

Augusta Charter Township
8021 Talladay Road, Whittaker, MI 48190
Regular Board of Trustees Meeting
January 24, 2012 7:00 pm

1. Call meeting to order at 7:02 pm.
2. Pledge of Allegiance.
3. Roll Call: Giszczak, Burek, Hafler, Shelby, King, Lula, and Tobler. Absent: None.
4. Motion by Giszczak, 2nd by Tobler to approve the agenda as submitted with the following amendments to add Coucke Assessing Contract; add Utilities Management Services termination letter; remove Payroll Discussion because this is an office administrative task; move El-Assadi Vacation/PTO (Paid Time Off) to Attorney Reports. Friendly amendments: Tobler to add Superintendent; Burek to add Cash Report under Treasurer's report, accepted by Giszczak. Roll Call: Giszczak, Burek, Shelby, and Tobler. Nay: King, Hafler and Lula. Absent: None. Motion passed.
5. Motion by Giszczak, 2nd by Tobler to approve the 1/10/2012 meeting minutes as amended. Roll Call: Aye: Giszczak, Shelby, Tobler, King, Lula and Burek. Nay: Hafler. Absent: None. Motion passed.
6. Public comments opened at 7:19 pm, closed at 7:26 pm.
7. Motion by Giszczak, 2nd by Tobler to issue Elizabeth El-Assadi a payroll check for a gross of \$773.85, net of applicable taxes, representing 35 hours of pay, to correct the original compensation report dated February 18, 2011 submitted by Ms. El-Assadi, contingent upon the receipt of two (2) signed and witnessed originals of the "Full and Final Release of All Claims" agreement, and to be processed with the General Fund's next available Payroll 1 submission. Roll Call: Giszczak, Burek, Shelby, and Tobler. Nay: King, Hafler and Lula. Absent: None. Motion passed.
8. Motion by Hafler, 2nd by King to accept Fire Department Report as given. Motion passed.
9. Motion by Halfer, 2nd by King to reinstate all of the Supervisor's duties granted by the Michigan Charter Township act which were stripped away by Shelby, Tobler, Giszczak, Burek and former Treasurer Sherbine. Roll Call: Aye: King, Lula and Hafler. Nay: Shelby, Tobler, Giszczak and Burek. Motion failed.

10. Motion by Tobler, 2nd by Giszczak to adopt the motion to approve the Resolution to Appoint a Superintendent under Act 359 of 1947 The Charter Township Act, read into the record as follows:

At a regular meeting of the Township Board of Trustees of Augusta Charter Township, Washtenaw County, Michigan, held at the Township Hall of said Township on the 24th day of January, 2012, the following resolution was offered:

WHEREAS, this Board is authorized under the Charter Township Act, MCL 42.10, to appoint a township superintendent and may delegate to him any or all of the functions and duties described in paragraphs Section 10 (a) through (o); and

WHEREAS, Section 10 (o) indicates that the Board may include other duties by direction of the township board; and

WHEREAS, MCL 42.11 indicates that the Superintendent shall be selected by the township board on the basis of training and ability alone, and shall be a resident of the township unless waived by a resolution; and

WHEREAS, MCL 15.183 Section 3 (4)(c) (Incompatible Public Offices, Act 566 of 1978) indicates that a township may authorize a public officer to perform, with or without compensation, other additional services for the unit of local government.

NOW, THEREFORE, BE IT RESOLVED that this Board hereby appoints Trustee William Tobler to be Superintendent of Augusta Township, effective immediately, at no additional compensation.

The Board assigns the following responsibilities to the Superintendent, and for the following reasons:

WHEREAS, the Supervisor has failed repeatedly each year to prepare the annual budget in the format required by the Michigan Dept. of Treasury Uniform Budget Manual, and has failed to meet the timeline provided in said manual. The Supervisor has also failed to provide the Board with periodic statements of the financial condition of the township relating to the budget throughout the fiscal year such that no budget item is exceeded at any time as required by statute. For the Fiscal Year ending March 31, 2011, the township's auditor reported to the Michigan Dept. of Treasury a Significant Deficiency for Augusta Township regarding the required format and timeline deficiencies. A recommendation was

provided by the auditor to address this deficiency, and the Supervisor has ignored this recommendation. The timeline provided by the Michigan Dept. of Treasury indicates that the Supervisor should prepare a preliminary budget by September 1, and provide a final budget recommendation by January 1 to the Board after receiving input from the department heads. The Supervisor's first request for budget proposals from the department heads was received by email on January 23, 2012. The result is that for four (4) straight years the township has not met the State of Michigan's requirements for budget preparation due to the Supervisor failing to address this important duty in a timely way, and the township risks receiving substantial legal and financial penalties including reduced State Revenue Sharing which is about one-half of our General Fund revenue.

THEREFORE, BE IT RESOLVED that the first duty assigned to the Superintendent be that described under MCL 42.10 (i) to prepare and administer the annual budget under policies formulated by the township board and keep the said board fully advised at all times as to the financial condition and needs of the township.

WHEREAS, the Supervisor is normally the Personnel Director of the township unless assigned to a Superintendent under MCL 42.10 (n). For a period of time, the Supervisor was also the direct day-to-day supervisor of the Front Desk Receptionist who is entitled to a periodic performance review of her work for the departments of the Clerk, Treasurer and Supervisor. The Supervisor refused to administrate the periodic performance review process which is a duty of the Personnel Director, and the Supervisor also refused to contribute his portion to the performance review for the work provided by the Receptionist to the Supervisor's department. The Supervisor also refused to address various questions and issues on the various benefits provided by the Township to its various staff members.

THEREFORE, BE IT RESOLVED that the second duty assigned to the Superintendent be that described under MCL 42.10 (n) to assume all of the duties and responsibilities as personnel director of all township employees or delegate such duties to some other officer or employee.

WHEREAS, it has been the tradition in Augusta Township that the Supervisor administrate the Security and Alarm System that protects the township hall and its contents. The statute MCL 42.10 is not sufficiently clear as to whether this duty is included in the enumerated list of duties exercised by the Supervisor in the absence of a Superintendent. However, in this case the Supervisor ignored the duty of assigning security codes to the new deputy clerk, the new treasurer, and the new deputy treasurer. The

process of assigning a new security code takes no longer than 30 seconds, but the Supervisor avoided this duty for nearly 3 months for the deputy clerk, and nearly 7 weeks for the deputy treasurer even though these staff members were present in the hall most week days from 9am to 4pm. The Supervisor also avoided finding a convenient time to meet with the Treasurer to provide a security code over a 7 week period. The effect was to lock the Treasurer out of the township hall thereby preventing her from performing her statutory duties to Augusta Township as the treasurer. This is an example of intentional interference by the Supervisor to adversely affect the performance of other departments thereby impacting Augusta Township in a negative manner.

THEREFORE, BE IT RESOLVED that the third duty assigned to the Superintendent be to assume responsibility of managing the township security system.

WHEREAS, the efficient performance of many township government responsibilities depend upon a modern and effective computer network system. This system needs regular maintenance that addresses the needs of the hardware and software as well as the individual staff members using the system. The role of the IT Coordinator is to perform this function with the IT Technical Vendor in a manner which accommodates the schedules and needs of the staff members while controlling costs. The statute MCL 42.10 is not sufficiently clear as to whether this duty is included in the enumerated list of duties exercised by the Supervisor in the absence of a Superintendent. However, the current Supervisor has demonstrated his inability to perform this function in an acceptable manner. In 2009, the Board authorized that the Clerk and Treasurer could access their township workstations with remote access. At the IT appointment to implement this, the Supervisor contradicted the Board's direction by claiming this was a security risk. He also instructed the IT Technical Vendor to disable the accounts of other Board members, without notice, claiming that they were a security risk. In 2010, the Supervisor ordered the IT Technical Vendor to disable some accounts in the Treasurer's Department thereby preventing her from performing certain statutory duties. In 2011, the new IT coordinator discovered that due to a lack of maintenance, the disk free space on the file server was at 0.16% free, which is critical for performance. The antivirus software license had expired which is critical for security. System daily backups had failed for the last 30 days without any corrective action which is critical for record retention and disaster recovery. There were outstanding staff's IT support requests from 2008 that had not been addressed as the Supervisor refused to coordinate the schedule of the IT Technical Vendor with the schedules of the staff.

THEREFORE, BE IT RESOLVED that the fourth duty assigned to the Superintendent be to perform the duties of the township IT coordinator.

WHEREAS, the Board employs various independent contractors to perform various functions for the township, and these contractors include, but are not limited to, McClain Winters, Pear Sperling Eggen & Daniels, Robertson Eaton & Owen, Coucke Property Services, Carlisle/Wortman, and Orchard Hiltz & McCliment et.al. These contractors ultimately report to the Board although certain day-to-day interactions may be properly assigned to various township officials. The Board wishes that its interactions with the independent contractors to be at high standards of professionalism and clarity, and that these contractors welcome the business with Augusta Township. Currently the Supervisor is initiating unauthorized and costly contact with various independent contractors, and increasingly this contact is rude, insulting, unprofessional, demanding and not representing the intent or knowledge of this Board. This has deteriorated to the point that this Board risks losing these independent contractors as business partners.

THEREFORE, BE IT RESOLVED that the fifth duty assigned to the Superintendent is to be the official interface between this Board and its various independent contractors, and that these contractors are advised that they are to ignore unauthorized communications from the Supervisor.

FURTHER, BE IT RESOLVED that the Board may assign additional responsibilities by a motion to amend Resolution 12-1.

Roll Call: Aye: Giszczak, Shelby, Tobler and Burek. Nay: Hafler, King and Lula. Absent: None. Motion passed.

11. Motion by Burek, 2nd by Giszczak to accept the Treasurer's cash report dated 1/18/2012. Roll Call: Giszczak, Burek, Shelby, King, Lula, and Tobler. Nay: Hafler. Absent: None. Motion passed.
12. Motion by Hafler, 2nd by Lula to take any and all contracts for her (the Treasurer) office to get them signed by the Clerk, bring them to the Supervisor's office for his signature, make a copy for the Supervisor and herself, being the Treasurer, and giving the original to the Clerk. Roll Call: Aye: King, Lula and Hafler. Nay: Shelby, Tobler, Giszczak and Burek. Motion failed.
13. Motion by Burek, 2nd by Giszczak to approve Trustee Bill Tobler to be authorized to sign the Point and Pay Contract and all required documents

- related to this contract. Roll Call: Aye: Giszczak, Shelby, Tobler and Burek. Nay: Hafler, King and Lula. Absent: None. Motion passed.
14. Motion by Giszczak, 2nd by Burek to accept the 3rd Quarter Utility Report as submitted with one journal entry to correct the D&B Report which includes the TAX Write Off that caused the journal entry to be prepared in error. Roll Call: Aye: Giszczak, Shelby, Tobler and Burek. Nay: Hafler, King and Lula. Absent: None. Motion passed.
 15. Motion by Giszczak, 2nd by Tobler to accept the General Fund Budget Draft #1 as submitted and requests the Board of Trustees to email questions that they may have by Monday (1/30/2012) noon for the preparation of Draft #2. Roll Call: Aye: Giszczak, Shelby, Tobler and Burek. Nay: Hafler, King and Lula. Absent: None. Motion passed.
 16. Motion by Giszczak, 2nd by Tobler to approve warrants #12716-12801. Roll Call: Aye: Giszczak, Shelby, Tobler, King, Lula and Burek. Nay: Hafler. Absent: None. Motion passed.
 17. Motion by Giszczak, 2nd by Tobler to approve Journal Entries #3797-3805. Roll Call: Aye: Giszczak, Shelby, Lula, Tobler and Burek. Nay: King and Hafler. Absent: None. Motion passed.
 18. Motion by Hafler, 2nd by Shelby to table the Supervisor's Utility Report. Roll Call: Aye: Giszczak, Shelby, Lula, Tobler, Hafler, King and Burek. Nay: None. Absent: None. Motion passed.
 19. Motion by Giszczak, 2nd by Tobler to accept the Wright Road Resident Petition and turn it over to the Township Road Liaison Trustee Tobler. Roll Call: Aye: Giszczak, Shelby, Tobler, King, Lula and Burek. Nay: Hafler. Absent: None. Motion passed.
 20. Motion by Giszczak, 2nd by Tobler to approve the PA116 Application #2011-07 for Jeff Briggs. Roll Call: Aye: Giszczak, Shelby, Lula, Tobler, Hafler, King and Burek. Nay: None. Absent: None. Motion passed.
 21. Motion by Giszczak, 2nd by Tobler to approve the Augusta Township Resolution regarding surplus storm water drain funds and authorize Trustee Tobler to sign the agreement for the use of surplus funds if not signed by Supervisor Hafler by Thursday, January 26, 2012. Roll Call: Aye: Giszczak, Shelby, Tobler and Burek. Nay: Hafler, King and Lula. Absent: None. Motion passed.

22. Motion by Tobler, 2nd by Giszczak to authorize Attorney Winters to develop a contract with Couke Property Services as the assessor. Roll Call: Aye: Giszczak, Shelby, King, Tobler and Burek. Nay: Hafler, and Lula. Absent: None. Motion passed.
23. Motion by Giszczak, 2nd by Tobler to issue a 90 day termination letter to Utility Management Services effective today 1/24/2012. Roll Call: Aye: Burek, Giszczak, Shelby, Tobler. Nay: Hafler, Lula, King. Absent: None. Motion passed.
24. Public comments opened at 10:28 pm, closed at 10:46 pm.
25. Motion by King, 2nd by Giszczak to adjourn at 10:47 pm. Roll Call: Aye: Giszczak, Shelby, Lula, Tobler, Hafler, King and Burek. Nay: None. Absent: None. Motion passed.

Respectfully submitted:

Pete Hafler, Supervisor

Date

Kathy Giszczak, Clerk

Date