

Holly Township
Board of Trustees – Regular Meeting
Minutes of July 15, 2009

Call to Order: Supervisor Jesse Lambert called the July 15, 2009 Regular Meeting of the Holly Township Board of Trustees to order at or about 6:30 p.m. at the Holly Township Hall, 102 Civic Drive, Holly, Michigan, 48442.

Pledge of Allegiance

Roll Call:

Board Members Present:

Jesse Lambert, Supervisor
Karin Winchester, Clerk
Mark Freeman, Treasurer
Janet Leslie, Trustee
Steve Ruth, Trustee

Consent Agenda:

1. Agenda Approval
 2. Approval of Regular Meeting Minutes – June 16, 2009
 3. Approval of Special Meeting Minutes – June 30, 2009
 4. Acceptance of Financial Statements – June 2009
 5. Approval of Bills for Payment – July 2009
 6. Routine Reports:
 - A. N.O.C.F.A. Draft Minutes – June 15, 2009 (not available at agenda publication)
 - B. Planning Commission Draft Minutes – June 8, 2009
 - C. Building Permits – June 2009
 - D. Treasurer’s Quarterly Report – June 30, 2009
 7. Communications:
 - A. Letter dated June 25, 2009 from Michigan Townships Association re: Revenue Sharing
- **Clerk Karin Winchester moved to approve the Consent Agenda, as amended. Trustee Janet Leslie supported the motion. A roll call vote was taken. Winchester: Yes; Leslie: Yes; Ruth: Yes; Freeman: Yes; Lambert: Yes. The motion carried with a 5/0 vote.**

Reports:

Trustee Ruth: No report.

Trustee Leslie reported a few residents indicated they can no longer attend Board meetings as they’re now on Wednesdays.

Clerk Winchester: No report.

Treasurer Freeman indicated the treasurer’s quarterly report was included in the Consent Agenda.

Supervisor Lambert reported the new “Welcome to Holly” signs are going into print this week and will be installed soon. This is the first meeting of the 2009-10 fiscal year. AT&T will come to the Township in a couple weeks with

information regarding PEG channels. It will depend how many people in the area are AT&T subscribers whether it would be worth the Township purchasing the equipment.

Public Comment:

Ms. Linda Weil, 15490 Falk Road, indicated she has had AT&T in the past and was very pleased with them. As far as being on line to do that, they're not out there. She would be pleased if they were. She'd hate for the Township to say, well, we've only got so many Comcast and so many AT&T customers because a lot of customers would switch to AT&T.

Ms. Weil stated she has been taking pictures of the new fire department as the building progresses if anyone wants to view them. The Open House for the new fire hall is tentatively scheduled the week of October 4th.

Mr. Dave Curtis, 3426 Belford Road, questioned whether there was any truth to the Pulte sub getting a police services contract with the Village of Holly Police Department.

Supervisor Jesse Lambert stated the Township is waiting for a request from the Pulte sub for the Township to pull together information for them. He has spoken to Mr. Gould from the Holly Township Public Safety Committee, a separate group of citizens who have banded together to better deal with the issue. He was hoping tonight the Township would get something official from them requesting financials. He understands from Mr. Gould once they receive the financials, they will get signatures. People want to know the cost before they will sign up.

Clerk Karin Winchester indicated a request had been received and sent by e-mail.

Supervisor Lambert stated he does remember reading the letter. It was a request for a minimum level of service and a maximum level of service.

Mr. Chris Royle, 267 Valley Stream Drive, indicated Mr. Mark Diaz was unable to attend tonight, but he has sent in a letter to the Township making an official request to the Board for financials regarding police services. The area involved is not restricted to the Pulte sub. It involves densely populated areas of the township.

Supervisor Lambert stated he would like to thank Mr. Diaz for the map.

Mr. Larry Lilly, 110 Clarence Street, noted it was good to see the "In God We Trust" plaque back up. The clock is small and hard to read. The PEG channel is very important. He's been fighting for it for a good many years and it hasn't happened. The building looks great.

Ms. Lalaine Kilbourn stated the Township may want to check how many people can get AT&T.

Clerk Winchester noted AT&T is working on installing the necessary infrastructure.

Supervisor Lambert indicated the number of AT&T subscribers in the area to make it worthwhile is a question he has for the AT&T sales rep. Whether the Township proceeds with this project will depend on the answer to that question. He appreciates their open door policy. They're very adamant that they're working with communities rather than trying to cut them off.

Touching on broadband access, the Economic Recovery and Reinvestment Act, also known as all the stimulus money, apparently the State decided to float some money to Oakland County and they're going to actually use it to improve broadband infrastructure. He'll be meeting with a rep from the County in a few weeks. They really need broadband infrastructure on the north side of the Township. You can pretty much go anywhere south of Grange Hall and have access. It's the north end of the Township that needs that extra access. People have called him from the north end of the community asking why Comcast isn't out there yet. They can't get TV, et cetera.

Old Business:

1. Police Services

Supervisor Lambert noted the Township has received a map and a letter from Mr. Mark Diaz requesting information.

Treasurer Mark Freeman stated the Holly Township Public Safety Committee is a legitimate group, though they're not associated with Holly Township government in any way. They were not created by the Holly Township Board. The members were not appointed by the Holly Township Board. They are an independent organization. The Township Board has not sanctioned them as an ad hoc committee.

Trustee Steve Ruth noted the material supplied laid out the specifics they would like the Township to look at, including looking at the economics for the various police agencies in the area. High end and low end services will probably have to be defined further. This is enough for the Township to go on to the next step.

Supervisor Lambert stated the residents in that portion of the community came to the Township, they want something, they're not trying to push it on those who aren't so willing to accept the extra tax burden and receive police services. We owe it to them to make sure they get their service.

Trustee Janet Leslie noted it's important to point out we are not asking for police contracts at this point, we are only asking for bids from the four communities the committee wants us to request bids from; Oakland County Sheriffs, Village of Holly Police Department, Fenton Police Department and the Grand Blanc Police Department. The area under consideration encompasses Holly Academy and the Adelpian Junior Academy which involves the safety of children and also the large abandoned buildings in the area. There's also a concern about dumping in the areas of the Pulte development that have no homes. The overlay district is also included. The map is drawn very smartly.

- **Clerk Karin Winchester moved to request bids for the area of service per the request made by the Public Safety Committee. Trustee Steve Ruth supported the motion. A voice vote was taken; all those present voted yes; the motion carried.**

Clerk Winchester stated she would like the Township to negotiate an amount that would reimburse the Village for calls the State Police request the Village Police Department to respond to, putting together the criteria of what calls they would go out on and then reimbursing them for those calls.

Supervisor Lambert indicated he would work on it. He should have something available in two months.

Trustee Ruth noted that might clarify the low end amount being determined for police services.

Clerk Winchester indicated it wouldn't be a contract for services; it would be a contract to reimburse the costs to the village for the calls requested by the State Police. We could negotiate what type of calls the Township would reimburse for and the Village would bill for those calls. With those bills we would expect the run sheets. That way the Township could learn what kind of calls are being made. It would give the Township more information to use in the future. If the Township is paying for the calls, it would also pay for their liability.

Treasurer Freeman noted Chief Gackstetter could help determine what are essential calls and things that need a quick or immediate response. In those instances the Township would look at reimbursement. The Township would want to be able to track it. It works similar to when a survey was discussed, except there would be actual calls, what they were for and how often. That will give the Township some baseline information and provide a short term remedy as we move forward with the issue. It's going to be an ongoing issue.

Clerk Winchester stated Supervisor Lambert, Ms. Marsha Powers and Chief Gackstetter and herself could meet also.

Treasurer Freeman indicated the Sunday Oakland Press, dated July 12, 2009 had a front page article which stated, “Holly Township residents want more police protection, police stop responding to calls in township on July 1st.” The article was not fair and balanced in any way. His main concern was Ms. Leslie’s comments and he would like to quote from the papers. “Leslie said the need for police services is great enough to warrant an appropriate increase in taxes,” and “If certain members of the Board fail to address these residents’ concern, it will put no one in a bad position but themselves.”

Treasurer Freeman addressed Trustee Leslie, stating every member of this Board was legally elected to their position. We all get one vote and the majority rules. That’s the way a democracy works. The tail does not wag the dog. I have previously e-mailed you to express concern about comments you have made on your blog. You have also seen the Township’s legal counsel’s opinion that if your fellow Board members commented on your blog, they could inadvertently violate the Open Meetings Act. You continue to make comments, including now on the front page of the Oakland Press, where you basically have discredited or undermined the credibility of your fellow Board members.

“If certain members of the Board fail to address these residents’ concerns, it will put no one in a bad position but themselves” sounds like a veiled threat. It sounds like you are trying to impose your will on the Board so the Board will think the way you want the Board to think. We make decisions as a Board when we vote. Whether you agree or disagree is irrelevant; the majority rules. You were elected to represent all the citizens of Holly Township, not just your personal constituents. From day one you have advocated and promoted the issue of additional police protection and the raising of taxes to support it. You have never been neutral on this issue. You are putting your personal agenda ahead of your responsibility to represent all the citizens of Holly Township.

The members of the Holly Township citizens safety committee who are represented here tonight know that it takes a team effort to be successful. Every organization knows that it takes a team effort to be successful. We have been in our elected positions for nine months now. From day one I have not seen you make any serious effort to be a team player. You owe your fellow Board members an honest explanation as to what your intentions were when you made these comments.

Trustee Leslie stated in terms of being a team player, my team is the residents of Holly Township and I have to do my best to represent them. That’s a priority above and beyond getting along with anyone within this government or any other. I was elected to represent them; that’s my first and foremost thought. The two questions you had were from two different conversations. The one where I said that I think there is a need was a question asked of me by the young lady at the meeting. I was explaining to her I was in a difficult position because I live in the area under consideration. On the other hand, I have to look at it from the standpoint of a Board member and what’s best for the Township. I may not have the same opinion as a resident as I would a member of the Board of Trustees. That’s what I was trying to express to that reporter. I wasn’t saying I have the authority to raise anybody’s taxes. Obviously that’s not true, we go to a vote.

The other question was from an e-mail, I believe, from the same reporter. What she asked was if certain members of the Board failed to address these concerns, would it put them in a bad position. I responded it would put no one in a bad position but themselves. Obviously if residents felt you were ignoring an issue they brought before you, that would put you in a bad position. You would not be in a cooperative situation with the residents. It was not a threat, I answered her question. I can send the e-mail to you, if you’d like. That just meant that everyone is responsible for their own vote, not that I have power over anyone else that sits on this Board.

I am very opinionated and I believe that’s, in part, why people elected me. I heard very often while campaigning that they wanted somebody to get in there and stir things up and speak out. I feel that’s my role because that’s what I was asked to do for the residents. It is not meant to be in any way disrespectful to the rest of the Board members; perhaps it’s a matter of style.

Treasurer Freeman questioned whether she believed that the comment discredits fellow Board members or undermines their credibility.

Trustee Leslie indicated she doesn't believe the comment does because each Board member on every vote is responsible for how that vote reflects upon them. That's the way she understood the question as it was asked; we are responsible for the stand we take on any issue. She doesn't see how that is in any way derogatory or disrespectful.

Treasurer Freeman questioned Trustee Leslie whether she would readily admit she was elected to represent all of the citizens of Holly Township; and sitting here right now she does not know what the majority of the citizens in Holly Township feel about additional police protection or having their taxes raised to pay for it.

Trustee Leslie indicated she only knows how the residents feel who she has personally spoken to.

Treasurer Freeman noted that is her personal constituency and her personal agenda. That is the issue here. You're representing your personal constituency rather than the community as a whole. That is not in the best interest of the community as a whole.

Trustee Leslie questioned how Treasurer Freeman knew what the community of the whole thinks.

Treasurer Freeman noted he was not taking a position.

Supervisor Lambert stated we are in a public forum, in a public meeting. He doesn't like that we're having it out in front of the public at large. He would like Treasurer Freeman and Trustee Leslie to meet afterwards and talk to put their differences aside.

We've done an awesome job so far. We've been doing this for eight months and he's had people come up to him on the street that he couldn't even recognize in the crowded board room and say that they like the fact that our Board would literally discuss an issue, reach a conclusion, vote and get it done with. They were happy to see that. They're very envious that we're all discussing problems. I don't want an issue like this getting in the way.

Trustee Leslie noted she does not have a personal issue with Mr. Freeman and she doesn't believe he has a personal issue with her. She would be happy to talk to him after the meeting or any other time. His concerns are about her responsibility as a Board member and she respects his right to bring those up in this forum in front of the public.

Supervisor Lambert stated he doesn't want to take up anybody else's time, especially with an issue that only involves the two of them, rather than the community at large.

Treasurer Freeman indicated this is a very integral part of the police issue. We should all be in a neutral position until we've evaluated all the facts and then we take a vote and that's the determining factor.

2. Survey – No action taken.

New Business:

1. Board of Review Appointment

Supervisor Lambert noted two members of the Board of Review have resigned. He recommended Ms. Cindy Kreiner for one of the positions on the Board of Review.

Ms. Cindy Kreiner stated she has been in real estate since 1986. She works out of Clarkston. She has three sons who graduated from Holly High School and has lived in the township for the last six years. She averages 3 to \$4 million in sales and believes the relationship between herself and the Township will be a benefit to both.

- **Clerk Karin Winchester moved to approve Ms. Cindy Kreiner as the newest Board of Review member. Treasurer Mark Freeman supported the motion. A voice vote was taken; all those present voted yes; the motion carried.**
- 2. Approval of NSP Contract
 - **Supervisor Jesse Lambert moved to postpone Approval of NSP Contract. Clerk Karin Winchester supported the motion. A voice vote was taken; all those present voted yes; the motion carried.**
- 3. Village/Township Joint Meeting Request

Supervisor Lambert stated the joint meeting request is for the week of August 10th.

Trustee Ruth questioned whether the agenda had been determined and whether there would be a moderator.

Supervisor Lambert stated by August relevant topics to be put on the agenda will have been discussed. There is going to be no moderator.

Treasurer Freeman indicated progress can be made on water and sewer. In September the exclusivity contract between Silverman and the Village expires.

Mr. Peter Clemens, 132 Clarence Street, noted his comments are personal and do not reflect any policy of the Holly Village Council or any opinions of the Board or the Village. Economic restructuring could be discussed, perhaps something along the lines of a quality community plan. After September, water and sewer can go forward.

Supervisor Lambert agreed that the Village and Township can work together on some sort of a singular vision to couple the assets that are downtown with what is in the Township to make something that's attractive, that will keep people coming into the community using the local businesses, looking at real estate and wanting to make Holly home. If we can keep the agenda small with just those two topics, we can stay focused enough to actually make some progress.

Treasurer Freeman stated he would recommend the format include public comment at the beginning and at the end and no public comment during the business meeting so the meeting can operate without interruptions. The interruptions were excessive at the last meeting.

Trustee Leslie agreed with Treasurer Freeman.

Supervisor Lambert noted the agenda formats of both the Village and Township are similar. As long as we use those, we should be fine.

Mr. Clemens agreed with Supervisor Lambert.

Discussion was held regarding the date for the Joint Meeting.

Supervisor Lambert and Village Council President Peter Clemens agreed Thursday, August 13, 2009, at 6:30 p.m. would be a good date and time for the Joint Meeting.

Supervisor Lambert questioned whether the location at the Village of Holly Woodlands should be used again for the Joint Meeting. If it can't be used, possibly it could be held at Holly High School.

Ms. Weil noted the fire hall may be ready and could be used as the location for the Joint Meeting.

- 4. 2009-2010 Budget Amendments Proposed Resolution 2009-18

Clerk Winchester noted part of the amendments involve the deceleration lanes near the fire hall.

- **Clerk Karin Winchester moved to approve Resolution 2009-18, 2009-2010 Budget Amendments. Trustee Janet Leslie supported the motion. A roll call vote was taken. Freeman: Yes; Leslie: Yes; Ruth: Yes; Winchester: Yes; Lambert: Yes. The motion carried by a 5/0 vote.**

5. Proposed Code of Ordinance Amendment to Chapter 8, Article III – Property Maintenance Code

Supervisor Lambert indicated the current Property Maintenance Code is from 2006. This will update it by adopting the 2009 Property Maintenance Code, which includes abandoned foundations, basements or structures. If a builder was halfway through a structure and abandoned it, the Township can force the take-down of the half structure, which is a hazard and a blight condition. There have been a few complaints regarding half-done homes.

Treasurer Freeman noted abandoned basements fall under the health, safety and welfare of the community.

Clerk Winchester agreed.

- **Clerk Karin Winchester moved to approve the proposed Code of Ordinance Amendment to Chapter 8, Article III, Property Maintenance Code. Trustee Janet Leslie supported the motion. A voice vote was taken; all those present voted yes; the motion carried.**

6. Resolution 2009-19

Clerk Winchester indicated the Township has the opportunity every year before homes go up for tax sale in August to purchase any of the tax foreclosed properties from the County. A resident in the Great Lakes Subdivision has an adjacent parcel he would like to combine with the proposed parcel. This has been the goal of the township for the Great Lakes Subdivision will combine the two parcels and make the lot larger for health, safety and welfare. The resident will have to pay all the fees due on the property, including an admin fee.

Treasurer Freeman noted the State of Michigan has first right of refusal on the property. The township has second right of refusal. There are so many existing parcels in the Great Lakes Subdivision that are nonconforming. There are also two other parcels right next to each other in Great Lakes that the Township could purchase and combine. It's a lot of work, it's time consuming and under these economic conditions we don't know how long before it would sell. In this particular case, there is a resident ready to pay the fees owed on the property and combine it into his parcel.

Trustee Ruth questioned whether this was a buildable lot.

Clerk Winchester stated the lot was not buildable.

- **Clerk Karin Winchester moved to approve Resolution 2009-19, the acquisition of properties as a result of foreclosure for non-payment of property taxes. Treasurer Mark Freeman supported the motion. A roll call vote was taken. Leslie: Yes; Lambert: No; Ruth: Yes; Freeman: Yes; Winchester: Yes. The motion carried by a 4/1 vote.**

Public Comment:

Mr. Dave Curtis stated he appreciates what the Pulte subdivision citizens are doing. He would hate to think the Board would give police protection to a certain subdivision and not afford that same protection to residents further north or anywhere else. He borders Grand Blanc. He'd love to have Grand Blanc watch his house at night.

He believes the fire chief came in and told everybody he can't get police services to the scene. He thinks it puts the whole Board at risk for lawsuits. If something happens at his house at midnight and he's not home, he'll be looking to see who's liable if he doesn't have police services and he's asked for them. With the cuts at the State Police level, they need something. He doesn't know if they've got to get 1500 people like the Pulte sub did and ask for a survey.

He works for Oakland County Sheriff and they contract with 15 townships. He doesn't care if they pick up Holly; they take some of Holly's calls already. He just wants police protection. Whether they come from Holly Village, Genesee County or Grand Blanc, get somebody at his house when he dials 9-1-1.

Treasurer Freeman questioned whether Mr. Curtis felt the current State Police protection was inadequate.

Mr. Dave Curtis stated he did.

Supervisor Lambert noted it's going to take getting more people to come to the Board meeting and request you be added to that district, he would be more than happy to extend it and get another estimate. There is a certain portion of our community that's really adamant and wants it and then there are other portions where there are an equal numbers for and against and there are other areas he gets an adamant no.

Multiple discussions were held simultaneously.

Mr. Royle questioned whether reimbursing the Village on a per call basis would be accepted by the entire township so you at least have a 9-1-1 response in most urgent situations.

Clerk Winchester noted that would include the whole township.

Treasurer Freeman indicated if you want something on the State ballot in the State of Michigan, a committee is formed. They have the legal language put together to go on the ballot and then they have to circulate petitions. They have to have a certain number of signatures and the signatures have to be verified. This tells the government at the State level that there is enough interest among the citizens to put this issue on the ballot. That holds true at the local level also. Many people think the Board can do a lot of things on their own that the Board cannot do. The Board cannot raise taxes unless the public votes on that and approves a tax increase, no matter what it's for.

The citizen safety committee was formed and they requested the Township to get quotes from police agencies for them because they're interested in forming their own special assessment district. Only the residents in the special assessment district would pay taxes to pay for the police protection. Citizens outside that area would continue to have State police for their services.

Trustee Leslie noted as a Board we could issue a request for bids for the entire township. We have not taken that action.

Ms. Kreiner indicated she has seen the map of the possible special assessment district and questioned whether there was major crime in the areas on the map.

Mr. Dave Curtis stated he knows at least 50 people who have had something stolen. At the north end of the township B&E calls are made left and right. Accidents occur on the corner, you watch people bleeding, call the police and nobody comes. CPR was performed for 20 minutes before the fire department showed up and the police never came.

Supervisor Lambert stated what he understands from statistical reports and citizen complaints and issues, the more densely populated portions of the township are experiencing a heightened level of crime. Mainly there's been a slew of breaking and enterings and things of that nature, especially in the ring around the village; which, obviously, more people, more problems.

Trustee Leslie indicated the Township has no data that shows where crimes occur in the Township because we have not requested geographical data from either the Village or the Michigan State Police. To say crime is higher in one area or another is unsubstantiated. What we have is a group of people that have taken matters into their own hands and made a formal request of the Township to request bids. If it is the pleasure of the Board, the Board could also issue a request for bids for the entire township.

(Multiple discussions were held simultaneously.)

Mr. Kreiner stated this appears to be a real big hoopla for a tiny area.

Supervisor Lambert indicated the committee came to the Township responsibly and officially requested certain bids. We're hoping the rest of the Township will key on and more people will be interested in this particular issue.

Ms. Kilbourn stated discussion has been held regarding police services for some time. At the Town Hall Meeting at Holly High School there were no facts and figures available for the residents. At the Joint Meeting with the Village of Holly the mediator recommended putting it on the ballot for all township residents to vote on.

Treasurer Freeman indicated that would require a petition drive by the citizens for it to be put on the ballot.

Supervisor Lambert noted he is investigating that with Clerk Winchester. They don't know if you need petitions or not or if the Board can actually take separate language. It's a huge step for any community to add 2 mils and a whole separate department.

Trustee Leslie stated the petition comes into play when it's a citizen-initiated request. What the Board has done today by agreeing to issue a request for bids is merely agree to provide them with information. They still have to take the petition around in order to compel the Board to create the special assessment district.

Mr. Royle noted they did not mean to exclude anyone. We know our neighbors, we spoke to our neighbors. We agonized over the map for a long time. In the end what we did was we tried to determine the most densely populated areas. It is in no way a definitive statistical statement of where crime is occurring or where it makes sense even to request services for. We are a private group of individuals and had to draw the line somewhere to be able to talk to people.

Mr. Bill Curtis, 3193 Quick Road, questioned on New Business, Item 6, whether the Township would buy property at the request of a resident and sell that property back to a resident because it adjoins his lot. He questioned whether the people adjoining on the other side had a chance to bid on the property or any other township resident.

Ms. Kreiner asked for clarification regarding the new lane on Grange Hall Road.

Clerk Winchester indicated tri-party funds will be used for an acceleration/deceleration lane for the new fire hall.

Mr. Lilly stated this was a fantastic meeting. He likes the fact there will be another Joint Meeting with the Village and Township. He is a firm believer in police protection for the 36 square miles of the township. He still believes we have to renew the 2 mils for police services. We have to get together and make decisions for the 10,000 residents. He is very happy the Joint Meeting will have public comment at the beginning and at the end. That way the residents have the first word and the last word like they had tonight.

Treasurer Freeman indicated this week he received information that since January 1st, 2007 through the first quarter of 2009 there were 544 homes sold in Holly Township; 291 of those sales were foreclosures, which is over half of them. The information is given to coincide with the police discussions, to give you an idea of how much economic stress there is out there. There are a lot of people that will have difficulty with increased taxes for police services.

Adjournment: Supervisor Jesse Lambert, hearing no other business, adjourned the meeting at 7:48 p.m.

Zo Turner, Recording Secretary
Holly Township

Karin Winchester, CMC
Holly Township Clerk