

WHEREAS, significant pipeline construction and repairs occurred in Rose Township in 2011 when Enbridge remediated Line 6B after its rupture, and again in 2013 and 2014, when Enbridge replaced Line 6B in its entirety, and, therefore, the residents of Rose Township have already made significant sacrifices for the public interest;

WHEREAS, ET Rover has stated in its Pre Filing, as an affirmative statement, that it would follow the existing Enbridge Line 6B corridor for its proposed route which **does not** use the existing easement but in fact requires an additional 50’ easement and 100’ of temporary workspace. Given the change in the characteristics of Rose Township since the Line 6B route was first constructed in 1968 and the significant sacrifices already made by Rose Township residents, it is not reasonable or just for Rose Township to be established as a pipeline corridor;

WHEREAS, The original Line 6B was constructed in 1968 and at that time, public policy did not appreciate the value of wetlands and woodlands and there was a preference given to placing the pipeline through wetlands and woodlands because the value of such land was viewed as minimal;

WHEREAS, The Commissions own siting requirements now clearly state that pipelines, to the extent practicable, should avoid wetlands and wildlife lands. *See 18 CFR 380.15(d)*

WHEREAS, less than two years ago Energy Transfer (the parent company to ET Rover) claimed there was no need for the existing amount of natural gas capacity in Michigan (Docket No. CP12-491-000), received approval for abandonment on November 7, 2013 (just seven months prior to applying for the new ET Rover natural gas trunk line) and sold its north/south transmission line to Enbridge Energy so that it could be used to transport petroleum;

WHEREAS, In the preliminary draft July 2014 (Docket No. PF-14-14-000) section 1.2 Purpose and Need, ET Rover states *“According to the most current and relevant government and industry supply/consumption indexes (including the U.S. Department of Energy), the supplies will continue to outpace domestic consumption for many years, allowing for the export of natural gas.”* It is clear the purpose of the pipeline is for EXPORT of natural gas which does not meet the threshold of public necessity nor justify the devastating impacts to Rose Townships woodlands and wetlands which we have been elected to protect;

WHEREAS, communities with less population and fewer sensitive resources are within a reasonable distance to the north;

NOW, THEREFORE, BE IT RESOLVED, Rose Township Board of Trustees oppose routing the proposed ET Rover pipeline through Rose Township and suggest it be moved to less populated areas to the north along the I-69 corridor or purchase back its transmission line from Enbridge Energy in order to convert it back to natural gas.

BE IT FURTHER RESOLVED, that a copy of this Resolution shall be filed as a part of the record before the Federal Energy Regulatory Commission and sent directly to U.S. Senator Debbie Stabenow, U.S. Senator Carl Levin, U.S. Representative Mike Rogers, Governor Rick Snyder, Senator Dave Robertson, Representative Joseph Graves, Oakland County Executive L. Brooks Patterson, Oakland County Commissioner Robert Hoffman, and other Oakland County Townships along the proposed pipeline route.

Roll Call Vote: **AYES:**Kemp, Scheib-Snider, Miller, Trevethan, Gambka

NAYS: None

ABSENT: None

RESOLUTION APPROVED and ADOPTED.

Moved by Scheib-Snider, seconded by Trevethan, motion carried to re-route the ET Rover Pipeline out of Rose Township.

Voting Yes: Kemp, Scheib-Snider, Miller, Trevethan, Gambka

Voting No: None

E. Resolution to Approve Linda Smith to the Holly Area Youth Assistance Board.

**ROSE TOWNSHIP RESOLUTION 2014-23
APPOINTMENTS TO THE HOLLY AREA YOUTH ASSISTANCE
MEMBERSHIP**

WHEREAS, Holly Area Youth Assistance has been the primary prevention program serving and located in the geographic area of the Holly Area Public School District since 1963, and

WHEREAS, HAYA receives financial and various in-kind contributions from the Village of Holly and the Townships of Groveland, Holly, Rose and Springfield, and the Family Division of Oakland County Circuit Court which assists in meeting the expense associated with operations of a local office and casework staff, and

WHEREAS, the efforts of numerous citizen volunteer provide significant service to the youth of the greater Holly area in projects promoting the prevention of juvenile delinquency, child neglect and child abuse,

NOW, THEREFORE BE IT RESOLVED that Rose Township hereby supports the efforts of the HAYA Board of Directors and approves it's following new member: Linda Smith.

Moved by Scheib-Snider, seconded by Trevethan, motion carried to appoint Linda Smith to the Holly Area Youth Assistance Board.

**Voting Yes: Trevethan, Kemp, Scheib-Snider, Miller, Gambka
Voting No: None**

F. Kieft Engineering/Rose Township

Rose Township is contracting Kieft Engineering to assist with ADA requirements at Dearborn Park, cost \$3,400.00. Other companies were way over budget. Utilizing monies from the Enbridge grant.

Moved by Trevethan, seconded by Kemp, motion carried to approve Kieft Engineering contract

**Voting Yes: Miller, Trevethan, Kemp, Scheib-Snider, Gambka
Voting No: None**

ANNOUNCEMENTS:

- A. Next Regular Planning Commission Meeting – September 3, 2014 (Cancelled)**
- B. Zoning Board of Appeals Meeting, September 8, 2014 - (Cancelled)**
- C. NOCFA Board Meeting – September 22, 2014 – 6:30 p.m. – Station #1, Holly Township**
- D. Assessing Office – 2nd Tuesday every month – 9:00 a.m. – 4:00 p.m. – Rose Township**
- E. Next Township Board Meeting — October 8, 2014, 7:30 p.m.**
- F. Cemetery Committee Meetings – TBD - Rose Township Offices**
- G. 24/7 Rose Township Recycling – 9080 Mason Street, Holly, MI**

MISCELLANEOUS REPORTS:

- A. NOCFA – Celebrating NOCFA's 30th Anniversary, Open House to be held on October 11 from 1:00-4:00 pm at Station #1. Trevethan attended a State mock search and rescue, tornado disaster.**
- B. Planning Commission – meeting cancelled.**
- C. Holly Area Youth Assistance (HAYA) – Scheib-Snider states HAYA is working on toy project.**
- D. Cemetery Committee – None.**
- E. Parks and Recreation – None.**
- F. Supervisor's Report – Supervisor Gambka is meeting with the Governor on Friday, proclamation for NOCFA 30th anniversary. Supervisor Gambka ordered 800 trees, needs help planting 500 of these trees at Dearborn Park. Will be delivered October 3rd.**

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

each item):

Lori Huthison, Resident asks if the property can be traded/leased? Supervisor Gambka will talk to Resident about this possibility. Could the property be referred to as the Rose Township wetland preserve.

Jeff Axts, Brandon Township Resident thanks the Board for its resolution(s) regarding the ET Rover pipeline. Oakland County Commission has their own resolutions to be approved October 8th. Pipeline would have crossed Enbridge at least twice within Rose Township.

Sue Julian, Resident (Trails) each year sponsoring events for the public. Working on trail from Holly to Saginaw Bay, putting in overnight camp. Would like to put up signs

ADJOURNMENT:

Moved by Scheib-Snider, seconded by Miller, motion carried to adjourn the meeting at 8:17 p.m.

Voting Yes: Scheib-Snider, Miller, Trevethan, Kemp, Gambka

Voting No: None

Meeting adjourned at 8:17 p.m.

Approved/Corrected



Debbie Miller, CMC
Rose Township Clerk