

**Campaign Finance Complaint Form**  
**Michigan Department of State**

RECEIVED/FILED  
MICHIGAN DEPT OF STATE

2016 MAR 27 AM 10:03

This complaint form may be used to file a complaint alleging that someone violated the Michigan Campaign Finance Act (the MCFA, 1976 PA 388, as amended; MCL 169.201 et seq.).

All information on the form must be provided along with an original signature and evidence.

**Please print or type all information.**

I allege that the MCFA was violated as follows:

Section 1. Complainant			
Your Name <i>Roger Keller</i>		Daytime Telephone Number <i>517-523-3757</i>	
Mailing Address <i>4597 Rumsey Rd.</i>			
City <i>Pittsford</i>	State <i>MI</i>	Zip <i>49271</i>	

Section 2. Alleged Violator		
Name <i>Jefferson Township Hall</i>		
Mailing Address <i>2837 Bird Lake Rd.</i>		
City <i>Osseo</i>	State <i>MI</i>	Zip <i>49266</i>

**Section 3. Alleged Violations** (Use additional sheet if more space is needed.)

Section(s) of the MCFA violated: *(ACT 388) ACT(269) sec. 57(3)*

Explain how those sections were violated:

*See page one (1)*

Evidence that supports those allegations (attach copies of pertinent documents and other information):

*See page two (2)*

**Section 4. Certification (Required)**

*I certify that to the best of my knowledge, information, and belief, formed after a reasonable inquiry under the circumstances, each factual contention of this complaint is supported by evidence.*

**X**

*Roger A Keller*  
Signature of Complainant

3-21-18  
Date

**Section 5. Certification without Evidence (Supplemental to Section 4)**

**Section 15(6) of the MCFA (MCL 169.215) requires that the signed certification found in section 4 of this form be included in every complaint.** However, if, after a reasonable inquiry under the circumstances, you are unable to certify that certain factual contentions are supported by evidence, you may also make the following certification:

*I certify that to the best of my knowledge, information, or belief, there are grounds to conclude that the following specifically identified factual contentions are likely to be supported by evidence after a reasonable opportunity for further inquiry. Those specific contentions are:*

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**X**

\_\_\_\_\_  
Signature of Complainant

\_\_\_\_\_  
Date

**Section 15(8) of the MCFA provides that a person who files a complaint with a false certification is responsible for a civil violation of the MCFA. The person may be required to pay a civil fine of up to \$1,000.00 and some or all of the expenses incurred by the Michigan Department of State and the alleged violator as a direct result of the filing of the complaint.**

Mail or deliver the completed complaint form with an **original signature and evidence** to the following address:

Michigan Department of State  
Bureau of Elections  
Richard H. Austin Building – 1st Floor  
430 West Allegan Street  
Lansing, Michigan 48918

## Violation of MCFA

In an attempt by the Township Board to by-pass the vote of the people for a capital improvement that would cost, in total, over one million dollars, the needed signatures for a referendum were successfully collected. At that point the Township Board went all out in an attempt to sway the vote of the electors, not only through verbal communications but also printed material from the Clerk's office. The printed sheet in question of being a MCFA violation, was sent out to every property owner along with their Property Tax "Notice of Assessment" from the Treasurer's office.

This material asked the people to vote in favor of the Township View with a yes vote in two places.

(See attachment (page two (2) for printed violation)

It is our opinion, the use of time, materials and the mass mailing of information to the electors of the Township in order to influence the vote of the people, is in clear violation of the Law.

Thank you for any assistance you may provide.

Roger A. Keller  
4597 Rumsey Rd.  
Pittsford, MI 49271

CC:

Senator, Mike Shirkey  
Representative, Eric Leutheuser  
Attorney, General, Bill Schuette



STATE OF MICHIGAN  
RUTH JOHNSON, SECRETARY OF STATE  
DEPARTMENT OF STATE  
LANSING

April 4, 2018

Debra Penney, Clerk  
Jefferson Township  
P.O. Box 31  
Osseo, Michigan 49266

Dear Ms. Penney:

The Department of State (Department) received a formal complaint filed by Roger Keller against Jefferson Township (Township) alleging that the Township violated the Michigan Campaign Finance Act (MCFA or Act), 1976 PA 388, MCL 169.201 *et seq.* The investigation and resolution of this complaint is governed by section 15 of the Act and the corresponding administrative rules, R 169.51 *et seq.* A copy of the complaint and supporting documentation is enclosed with this letter.

In Michigan it is unlawful for a public body or an individual acting on its behalf to use or authorize the use of equipment, supplies, personnel, funds, or other public resources to make a contribution or expenditure. MCL 169.257(1). The words "contribution" and "expenditure" are terms of art that are generally defined to include a payment or transfer of anything of ascertainable monetary value made for the purpose of influencing or made in assistance of the qualification, passage, or defeat of a ballot question. MCL 169.204(1), 169.206(1). A knowing violation of this provision is a misdemeanor offense. MCL 169.257(4).

Mr. Keller alleges that the Township unlawfully used public resources to create and distribute a flyer regarding a question on the Township's upcoming May 8, 2018 ballot.

The purpose of this letter is to inform you of the Department's examination of these matters and your right to respond to the allegations before the Department proceeds further. It is important to understand that the Department is neither making this complaint nor accepting the allegations as true.

**If you wish to file a written response to this complaint, you are required to do so within 15 business days of the date of this letter.** Your response may include any written statement or additional documentary evidence you wish to submit. All materials must be sent to the Department of State, Bureau of Elections, Richard H. Austin Building, 1<sup>st</sup> Floor, 430 West Allegan Street, Lansing, Michigan 48918. If you fail to submit a response, the Department will render a decision based on the evidence furnished by the complainant.

A copy of your answer will be provided to Mr. Keller, who will have an opportunity to submit a rebuttal statement to the Department. After reviewing all of the statements and materials provided by the parties, the Department will determine whether "there may be reason to believe

Debra Penney, Clerk

April 4, 2018

Page 2.

that a violation of [the MCFA] has occurred [.]” MCL 169.215(10). Note that the Department’s enforcement powers include the possibility of entering a conciliation agreement; conducting an administrative hearing, or referring this matter to the Attorney General for enforcement of the criminal penalty provided in section 57(4) of the Act.

If you have any questions concerning this matter, you may contact me at (517) 241-0395.

Sincerely,

A handwritten signature in black ink, appearing to read "Lori A. Bourbonais". The signature is fluid and cursive, with the first name "Lori" being more prominent.

Lori A. Bourbonais

Bureau of Elections

Michigan Department of State

c: Roger Keller  
John Lovinger

JOHN P. LOVINGER\*  
\*ALSO ADMITTED IN ARIZONA

LAW OFFICE  
**LOVINGER & THOMPSON P.C.**  
91 SOUTH BROAD STREET, P.O. BOX 358  
HILLSDALE, MICHIGAN 49242

THOMAS L. THOMPSON

OF COUNSEL TO:  
MARCOUX, ALLEN, BOWER,  
NICHOLS & KENDALL, P.C.

OFFICE 517.437.7210  
517.439.1421

April 19, 2018

State of Michigan  
Department of State, Bureau of Elections  
Attn: Lori A. Bourbonnais  
Richard H. Austin Building, 1<sup>st</sup> Floor  
430 West Allegan Street  
Lansing, MI. 48918

RECEIVED/FILED  
MICHIGAN DEPT OF STATE  
2018 APR 24 AM 10:38  
ELECTIONS/GREAT SEAL

Re: Jefferson Township-Allegation of Michigan Campaign Finance Act (MCFA)  
Violation

Attn: Lori A. Bourbonnais,

I serve as Township Attorney for the Jefferson Township, Hillsdale County, Michigan. The letter is in response to your correspondence dated April 4, 2018, that informed the Township of your receipt of a Complaint that the Township had violated the MCFA. This letter will serve as the Township's response the Complaint.

Several months ago, Jefferson Township, which recently has terminated a joint fire department authority established with Pittsford Township which is a neighboring Hillsdale County Township, pursuant to express statutory authority, adopted a Resolution to issue bonds for the purpose of financing the construction of a new Township fire station. The new fire station was necessitated by the fact that the existing fire station is located in Pittsford Township and physically no longer is able to house appropriate modern fire fighting vehicles and equipment. The resolution adopted by the Jefferson Township Board called for issuance of bonds of between \$550,000 and \$600,000. The payment of the debt service for these bonds was achievable within the confines of the Jefferson Township's budget without the necessity of requesting voters to approve additional millage.

Subsequent to the adoption of the resolution to issue the bonds, and pursuant to appropriate statutory language, the complainant in this matter, Roger Keller, circulated petitions requesting that the question of the issuance of the bonds be placed on a ballot for referendum to the residents of Jefferson Township. It is noteworthy that absent the submission of petitions with adequate signatures to request the ballot referendum, the Township Board had the express statutory authority to issue the bonds in question. Throughout the petition gathering process, representations were made to the citizens of Jefferson Township that the Township Board somehow had acted inappropriately by

not first asking the voters of the Township to approve the bond issuance. In addition, inferences were made that Township taxes were to be raised in an illegal manner.

In an effort to clarify the steps taken by the Township, the necessity for the new fire station facility, and the actual costs to be incurred by the Township and its ability to pay such costs without assessing or requesting additional property taxes, the Township Board included a two page factual summary of the issues surrounding the necessity for the new Township fire station and the financing for said facility in the mailing of the Property Tax Assessment Notices that were mailed by the Township on February 27, 2018, (70 days before the Election date) and postmarked by the United States Postal Service on February 28, 2018, (69 days before the Election date). Attached to this correspondence as "Exhibit A" are photocopies of two of the envelopes from the Assessment Notice mailings with postmarks dated February 28, 2018. The envelopes depicted in "Exhibit A" were returned because of address issues. The two pages which were front and back of a single paper sheet are included in the Complaint filed in this matter. The factual summary included historical information regarding the termination of the joint fire department, the need for a new facility, clarification of the actual costs of the construction and financing which had been misrepresented to members of the public, and the fact that vote of "Yes" on the May 8, 2018 ballot was necessary for the bond issuance to proceed.

The inclusion of this factual summary in the mailing of the Assessment Notices was not a violation of the Michigan Campaign Finance Act (MCFA). The complainant, Mr. Keller, indicates that the Township violated section 57(3) of the Act. Although Section 57 of the Act, MCL 169.257, provides general prohibitions on the use of Township resources to make a "contribution" or "expenditure" as defined in the Act in connection with an election or ballot referendum, the express language of Section 57 provides that it does not apply to certain communications concerning issues relevant to the function of a public body. Specifically, MCL 169.257(1)(b) provides:

- (1) A public body or a person acting for a public body shall not use or authorize the use of funds, personnel, office space, computer hardware or software, property, stationery, postage, vehicles, equipment, supplies, or other public resources to make a contribution or expenditure or provide volunteer personal services that are excluded from the definition of contribution under section 4(3)(a). The prohibition under this subsection includes, but is not limited to, using or authorizing the use of public resources to establish or administer a payroll deduction plan to directly or indirectly collect or deliver a contribution to, or make an expenditure for, a committee. Advance payment or reimbursement to a public body does not cure a use of public resources otherwise prohibited by this subsection. **This subsection does not apply to any of the following:**

...

**(b) Subject to subsection (3), the production or dissemination of factual information concerning issues relevant to the function of the public body.**

Subsection (3), MCL 169.257(3), provides:

Except for an election official in the performance of his or her duties under the Michigan election law, 1954 PA 116, MCL 168.1 to 168.992, a public body, or a person acting for a public body, shall not, **during the period 60 days before an election in which a local ballot question appears on a ballot**, use public funds or resources for a communication by means of radio, television, mass mailing, or prerecorded telephone message if that communication references a local ballot question and is targeted to the relevant electorate where the local ballot question appears on the ballot. **(Emphasis added.)**

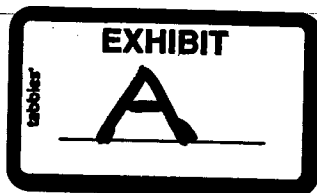
A complete reading of Section 57 of the Act leads to the conclusion that a public body, or person acting for a public body, has the authority to produce and disseminate statements of factual information concerning issues relevant to the public body, including communications that reference local ballot questions and are targeted to the relevant electorate where the local ballot question appears on the ballot, as long as this communication and dissemination of information occurs more than 60 days prior to the election date upon which the ballot referendum appears. The document included with the Property Tax Assessment Notices was a dissemination of factual information and was sent more than 60 days prior to the relevant election date. Accordingly, pursuant to the express provisions of MCL 169.257(1)(b) and MCL 169.257(3), the documentation included in the property tax assessment notices was not improper and did not constitute a violation of the MCFA.

Very truly yours,

John P. Lovinger



Jefferson Township  
2837 Bird Lake Road  
P. O. Box 31  
Osseo, MI 49286



METROPLEX MI 480

26 FEB 2018 PM 14 L

FOREVER  
USA

Barn Swallow

UNABLE TO FORWARD FOR REVIEW

UTFW

Jefferson Township  
2837 Bird Lake Road  
P. O. Box 31  
Osseo, MI 49286

METROPLEX MI 480

26 FEB 2018 PM 2 L

FOREVER  
USA

Barn Swallow

NOT DELIVERED

BCI 4918

46182-222647  
49268-0001

46182-222647

## **Announcement of Jefferson Township Special Election**

The Jefferson Township Board has scheduled a special election on the USDA Loan applied for to fund the construction of a proposed new facility to house the Jefferson Fire Department. The election will take place on Tuesday, May 8, 2018 and this will be the only issue on the Jefferson Township Ballot that day.

Beginning in 2009, when the first Fire Department Building grant application was submitted to FEMA, the Board has been researching funding options to bring a new facility to reality. After many options were considered and pursued in the ensuing years, the Pittsford Twp Board continued to have trouble with the joint agreement and the established protocol and procedures of operating the department.

For this reason, the Jefferson Twp Board unanimously voted to dissolve its partnership in the Pittsford Jefferson Fire Department last fall, due to what was felt to be a bad business situation for the Jefferson Township taxpayers. We have been negotiating with Pittsford Twp to buyout their interest in the property, trucks and equipment and hope that we are close to that being finished.

The Board then voted to pursue the construction of a new facility due to the very attractive and manageable terms of the USDA loan that they found in their extensive research of this issue.

Thinking in terms of the value of today's dollar verses' tomorrow's dollar, and the health of the general fund, this project is the best business we can propose regarding the money being spent on fire and rescue services for the residents of Jefferson Township.

The yes or no vote you will be asked to cast is to either:

Yes, to allow the Township Board to pursue this application for USDA financing, or;

No, to not allow us to move forward with the present application.

This special election, as you probably know, has been initiated by the act of referendum pursued by petition. The Jefferson Twp Board only hopes to give you some facts regarding this matter.

The real numbers look like this, with the final USDA loan amount coming in somewhere between the estimate and the higher contingent amount the USDA requires us to apply for to cover any overages.

\$550,000 @ 3.5% for 30 yrs - \$2,470 monthly (29,640 annually) with payoff at \$889,108.

\$600,000 @ 4.5% for 30 yrs - \$2,694 monthly (\$32,328 annually) with payoff at \$969,937.

**The Board is asking you to cast a yes vote on May 8, for the following reasons.**

The current location is at the end of its life in regards to the condition and suitability of the building.

Estimates tell us it would cost \$250,000 to bring the building up to official 'code' again.

Even then, Jefferson would still be faced with the constraints we have now regarding location, interior space for equipment and distance from the majority of emergency calls.

The option of contracting with other departments for services would cost nearly as much per year and would leave  $\frac{1}{4}$  of our area with no one willing to cover it.

The same \$250,000 would pay for over 25% of the USDA loan amount for the proposed new facility over the term of the loan.

The property the new facility would be located on is centrally located and at the heart of the township's coverage area, which is already owned by the township. Distance would be greatly reduced for most calls.

The township would no longer endure the cost of 'custom' equipment, making future purchases and maintenance far less expensive. For example, a repair being completed right now on our #1 Pumper has come at twice normal cost and has taken twice the time of repairs on standard equipment.

The Township would see a financial benefit also, as our current areas of contracted coverage with other townships would increase due to the new location. This would be an offset of expense each year.

Another financial benefit will be the end of additional insurance and audit expenses due to the 'Joint' operating agreement.

This new facility will be sustainable and suitable for many years and future generations to come. The Jefferson Township Board members feel that we are right on track with the future needs of our community by pursuing this project.

**Please support this project with a Yes Vote on May 8<sup>th</sup>.**

The Board would also like to remind you that your taxes have not 'went up' because we are pursuing this project. There has been no discussion of the need to ask for any tax increase to fund the construction of the new fire department facility.

**Jefferson Township Board Meetings  
are held on the second Tuesday of each month at 7:00 p.m.  
Please join us.**



STATE OF MICHIGAN  
RUTH JOHNSON, SECRETARY OF STATE  
DEPARTMENT OF STATE  
LANSING

May 15, 2018


Roger Keller  
4597 Rumsey Road  
Pittsford, Michigan 49271

Dear Mr. Keller:

The Department of State received a response to the complaint by you filed against Jefferson Township, which concerns an alleged violation of the Michigan Campaign Finance Act (MCFA), 1976 P.A. 388, MCL 169.201 *et seq.* A copy of the response is provided as an enclosure with this letter.

If you elect to file a rebuttal statement, you are required to send it within 10 business days of the date of this letter to the Bureau of Elections, Richard H. Austin Building, 1<sup>st</sup> Floor, 430 West Allegan Street, Lansing, Michigan 48918.

Sincerely,

  
Adam L.S. Fracassi  
Bureau of Elections  
Michigan Department of State

c: John Lovinger, esq.



May 21, 2018

RECEIVED/FILED  
MICHIGAN DEPT OF STATE  
2018 MAY 23 PM 1:59  
ELECTIONS/CREAT SEAL

Roger A. Keller  
4597 S. Rumsey Rd.  
Pittsford, MI 49271

Attn: Lori A. Bourbonais  
Bureau of Elections  
Michigan Department of State  
Richard H. Austin Building, 1<sup>st</sup>. Floor  
430 West Alegen Street  
Lansing, MI 48918

Dear Ms. Bourbonais,

I received Mr. Fracassi letter dated May 15, 2018 in regards to violations of the MCFA by Jefferson Township and or personnel. I want to thank you for your efforts in bringing this matter to a close. Although the ballot question vote was on May 8<sup>th</sup> the wrong doing or perhaps damage the Township has committed can not be abated, or can it? Still, there needs to be a judgment on the issue and if appropriate, penalization rendered. If the outcome of a ballot question election was obtained in favor of the question with known illegal measures to do so, is the election still valid? Perhaps an injunction would be appropriate?

I was under the impression that Ms. Debbie Penny was to file the response to the alleged violations of the MCFA and not an attorney. However, and regardless, there are other questions that arise from his correspondence. (See exhibit B) The existing fire station is **not** located in Pittsford Township but in Jefferson Township and Jefferson Township is now in the process of paying Pittsford Township for their share of the building which is now the Jefferson fire station. Previously called the Pittsford Jefferson fire station.

Attorney Lovinger, in his letter, has suggested that there were inappropriate measures used while gathering signatures for the referendum. This is untrue. Most signatures were gathered by myself with the original newspaper ad shown to those signing the petition. It clearly states that property taxes could be levied. (See copy in Exhibit C) Furthermore, he has no proof of these accusations. American Jurisprudence states, That which is not proven is the same as that which does not exist. Therefore, he is the one making false statements.

Attorney Lovinger makes reference to two envelopes returned because of address issues. Not too bad for the mailing of fifteen hundred. I have included the original envelop from my tax notice for your viewing. I believe you already have the original flyer that was placed in with the tax notice. There were no falsehoods of the funds the township was seeking as they were clearly mentioned in the ad that was posted in the local newspaper and shown to the public. This is also in exhibit C. I did voice reference to a total figure containing 3.5% interest for 30 years which the Board seem to forget about when telling the taxpayer about the loan.

In the last paragraph of Mr. Lovinger's response, he forgets to mention the request of a yes

vote being improper. I believe he is wrongly reading that section. The complaint does not object to the production or dissemination of factual information but to the asking of the electors to cast a yes vote in favor of the ballot question

Attorney Lovinger also makes reference to a 60 day period before an election where the Township can spend taxpayer funds to further their agenda. From my reading, this is not true and I believe this is stated in Exhibit D.

Compiler's Notes: Section 2 of Act 264 of 1995 provides: "If any portion of this amendatory act or the application of this amendatory act to any person or circumstance is found to be invalid by a court, the invalidity does not affect the remaining portions or applications of this amendatory act that can be given effect without the invalid portion or application, if those remaining portions are not determined by the court to be inoperable. To this end, this amendatory act is declared to be severable." Enacting section 1 of Act 31 of 2012 provides: "Enacting section 1. It is the policy of this state that a public body shall maintain strict neutrality in each election and that a public body or a person acting on behalf of a public body shall not attempt to influence the outcome of an election held in the state. If there is a perceived ambiguity in the interpretation of section 57, that section shall be construed to best effectuate the policy of strict neutrality by a public body in an election."

© 2017 Legislative Council, State of Michigan.

A person acting on behalf of a public body shall not attempt to influence the outcome of an election as stated above. I would question if the video linked below from the Hillsdale Daily News would be a violation of the MCFA. There are three officials from Jefferson Township in this video besides the commentator, all attempting to influence the outcome of the ballot question election. On the right is the Jefferson Fire Chief and on the left is Jefferson Township Clerk Debbie Penny and Trustee Richard Deller. Although it is very difficult, with my hearing loss, for me to understand everything, I believe at around 32 min. 30 sec. into the video "etc." you will hear Mr. Deller, Township Trustee, telling the people to vote yes on the ballot question. I could be mistaken.

**<https://www.facebook.com/HillsdaleDailyNews/videos/1980931698601448/>**

Three official members acting together on behalf of Jefferson Township in the video without anyone else there opposing their view. It was more like a paid advertisement.

On the back of the official Township News Letter dated February 5, 2018 (Which is enclosed) last paragraph, you will see they are asking the people to cast a yes vote and this is also believed to be a violation of section 57 and use of taxpayer funds to sway the people in favor of the ballot question. *How many of these Township News Letters were printed using public funds?*

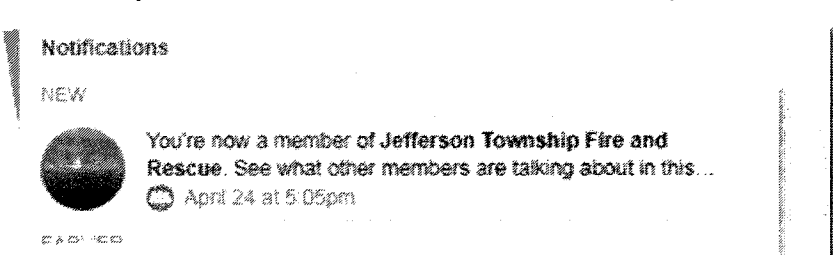
On page four of the Agenda for the Township meeting dated April 10, 2018 covering the meeting of March 13<sup>th</sup>, Debbie Penny (Township Clerk), claims she paid the cost of printing the flyers (\$150.00) that were sent out with the tax notice. I have some doubt about this as she is also Chairman of the Jefferson Fire Board, a conflict of interests to me. At any rate, this was done at and during the Township meeting and I believe that act alone would be in violation of the MCFA...A person acting on behalf of a public body shall not attempt to influence the outcome of an election Although township clerk Debbie Penny claims she paid for the flyers that were distributed through mass mailing along with the Property Tax Assessment Notice, the fact still remains she was acting on behalf of the township by knowing full well the flyers were going to be

placed in the mail along with the property tax notice. Too, it was the tax payers money that provided the envelopes that it came in and the cost of the postage, 1500 letters. Additionally there is the use of the Township hall along with personnel time which included the township Treasurer and his assistant along with the Clerk Debbie Penny and her assistant while in the Township hall during open hours. How long does it take to stuff 1500 letters? All covered with taxpayer funds.

After the Township Meeting on April 10<sup>th</sup>, while in the hall, I approached and asked Township Treasurer, James Lockwood, how many of these flyers were mass mailed out to the people in the township. His answer was all the tax payers, about 1500 people. I then asked Mr. Lockwood who placed the flyers in the envelopes along with the Tax Assessment Notice. He said "That he and Debbie Penny along with both their assistants did." I asked where this was done and he indicated that it was done in the Township Hall. As you are aware, the flyer attempts to sway the vote of the electors by asking them to cast a yes vote in the May 8<sup>th</sup> election. A person acting on behalf of a public body shall not attempt to influence the outcome of an election

In my opinion, there are many violations in using township resources doing this as stated above and again here, such as using the Township Hall, envelopes, (Which is included in this missive as proof) the postage required to send this notice out along with the efforts of those public officials in and during the Township Hall's open hours in order to accomplish it and therefore, the use of public funds. All prohibited, along with others, under MCL 169.257 (1) I also question the legality of not having an identifier or disclaimer with the name of who paid for that flyer on it (which it did not), I am sure they will claim it was an oversight.

Below is another shady attempt to influence the people of Jefferson Township. The picture is taken from my 91 year old sister's computer Facebook page who lives in Toledo Ohio and has nothing to do with Jefferson Township and did not ask to be a member. What is going on with this? Why did she even receive this in the first place? Though this may not be a violation of the



The image is a screenshot of a Facebook notification. At the top, it says 'Notifications' and 'NEW'. Below that is a circular profile picture of a person. To the right of the picture, the text reads: 'You're now a member of Jefferson Township Fire and Rescue. See what other members are talking about in this...' followed by a clock icon and 'April 24 at 5:05pm'.

MCFA as such, it clearly shows the insidious appetite of the people who sent this notification out to people they believe know me in order to perhaps sway another vote in their favor of the ballot question on the May 8, election. Sad!



If a natural "person" illegally obtains 1 million dollars from a bank but gets caught, do they get to keep the money?

If an artificial "person" (Township) illegally obtains a yes vote on a ballot question but gets caught, do they get to keep the yes vote?

Since the yes vote was obtained using illegal means it should be held void notwithstanding the referendum.

In closing, once again, Thank you for your efforts in this matter. I await your response.

Sincerely,

*Roger A Keller*

JOHN P. LOVINGER\*  
\*ALSO ADMITTED IN ARIZONA

LAW OFFICE  
**LOVINGER & THOMPSON P.C.**  
91 SOUTH BROAD STREET, P.O. BOX 358  
HILLSDALE, MICHIGAN 49242

THOMAS L. THOMPSON

OF COUNSEL TO:  
MARCOUX, ALLEN, BOWER,  
NICHOLS & KENDALL, P.C.

OFFICE 517.437.7210  
517.439.1421

April 19, 2018

EXHIBIT  
B

State of Michigan  
Department of State, Bureau of Elections  
Attn: Lori A. Bourbonnais  
Richard H. Austin Building, 1<sup>st</sup> Floor  
430 West Allegan Street  
Lansing, MI. 48918

RECEIVED/FILED  
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Several months ago, Jefferson Township, which recently has terminated a joint fire department authority established with Pittsford Township which is a neighboring Hillsdale County Township, pursuant to express statutory authority, adopted a Resolution to issue bonds for the purpose of financing the construction of a new Township fire station. The new fire station was necessitated by the fact that the existing fire station is located in Pittsford Township and physically no longer is able to house appropriate modern fire fighting vehicles and equipment. The resolution adopted by the Jefferson Township Board called for issuance of bonds of between \$550,000 and \$600,000. The payment of the debt service for these bonds was achievable within the confines of the Jefferson Township's budget without the necessity of requesting voters to approve additional millage.

Subsequent to the adoption of the resolution to issue the bonds, and pursuant to appropriate statutory language, the complainant in this matter, Roger Keller, circulated petitions requesting that the question of the issuance of the bonds be placed on a ballot for referendum to the residents of Jefferson Township. It is noteworthy that absent the submission of petitions with adequate signatures to request the ballot referendum, the Township Board had the express statutory authority to issue the bonds in question. Throughout the petition gathering process, representations were made to the citizens of Jefferson Township that the Township Board somehow had acted inappropriately by



# **PUBLIC NOTICE**

EXHIBIT  
C

## **NOTICE TO ELECTORS OF THE TOWNSHIP OF JEFFERSON OF INTENT TO ISSUE BONDS SECURED BY THE TAXING POWER OF THE TOWNSHIP AND RIGHT OF REFERENDUM THEREON**

PLEASE TAKE NOTICE that the Township Board of Trustees of the Township of Jefferson in Hillsdale County, Michigan, intends to issue and sell general obligation capital improvement bonds pursuant to Act 34, Public Acts of Michigan, 2001, as amended, in an amount not-to-exceed Six Hundred Thousand Dollars (\$600,000), for the purpose of paying cost to acquire, construct, install and equip a fire station together with any appurtenances and attachments thereto and any related site acquisition or improvements. The bonds will mature in annual installments not to exceed the maximum permitted by law, with interest on the unpaid balance from time to time remaining outstanding on said bonds to be payable at rates to be determined at sale of the bonds but in no event to exceed such rates as may be permitted by law.

The Township anticipates that the bonds will be delivered to the United States Government to document a loan administered by USDA, Rural development.

### **SOURCE OF PAYMENT OF BONDS**

The principal of an interest on the bonds shall be payable from the general funds of the Township lawfully available for such purposes including property taxes levied within applicable constitutional and statutory limitations.

### **RIGHT OF REFERENDUM**

THE BONDS WILL BE ISSUED WITHOUT A VOTE OF THE ELECTORS UNLESS A PETITION REQUESTING SUCH A VOTE SIGNED BY NOT LESS THAN 10% OF THE REGISTERED ELECTORS RESIDING WITHIN THE TOWNSHIP IS FILED WITH THE TOWNSHIP CLERK WITHIN FORTY-FIVE (45) DAYS AFTER PUBLICATION OF THIS NOTICE IF SUCH PETITION IS FILED, THE BONDS MAY NOT BE ISSUED WITHOUT AN APPROVING VOTE OF A MAJORITY OF THE QUALIFIED ELECTORS OF THE TOWNSHIP VOTING THEREON.

THIS NOTICE is given pursuant to the requirements of Section 517, Act 34, Public Acts of Michigan, 2001, as amended. Additional information can be obtained from the Township Clerk.

Debbie Penney, Township Clerk  
Township of Jefferson, Hillsdale County, Michigan





# Jefferson Township Newsletter

Jefferson Township Hall  
2837 S Bird Lake Rd  
Osseo, MI 49266  
(517) 523-3165  
jeffersontwp@dmcibb.net

Jefferson Township  
Transfer Station  
3255 Pioneer Rd  
Osseo, MI 49266  
(517) 523-3019

February 5, 2018

## Jefferson Township Fire Department: Facts & Figures

The Jefferson Township Board (the Board) has been pursuing the means to establish a new facility for the fire department since 2009.

The Board, since the fire department's inception, has been contributing annual financial support from the general fund for the department's facility, operations and maintenance.

The Board collectively feels that the Fire Department is amongst the most essentially important services that are provided for using the general fund moneys available to Jefferson Township. Upon the recommendation from the committee established in March, 2017 to research options available to Jefferson Township, the Board voted to pursue a USDA loan for construction of a new facility on the Jefferson Township Transfer Station property. Other local financing was also researched and was found to require much higher interest rates and shorter payback terms. This was step 1 in the process we are now moving through.

### This new facility will:

- ◆ Be located centrally, in the heart of the population base utilizing its services;
- ◆ Be more suitable and sustainable for many years and generations to come;
- ◆ Create additional income from surrounding townships who will contract for additional service areas, if the department is placed in this new location;
- ◆ Not be constrained by numerous and very troublesome issues presently found at the Pittsford facility site;
- ◆ Not require additional expenditures for custom trucks and equipment, as is now the reality;
- ◆ Assure that Jefferson Township receives the best possible value for the money expended from its general fund on all services provided by the department.

The engineer's estimated cost of the new facility is \$550,000. The USDA requires that the Township add a contingency amount to the total estimated cost, bringing it up to \$600,000. This is to ensure that any unforeseen costs are covered without re-applying for additional funds to complete the project. The terms and interest offered, at present by the USDA, looks like this in real dollars.

\$550,000 @ 3.5% for 30 yrs - \$2,470 monthly (\$29,640 annually) with payoff at \$889,108.

\$600,000 @ 3.5% for 30 yrs - \$2,694 monthly (\$32,328 annually) with payoff at \$969,937.

The total cost for the project will fall somewhere between these two figures.

The USDA (and all financial institutions) required the Board to publish its intent to pursue this type of funding so that the community may have the right of referendum. This is the process and procedures that bring the USDA funding option the Board has chosen to pursue, to a yes or no vote. Registered voter and township resident Mr. Roger Keller, in keeping with this established procedure, has obtained such a petition from the County Clerk's office and he has solicited and submitted signatures to bring this matter to a vote, which is/was step two of the process.

The Board is now working to verify these signatures and schedule a special election in May at a cost of \$5,000 to \$8,000. Thus, step three of the process.

The Board is very concerned however with the blatant hostility and untrue propaganda that is being spread around the community, both in printed publications and verbally. The Board does not know what motivates these individuals to do so but, if you have been told anything that differs greatly from what is stated herein as facts, then you have been utterly misinformed.

The Board encourages you to come to the Township Hall and view any or all of this information for yourself. You, as a community member, have a right to be accurately informed and not led by fearmongering and untruths. The Board has and will continue to follow the very letter of the law in its work toward bringing this new fire department to reality. At no time during the last 11 months has the Board hidden facts, kept secret its intention, or hindered in anyway the community's right to have knowledge of, or question this matter. The issue has also been extensively covered by the local paper.

In addition, the Jefferson Township Board wishes to encourage you to look to the future and know that you can have all confidence with our assessment. The general fund of Jefferson Township is and, with proper care, will continue to be strong enough to cover the USDA loan without asking the tax payers for any additional money to fund the construction of the new fire department facility. We encourage your participation and we hope you will cast a yes vote. Allowing this important project to go forward will secure, with today's rates on our dollars, something that will only benefit our community as we move forward into Jefferson's future.

The Jefferson Township Board meets on the second Tuesday of each month at 7:00 p.m.  
Please join us.

**Reminder from the Transfer Station Manager**

Please be sure all items placed in the recycling bins are clean. Items not rinsed or cleaned properly cannot be recycled and must be put in with the trash.

Recycling is important for our environment. Please help us help you!

Transfer Station Hours:

Monday—Saturday

8:00 am—5:00 pm

## **AGENDA**

### **Jefferson Township Regular Meeting April 10, 2018**

**I. Call to Order**

**II. Prayers**

**III. The Pledge of Allegiance**

**IV. Call to the Roll**

**V. Approval of the Consent Agenda**

- Approval of the Agenda
- Approval of the Minutes of the regular meeting March 13, 2018 and special meetings on March 22 and March 28, 2018
- Approval of Bills (General, Sanitary Sewer Fund and PJFD)

**VI. Brief Public Comment**

**VII. Visiting Speakers**

- Bruce Caswell, Hillsdale County Commissioner
- Bob Godfrey, Hillsdale County Road Commissioner

**VIII. Announcements And Correspondence**

- MTA workshop "Cemeteries: Challenges & Solutions"
- MTA workshop "Fundamentals of Assessment & Taxation", "Creating a Vision for Your Township" & "Linking with the Community"
- Michigan Gas Utilities will be performing maintenance work on Gas lines in the area
- Letter from Eric Leutheuser wanted to stay in touch and offer any assistance we may need
- Letter from Region 2 re: City of Jonesville pursuing financing through USDA for water system improvement
- Foundation Business Group re: insurance for anyone interested
- Letter from the State Election Commission re: Alleged Election Violation by Township Officials

**IX. Officer and Committee Report:**

Supervisor, Assessor, Clerk, Treasurer, Trustees, Transfer Station, Fire Board Chairman, Cemetery Sexton, Sanitary Sewer Manager, Blight Officer, Township Newsletter, Pittsford Library

**X. Unfinished Business**

**XI. New Business**

- Approve election inspectors for May 8 Special election
- Approve Resolution 12-2018 increasing cemetery related charges
- Create Township facebook page?
- Permission for gift card for Transfer Station to be donated to Osseo Days
- Transfer Station price increases

**XII. Public Comment**

**XIII. Adjournment**

## Jefferson Township Regular Township Board Meeting

March 13, 2018

Approved \_\_\_\_\_ Approved as corrected \_\_\_\_\_

The meeting was called to order by Steve Wismar at 7:00 PM at the Jefferson Township Hall.

Prayer

Pledge of Allegiance

**Roll Call:** Jim Lockwood, Steve Wismar, Barbie Keiser, Dick Deller and Debbie Penney were present.

**Approval of the Consent Agenda–** A motion was made by Barbie and supported by Dick to approve the consent agenda. Motion carried.

**Visiting Speakers:**

**Bruce Caswell, Hillsdale County Commissioner–** The County is short \$53,500 to finish the County Building and \$91,000 needed for a new phone system. Soil Erosion has \$150,000 setting in their account that can be used to finish these projects. They are also applying for a grant for the phones. The Sherriff Department and Correction Officers are in arbitration. They are in the process of getting job descriptions for all heads of office.

**Announcements And Correspondence**

- Board of Review March 13 from 9am-4pm & March 14 from 3pm-9pm
- Settlement Day March 22 from 9am-12pm & 1pm-done
- Budget Hearing March 28 at 10am
- Letter from Pittsford Township re: no joint meeting for Sewer Budget

**Officer and Committee Report:**

- **Supervisor–** Steve talked about amending Resolution 7-97 to change the joint meeting with Pittsford. He will get with Leaann about a Resolution. He received a phone call from the company that the Road Commission is contracting with for brining the gravel roads wanting to know if we were going to brine ours.
- **Assessor-Sales,** Permit monthly data entry, Land Divisions and audits. Communications with residents and EQ. Update database with reappraised sketches and information. New Construction entered. Roll Frozen and Chg Notices sent.
- **Clerk-Peg** and Debbie have been taking election classes to get ready for the 3 elections we have this year and also to learn the new election equipment.
- **Treasurer–** The total Jim was to collect for taxes was \$2,111,233.12 and he collected \$1,951,060.13 which was 92%. The township will keep \$56,748.00 in their General Budget.
- **Transfer Station–** Rob stated that the transfer station will be doing away with collecting 3-7 plastics. We decided not to apply for a tire grant this year. The Conservation District will be having one this year.

They will also be doing an electronic collection. We may do a tire grant next year.

- **Fire Board Chairman**— The board received a March report from the Fire Chief. We will be losing Matt Halleck. He is going to be a sub on Hillsdale City Fire Department. The newer pumper is being fixed now and will be back in service by March 28th. Steve talked about response time at the new fire station and that 6 fire fighters live in Jefferson Township.
- **Jefferson Fire Committee**— Dick stated that we had our first Committee meeting on March 8, 2018. As per the resolution we appointed the Chairman— Dick Deller and Vice Chair-Debbie Penney. We have already decided on the dates of our 4 regular Committee meetings for the next fiscal year. We worked on a budget the fiscal year 2018-2019. The Committee also decided that they don't want to be paid for being on the fire committee. The fire fighters have already purchased new Jefferson Township Fire Department shirts.
- **Sanitary Sewer Manager**— David went to Pittsford the night before and presented the 2018-2019 budget that they approved.
- **Blight Officer**— Steve has some blight issues that he has not gotten to yet.
- **Township Newsletter**-Barbie wants to get one more newsletter out before the May 8th election on the new fire station. She wants to put a picture of the new fire station and testimonials. Also information on the transfer station, Sewer manager and Cemetery.

#### **Unfinished Business:**

- **PA System**— Barbie made a motion supported by Steve that we check into wireless PA system with North Wind Studio not to exceed \$3800.00. Roll call vote: Steve-yes, Jim-yes, Debbie-no, Dick-yes and Barbie-yes. Motion carried.
- **New Assessor**-A motion was made by Dick and supported by Debbie to go out for bids for a new assessor and have John Pauli apply. Motion withdrawn. A motion was made Dick and supported by Debbie to have Steve negotiate with John and come back with a report. Motion carried.

#### **New Business:**

- **Approve Resolution 3-2018, 4-2018, 5-2018 & 6-2018**-A motion was made by Debbie and supported by Steve to approve resolution 3-2018. Roll call vote: Barbie-yes, Steve-yes, Jim-yes, Debbie-yes and Dick-yes. Motion carried. A motion was made by Jim and supported by Barbie to approve Resolution 4-2018. Roll call vote: Steve-yes, Jim-yes Debbie-yes, Dick-yes and Barbie-yes. Motion carried. A motion was made by Barbie and supported by Debbie to approve Resolution 5-2018. Roll call vote: Jim-yes, Debbie-yes, Dick-yes, Barbie-yes and Steve-yes. Motion carried. A motion was made by Dick and supported by Debbie to approve Resolution 6-2018. Roll call vote: Debbie-yes, Dick-yes, Barbie-yes, Steve-yes and Jim-yes. Motion carried.
- **Approve Property Tax Exemption**-A motion was made by Barbie and supported by Jim to approve 2018 property tax exemption by the state. Motion carried.

- **Approve Ordinance No. 37 & No. 38 for Fire**—A motion was made by Dick and supported by Debbie to approve Ordinance No. 37. Roll call vote: Dick-yes, Barbie-yes, Steve-yes, Jim-yes & Debbie-yes. Motion carried. A motion was made by Barbie and supported by Jim to approve Ordinance 38. Roll call vote: Barbie-yes, Steve-yes, Jim-yes, Debbie-yes & Dick-yes. Motion carried.
- **Approve Resolution 7-2018 & 8-2018**—A motion was made by Dick and supported by Debbie to approve Resolution 7-2018. Roll call vote: Steve-yes, Jim-yes, Debbie-yes, Dick-yes & Barbie-yes. Motion carried. A motion was made by Debbie and supported by Dick to approve Resolution 8-2018. Roll call vote: Jim-yes, Debbie-yes, Dick-yes, Barbie-yes & Steve-yes. Motion carried
- **Possible excusing of PI Accident bill for Fire Department**— It was agreed to excuse half of the bill that the insurance company didn't pay on a fire department bill for a PI Accident.
- **Approve Pittsford Sewer budget for 2018-2019**—A motion was made by Jim and supported by Barbie to approve the 2018-2019 Pittsford Sewer Budget. Roll call vote: Barbie-yes, Steve-yes, Jim-yes, Debbie-yes & Dick-yes. Motion carried.
- **Appoint Sewer Committee for 2018-2019**—A motion was made by Barbie and supported by Dick to appoint Kent Rupp, Jim Lockwood and Debbie Penney (for minutes) for the Sewer Committee for 2018-2019. Motion carried.
- **Question from Leonardson Cemetery Board**— Leonardson Cemetery board found someone to do their cemetery work. They want to know if Jefferson Township will help by taking two truckloads a year of their cleanup material at the transfer station free. A motion was made by Jim and supported by Debbie to take two truckloads a year of cleanup material at the transfer station. Motion carried.
- **Response to Pittsford Township on their contract**— We agreed with Pittsford on the price but none of the changes that we asked for last time were made. We will get back with our lawyer.

**Public Comment:** Debbie Penney stated that she paid for the fliers that were mailed out to all the tax payers out of her own pocket. They were not paid for by taxpayer money.

Adjourned at 9:17 PM



## Jefferson Township Special Settlement Budget Meeting

March 22, 2018

Approved \_\_\_\_\_ Approved as corrected \_\_\_\_\_

**The meeting was called to order** at 9:00 am at the Jefferson Township Hall.

**Roll Call:** Jim Lockwood, Steve Wismar, Dick Deller, Barbie Keiser and Debbie Penney were present. Deputy Gary Hoyt and Peg Barker were also present. Also present in the morning was Doug Stewart and Bill Piippo.

**Cemetery:** Bill asked for a raise increase of \$5,000 a year to give him a yearly contract for \$30,000.00. He also gave the board a job description. He would also like to increase the price burials in Resolution 5-2010.

Burials increase from \$375.00 to \$400.00 and cremations from \$175.00 to \$200.00. We will have a new resolution at our April meeting. We will talk about increasing the cost of plots when we put the footers down in the new section of Marple Grove. Then we will have two prices. One for new section and one for the rest.

**Transfer Station:** The board talked about increasing some prices at the Transfer Station:

Increase prices:

<u>Bagged Trash by Size:</u>	<u>Resident</u>	<u>All Customers</u>
Up to 32 Gallons	\$2.25	\$3.25
33 to 64 Gallons	\$4.50	\$6.50
65 to 96 Gallons	\$6.75	\$9.75

Also charge a higher price for heavier Construction/Demo. The same price per cubic yard as before (\$20.00) but increase for heavy loads like cement and shingles to \$25.00 a cubic yard.

Charge non-participating townships \$1.00 for recycling if they don't bring trash also. The new prices will go into effect May 1st.

Solid Waste Capital Outlay has \$30,000.00 for new cement under the compactor, fix the drainage and buy a used frontend loader.

**Land split:** Doug Stewart applied for a land split. His property would be 10.76 short of the required 165'. A motion was made by Dick and supported by Barbie to approve variance of 10.76 short at the property on the corner of Lake Pleasant and M99. Roll Call vote: Barbie-yes, Steve-yes, Jim-yes, Debbie-yes and Dick-yes. Motion carried.

**Contract with Pittsford Township:** A motion was made by Barbie and supported by Dick to approve the contract with Pittsford Township except for the change on #3 to May 15, 2018. Roll call vote: Steve-yes, Jim-yes, Debbie-yes, Dick-yes and Barbie-yes. Motion carried.

Meeting adjourned at 2:40 PM

## Jefferson Township Special Budget Hearing Board Meeting

March 28, 2018

Approved \_\_\_\_\_ Approved as corrected \_\_\_\_\_

### Prayer

### Pledge of Allegiance

The meeting was called to order at 10:00 am at the Jefferson Township Hall.

**Roll Call:** Jim Lockwood, Steve Wismar, Barbie Keiser, Dick Deller and Debbie Penney were present.

**Approval of the Consent Agenda—** A motion was made by Debbie and supported by Jim to approve the consent agenda with the addition of the check for \$54,816.66 to Pittsford Township and also a check to Republic Waste for \$2254.38 and Cobalt Tires for \$800.00. The Clerk was also given approval to pay the Pittsford Jefferson Fire Department bills as they come in. Motion carried.

### New Business:

- **Approve the new Fire Fighter By Laws—**A motion was made by Dick and supported by Debbie to accept the new Jefferson Township Fire Department By Laws. Motion carried.
- **Resolution 9-2018 to Amend the 2017-2018 General Budget—** A motion was made by Jim and supported by Barbie to approve Resolution 9-2018 with the addition of "Removed \$2254.38 from Solid Waste Capital outlay & added to Disposal Cost. Removed \$800.00 from Solid Waste Capital Outlay & added to Tires. With a total transferred of \$95,264.70." Roll call vote: Barbie-yes, Steve-yes, Jim-yes, Debbie-yes and Dick-yes. Motion carried.
- **Resolution 10-2018 to Amend the 2017-2018 PJFD Budget—**A motion was made by Barbie and supported by Dick to approve Resolution 10-2018. Roll call vote: Dick-yes, Barbie-yes, Steve-yes, Jim-yes and Debbie-yes. Motion carried.
- **Approve the proposed General Budget for fiscal year 2018-2019—**A motion was made by Barbie and supported by Debbie to approve the 2018-2019 General Budget. Roll call vote: Steve-yes, Jim-yes, Debbie-yes, Dick-yes and Barbie-yes. Motion carried.
- **Approve road work for 2018-2019—**A motion was made by Debbie and supported by Barbie to approve \$5,772.00 for one application of brine on the gravel roads. Motion carried.
- **Approve Resolution 11-2018 to amend Resolution 7-97—** A motion was made by Dick and supported by Steve to approve Resolution 11-2018 to no longer have a joint sewer meeting with Pittsford Township. Roll call vote: Jim-yes, Debbie-yes, Dick-yes, Barbie-yes and Steve-yes. Motion carried.
- **Approval for Michigan Recycling Coalition Annual Conference—** the board agree to send Gary Hoyt, Jim Lockwood and Rob Russell to the Conference.

Meeting adjourned at 11:17 AM

## JEFFERSON TOWNSHIP FIRE DEPT

4/10/2018 12:33 PM

Register: Checking - SMB&amp;T 405

From 03/29/2018 through 04/10/2018

Sorted by: Date, Type, Number/Ref

Date	Number	Payee	Account	Memo	Payment	C	Deposit	Balance
03/30/2018			101-740 · Interest	Deposit			14.38	78,053.11
03/30/2018	Debit	noreplay	Office Expenses:101-7...	For February	9.99			78,043.12
04/02/2018	Debit	State Of Michigan	Dues & Subscriptions	Notary Public	76.13			77,966.99
04/03/2018	11133	Landis, James	-split-		30.24			77,936.75
04/03/2018	11134	Russell, Robert	-split-		552.78			77,383.97
04/03/2018	11135	Sulowski, Thomas	-split-		51.78			77,332.19
04/03/2018	11136	Zoll, Eugene	-split-		114.42			77,217.77
04/03/2018	11137	Hillsdale Board of P...	-split-		392.90			76,824.87
04/03/2018	11138	Postmaster of Osseo	Elections:101-262:101...	5 rolls of 50 ce...	250.00			76,574.87
04/10/2018	on line	EFTPS	-split-	38-2297298	2,696.06			73,878.81
04/10/2018	on line	State Of Michigan	2100 · Payroll Liabilities	38-2297298	1,167.59			72,711.22
04/10/2018	11139	WIN Publishing	Solid Waste:Advertisin...	invoice# 00002...	630.00			72,081.22
04/10/2018	11140	Michigan Gas Utilities	Town Hall:101-265:10...	acc# 4600367-9	180.03			71,901.19
04/10/2018	11141	Rupert's Culligan	-split-		45.60			71,855.59
04/10/2018	11142	Platemate	Solid Waste:Advertisin...	invoice# 180348	169.00			71,686.59
04/10/2018	11143	Image Trend	Fire Dept:Supplies	invoice # 110917	1,273.08			70,413.51
04/10/2018	11144	Century Bank and Tr...	101-171 · Bank Servic...	acc # 6200747 ...	75.00			70,338.51
04/10/2018	11145	Frame's Pest Control,...	Town Hall:101-265:10...	acc# 133531	70.00			70,268.51
04/10/2018	11146	Ted Hartleb Agency	101-910 · Insurance	invoice# 278 ...	1,042.00			69,226.51
04/10/2018	11147	North Wind Studios	Town Hall:101-265:10...	invoice # 10	3,800.00			65,426.51
04/10/2018	11148	Current Office Soluti...	-split-	acc# JFTWPH	285.78			65,140.73
04/10/2018	11149	Hillsdale County Tre...	101-991:434-991:Mobi...	mobile home p...	30.00			65,110.73
04/10/2018	11150	DMCI Broadband, L...	Town Hall:101-265:10...	acc# 5089	187.90			64,922.83
04/10/2018	11151	Bills Lawn Care, LLC	-split-	invoice# 21777...	1,220.00			63,702.83
04/10/2018	11152	Lodzinski & Associat...	Capital Outlay	invoice # 538B	75.00			63,627.83
04/10/2018	11153	Hillsdale Media Group	-split-		390.10			63,237.73
04/10/2018	11154	Barker, Margaret	-split-		580.88			62,656.85
04/10/2018	11155	Deller-, Richard	-split-		188.41			62,468.44
04/10/2018	11156	Gallant, Jane	-split-		1,737.34			60,731.10
04/10/2018	11157	Hoyt, Gary E	-split-		664.46			60,066.64
04/10/2018	11158	Keiser, Barbie J	-split-		206.56			59,860.08
04/10/2018	11159	Landis, James	-split-		30.24			59,829.84
04/10/2018	11160	Lockwood, James L.	-split-		1,580.98			58,248.86
04/10/2018	11161	Penney, Debra	-split-		1,270.65			56,978.21
04/10/2018	11162	Russell, Robert	-split-		552.77			56,425.44
04/10/2018	11163	Sulowski, Thomas	-split-		111.74			56,313.70
04/10/2018	11164	Wismar, Steven	-split-		654.30			55,659.40
04/10/2018	11165	Zoll, Eugene	-split-		66.24			55,593.16
04/10/2018	11166	East 2 West Enterpris...	Town Hall:101-265:10...	invoice# 7482	105.00			55,488.16
04/10/2018	11167	H. J. Gelzer & Son, I...	Solid Waste:101-521:1...	acc# 100581	63.45			55,424.71

## JEFFERSON TOWNSHIP FIRE DEPT

4/10/2018 12:33 PM

Register: Checking - SMB&amp;T 405

From 03/29/2018 through 04/10/2018

Sorted by: Date, Type, Number/Ref

Date	Number	Payee	Account	Memo	Payment C	Deposit	Balance
04/10/2018	11168	William Piippo, Sexton	Cemetery Management...		15,000.00		40,424.71
04/10/2018	11169	Pittsford Public Libr...	Professional & Contrac...	Contact	5,000.00		35,424.71
04/10/2018	11170	Hillsdale Commnity ...	Professional & Contrac...	contract	5,000.00		30,424.71
04/10/2018	11171	Postmaster of Osseo	Elections:101-262:101...	100 of 71 cent ...	71.00		30,353.71

## PITTSFORD-JEFFERSON FIRE DEPARTMENT

4/10/2018 1:04 PM

Register: Century Bank Checking 1288471

From 03/29/2018 through 04/10/2018

Sorted by: Date, Type, Number/Ref

Date	Number	Payee	Account	Memo	Payment C	Deposit	Balance
04/03/2018	3236	Pittsford Gas & Tire	Fuel & Oil:336.860	acc# 58	384.00		8,931.10
04/03/2018	3237	Riley's Apparatus Ser...	Repairs/ Maintenance:...	10-71 grass rig	332.50		8,598.60
04/05/2018			Century 50-50 Savings ...	Deposit		11,000.00	19,598.60
04/10/2018	3238	Anthony Marshall	-split-		378.72		19,219.88
04/10/2018	3239	Bob Godfrey	-split-		138.52		19,081.36
04/10/2018	3240	Christopher Rutan	-split-		1,265.28		17,816.08
04/10/2018	3241	David A Shourds	-split-		733.36		17,082.72
04/10/2018	3242	David Deklein	-split-		1,043.64		16,039.08
04/10/2018	3243	David Siegel	-split-		115.44		15,923.64
04/10/2018	3244	Debra Penney	-split-		161.61		15,762.03
04/10/2018	3245	Erin Bigelow	-split-		97.98		15,664.05
04/10/2018	3246	Gunnar Smith	-split-		541.26		15,122.79
04/10/2018	3247	Ian Coleman	-split-		161.61		14,961.18
04/10/2018	3248	Jason Rutan	-split-		393.50		14,567.68
04/10/2018	3249	Jesse Hall	-split-		776.75		13,790.93
04/10/2018	3250	Marcus jones	-split-		3,232.34		10,558.59
04/10/2018	3251	Matt Halleck	-split-		1,675.33		8,883.26
04/10/2018	3252	Robert Bulloch	-split-		304.84		8,578.42
04/10/2018	3253	Robert Kirkendall	-split-		230.96		8,347.46
04/10/2018	3254	stephen Rotroff	-split-		378.72		7,968.74
04/10/2018	3255	Thomas Halleck	-split-		1,796.30		6,172.44
04/10/2018	3256	Thomas Sharp	-split-		1,472.16		4,700.28
04/10/2018	3257	Tommy Smith	-split-		3,633.15		1,067.13
04/10/2018	3258	Firemen's Fund	Dues	Dues	560.00		507.13
04/10/2018	3259	Bill's Lawn Service ...	Repairs/ Maintenance:...	invoice # 22049	55.00		452.13
04/10/2018	3260	Bob's Market House	Repairs/ Maintenance:...	invoice # 34908	76.75		375.38

## Pittsford Sanitary Sewer System

4/10/2018 12:14 PM

Register: Co National

From 03/29/2018 through 04/10/2018

Sorted by: Date, Type, Number/Ref

Date	Number	Payee	Account	Memo	Payment C	Deposit	Balance
03/29/2018	8067	Michigan Gas Utilities	Utilities	acc# 05060664...	170.17		28,087.22
03/30/2018			Interest	Deposit		0.08	28,087.30
04/04/2018	8068	Hillsdale Board Publ...	Utilities	acc# 004-0001...	58.56		28,028.74
04/10/2018	on line	State of Michigan	Payroll Liabilities	38-2855638	427.17		27,601.57
04/10/2018	online	EFTPS	-split-	38-2855638	1,016.24		26,585.33
04/10/2018	8069	USA Bluebook	Operations	invoice# 526060	194.97		26,390.36
04/10/2018	8070	Pittsford Gas & Tire	Operations	acc# 39	557.00		25,833.36
04/10/2018	8071	Sprint	Operations	acc# 70496439...	33.84		25,799.52
04/10/2018	8072	Century Bank and Tr...	Service Charge	Quarterly fee	150.00		25,649.52
04/10/2018	8073	Debra Penney	-split-		171.20		25,478.32
04/10/2018	8074	James Lockwood	-split-		184.70		25,293.62
04/10/2018	8075	Dave Gier	-split-		942.54		24,351.08
04/10/2018	8077	Dave Gier	-split-		422.50		23,928.58
04/10/2018	8078	Frontier Communicat...	Office Expense	517-523-3236-...	106.17		23,822.41
04/10/2018	8079	Watkins Fence	Operations		980.00		22,842.41
04/10/2018	8080	Burnips Equipment ...	Operations		83.61		22,758.80



STATE OF MICHIGAN  
RUTH JOHNSON, SECRETARY OF STATE  
DEPARTMENT OF STATE  
LANSING

June 6, 2018

Debra Penney, Clerk  
Jefferson Township  
P.O. Box 31  
Osseo, Michigan 49266

Dear Ms. Penney:

This letter concerns the complaint that was recently filed by Roger Keller against Jefferson Township, which relates to a purported violation of the Michigan Campaign Finance Act (MCFA or Act), 1976 PA 388, MCL 169.201 *et seq.* The Department of State has received a rebuttal statement from the complainant, a copy of which is enclosed with this letter.

Section 15(10) of the MCFA, MCL 169.215(10), requires the Department to determine within 45 business days from the date of the rebuttal statement whether there is a reason to believe that a violation of the Act has occurred. Mr. Keller's complaint remains under investigation at this time. At the conclusion of the review, all parties will receive written notice of the outcome of the complaint.

Sincerely,

A handwritten signature in cursive script, appearing to read "Adam L.S. Fracassi".

Adam L.S. Fracassi  
Bureau of Elections  
Michigan Department of State

c: Roger Keller



May 21, 2018

RECEIVED/FILED  
MICHIGAN DEPT OF STATE  
2018 MAY 23 PM 1:59  
ELECTIONS/GREAT SEAL

Roger A. Keller  
4597 S. Rumsey Rd.  
Pittsford, MI 49271

Attn: Lori A. Bourbonais  
Bureau of Elections  
Michigan Department of State  
Richard H. Austin Building, 1<sup>st</sup>. Floor  
430 West Alegen Street  
Lansing, MI 48918

Dear Ms. Bourbonais,

I received Mr. Fracassi letter dated May 15, 2018 in regards to violations of the MCFA by Jefferson Township and or personnel. I want to thank you for your efforts in bringing this matter to a close. Although the ballot question vote was on May 8<sup>th</sup> the wrong doing or perhaps damage the Township has committed can not be abated, or can it? Still, there needs to be a judgment on the issue and if appropriate, penalization rendered. If the outcome of a ballot question election was obtained in favor of the question with known illegal measures to do so, is the election still valid? Perhaps an injunction would be appropriate?

I was under the impression that Ms. Debbie Penny was to file the response to the alleged violations of the MCFA and not an attorney. However, and regardless, there are other questions that arise from his correspondence. (See exhibit B) The existing fire station is **not** located in Pittsford Township but in Jefferson Township and Jefferson Township is now in the process of paying Pittsford Township for their share of the building which is now the Jefferson fire station. Previously called the Pittsford Jefferson fire station.

Attorney Lovinger, in his letter, has suggested that there were inappropriate measures used while gathering signatures for the referendum. This is untrue. Most signatures were gathered by myself with the original newspaper ad shown to those signing the petition. It clearly states that property taxes could be levied. (See copy in Exhibit C) Furthermore, he has no proof of these accusations. American Jurisprudence states, That which is not proven is the same as that which does not exist. Therefore, he is the one making false statements.

Attorney Lovinger makes reference to two envelopes returned because of address issues. Not too bad for the mailing of fifteen hundred. I have included the original envelop from my tax notice for your viewing. I believe you already have the original flyer that was placed in with the tax notice. There were no falsehoods of the funds the township was seeking as they were clearly mentioned in the ad that was posted in the local newspaper and shown to the public. This is also in exhibit C. I did voice reference to a total figure containing 3.5% interest for 30 years which the Board seem to forget about when telling the taxpayer about the loan.

In the last paragraph of Mr. Lovinger's response, he forgets to mention the request of a yes



vote being improper. I believe he is wrongly reading that section. The complaint does not object to the production or dissemination of factual information but to the asking of the electors to cast a yes vote in favor of the ballot question

Attorney Lovinger also makes reference to a 60 day period before an election where the Township can spend taxpayer funds to further their agenda. From my reading, this is not true and I believe this is stated in Exhibit D.

Compiler's Notes: Section 2 of Act 264 of 1995 provides: "If any portion of this amendatory act or the application of this amendatory act to any person or circumstance is found to be invalid by a court, the invalidity does not affect the remaining portions or applications of this amendatory act that can be given effect without the invalid portion or application, if those remaining portions are not determined by the court to be inoperable. To this end, this amendatory act is declared to be severable." Enacting section 1 of Act 31 of 2012 provides: "Enacting section 1. It is the policy of this state that a public body shall maintain strict neutrality in each election and that a public body or a person acting on behalf of a public body shall not attempt to influence the outcome of an election held in the state. If there is a perceived ambiguity in the interpretation of section 57, that section shall be construed to best effectuate the policy of strict neutrality by a public body in an election."

© 2017 Legislative Council, State of Michigan.

A person acting on behalf of a public body shall not attempt to influence the outcome of an election as stated above. I would question if the video linked below from the Hillsdale Daily News would be a violation of the MCFA. There are three officials from Jefferson Township in this video besides the commentator, all attempting to influence the outcome of the ballot question election. On the right is the Jefferson Fire Chief and on the left is Jefferson Township Clerk Debbie Penny and Trustee Richard Deller. Although it is very difficult, with my hearing loss, for me to understand everything, I believe at around 32 min. 30 sec. into the video "etc." you will hear Mr. Deller, Township Trustee, telling the people to vote yes on the ballot question. I could be mistaken.

<https://www.facebook.com/HillsdaleDailyNews/videos/1980931698601448/>

Three official members acting together on behalf of Jefferson Township in the video without anyone else there apposing their view. It was more like a paid advertisement.

On the back of the official Township News Letter dated February 5, 2018 (Which is enclosed) last paragraph, you will see they are asking the people to cast a yes vote and this is also believed to be a violation of section 57 and use of taxpayer funds to sway the people in favor of the ballot question. *How many of these Township News Letters were printed using public funds?*

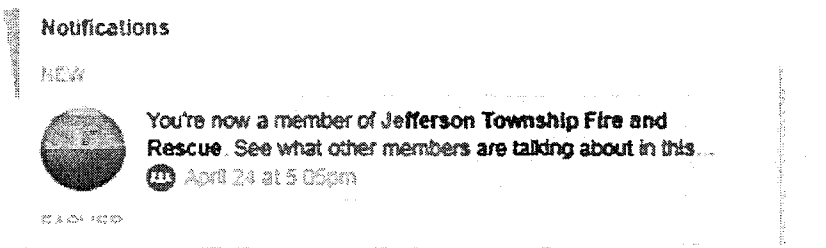
On page four of the Agenda for the Township meeting dated April 10, 2018 covering the meeting of March 13<sup>th</sup>, Debbie Penny (Township Clerk), claims she paid the cost of printing the flyers (\$150.00) that were sent out with the tax notice. I have some doubt about this as she is also Chairman of the Jefferson Fire Board, a conflict of interests to me. At any rate, this was done at and during the Township meeting and I believe that act alone would be in violation of the MCFA...A person acting on behalf of a public body shall not attempt to influence the outcome of an election Although township clerk Debbie Penny claims she paid for the flyers that were distributed through mass mailing along with the Property Tax Assessment Notice, the fact still remains she was acting on behalf of the township by knowing full well the flyers were going to be

placed in the mail along with the property tax notice. Too, it was the tax payers money that provided the envelopes that it came in and the cost of the postage, 1500 letters. Additionally there is the use of the Township hall along with personnel time which included the township Treasurer and his assistant along with the Clerk Debbie Penny and her assistant while in the Township hall during open hours. How long does it take to stuff 1500 letters? All covered with taxpayer funds.

After the Township Meeting on April 10<sup>th</sup>, while in the hall, I approached and asked Township Treasurer, James Lockwood, how many of these flyers were mass mailed out to the people in the township. His answer was all the tax payers, about 1500 people. I then asked Mr. Lockwood who placed the flyers in the envelopes along with the Tax Assessment Notice. He said "That he and Debbie Penny along with both their assistants did." I asked where this was done and he indicated that it was done in the Township Hall. As you are aware, the flyer attempts to sway the vote of the electors by asking them to cast a yes vote in the May 8<sup>th</sup> election. A person acting on behalf of a public body shall not attempt to influence the outcome of an election

In my opinion, there are many violations in using township resources doing this as stated above and again here, such as using the Township Hall, envelopes, (Which is included in this missive as proof) the postage required to send this notice out along with the efforts of those public officials in and during the Township Hall's open hours in order to accomplish it and therefore, the use of public funds. All prohibited, along with others, under MCL 169.257 (1) I also question the legality of not having an identifier or disclaimer with the name of who paid for that flyer on it (which it did not), I am sure they will claim it was an oversight.

Below is another shady attempt to influence the people of Jefferson Township. The picture is taken from my 91 year old sister's computer Facebook page who lives in Toledo Ohio and has nothing to do with Jefferson Township and did not ask to be a member. What is going on with this? Why did she even receive this in the first place? Though this may not be a violation of the MCFA as such, it clearly shows the insidious appetite of the people who sent this notification out to people they believe know me in order to perhaps sway another vote in their favor of the ballot question on the May 8, election. Sad!



If a natural "person" illegally obtains 1 million dollars from a bank but gets caught, do they get to keep the money?

If an artificial "person" (Township) illegally obtains a yes vote on a ballot question but gets caught, do they get to keep the yes vote?

Since the yes vote was obtained using illegal means it should be held void notwithstanding the referendum.

In closing, once again, Thank you for your efforts in this matter. I await your response.

Sincerely,

*Roger A Keller*

JOHN P. LOVINGER\*  
\*ALSO ADMITTED IN ARIZONA

LAW OFFICE  
**LOVINGER & THOMPSON P.C.**  
91 SOUTH BROAD STREET, P.O. Box 358  
HILLSDALE, MICHIGAN 49242

THOMAS L. THOMPSON

OF COUNSEL TO:  
MARCOUX, ALLEN, BOWER,  
NICHOLS & KENDALL, P.C.

OFFICE 517.437.7210  
517.439.1421

April 19, 2018

State of Michigan  
Department of State, Bureau of Elections  
Attn: Lori A. Bourbonnais  
Richard H. Austin Building, 1<sup>st</sup> Floor  
430 West Allegan Street  
Lansing, MI. 48918

EXHIBIT  
B

RECEIVED/FILED  
MICHIGAN DEPT OF STATE  
2018 APR 24 AM 10:38  
ELECTIONS/GREAT SEAL

Re: Jefferson Township-Allegation of Michigan Campaign Finance Act (MCFA)  
Violation

Attn: Lori A. Bourbonnais,

I serve as Township Attorney for the Jefferson Township, Hillsdale County, Michigan. The letter is in response to your correspondence dated April 4, 2018, that informed the Township of your receipt of a Complaint that the Township had violated the MCFA. This letter will serve as the Township's response the Complaint.

Several months ago, Jefferson Township, which recently has terminated a joint fire department authority established with Pittsford Township which is a neighboring Hillsdale County Township, pursuant to express statutory authority, adopted a Resolution to issue bonds for the purpose of financing the construction of a new Township fire station. The new fire station was necessitated by the fact that the existing fire station is located in Pittsford Township and physically no longer is able to house appropriate modern fire fighting vehicles and equipment. The resolution adopted by the Jefferson Township Board called for issuance of bonds of between \$550,000 and \$600,000. The payment of the debt service for these bonds was achievable within the confines of the Jefferson Township's budget without the necessity of requesting voters to approve additional millage.

Subsequent to the adoption of the resolution to issue the bonds, and pursuant to appropriate statutory language, the complainant in this matter, Roger Keller, circulated petitions requesting that the question of the issuance of the bonds be placed on a ballot for referendum to the residents of Jefferson Township. It is noteworthy that absent the submission of petitions with adequate signatures to request the ballot referendum, the Township Board had the express statutory authority to issue the bonds in question. Throughout the petition gathering process, representations were made to the citizens of Jefferson Township that the Township Board somehow had acted inappropriately by

# **PUBLIC NOTICE**

EXHIBIT  
C

## **NOTICE TO ELECTORS OF THE TOWNSHIP OF JEFFERSON OF INTENT TO ISSUE BONDS SECURED BY THE TAXING POWER OF THE TOWNSHIP AND RIGHT OF REFERENDUM THEREON**

PLEASE TAKE NOTICE that the Township Board of Trustees of the Township of Jefferson in Hillsdale County, Michigan, intends to issue and sell general obligation capital improvement bonds pursuant to Act 34, Public Acts of Michigan, 2001, as amended, in an amount not-to-exceed Six Hundred Thousand Dollars (\$600,000), for the purpose of paying cost to acquire, construct, install and equip a fire station together with any appurtenances and attachments thereto and any related site acquisition or improvements. The bonds will mature in annual installments not to exceed the maximum permitted by law, with interest on the unpaid balance from time to time remaining outstanding on said bonds to be payable at rates to be determined at sale of the bonds but in no event to exceed such rates as may be permitted by law.

The Township anticipates that the bonds will be delivered to the United States Government to document a loan administered by USDA, Rural development.

### **SOURCE OF PAYMENT OF BONDS**

The principal of an interest on the bonds shall be payable from the general funds of the Township lawfully available for such purposes including property taxes levied within applicable constitutional and statutory limitations.

### **RIGHT OF REFERENDUM**

THE BONDS WILL BE ISSUED WITHOUT A VOTE OF THE ELECTORS UNLESS A PETITION REQUESTING SUCH A VOTE SIGNED BY NOT LESS THAN 10% OF THE REGISTERED ELECTORS RESIDING WITHIN THE TOWNSHIP IS FILED WITH THE TOWNSHIP CLERK WITHIN FORTY-FIVE (45) DAYS AFTER PUBLICATION OF THIS NOTICE IF SUCH PETITION IS FILED, THE BONDS MAY NOT BE ISSUED WITHOUT AN APPROVING VOTE OF A MAJORITY OF THE QUALIFIED ELECTORS OF THE TOWNSHIP VOTING THEREON.

THIS NOTICE is given pursuant to the requirements of Section 517, Act 34, Public Acts of Michigan, 2001, as amended. Additional information can be obtained from the Township Clerk.

Debbie Penney, Township Clerk  
Township of Jefferson, Hillsdale County, Michigan

## Appendices

EXHIBIT D

### Appendix I USE OF PUBLIC FACILITIES, FUNDS, ETC. PROHIBITED

*An injunction issued on February 5, 2016 by U. S. District Judge John Corbett O'Meara, from the U.S. District Court in Ann Arbor prevents the enforcement of PA 269 of 2015 as it affects Section 57 of the MCFA only.*

*PA 269 of 2015 signed by the Governor in January of 2016 with immediate effect made changes to the Michigan Campaign Finance Act relative to the use of public funds for communications prior to the election. See PA 269 of 2015 for details.*

Section 57 of the Michigan Campaign Finance Act (MCFA) stipulates a public body or person acting for a public body must not use or authorize the use of public funds or resources to make a contribution or expenditure to further the nomination or election of a candidate or the qualification, passage or defeat of a ballot question. The inclusion of Section 57 in the MCFA does not restrict the constitutionally protected right to associate or to engage in political speech. It is intended to prevent those who control public resources from using those resources to influence the outcome of an election. It is up to the people and not public bodies to decide elections. This means that a public body is prohibited in participating in elections for:

- State and Local Ballot Questions
- Federal Candidates
- State Candidates
- Local Candidates

This means that a public body cannot contribute to or make expenditures on behalf of committee's registered to support or oppose candidates and ballot questions. This prohibition includes Candidate Committees, Ballot Question Committees, PACs, SuperPACs and Political Party Committees.

A public body is:

- A state agency, department, division, bureau, board, commission, council, authority, or other body in the executive branch of state government.
- The legislature or an agency, board, commission or council in the legislative branch of state government.
- A county, city, township, village, intercounty, intercity, or regional board; a council, school district, special district, or municipal corporation; or a board, department, commission, or council or an agency of a board, department, commission, or council.
- Any other body that is created by state or local authority or is primarily funded by or through state or local authority, which body exercises governmental or proprietary authority or performs a government or proprietary function.

#### EXAMPLES OF PROHIBITED USES

The prohibition includes, but is not limited to the use of personnel, office space, computer hardware or software, property, stationery, postage, vehicles, equipment, supplies, provide volunteer personal services or other public resources.

- A public body is prohibited from displaying political signs, brochures, pamphlets, etc in any governmental building or government property.
- Public officeholders and other public bodies are prohibited from using their office email and phones for campaign purposes.

#### Payroll Deduction Prohibition

The prohibition includes using or authorizing the use of public resources to establish or administer a payroll deduction plan to directly or indirectly collect or deliver a contribution to or make an expenditure for a committee. Advance payment or reimbursement to a public body does not cure a use of public resources.

#### EXEMPTIONS

The prohibition does not apply to any of the following:

- The expression of views by an elected or appointed public official who has policy-making responsibilities.
- The production or dissemination of factual information concerning issues relevant to the function of the public body.
- The production or dissemination of debates, interviews, commentary, or information by a broadcasting station, newspaper, magazine, or other periodical or publication in the regular course of broadcasting or publication. This exemption does not apply to the dissemination of an advertisement of a candidate.
- The use of a public facility owned or leased by or on behalf of a public body if any candidate or committee has an equal opportunity to use the public facility.
- The use of a public facility owned or leased by or on behalf of a public body if that facility is primarily used as a family dwelling and is not used to conduct a fund raising event.

On September 20, 2017, 2017 implements a num (MCFA). Click here to

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##### Appendices

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B - Registering a Committee With Statement of Organization Form
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C - The Reporting Waiver
D - Electronic Filing of Campaign Statements (State Level of Commit Only)
E - Late Filing Fees, Waivers and Reviews

STATE COMM
RECEIVED MORE
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G - Immediate Disclosure Report
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Q - Individuals and the Michigan Campaign Finance Act (MCFA)



# Jefferson Township Newsletter

Jefferson Township Hall  
2837 S Bird Lake Rd  
Osseo, MI 49266  
(517) 523-3165  
jeffersontwp@dmccibb.net

Jefferson Township  
Transfer Station  
3255 Pioneer Rd  
Osseo, MI 49266  
(517) 523-3019

February 5, 2018

## Jefferson Township Fire Department: Facts & Figures

The Jefferson Township Board (the Board) has been pursuing the means to establish a new facility for the fire department since 2009.

The Board, since the fire department's inception, has been contributing annual financial support from the general fund for the department's facility, operations and maintenance.

The Board collectively feels that the Fire Department is amongst the most essentially important services that are provided for using the general fund moneys available to Jefferson Township. Upon the recommendation from the committee established in March, 2017 to research options available to Jefferson Township, the Board voted to pursue a USDA loan for construction of a new facility on the Jefferson Township Transfer Station property. Other local financing was also researched and was found to require much higher interest rates and shorter payback terms. This was step 1 in the process we are now moving through.

### This new facility will:

- ♦ Be located centrally, in the heart of the population base utilizing its services;
- ♦ Be more suitable and sustainable for many years and generations to come;
- ♦ Create additional income from surrounding townships who will contract for additional service areas, if the department is placed in this new location;
- ♦ Not be constrained by numerous and very troublesome issues presently found at the Pittsford facility site;
- ♦ Not require additional expenditures for custom trucks and equipment, as is now the reality;
- ♦ Assure that Jefferson Township receives the best possible value for the money expended from its general fund on all services provided by the department.

The engineer's estimated cost of the new facility is \$550,000. The USDA requires that the Township add a contingency amount to the total estimated cost, bringing it up to \$600,000. This is to ensure that any unforeseen costs are covered without re-applying for additional funds to complete the project. The terms and interest offered, at present by the USDA, looks like this in real dollars.

\$550,000 @ 3.5% for 30 yrs - \$2,470 monthly (\$29,640 annually) with payoff at \$889,108.

\$600,000 @ 3.5% for 30 yrs - \$2,694 monthly (\$32,328 annually) with payoff at \$969,937.

The total cost for the project will fall somewhere between these two figures.

## **AGENDA**

### **Jefferson Township Regular Meeting April 10, 2018**

#### **I. Call to Order**

#### **II. Prayers**

#### **III. The Pledge of Allegiance**

#### **IV. Call to the Roll**

#### **V. Approval of the Consent Agenda**

- Approval of the Agenda
- Approval of the Minutes of the regular meeting March 13, 2018 and special meetings on March 22 and March 28, 2018
- Approval of Bills (General, Sanitary Sewer Fund and PJFD)

#### **VI. Brief Public Comment**

#### **VII. Visiting Speakers**

- Bruce Caswell, Hillsdale County Commissioner
- Bob Godfrey, Hillsdale County Road Commissioner

#### **VIII. Announcements And Correspondence**

- MTA workshop "Cemeteries: Challenges & Solutions"
- MTA workshop "Fundamentals of Assessment & Taxation", "Creating a Vision for Your Township" & "Linking with the Community"
- Michigan Gas Utilities will be performing maintenance work on Gas lines in the area
- Letter from Eric Leutheuser wanted to stay in touch and offer any assistance we may need
- Letter from Region 2 re: City of Jonesville pursuing financing through USDA for water system improvement
- Foundation Business Group re: insurance for anyone interested
- Letter from the State Election Commission re: Alleged Election Violation by Township Officials

#### **IX. Officer and Committee Report:**

Supervisor, Assessor, Clerk, Treasurer, Trustees, Transfer Station, Fire Board Chairman, Cemetery Sexton, Sanitary Sewer Manager, Blight Officer, Township Newsletter, Pittsford Library

#### **X. Unfinished Business**

#### **XI. New Business**

- Approve election inspectors for May 8 Special election
- Approve Resolution 12-2018 increasing cemetery related charges
- Create Township facebook page?
- Permission for gift card for Transfer Station to be donated to Osseo Days
- Transfer Station price increases

#### **XII. Public Comment**

#### **XIII. Adjournment**

## **Jefferson Township Regular Township Board Meeting**

**March 13, 2018**

Approved \_\_\_\_\_ Approved as corrected \_\_\_\_\_

**The meeting was called to order by Steve Wismar at 7:00 PM at the Jefferson Township Hall.**

**Prayer**

**Pledge of Allegiance**

**Roll Call:** Jim Lockwood, Steve Wismar, Barbie Keiser, Dick Deller and Debbie Penney were present.

**Approval of the Consent Agenda–** A motion was made by Barbie and supported by Dick to approve the consent agenda. Motion carried.

**Visiting Speakers:**

**Bruce Caswell, Hillsdale County Commissioner–** The County is short \$53,500 to finish the County Building and \$91,000 needed for a new phone system. Soil Erosion has \$150,000 setting in their account that can be used to finish these projects. They are also applying for a grant for the phones. The Sherriff Department and Correction Officers are in arbitration. They are in the process of getting job descriptions for all heads of office.

**Announcements And Correspondence**

- Board of Review March 13 from 9am-4pm & March 14 from 3pm-9pm
- Settlement Day March 22 from 9am-12pm & 1pm-done
- Budget Hearing March 28 at 10am
- Letter from Pittsford Township re: no joint meeting for Sewer Budget

**Officer and Committee Report:**

- **Supervisor–** Steve talked about amending Resolution 7-97 to change the joint meeting with Pittsford. He will get with Leaann about a Resolution. He received a phone call from the company that the Road Commission is contracting with for brining the gravel roads wanting to know if we were going to brine ours.
- **Assessor-Sales, Permit** monthly data entry, Land Divisions and audits. Communications with residents and EQ. Update database with reappraised sketches and information. New Construction entered. Roll Frozen and Chg Notices sent.
- **Clerk-Peg and Debbie** have been taking election classes to get ready for the 3 elections we have this year and also to learn the new election equipment.
- **Treasurer–** The total Jim was to collect for taxes was \$2,111,233.12 and he collected \$1,951,060.13 which was 92%. The township will keep \$56,748.00 in their General Budget.
- **Transfer Station–** Rob stated that the transfer station will be doing away with collecting 3-7 plastics. We decided not to apply for a tire grant this year. The Conservation District will be having one this year.



They will also be doing an electronic collection. We may do a tire grant next year.

- **Fire Board Chairman**— The board received a March report from the Fire Chief. We will be losing Matt Halleck. He is going to be a sub on Hillsdale City Fire Department. The newer pumper is being fixed now and will be back in service by March 28th. Steve talked about response time at the new fire station and that 6 fire fighters live in Jefferson Township.
- **Jefferson Fire Committee**— Dick stated that we had our first Committee meeting on March 8, 2018. As per the resolution we appointed the Chairman— Dick Deller and Vice Chair-Debbie Penney. We have already decided on the dates of our 4 regular Committee meetings for the next fiscal year. We worked on a budget the fiscal year 2018-2019. The Committee also decided that they don't want to be paid for being on the fire committee. The fire fighters have already purchased new Jefferson Township Fire Department shirts.
- **Sanitary Sewer Manager**— David went to Pittsford the night before and presented the 2018-2019 budget that they approved.
- **Blight Officer**— Steve has some blight issues that he has not gotten to yet.
- **Township Newsletter**-Barbie wants to get one more newsletter out before the May 8th election on the new fire station. She wants to put a picture of the new fire station and testimonials. Also information on the transfer station, Sewer manager and Cemetery.

#### **Unfinished Business:**

- **PA System**— Barbie made a motion supported by Steve that we check into wireless PA system with North Wind Studio not to exceed \$3800.00. Roll call vote: Steve-yes, Jim-yes, Debbie-no, Dick-yes and Barbie-yes. Motion carried.
- **New Assessor**-A motion was made by Dick and supported by Debbie to go out for bids for a new assessor and have John Pauli apply. Motion withdrawn. A motion was made Dick and supported by Debbie to have Steve negotiate with John and come back with a report. Motion carried.

#### **New Business:**

- **Approve Resolution 3-2018, 4-2018, 5-2018 & 6-2018**-A motion was made by Debbie and supported by Steve to approve resolution 3-2018. Roll call vote: Barbie-yes, Steve-yes, Jim-yes, Debbie-yes and Dick-yes. Motion carried. A motion was made by Jim and supported by Barbie to approve Resolution 4-2018. Roll call vote: Steve-yes, Jim-yes Debbie-yes, Dick-yes and Barbie-yes. Motion carried. A motion was made by Barbie and supported by Debbie to approve Resolution 5-2018. Roll call vote: Jim-yes, Debbie-yes, Dick-yes, Barbie-yes and Steve-yes. Motion carried. A motion was made by Dick and supported by Debbie to approve Resolution 6-2018. Roll call vote: Debbie-yes, Dick-yes, Barbie-yes, Steve-yes and Jim-yes. Motion carried.
- **Approve Property Tax Exemption**-A motion was made by Barbie and supported by Jim to approve 2018 property tax exemption by the state. Motion carried.

- **Approve Ordinance No. 37 & No. 38 for Fire**—A motion was made by Dick and supported by Debbie to approve Ordinance No. 37. Roll call vote: Dick-yes, Barbie-yes, Steve-yes, Jim-yes & Debbie-yes. Motion carried. A motion was made by Barbie and supported by Jim to approve Ordinance 38. Roll call vote: Barbie-yes, Steve-yes, Jim-yes, Debbie-yes & Dick-yes. Motion carried.
- **Approve Resolution 7-2018 & 8-2018**—A motion was made by Dick and supported by Debbie to approve Resolution 7-2018. Roll call vote: Steve-yes, Jim-yes, Debbie-yes, Dick-yes & Barbie-yes. Motion carried. A motion was made by Debbie and supported by Dick to approve Resolution 8-2018. Roll call vote: Jim-yes, Debbie-yes, Dick-yes, Barbie-yes & Steve-yes. Motion carried.
- **Possible excusing of PI Accident bill for Fire Department**— It was agreed to excuse half of the bill that the insurance company didn't pay on a fire department bill for a PI Accident.
- **Approve Pittsford Sewer budget for 2018-2019**—A motion was made by Jim and supported by Barbie to approve the 2018-2019 Pittsford Sewer Budget. Roll call vote: Barbie-yes, Steve-yes, Jim-yes, Debbie-yes & Dick-yes. Motion carried.
- **Appoint Sewer Committee for 2018-2019**—A motion was made by Barbie and supported by Dick to appoint Kent Rupp, Jim Lockwood and Debbie Penney (for minutes) for the Sewer Committee for 2018-2019. Motion carried.
- **Question from Leonardson Cemetery Board**— Leonardson Cemetery board found someone to do their cemetery work. They want to know if Jefferson Township will help by taking two truckloads a year of their cleanup material at the transfer station free. A motion was made by Jim and supported by Debbie to take two truckloads a year of cleanup material at the transfer station. Motion carried.
- **Response to Pittsford Township on their contract**— We agreed with Pittsford on the price but none of the changes that we asked for last time were made. We will get back with our lawyer.

**Public Comment:** Debbie Penney stated that she paid for the fliers that were mailed out to all the tax payers out of her own pocket. They were not paid for by taxpayer money.

Adjourned at 9:17 PM

## Jefferson Township Special Settlement Budget Meeting

March 22, 2018

Approved \_\_\_\_\_ Approved as corrected \_\_\_\_\_

The meeting was called to order at 9:00 am at the Jefferson Township Hall.

**Roll Call:** Jim Lockwood, Steve Wismar, Dick Deller, Barbie Keiser and Debbie Penney were present. Deputy Gary Hoyt and Peg Barker were also present. Also present in the morning was Doug Stewart and Bill Piippo.

**Cemetery:** Bill asked for a raise increase of \$5,000 a year to give him a yearly contract for \$30,000.00. He also gave the board a job description. He would also like to increase the price burials in Resolution 5-2010.

Burials increase from \$375.00 to \$400.00 and cremations from \$175.00 to \$200.00. We will have a new resolution at our April meeting. We will talk about increasing the cost of plots when we put the footers down in the new section of Marple Grove. Then we will have two prices. One for new section and one for the rest.

**Transfer Station:** The board talked about increasing some prices at the Transfer Station:

Increase prices:

<u>Bagged Trash by Size:</u>	<u>Resident</u>	<u>All Customers</u>
Up to 32 Gallons	\$2.25	\$3.25
33 to 64 Gallons	\$4.50	\$6.50
65 to 96 Gallons	\$6.75	\$9.75

Also charge a higher price for heavier Construction/Demo. The same price per cubic yard as before (\$20.00) but increase for heavy loads like cement and shingles to \$25.00 a cubic yard.

Charge non-participating townships \$1.00 for recycling if they don't bring trash also. The new prices will go into effect May 1st.

Solid Waste Capital Outlay has \$30,000.00 for new cement under the compactor, fix the drainage and buy a used frontend loader.

**Land split:** Doug Stewart applied for a land split. His property would be 10.76 short of the required 165'. A motion was made by Dick and supported by Barbie to approve variance of 10.76 short at the property on the corner of Lake Pleasant and M99. Roll Call vote: Barbie-yes, Steve-yes, Jim-yes, Debbie-yes and Dick-yes. Motion carried.

**Contract with Pittsford Township:** A motion was made by Barbie and supported by Dick to approve the contract with Pittsford Township except for the change on #3 to May 15, 2018. Roll call vote: Steve-yes, Jim-yes, Debbie-yes, Dick-yes and Barbie-yes. Motion carried.

Meeting adjourned at 2:40 PM

# **Jefferson Township Special Budget Hearing Board Meeting**

**March 28, 2018**

Approved \_\_\_\_\_ Approved as corrected \_\_\_\_\_

## **Prayer**

## **Pledge of Allegiance**

**The meeting was called to order at 10:00 am at the Jefferson Township Hall.**

**Roll Call:** Jim Lockwood, Steve Wismar, Barbie Keiser, Dick Deller and Debbie Penney were present.

**Approval of the Consent Agenda**— A motion was made by Debbie and supported by Jim to approve the consent agenda with the addition of the check for \$54,816.66 to Pittsford Township and also a check to Republic Waste for \$2254.38 and Cobalt Tires for \$800.00. The Clerk was also given approval to pay the Pittsford Jefferson Fire Department bills as they come in. Motion carried.

## **New Business:**

- **Approve the new Fire Fighter By Laws**—A motion was made by Dick and supported by Debbie to accept the new Jefferson Township Fire Department By Laws. Motion carried.
- **Resolution 9-2018 to Amend the 2017-2018 General Budget**— A motion was made by Jim and supported by Barbie to approve Resolution 9-2018 with the addition of "Removed \$2254.38 from Solid Waste Capital outlay & added to Disposal Cost. Removed \$800.00 from Solid Waste Capital Outlay & added to Tires. With a total transferred of \$95,264.70." Roll call vote: Barbie-yes, Steve-yes, Jim-yes, Debbie-yes and Dick-yes. Motion carried.
- **Resolution 10-2018 to Amend the 2017-2018 PJFD Budget**—A motion was made by Barbie and supported by Dick to approve Resolution 10-2018. Roll call vote: Dick-yes, Barbie-yes, Steve-yes, Jim-yes and Debbie-yes. Motion carried.
- **Approve the proposed General Budget for fiscal year 2018-2019**—A motion was made by Barbie and supported by Debbie to approve the 2018-2019 General Budget. Roll call vote: Steve-yes, Jim-yes, Debbie-yes, Dick-yes and Barbie-yes. Motion carried.
- **Approve road work for 2018-2019**—A motion was made by Debbie and supported by Barbie to approve \$5,772.00 for one application of brine on the gravel roads. Motion carried.
- **Approve Resolution 11-2018 to amend Resolution 7-97**— A motion was made by Dick and supported by Steve to approve Resolution 11-2018 to no longer have a joint sewer meeting with Pittsford Township. Roll call vote: Jim-yes, Debbie-yes, Dick-yes, Barbie-yes and Steve-yes. Motion carried.
- **Approval for Michigan Recycling Coalition Annual Conference**— the board agree to send Gary Hoyt, Jim Lockwood and Rob Russell to the Conference.

**Meeting adjourned at 11:17 AM**

## JEFFERSON TOWNSHIP FIRE DEPT

4/10/2018 12:33 PM

Register: Checking - SMB&amp;T 405

From 03/29/2018 through 04/10/2018

Sorted by: Date, Type, Number/Ref

Date	Number	Payee	Account	Memo	Payment C	Deposit	Balance
03/30/2018			101-740 · Interest	Deposit		14.38	78,053.11
03/30/2018	Debit	noreplay	Office Expenses:101-7...	For February	9.99		78,043.12
04/02/2018	Debit	State Of Michigan	Dues & Subscriptions	Notary Public	76.13		77,966.99
04/03/2018	11133	Landis, James	-split-		30.24		77,936.75
04/03/2018	11134	Russell, Robert	-split-		552.78		77,383.97
04/03/2018	11135	Sulowski, Thomas	-split-		51.78		77,332.19
04/03/2018	11136	Zoll, Eugene	-split-		114.42		77,217.77
04/03/2018	11137	Hillsdale Board of P...	-split-		392.90		76,824.87
04/03/2018	11138	Postmaster of Osseo	Elections:101-262:101...	5 rolls of 50 ce...	250.00		76,574.87
04/10/2018	on line	EFTPS	-split-	38-2297298	2,696.06		73,878.81
04/10/2018	on line	State Of Michigan	2100 · Payroll Liabilities	38-2297298	1,167.59		72,711.22
04/10/2018	11139	WIN Publishing	Solid Waste:Advertisin...	invoice# 00002...	630.00		72,081.22
04/10/2018	11140	Michigan Gas Utilities	Town Hall:101-265:10...	acc# 4600367-9	180.03		71,901.19
04/10/2018	11141	Rupert's Culligan	-split-		45.60		71,855.59
04/10/2018	11142	Platemate	Solid Waste:Advertisin...	invoice# 180348	169.00		71,686.59
04/10/2018	11143	Image Trend	Fire Dept:Supplies	invoice # 110917	1,273.08		70,413.51
04/10/2018	11144	Century Bank and Tr...	101-171 · Bank Servic...	acc # 6200747 ...	75.00		70,338.51
04/10/2018	11145	Frame's Pest Control,...	Town Hall:101-265:10...	acc# 133531	70.00		70,268.51
04/10/2018	11146	Ted Hartleb Agency	101-910 · Insurance	invoice# 278 ...	1,042.00		69,226.51
04/10/2018	11147	North Wind Studios	Town Hall:101-265:10...	invoice # 10	3,800.00		65,426.51
04/10/2018	11148	Current Office Soluti...	-split-	acc# JFTWPH	285.78		65,140.73
04/10/2018	11149	Hillsdale County Tre...	101-991:434-991:Mobi...	mobile home p...	30.00		65,110.73
04/10/2018	11150	DMCI Broadband, L...	Town Hall:101-265:10...	acc# 5089	187.90		64,922.83
04/10/2018	11151	Bills Lawn Care, LLC	-split-	invoice# 21777...	1,220.00		63,702.83
04/10/2018	11152	Lodzinski & Associat...	Capital Outlay	invoice # 538B	75.00		63,627.83
04/10/2018	11153	Hillsdale Media Group	-split-		390.10		63,237.73
04/10/2018	11154	Barker, Margaret	-split-		580.88		62,656.85
04/10/2018	11155	Deller-, Richard	-split-		188.41		62,468.44
04/10/2018	11156	Gallant, Jane	-split-		1,737.34		60,731.10
04/10/2018	11157	Hoyt, Gary E	-split-		664.46		60,066.64
04/10/2018	11158	Keiser, Barbie J	-split-		206.56		59,860.08
04/10/2018	11159	Landis, James	-split-		30.24		59,829.84
04/10/2018	11160	Lockwood, James L.	-split-		1,580.98		58,248.86
04/10/2018	11161	Penney, Debra	-split-		1,270.65		56,978.21
04/10/2018	11162	Russell, Robert	-split-		552.77		56,425.44
04/10/2018	11163	Sulowski, Thomas	-split-		111.74		56,313.70
04/10/2018	11164	Wismar, Steven	-split-		654.30		55,659.40
04/10/2018	11165	Zoll, Eugene	-split-		66.24		55,593.16
04/10/2018	11166	East 2 West Enterpris...	Town Hall:101-265:10...	invoice# 7482	105.00		55,488.16
04/10/2018	11167	H. J. Gelzer & Son, I...	Solid Waste:101-521:1...	acc# 100581	63.45		55,424.71

## JEFFERSON TOWNSHIP FIRE DEPT

4/10/2018 12:33 PM

Register: Checking - SMB&amp;T 405

From 03/29/2018 through 04/10/2018

Sorted by: Date, Type, Number/Ref

Date	Number	Payee	Account	Memo	Payment C	Deposit	Balance
04/10/2018	11168	William Piippo, Sexton	Cemetery Management...		15,000.00		40,424.71
04/10/2018	11169	Pinsford Public Libr...	Professional & Contrac...	Contact	5,000.00		35,424.71
04/10/2018	11170	Hillsdale Community ...	Professional & Contrac...	contract	5,000.00		30,424.71
04/10/2018	11171	Postmaster of Osseo	Elections:101-262:101...	100 of 71 cent ...	71.00		30,353.71

## PITTSFORD-JEFFERSON FIRE DEPARTMENT

4/10/2018 1:04 PM

Register: Century Bank Checking 1288471

From 03/29/2018 through 04/10/2018

Sorted by: Date, Type, Number/Ref

Date	Number	Payee	Account	Memo	Payment C	Deposit	Balance
04/03/2018	3236	Pittsford Gas & Tire	Fuel & Oil:336.860	acc# 58	384.00		8,931.10
04/03/2018	3237	Riley's Apparatus Ser...	Repairs/ Maintenance:...	10-71 grass rig	332.50		8,598.60
04/05/2018			Century 50-50 Savings ...	Deposit		11,000.00	19,598.60
04/10/2018	3238	Anthony Marshall	-split-		378.72		19,219.88
04/10/2018	3239	Bob Godfrey	-split-		138.52		19,081.36
04/10/2018	3240	Christopher Rutan	-split-		1,265.28		17,816.08
04/10/2018	3241	David A Shourds	-split-		733.36		17,082.72
04/10/2018	3242	David Deklein	-split-		1,043.64		16,039.08
04/10/2018	3243	David Siegel	-split-		115.44		15,923.64
04/10/2018	3244	Debra Penney	-split-		161.61		15,762.03
04/10/2018	3245	Erin Bigelow	-split-		97.98		15,664.05
04/10/2018	3246	Gunnar Smith	-split-		541.26		15,122.79
04/10/2018	3247	Ian Coleman	-split-		161.61		14,961.18
04/10/2018	3248	Jason Rutan	-split-		393.50		14,567.68
04/10/2018	3249	Jesse Hall	-split-		776.75		13,790.93
04/10/2018	3250	Marcus jones	-split-		3,232.34		10,558.59
04/10/2018	3251	Matt Halleck	-split-		1,675.33		8,883.26
04/10/2018	3252	Robert Bulloch	-split-		304.84		8,578.42
04/10/2018	3253	Robert Kirkendall	-split-		230.96		8,347.46
04/10/2018	3254	stephen Rotroff	-split-		378.72		7,968.74
04/10/2018	3255	Thomas Halleck	-split-		1,796.30		6,172.44
04/10/2018	3256	Thomas Sharp	-split-		1,472.16		4,700.28
04/10/2018	3257	Tommy Smith	-split-		3,633.15		1,067.13
04/10/2018	3258	Firemen's Fund	Dues	Dues	560.00		507.13
04/10/2018	3259	Bill's Lawn Service ...	Repairs/ Maintenance:...	invoice # 22049	55.00		452.13
04/10/2018	3260	Bob's Market House	Repairs/ Maintenance:...	invoice # 34908	76.75		375.38

## Pittsford Sanitary Sewer System

4/10/2018 12:14 PM

Register: Co National

From 03/29/2018 through 04/10/2018

Sorted by: Date, Type, Number/Ref

Date	Number	Payee	Account	Memo	Payment C	Deposit	Balance
03/29/2018	8067	Michigan Gas Utilities	Utilities	acc# 05060664...	170.17		28,087.22
03/30/2018			Interest	Deposit		0.08	28,087.30
04/04/2018	8068	Hillsdale Board Publ...	Utilities	acc# 004-0001...	58.56		28,028.74
04/10/2018	on line	State of Michigan	Payroll Liabilities	38-2855638	427.17		27,601.57
04/10/2018	online	EFTPS	-split-	38-2855638	1,016.24		26,585.33
04/10/2018	8069	USA Bluebook	Operations	invoice# 526060	194.97		26,390.36
04/10/2018	8070	Pittsford Gas & Tire	Operations	acc# 39	557.00		25,833.36
04/10/2018	8071	Sprint	Operations	acc# 70496439...	33.84		25,799.52
04/10/2018	8072	Century Bank and Tr...	Service Charge	Quarterly fee	150.00		25,649.52
04/10/2018	8073	Debra Penney	-split-		171.20		25,478.32
04/10/2018	8074	James Lockwood	-split-		184.70		25,293.62
04/10/2018	8075	Dave Gier	-split-		942.54		24,351.08
04/10/2018	8077	Dave Gier	-split-		422.50		23,928.58
04/10/2018	8078	Frontier Communicat...	Office Expense	517-523-3236-...	106.17		23,822.41
04/10/2018	8079	Watkins Fence	Operations		980.00		22,842.41
04/10/2018	8080	Burnips Equipment ...	Operations		83.61		22,758.80





STATE OF MICHIGAN  
RUTH JOHNSON, SECRETARY OF STATE  
DEPARTMENT OF STATE  
LANSING

July 31, 2018

John P. Lovinger  
Attorney for Jefferson Township  
91 South Broad Street  
P.O. Box 358  
Hillsdale, Michigan 49242

Dear Mr. Lovinger:

The Department of State (Department) has completed its initial investigation of the complaint filed against Jefferson Township by Roger Keller, which alleged that the Township Board violated section 57 of the Michigan Campaign Finance Act (MCFA or Act), 1976 PA 388, MCL 169.257. This letter concerns the disposition of Mr. Keller's complaint.

Mr. Keller filed his complaint on March 21, 2018 and alleged that the Township Board unlawfully used public resources to create and distribute a flyer regarding a question on the Township's May 8, 2018 ballot. Specifically, Mr. Keller alleged that the Clerk's Office produced and distributed a flyer that advocated for a "yes" vote on the upcoming election. The flyer was distributed through a property tax notice of assessment mailed by the Treasurer's Office. Attached to his complaint was the flyer in question.

On behalf of Jefferson Township (Township), you filed a response to the complaint by letter dated April 19, 2018. Your response admits that the Township included the flyer in a mass mailing which discussed the bond issue. You indicated that this was a factual summary which included historical information related to the fire department, and you stated that the flyer informed voters that a "yes vote" was necessary for the bond to be issued. You further admit that the flyer attached to Mr. Keller's complaint was the flyer mailed to voters together with Assessment Notices. You in part state that because the flyer was mailed prior to 60 days before the election, no violation of the MCFA has occurred.

Mr. Keller filed a rebuttal statement indicating that the complaint focuses on the language of the flyer itself requesting a "yes" vote from voters. Mr. Keller also provided a newsletter which also requested voters cast a "yes" vote for the bond's issuance.

At issue in the present complaint is whether the flyer disseminated factual information that concerned issues relevant to the Township and, if not, whether Jefferson Township improperly used public resources to produce and distribute said flyer. The Department finds that the evidence supports a conclusion that a violation of the Act has occurred because while some of the information disseminated was factual in nature, it also included words of express advocacy, and township resources were utilized to produce and disseminate the flyer.

In Michigan, it is unlawful for a public body or an individual acting on its behalf to use or authorize the use of equipment, supplies, personnel, funds, or other public resources to make a contribution or expenditure. MCL 169.257(1). A public body is allowed produce or disseminate factual information concerning issues relevant to the function of the public body. MCL 169.257(1)(b). The words “contribution” and “expenditure” are terms of art that are generally defined to include a payment or transfer of anything of ascertainable monetary value made for the purpose of influencing or made in assistance of the qualification, passage, or defeat of a ballot question. MCL 169.204(1), 169.206(1). If not an individual, a person who knowingly violates this section is guilty of a misdemeanor punishable by a fine up to \$20,000 or a fine equal to the amount of the improper expenditure – whichever is greater. MCL 169.257(4).

The flyer at issue states the following:

**The Board is asking you to cast a yes vote on May 8, for the following reasons:**

...

**Please support this project with a Yes Vote on May 8<sup>th</sup>.**

The newsletter dated February 5, 2018 contains a similar statement: “. . .we hope you will cast a yes vote.”

The flyer and newsletter, produced and sent using public funds and resources, are the exact type of activity that section 57 of the Act prohibits. A public body or a person acting on its behalf may not expend public funds or use public resources to expressly advocate for the passage of a ballot question. Under the MCFA, express advocacy is defined as language that specifically urges voters to “vote yes,” “vote no,” “elect,” “defeat,” “support,” or “oppose” a ballot question or candidate, using these or equivalent words and phrases. MCL 169.206(2)(j). The newsletters meet this standard and thus are not factual in nature as they expressly request a “yes vote” on three different occasions. The Department therefore finds that these flyers were not purely factual in nature.

The Department also concludes that the evidence provided supports a conclusion that the Township used public resources to produce and disseminate this flyer and newsletter. Exhibit A to your response contains two envelopes which you indicated were mailed out and included this flyer. The return address states, “Jefferson Township” which demonstrates that Township materials were utilized to mail this flyer to voters.<sup>1</sup> Moreover, you have admitted in your response to the complaint that the Township mailed this flyer with an Assessment Notice. Additionally, the February newsletter was printed with the Township seal in the heading and it contains contact information for the township and other pertinent township information. This

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<sup>1</sup> The timing of the mailing is not relevant to the Department’s conclusion as the U.S. District Court for the Eastern District of Michigan permanently enjoined the State of Michigan from enforcing MCL 169.257(3). Therefore, the fact that the mailing was sent prior to 60 days before the election is immaterial to the Department’s conclusion.

supports the conclusion that Township resources were utilized to produce and disseminate this newsletter.

Therefore, the evidence provided to the Department supports a conclusion that the Township expended public resources to advocate for the passage of a ballot question. Because you used public resources to produce and mail a newsletter urging readers to “vote yes” on a township millage, the Department finds that there is a reason to believe that you violated section 57 of the Act.

Upon the finding of a potential violation, the Act requires the Department to “endeavor to correct the violation or prevent a further violation by using informal methods [.]” if it finds that there may be reason to believe that a violation has occurred, and if the Department is unable to correct or prevent additional violations, it must ask the Attorney General to prosecute if a crime has been committed. MCL 169.215(10)(a). The objective of an informal resolution is “to correct the violation or prevent a further violation [.]” *Id.*

**For the flyer mailed via the Assessment Notice, please calculate the following and provide written answers to the Department by August 17, 2018:**

- 1. The amount of time spent during work hours to create the flyer.**
- 2. The number of employees who produced the flyer together with their hourly salary (including benefits).**
- 3. The number of flyers produced.**
- 4. The cost of the paper used to produce the flyer.**
- 5. The cost of the envelopes used to mail the flyer.**
- 6. The cost of postage used to mail the flyer.**
- 7. The cost incurred by the Township to copy the flyer.**
- 8. The amount of time spent during work hours to assemble the mailing that included the flyer, along with the cost of the employees’ salary, including benefits, for that time.**
- 9. Any other costs associated with the production and mailing of the flyer.**

**For the February 5, 2018 newsletter, please calculate the following and provide written answers to the Department by August 17, 2018:**

- 1. The amount of time spent during work hours to create the February newsletter.**
- 2. The number of employees who created the newsletter together with their hourly salary (including benefits).**
- 3. The number of newsletters produced.**
- 4. The cost of the paper used to produce the newsletter.**
- 5. The cost of the envelopes used to mail the newsletter.**
- 6. The cost of postage used to mail the newsletter.**
- 7. The cost incurred by the Township to copy the newsletter.**
- 8. The amount of time spent during work hours to assemble the mailing that included the newsletter, along with the salary, including benefits, for that time.**
- 9. Any other costs associated with the production and mailing of the newsletter.**

John P. Lovinger  
July 31, 2018  
Page 4

The Department will use this information to facilitate an informal resolution of Mr. Keller's complaint.

Please be advised that if the Department is unable to resolve the matter through informal methods, the Department must refer the matter to the Attorney General for enforcement of the criminal penalty provided in MCL 169.257(4). MCL 169.215(10)(a).

Sincerely,

A handwritten signature in black ink, appearing to read "Adam Fracassi", written in a cursive style.

Adam Fracassi  
Bureau of Elections  
Michigan Department of State

JOHN P. LOVINGER\*  
\*ALSO ADMITTED IN ARIZONA

LAW OFFICE  
**LOVINGER & THOMPSON P.C.**  
91 SOUTH BROAD STREET, P.O. BOX 358  
HILLSDALE, MICHIGAN 49242

THOMAS L. THOMPSON

OFFICE 517.437.7210  
517.439.1421

OF COUNSEL TO:  
MARCOUX, ALLEN, BOWER,  
NICHOLS & KENDALL, P.C.

August 20, 2018

State of Michigan  
Department of State, Bureau of Elections  
Attn: Adam Fracassi  
Richard H. Austin Building, 1<sup>st</sup> Floor  
430 West Allegan Street  
Lansing, MI. 48918

BUREAU OF ELECTIONS  
2018 AUG 23 A 10:23  
DEPT OF STATE

Re: Jefferson Township-Michigan Campaign Finance Act (MCFA) Violation

Mr. Fracassi,

This letter is in response to your correspondence dated July 31, 2018, wherein you notified Jefferson Township of your conclusion that Jefferson Township violated the Michigan Campaign Finance Act (MCFA) by including a Flyer in a mailing of Township Property Tax Assessment Notices as well as the publication and distribution of a Newsletter. Your correspondence requested information regarding resources expended in the creation and dissemination of the Flyer and Newsletter

Attached hereto is a response prepared by the Township. It is noteworthy that the amount of Township resources was minimal. The Township is aware that the payment for the preparation costs of the flyer and/or Newsletter by a private person or entity does not provide a defense to the MCFA violation. However, the minimal expense to the Township should be considered a mitigating factor.

This experience has been an educational one for the Township which does not have extensive history or experience with Ballot initiatives. I can assure you that the violations were not intentional, but rather the result of lack of experience and sophistication in such matters.

I hope that the enclosed information answers your questions. Please contact me if you need additional information.

Very truly yours,

John P. Lovinger

JPL/km

### **Answer to inquiry regarding Township Flyer and Newsletter**

**For the flyer mailed via the Assessment Notice, Please calculate the following and provide written answers to the Department by August 17, 2018:**

1. **The amount of time spent during work hours to create the flyers.** None Barbie Keiser, a Township Trustee, created the flyer at home in the evening. She works during the day at another job.
2. **The number of employees who produced the flyer together with their hourly salary (including benefits).** Barbie Keiser, Township Trustee, produced the flyer and then emailed it to printing company to be printed in the evening on her own time.
3. **The number of flyers produced.** 1500 flyers were sent out
4. **The cost of the paper used to produce the flyer.** The cost of paper and copying was paid with private funds. No township money was spent on them.
5. **The cost of postage used to mail the flyer.** Pre-stamped envelopes were purchased by the assessor's office to mail out the assessment notice at a cost of \$864.60. No additional postage was incurred as a result of the inclusion of the flyer.
6. **The cost incurred by the Township to copy the flyer.** The cost of paper and copying was paid with private funds. There was no cost to the township.
7. **The amount of time spent during work hours to assemble the mailing that included the flyer, along with the cost of the employees' salary, including benefits, for that time.** Jefferson Township does not have specific office hours and we are all on salary, we don't get paid by the hour and get no benefits. The assessor was sick and so we stuffed the envelopes for her to get them out in time by her deadline. We spent no extra time or postage stuffing then we would have spent without the flyers.

**For the February 5, 2018 newsletter, please calculate the following and provide written answers to the Department by August 17, 2018:**

1. **The amount of time spent during work hours to create the February newsletter.** None. Barbie Keiser, Township Trustee, created the Newsletter at home in the evening. She works during the day at another job.
2. **The number of employees who created the newsletter together with their hourly salary (including benefits).** None. Barbie Keiser, Township Trustee, created the newsletter on her own time in the evening.
3. **The number of newsletters produced.** 100 newsletters were produced.
4. **The cost of the paper used to produce the newsletter.** The cost for the paper was \$.68.
5. **The cost of the envelopes used to mail the newsletter.** None. The newsletters were not mailed out. We try to produce newsletters about 3 or 4 times a year to let the residents of our township know what is going on in the township. We never mail these newsletters. They are left at local businesses for residents to pick up.
6. **The cost of postage used to mail the newsletter.** They were not mailed.
7. **The cost incurred by the Township to copy the newsletter.** The cost for prints printed on our printer would have been \$10.40.
8. **The amount of time spent during work hours to assemble the mailing that included the newsletter, along with the salary, including benefits, for the time.** They were not mailed out.
9. **Any other costs associated with the production and mailing of the newsletter.** None



STATE OF MICHIGAN  
RUTH JOHNSON, SECRETARY OF STATE  
DEPARTMENT OF STATE  
LANSING

August 24, 2018

John P. Lovinger  
Attorney for Jefferson Township  
91 South Broad Street  
P.O. Box 358  
Hillsdale, Michigan 49242

Dear Mr. Lovinger:

The Department of State (Department) has completed its initial investigation of the complaint filed against Jefferson Township by Roger Keller, which alleged that the Township Board violated section 57 of the Michigan Campaign Finance Act (MCFA or Act), 1976 PA 388, MCL 169.257. This letter concerns the disposition of Mr. Keller's complaint.

Mr. Keller filed his complaint on March 21, 2018 and alleged that the Township Board unlawfully used public resources to create and distribute a flyer regarding a question on the Township's May 8, 2018 ballot. Specifically, Mr. Keller alleged that the Clerk's Office produced and distributed a flyer that advocated for a "yes" vote on the upcoming election. The flyer was distributed through a property tax notice of assessment mailed by the Treasurer's Office. Attached to his complaint was the flyer in question.

On behalf of Jefferson Township (Township), you filed a response to the complaint by letter dated April 19, 2018. Your response admits that the Township included the flyer in a mass mailing which discussed the bond issue. You indicated that this was a factual summary which included historical information related to the fire department, and you stated that the flyer informed voters that a "yes vote" was necessary for the bond to be issued. You further admit that the flyer attached to Mr. Keller's complaint was the flyer mailed to voters together with Assessment Notices. You in part state that because the flyer was mailed prior to 60 days before the election, no violation of the MCFA has occurred.

Mr. Keller filed a rebuttal statement indicating that the complaint focuses on the language of the flyer itself requesting a "yes" vote from voters. Mr. Keller also provided a newsletter which also requested voters cast a "yes" vote for the bond's issuance.

At issue in the present complaint is whether the flyer disseminated factual information that concerned issues relevant to the Township and, if not, whether Jefferson Township improperly used public resources to produce and distribute said flyer. The Department finds that the evidence supports a conclusion that a violation of the Act has occurred because while some of the information disseminated was factual in nature, it also included words of express advocacy, and township resources were utilized to produce and disseminate the flyer.

In Michigan, it is unlawful for a public body or an individual acting on its behalf to use or authorize the use of equipment, supplies, personnel, funds, or other public resources to make a contribution or expenditure. MCL 169.257(1). The words “contribution” and “expenditure” are terms of art that are generally defined to include a payment or transfer of anything of ascertainable monetary value made for the purpose of influencing or made in assistance of the qualification, passage, or defeat of a ballot question. MCL 169.204(1), 169.206(1). If not an individual, a person who knowingly violates this section is guilty of a misdemeanor punishable by a fine up to \$20,000 or a fine equal to the amount of the improper expenditure – whichever is greater. MCL 169.257(4).

The flyer at issue states the following:

**The Board is asking you to cast a yes vote on May 8, for the following reasons:**

...

**Please support this project with a Yes Vote on May 8<sup>th</sup>.**

The newsletter dated February 5, 2018 contains a similar statement: “. . .we hope you will cast a yes vote.”

The flyer and newsletter, produced and sent using public funds and resources, are the exact type of activity that section 57 prohibits. A public body may not expend public funds or use public resources to expressly advocate for the passage of a ballot question. Under the MCFA, express advocacy is defined as language that specifically urges voters to “vote yes,” “vote no,” “elect,” “defeat,” “support,” or “oppose” a ballot question or candidate, using these or equivalent words and phrases. MCL 169.206(2)(j).

The Department also concludes that the evidence provided supports a conclusion that the Township used public resources to produce and disseminate this flyer and newsletter. Exhibit A to your response contains two envelopes which you indicated were mailed out and included this flyer. The return address states, “Jefferson Township” which demonstrates that Township materials were utilized to mail this flyer to voters.<sup>1</sup> Moreover, you have admitted in your response to the complaint that the Township mailed this flyer with an Assessment Notice. Additionally, the February newsletter was printed with the Township seal in the heading and it contains contact information for the township and other pertinent township information. This supports the conclusion that Township resources were utilized to produce and disseminate this newsletter.

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<sup>1</sup> The timing of the mailing is not relevant to the Department’s conclusion as the U.S. District Court for the Eastern District of Michigan permanently enjoined the State of Michigan from enforcing MCL 169.257(3). Therefore, the fact that the mailing was sent prior to 60 days before the election is immaterial to the Department’s conclusion.



Therefore, the evidence provided to the Department supports a conclusion that the Township expended public resources to advocate for the passage of a ballot question. Because you used public resources to produce and mail a newsletter urging readers to "vote yes" on a township millage, the Department finds that there is a reason to believe that you violated section 57 of the Act.

Upon the finding of a potential violation, the Act requires the Department to "endeavor to correct the violation or prevent a further violation by using informal methods [,]" if it finds that there may be reason to believe that a violation has occurred, and if the Department is unable to correct or prevent additional violations, it must ask the Attorney General to prosecute if a crime has been committed. MCL 169.215(10)(a). The objective of an informal resolution is "to correct the violation or prevent a further violation [,]" *Id.*

The Department offers to resolve Mr. Keller's complaint against the Township informally through the execution of the enclosed conciliation agreement. The agreement requires the Township be reimbursed a total of \$881.80 (the total amount of Township funds and resources that were improperly used) and payment of a \$200 fine to the State of Michigan (\$100 fine per violation). The purpose of this settlement is to correct the violation, ensure taxpayers are made whole, and deter the Township from committing any further violations of section 57 in the future. (These funds may be raised through a MCFA committee or from a person's personal funds, or both.)

**If your client wishes to enter into the conciliation agreement, please return the original signed document to this office, along with proof of reimbursement of \$881.80 to the Township and the \$200 fine to the State of Michigan by September 14, 2018.**

Please be advised that if the Department is unable to resolve this informally, it is required by MCL 169.215(10)-(11) to:

- 1) Refer Jefferson Township to the Attorney General with a request that his office prosecute it for the crime of expending public funds to make an expenditure, a misdemeanor violation of MCL 169.257(1); or
- 2) Conduct an administrative hearing to enforce the civil penalty provided in MCL 169.215(11), which provides that the Secretary of State may seek a civil fine of triple the amount outline in 169.257(4), plus up to \$1,000.00 for each violation of the Act.

Sincerely,



Adam Fracassi  
Bureau of Elections  
Michigan Department of State



STATE OF MICHIGAN  
RUTH JOHNSON, SECRETARY OF STATE  
DEPARTMENT OF STATE  
LANSING

In the Matter of:

Roger Keller  
4597 South Rumsey Road  
Pittsford, Michigan 49271

v.

Jefferson Township  
2837 Bird Lake Road  
Osseo, Michigan 49266

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**CONCILIATION AGREEMENT**

Pursuant to MCL §169.215(10) of the Michigan Campaign Finance Act (the Act), MCL §169.201 *et seq.*, the Secretary of State and Jefferson Township (Respondent) hereby enter into a conciliation agreement with respect to certain acts, omissions, methods, or practices prohibited by the Act.

The Secretary of State alleges that there may be reason to believe that Respondent violated MCL §169.257 by improperly using township funds and resources on two different occasions to ask voters to cast a yes vote for a township millage.

Therefore, Respondent, without admitting any issue of law or fact, except as stated herein, hereby voluntarily enter into this conciliation agreement and assure the Secretary of State that they will comply with the Act and the Rules promulgated to implement the Act.

By executing this conciliation agreement, Respondent certifies that the Township has been repaid at total of \$881.80 representing the amount of the improperly used township funds and resources.

By executing this conciliation agreement, Respondent further certifies that a civil fine in the amount of \$200.00 has been paid to the State of Michigan representing a fine of \$100 per incident.

The Secretary of State and Respondent further agree that this agreement is in effect and enforceable for four years from the date it is signed by the Secretary of State or her duly authorized representative.

The Secretary of State and Respondent further agree that this agreement, unless violated, shall constitute a complete bar to any further action by the Secretary of State with respect to the alleged violation that resulted in the execution of this agreement.

The Secretary of State and Respondent further agree that the complaint and investigation that resulted in this agreement are disposed of and will not be the basis for further proceedings, except pursuant to this agreement.

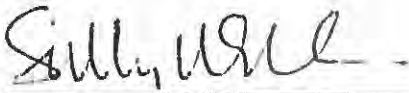
The Secretary of State and Respondent further agree that this agreement will not prevent the Secretary of State from taking action for violations of this agreement.

The Secretary of State and Respondent further agree that Respondent's performance under this agreement shall be given due consideration in any subsequent proceedings.

The Secretary of State and Respondent further agree that this agreement, when signed, shall become a part of the permanent public records of the Department of State.

The Secretary of State and Respondent finally agree that the signatories below are authorized to enter into and bind the parties to this agreement, and have done so by signing this agreement on the date below.

**RUTH JOHNSON  
SECRETARY OF STATE**

  
\_\_\_\_\_  
Sally Williams, Director  
Bureau of Elections

Date: 9/25/18

**RESPONDENTS**

  
\_\_\_\_\_  
Authorized Representative  
Jefferson Township

Date: 9-10-18



STATE OF MICHIGAN  
RUTH JOHNSON, SECRETARY OF STATE  
DEPARTMENT OF STATE  
LANSING

September 25, 2018

Jefferson Township  
c/o Debra Penney  
2837 Bird Lake Road  
Osseo, Michigan 49266

Dear Ms. Penney:

Enclosed is a signed copy of the conciliation agreement entered into in response to the complaint filed by Roger Keller, which concerned alleged violations of the Michigan Campaign Finance Act (MCFA), 1976 P.A. 388, MCL 169.201 *et seq.* The Department considers this matter closed and resolved.

Sincerely,

A handwritten signature in black ink, appearing to read "Adam Fracassi".

Adam Fracassi  
Bureau of Elections  
Michigan Department of State



STATE OF MICHIGAN  
RUTH JOHNSON, SECRETARY OF STATE  
DEPARTMENT OF STATE  
LANSING

September 25, 2018

Roger Keller  
4597 South Rumsey Road  
Pittsford, Michigan 49271

Via mail & email: [keller@frontier.net](mailto:keller@frontier.net)

Dear Mr. Keller:

The Department of State has concluded its investigation of the complaint that you filed against Jefferson Township, which concerned an alleged violation of the Michigan Campaign Finance Act (MCFA), 1976 P.A. 388, MCL 169.201 *et seq.* A copy of the final resolution is provided as an enclosure with this letter.

Sincerely,

A handwritten signature in black ink, appearing to read "Adam Fracassi".

Adam Fracassi  
Bureau of Elections  
Michigan Department of State