

SALEM TOWNSHIP NEWS

...THE REST OF THE STORY

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Greetings from Fred Roperti

During my eight years as Township Supervisor, I enjoyed keeping in touch through our township newsletter, and valued your feedback. I've heard from many of you that you miss "our time together," and have urged me to continue writing "Reflections" as well as providing perspective and information on Township news. I'd planned to do that via my website (fred-roperti.com), staying well out of the political fray. But as they say, the best laid plans of mice and men... the need for complete and accurate township news is urgent.

I have no intention of running for office again, no political agenda, and nothing to gain from this, other than a sincere desire to see those that have been elected to serve the people do so honorably

It's time to let our voices be heard. If you want the best for Salem, please speak up. You can attend a Township meeting or email the entire township board at townboard@salem-mi.org.

and effectively, considering public service before self-service, using wisdom as the criteria in decision-making instead of political paybacks.

That's why I'm writing you today, to ask for your help in protecting our quality of life, which seems at risk.

Fred

DID YOU KNOW SALEM FACED A \$50+MILLION JUDGMENT? (AND OTHER THINGS THEY DON'T WANT YOU TO KNOW)

Surprised? I was. Not only to hear that every household in Salem could receive a **\$25,000-\$30,000 bill**, I was shocked that nothing of this magnitude was reported in the *Salem Messenger*, or on the Salem township website, or in regular news media since March 2009.

Did you know... that the township's law firm that has never lost to developers for the prior 9 years, McLain and Winters, won this \$50,000,000 Arbitration hearing for Salem, and has been **REPLACED?**

...that McLain and Winters were not replaced for "performance" but for "political reasons," as stated by Supervisor Heyl in the *Ann Arbor News?*

...that the township's new attorney firm, Johnson and Rosati, previously served as Salem Township's attorney, until the Board removed them due to lack of confidence in their ability to successfully defend developer challenges to Salem?

...that Johnson and Rosati were selected without seeking Requests for Proposals/Bids, per township policy?

...that 3 board members, as well as our attorney of record, did not know that changing law firms was a consideration until the agenda was put on the township website, just three days before the special meeting?

...that Supervisor Heyl began sending secret emails four months prior to calling the "special meeting?" Since four members of the board knew about this, was this a violation of the Open Meetings Act?

...That the “special meeting” called to make this vote was held two days before Thanksgiving? And that the minutes from this meeting are still not published?

...That the entire meeting from review to selection was done in 2 hours? Selecting pest control services normally takes longer than that, and requires bids.

...That despite three board members having **no opportunity** to research the monumental decision that was before the board, the four board members who crafted these circumstances went ahead and voted for Johnson & Rosati, without bringing forth their background and records. These board members are **Robert Heyl, Paul Uherek, Marcia Van Fossen and Wayne Wallazy.**

...That there have been **4 special board meetings** held since November 24, 2009. Two days before Thanksgiving, two days before Christmas, three days after Christmas and 3 days before ML King Day? One was at 7 pm, the rest before 10 am. And that several had closed sessions?

...The Township Board is **now borrowing from reserves to pay everyday bills**, including joining a \$5000 per year social club (Michigan Townships Association - MTA).

Note: MTA offers valuable education, which is available to members and non-members. However, MTA meetings for members are held in prime vacation spots, as venues for elected officials to eat and drink premium alcohol for “free” and generally over-indulgence and debauch themselves at the taxpayers’ expense. And the “free” legal advice that MTA provides? It comes with the warning that it should not be relied upon.

...That in an effort to intimidate the public who vocally oppose the political games of Marcia Van Fossen, Robert Heyl, Wayne Wallazy and Paul Uherek, 3 police were asked to stand in for an entire meeting recently?

...That residents were told they were “being silly” when they objected to the secret meetings, hidden agenda and lack of answers?

...That Public Comments are limited to 2 minutes and are not answered. That’s a far cry from the campaign “promises” of respecting and answering citizen input, and campaign lies told about my meetings, isn’t it?

...That the Board has voted not to support the local Salem post office by not buying stamps for the Township Newsletter? Did you know that if the Salem Post Office closes due to lack of sales, we will lose the Salem zip code

and identity? Do you enjoy having a personal postal office within your community? **Tell your Board!**

Did you notice your *Salem Messenger* comes via “bulk mail?” Apparently Salem Board members don’t think you’re worth a first class stamp, but they don’t mind using your money to join a “eat, drink and be merry” \$5000 annual dues social club for political hobnobbing.

Did you know that Salem’s investment portfolio (your money) has been “re-balanced” by Treasurer Uherek to be heavily invested in **Freddie and Fannie Mae mortgages?** And that the Township investment policy is being violated?

That Salem is no longer living within its means, taking money from reserves to pay day to day bills, and the spending is showing no indication of slowing down?

Is This How You Want Your Township Board to Conduct YOUR Business?

Am I making too much out of this?

CONSIDER THIS...

The people of **Novi** lost a \$72 million judgment, plus spent ten years of legal fees in this landmark case, and still there is no end in sight. As PARTIAL payment, Novi was forced to hand over 100 acres of parkland to the developers, and rezone it for residential and commercial use. This was parkland that their tax dollars purchased and is now rezoned for a third party to profit from.

The developer's attorney? Robert M. Carson for Sandstone Development.

After two years of legal maneuvers and legal bills, **Northville Township** just made a "deal" with a developer, under the legal advice of Carol Rosati, to buy back a portion of the former Northville Psychiatric Hospital for more than the entire parcel cost the developer. The People of Northville Township will be paying an increase of 1.0-mills on their taxes for 10 years. Meanwhile the developer has obtained the right to develop with heavy commercial uses. Her status is noted in court records as "terminated" and replaced by new attorneys representing Northville Township.

The developer's attorney? Robert M. Carson for REI/Schostak Brothers.

In 2001 Salem was sued by a developer known as Salem Properties. Carol Rosati , as the insurance appointed attorney Salem, drafted a Consent Judgment that would have allowed a 16-pump gas station, fast food restaurant, sit-down restaurant and large retail space on Gotfredson Road. Salem then retained Doug Winters. This case was dismissed by Judge Shelton without prejudice, and our Growth Management Plan was upheld.

With what is at risk to us as a community, I'm concerned that we always retain the best legal counsel available, aren't you?

Effective Legal Representation: Essential for Maintaining Quality of Life

When the Salem Board voted 4 to 3 to replace Salem's legal representation of McLain & Winters with Johnson & Rosati they did so:

- without searching for the best legal representation possible, admitting “political” motivations.
- without due diligence or consideration for the records of the firms under consideration.
- without notice to three Board members, the public or the current attorney.
- without consideration for the then-pending \$50,000,000⁰⁰ (fifty million dollar) arbitration, which we won against the highly successful winning attorney for developers: Robert M. Carson
- without consideration for the nine-year, undefeated record of Doug Winters against developers, attorney of record from McLain and Winters, and on-going litigation issues.
- without consideration for the losses of Carol Rosati (Johnson & Rosati) to Robert M. Carson.
- without checking the claims of Carol Rosati that she “knows how to deal with Carson” (did she mean by losing to him?).
- without consideration for Johnson and Rosati's prior experience with Salem township, when they were replaced in 1997 because they could not fulfill Salem's need for an attorney firm that could successfully deal with challenges that developers were posing then – is this *déjà vu* all over again?
- without consideration of Carol Rosati's proposed consent judgment on Salem's behalf to allow a 16-pump gas station with fast food restaurant, 6000 sq ft restaurant, and 35,000 sq ft retail shopping center in direct violation of our Growth Management plan and zoning laws protecting us from uncontrolled sprawl.
- without consideration that the above consent judgment was not approved and the **entire suit dismissed** only through Doug Winters' intervention. (You'll note that there is not a shopping center, restaurant and huge gas station, along with the uncontrolled, unregulated growth in Salem today – you can thank Doug Winters for that, even if our township board doesn't).

I want to be clear about this...the issue is **not** the replacement of McLain and Winters as legal representation. The board has a right (and an obligation) to change service providers to achieve superior service to Salem residents whenever there is an opportunity for improvement.

The problem is we are not getting a superior service provider – far from it. Didn't the four architects of this scheme (Heyl, Uherek, Van Fossen, and Wallazy) run on something they called “open and transparent” government? **If this was a good move for the people of Salem, why the subterfuge?** If the process used to select this new attorney firm is just inside the border of legal, it certainly was not professional, executed with dignity or with the best interests of the People of Salem Township in mind.

We (you and I) now have attorney representation that was removed 13 years ago because we did not have confidence in Johnson and Rosati to succeed against the challenges that Salem faced then – what can we expect now? While Carol Rosati may have collected awards and prizes that look nice on her wall, and impress everyone down at the club, the fact is the People of Salem are interested in results. Ms. Rosati just recently lost Northville Township's case against REI/Schostak Brothers and their attorney Robert M. Carson. Mr. Winters just won for Salem an Arbitration case brought against Salem by Schostak Brothers and their attorney, Robert M. Carson. So what is behind Johnson and Rosati being chosen as Salem's legal representatives, if it wasn't performance??

Will the board answer now?

THANKS TO MCLAIN AND WINTERS...

Although four members of the Board clearly don't appreciate what Mr. Douglas Winters of McLain and Winters attorneys-at-law did for the People of Salem township, I do and thank him publically for ...

- ❖ being a friend to Salem, always supporting Salem through your hard work, and generous contributions to annual Flag Day Celebrations and the Salem Township park.
- ❖ the hard work and surmounting incredible odds in restoring the Township's income from landfill and gas royalties that have allowed the People of Salem to remain tax-free. This has given us the opportunity to make choices that allow us a better chance to remain rural and manage growth the way we want to see it. A copy of the check dated January 4, 2005, in the amount of \$2,101,835.¹⁴ hangs on my wall to this day. That was for the accrued royalty fees owed the township as well as approximately \$500,000 in attorney fees.

During the last five years, the Township has reaped the financial benefits from this successful litigation which is close to \$3,000,000 to date. The Township continues to receive gas royalties which average approximately \$65,000 per month. **That result can be directly attributed to the legal dedication and acumen of attorneys Steve Matta, John Whitman and you.** This revenue stream is expected to continue for another 30 years.

- ❖ the success against developers who have sued the Township in an effort to expand the Hamlet Sanitary Sewer District to accommodate their proposed developments. The case of Therese Bock was one whose attorneys sued the Township as a result of the Board's decision to expand the sewer district east to service existing businesses and homeowners as opposed to west which was virgin agricultural land. Result: case dismissed by Circuit Court Judge David S. Swartz.
- ❖ the success in defending the legal efforts of Soave Land Development in their attempt to "grab" 28 sewer taps to develop homes, as opposed to the 10 taps they are entitled to. This case has been dismissed in both the state and federal courts and the Michigan Court of Appeals, another success that we received notice of after the township board replaced you.
- ❖ your help in stopping the proposed Consent Judgment drafted by attorney Carol Rosati that, if approved, would have allowed a very large gas station, fast food restaurant, sit-down restaurant and large retail space in Salem Township against the township's desires. When you first became the Township's attorney, you objected to the Consent Judgment for a number of reasons and furthermore pointed out that the developer had failed to exhaust its administrative remedies by not filing an appeal with the ZBA. This case was dismissed by Judge Shelton without prejudice and the developer eventually went away. It would have forever changed the face of Salem.
- ❖ assisting Salem in enforcing its zoning laws, and working with me in drafting the "Nuisance Ordinance." During the last nine years, you have succeeded in enforcing Salem's zoning laws against individuals who otherwise believed they could utilize their property to the detriment of their neighbors and the Township in general. You may recall the events surrounding an attempt to turn a horse farm into a "junkyard," bringing hundreds of abandoned vehicles to Salem Township that constituted blight, environmental hazards, and a total disregard for the Township's zoning ordinances. Judge Timothy P. Connors issued an injunction against the owner and ordered him to remove all of these vehicles from the premises. The owner eventually complied after being sentenced to jail by Judge Connors for contempt.

There are many other examples that I could cite to you, but you already know what you've done for Salem. Again, I, as do most of the People of Salem thank you most sincerely,



Many Troubling Questions But Still No Answers...

The following questions were submitted to all the Board of Trustees prior to the Special Meeting November 24, 2009 to ensure complete answers could be given. I attended the Special Board meeting to get the answers, no answers were given.

1. The township has retained its rural character, quality of living, and local tax-free status due in large part to the successful, committed and honest representation that McLain and Winters has provided Salem over the past nine years. Why are you considering replacing them?

2. To seek to replace McClain and Winters with minimal notice, at a meeting held two days before a major holiday gives the appearance of impropriety, why is it important to do this so quickly, and seemingly under the radar of the public?

3. In speaking with a trustee, I am informed that he did not know of this agenda item until he got his board packet. A committed township attorney is the lynch pin of a successful township - board discussion, motions, and ordinances are worthless without having the ability to enforce the vision of the people, and for someone willing to do the best for the township without limits. Why would this board not do everything it can to make all its members aware of what it is planning in so crucial a decision? Why would the Board want to put less effort into finding attorney representation than it does in finding someone to cut the lawn? Surely this board recognizes that attorney representation is more important than lawn care to the future of this township.

4. Why is the board considering applications from attorney firms that have not provided their hourly rate, references, and history?

5. Why is the board considering applications from attorney firms that represent developers that have sued the township? Are these firms willing to divest themselves from developer clients should Salem Township decide to allow them to represent them?

6. Why is the bid proposal policy being waived when it does not apply to professional services such as selection of township attorney? It gives the appearance that there is misdirection afoot. What is the purpose of this motion?

7. It is known that Johnson and Rosati previously represented the township, and that rather than go to court to uphold our township zoning ordinances, they began negotiations for a gas station, fast food restaurant and other such businesses. Which board member supports Johnson and Rosati for township attorneys?

8. It is also known that Marcia Van Fossen has a personal relationship with the principals of Johnson and Rosati. How did their name come to be on the short list of potential law firms?

9. It is known that Mr. Winters represented Supervisor Heyl's neighbor in a dispute over a kiddie pool. Mrs. Heyl as president of the neighborhood association spearheaded the actions against the neighbor's pool. I would like to give Mr. Heyl the opportunity to speak openly about this to dispel any cloud of personal motivation superseding the township's best interests. The timing and lack of notice of this action, especially in light of the victories that McLain and Winters can claim on behalf of the people of Salem township, already raise a cloud of suspicion for the motivation for these actions among reasonable people. To leave potential personal bias unexplored is to invite the public to mistrust the motivations of their elected officials.

10. I have heard that there was extensive email conversations held with these law firms without full board knowledge. Can those board members that had these conversations identify themselves, and describe the nature of these email conversations?

I asked the following questions at the January 12, 2010 Board Meeting, and again received no reply from the Board.

“Good evening Board Members.

The following questions are directed to the four board members (Robert Heyl, Paul Uherek, Marcia Van Fossen, Wayne Wallazy) that voted to hire the Johnson and Rosati law firm on November 24, 2009. Most can be answered by a simple yes or no:

1. Prior to voting, were you aware of or provided disclosures by Johnson and Rosati on the following legal cases:

- Carol Rosati's involvement in the landmark case of Sandstone vs the City of Novi where the developer won a \$72 million judgment against the City of Novi?
- Carol Rosati's involvement in the lawsuit brought by the developers REI and Schostak against Northville Township over the former Northville Psychiatric Hospital?
- Carol Rosati's involvement as legal counsel for Salem Township whereby in early 2001 she presented a Consent Judgment to the court for approval which would have allowed a 16-pump gas station, a fast food restaurant, a sit-down restaurant and public storage units on Gotfredson Rd just north of the M-14 interchange? Doug Winters subsequently had the entire project dismissed by Judge Shelton.

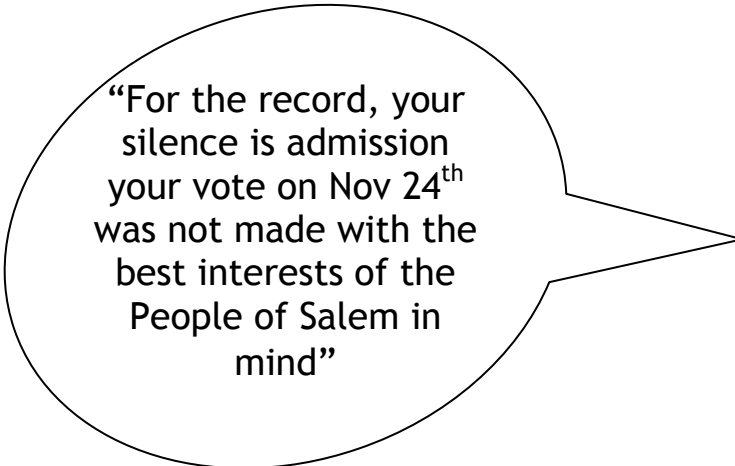
2. Have you read the court decision whereby Attorneys Doug Winters and John Whitman represented Salem Township in a lawsuit against GRS where there was an award of \$2,101,835.14 to Salem Township in addition to the restoration of landfill gas revenues of roughly \$750,000 per year for approximately the next 30 years?

3. If you were aware of such information prior to Nov 24, 2009, then please explain why it was not made public when you voted. If you were not aware of such information prior to Nov 24, 2009, then you probably would agree due diligence was lacking in selecting a new Law Firm.

4. In an Ann Arbor news article dated November 29, 2009 Mr. Heyl is quoted as follows: "Heyl said the decision to dismiss Winters wasn't based on clashes with his legal advice on specific cases... and that Heyl doesn't deny the decision was political..."

What rationale can we expect in future decisions affecting Salem Township?

For the record, your silence is admission your vote on November 24 was not made with the best interests of the People of Salem in mind.”



“For the record, your silence is admission your vote on Nov 24th was not made with the best interests of the People of Salem in mind”

Fred Roperti, January 12, 2010
to Salem Board of Trustees

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*"It's time to hold
Salem Township
Board members to
standards of
professionalism
and dignity"*

SALEM TOWNSHIP NEWS

...THE REST OF THE STORY

After you've read "The Rest of the Story" CONSIDER ASKING THE BOARD TO TAKE ACTION TO PROTECT SALEM'S BEST INTERESTS, NOT POLITICS AS USUAL.

IT'S TIME TO DEFEND OUR QUALITY OF LIFE FROM A TOWNSHIP BOARD THAT MAKES DECISIONS WITHOUT REGARD FOR THE PEOPLE'S BEST INTERESTS.

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