

Augusta Charter Township  
8021 Talladay Road, Whittaker, MI 48190  
Regular Board of Trustees Meeting  
December 18, 2012 7:00 pm

1. Call meeting to order at 7:09 pm.
2. Pledge of Allegiance.
3. Roll Call: Present: Dew, Giszczak, Hafler, Howard, Keefe, Thornton and Todd.  
Absent: None.
4. Agenda Approval Motion by Giszczak, 2<sup>nd</sup> by Todd to accept the agenda as submitted with the following amendments: to add: to clerk's reports MTA Workshop for Jan. Friendly amendment by Howard accepted by Giszczak to add: Letters of interest and to move Budget to Clerks reports and to Move Meeting Schedule request to before 2013 Meeting Schedules. Motion passed.
5. Motion by Giszczak, 2<sup>nd</sup> by Howard to approve the Mtg. Min of 11/27/12 as amended. Motion passed.
6. Motion by Giszczak, 2<sup>nd</sup> by Howard to approve the Mtg. Min of 12/10/12 as submitted. Roll Call: Aye: Giszczak, Howard, Keefe, Todd. Nay: Dew, Hafler, Thornton. Absent: None. Motion passed.
7. Public comment opened at 7:29 pm closed at 7:37 pm.
8. Motion by Thornton, 2<sup>nd</sup> by Dew to approve the \$2,599 for a total Fire Department Grant of \$5,198.00. Roll Call: Aye: Dew, Giszczak, Hafler, Howard, Keefe, Thornton and Todd. Nay: None. Absent: None. Motion passed.
9. Motion by Howard, 2<sup>nd</sup> by Giszczak to accept the Fire Department report. Motion passed.
10. Motion by Keefe, 2<sup>nd</sup> by Howard to allow Fire Department to hire Devon LeBombarbe. Roll Call: Aye: Dew, Giszczak, Hafler, Howard, Keefe, Thornton, and Todd. Nay: None. Absent: None. Motion passed.
11. Motion by Thornton, 2<sup>nd</sup> by Todd to approve the Fire Department IBach Lease renewal of Norma IBach Jan. 1, 2013 to Dec. 31, 2014 at \$2,500.00 per month. Friendly amendment Howard for corrected date on lease, accepted

by Todd & to be signed by the supervisor. Roll Call: Aye: Dew, Giszczak, Hafler, Howard, Keefe, Thornton and Todd. Nay: None. Absent: None. Motion passed.

12. Motion by Thornton, 2<sup>nd</sup> by Keefe to accept the Wade Trim utility report for November 2012. Roll Call: Aye: Dew, Giszczak, Howard, Keefe, Thornton and Todd. Nay: Hafler. Absent: None. Motion passed.
13. Motion by Thornton, 2<sup>nd</sup> by Keefe to accept the Treasurer report as given. Motion passed.
14. Motion by Giszczak, 2<sup>nd</sup> by Todd to approve warrant # 13658 – 13759. Roll Call: Aye: Dew, Giszczak, Hafler, Howard, Keefe, Thornton and Todd. Nay: None. Absent: None. Motion passed.
15. Motion by Giszczak, 2<sup>nd</sup> by Howard to approve journal entries # 4272 – 4298. Roll Call: Aye: Dew, Giszczak, Howard, Keefe and Todd. Nay: Hafler and Thornton. Absent: None. Motion passed.
16. Motion by Giszczak, 2<sup>nd</sup> by Howard to authorize up to a total of \$1,393.00, plus \$10.00 parking with mileage for all seven members of our Board to attend the MTA New Officials Training Part 2 on Tuesday January 22, 2013. The January training program focuses on additional aspects not offered in the December 18, 2012 New Officials Training Part 1. This includes registration for two (2) re-elected board members to review the basics including new legislative updates since 2008. Further to authorize the Clerk's office to pay for the workshop by 12/19/2012 and submit one registration. Further to authorize a budget amendment to transfer \$1,194.00 from Fund Balance to Admin Training \$796.00, Supervisor training \$199.00 and Treasurer training \$199.00. Further, that new Board members may at their own expense enroll in the full MTA Annual Conference from January 22, through January 25, 2013 at their own personal expense for an additional amount of \$180.00. Further, parking expenses of \$10.00 per day and mileage will be reimbursed to those board members that attend the MTA Conference on January 23<sup>rd</sup> and 24<sup>th</sup>, 2013 with the Clerk's office receipt of an expense report with receipts. Friendly amendment by Todd to authorize up to \$2,653.00 for the full conference January 22 through January 25<sup>th</sup>, accepted by Giszczak. Friendly amendment by Howard to amend the budget accordingly, accepted by Giszczak. Roll Call: Aye: Dew, Giszczak, Hafler, Howard, Keefe, Thornton and Todd. Nay: None. Absent: None. Motion passed.

17. Motion by Todd, 2<sup>nd</sup> by Dew to take a 5 min. break. Motion passed.
18. Meeting called back to order @ 8:44 pm.
19. Motion by Giszczak, 2<sup>nd</sup> by Todd to accept the 2013 – 2014 Budget Revenue Draft as presented. Roll Call: Aye: Dew, Giszczak, Hafler, Howard, Keefe, Thornton and Todd. Nay: None. Absent: None. Motion passed.
20. Motion by Thornton, 2<sup>nd</sup> by Howard to accept the Assessor report as submitted. Motion passed.
21. Motion by Thornton, 2<sup>nd</sup> by Todd to nominate Irene Villeneuve to the Board of Review. Roll Call: Aye: Dew, Giszczak, Hafler, Keefe, Thornton and Todd. Nay: Howard. Absent: None. Motion passed.
22. Motion by Hafler, 2<sup>nd</sup> by Thornton to nominate Laverne Kallimai to the Board of Review. Roll Call: Aye: Dew, Giszczak, Hafler, Howard, Keefe, Thornton and Todd. Nay: None. Absent: None. Motion passed.
23. Motion by Howard, 2<sup>nd</sup> by Giszczak to nominate Susan Burek to the Board of Review. Roll Call: Aye: Giszczak, Howard and Todd. Nay: Dew, Hafler, Keefe and Thornton. Absent: None. Motion failed.
24. Motion by Hafler, 2<sup>nd</sup> by Todd to nominate Nevel Overton-Slack to the Board of Review. Roll Call: Aye: Hafler, Keefe, Thornton and Todd. Nay: Dew, Giszczak and Howard. Absent: None. Motion passed.
25. Motion by Howard, 2<sup>nd</sup> by Todd to nominate Dennis Chie as Board of Review alternate. Roll Call: Aye: Giszczak, Howard, Keefe and Todd. Nay: Dew, Hafler and Thornton. Absent: None. Motion passed.
26. Motion by Hafler, 2<sup>nd</sup> by Todd to appoint Dwight Bennett to the Planning commission. Roll Call: Aye: Dew, Giszczak, Hafler, Howard, Keefe, Thornton and Todd. Nay: None. Absent: None. Motion passed.

27. Motion by Hafler, 2<sup>nd</sup> by Keefe to appoint Doug Newsome to Planning Commission. Roll Call: Aye: Dew, Hafler, Keefe, Thornton and Todd. Nay: Giszczak and Howard. Absent: None. Motion passed.

28. Motion by Howard, 2<sup>nd</sup> by Giszczak, I move that we post all commission vacancies and seek Letters of Interest from community members that have interest in serving on these boards and commissions to be received by January 5th at 4:00 p.m. Further, that these postings be on the Augusta Charter Township Website, Bulletin Board and sent to the Community Calendars of the appropriate newspapers (Heritage Papers -Milan Leader News and Ypsilanti Courier) no later than 4:00 p.m. December 20, 2012.

Further, I move that the Board direct the Supervisor to provide in written form to all Board members a list of all Boards and Commissions that exist as part of Augusta Charter Township government, a description of their function and members duties and authority, current members and terms and current and/or upcoming vacancies, including Board of Trustees liaison positions. Further, that the Board direct the Supervisor to provide this information via email to all Trustees and Officers by 4:00 December 20, 2012 so that they might have adequate time to consider what liaison positions they have interest in, and to seek out residents who might have interest in participating on one of the Boards or Commissions.

Further, I move that all letters of interest be submitted to the Board at the first meeting in January 2013 for their review and to be on the Agenda for final appointment, nomination and approval on January 22, 2013 meeting.

Motion withdrawn by Howard.

29. Motion by Giszczak, 2<sup>nd</sup> by Howard to revise the Boards action on 11/27/12 that changed our meetings to the 2<sup>nd</sup> Monday and 4<sup>th</sup> Tuesday of every month to change the meetings to the 2<sup>nd</sup> Thursday and 4<sup>th</sup> Tuesday of every month effective 01/01/13. Roll Call: Aye: Giszczak. Nay: Dew, Hafler, Howard, Keefe, Thornton and Todd. Absent: None. Motion failed.

30. Motion by Giszczak, 2<sup>nd</sup> by Howard to approve BOT 2013 meeting schedule as amended to remove 11/11/13 and 12/9/13 and add Dec. 17, 2013. Motion passed.

31. Motion by Giszczak, 2<sup>nd</sup> by Howard to approve the Audit Proposal from Robertson Eaton and Owen for the Fiscal Year ending March 31, 2013 for \$15,800 to include preparing the State Form F-65, Annual Local Audit Unit Fiscal Report. Friendly amendment Hafler accept by Giszczak for non-audit fees not to exceed \$1,000. Roll Call: Aye: Dew Giszczak, Hafler, Howard, Keefe, Thornton and Todd. Nay: None. Absent: None. Motion passed.
32. Motion by Giszczak, 2<sup>nd</sup> by Todd to authorize the clerk to schedule carpet cleaning of the Township Hall office and the Meeting Room with Chem-Dry during the December 2012 holiday closure for not to exceed \$315.00. Roll Call: Aye: Giszczak, Hafler, Howard, Keefe and Todd. Nay: Dew and Thornton. Absent: None. Motion passed.
33. Motion by Howard, 2<sup>nd</sup> by Giszczak, I propose to make a motion to read into the record minutes to amend RESOLUTION TO APPOINT A SUPERINTENDENT UNDER ACT 359 OF 1947 – “THE CHARTER TOWNSHIP ACT” RESOLUTION 12-1 (Date Resolution Proposed and Accepted 01/24/2012). The amendment to be The Reappointment of William Tobler to the Position of Superintendent of Augusta Charter Township, effective January 1, 2013. This Amendment would continue the original five duties assigned to the Superintendent. This amendment would also include an additional (6th) duty to “manage and supervise the operation of township water and sewer utilities” and to be the official township contact and liaison with Wade Trim Operations Services Inc. In return for these services it is further proposed that William Tobler be compensated at the budgeted salary of \$9600 (\$800 per month), with annual increases as provided by the Living Wage Ordinance (as approved by the Board of Trustees), plus additional benefits including a self-directed investment account in the Township pension plan equal to 15% of salary, life & accidental death and dismemberment insurance, and dental/vision.

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 18<sup>th</sup> day of December, 2012 the following resolution amendment 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.

**NOW, THEREFORE, BE IT RESOLVED** that this Board hereby reappoints William Tobler to be Superintendent of Augusta Township, effective January 1, 2013 in exchange for the budgeted salary of \$9600 (\$800 per month), with annual increases as provided by the Living Wage Ordinance (as approved by the Board of Trustees), plus additional benefits including a self-directed investment account in the Township pension plan equal to 15% of salary, life & accidental death and dismemberment insurance, and dental/vision.

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 Eggan & 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. The Supervisor continues to initiate 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.

**WHEREAS**, the Board is currently utilizing Wade Trim Operations Services Inc. by contract to operate, maintain and manage the water and sewer systems of Augusta Township under the day-to-day management of the Supervisor's office. The Supervisor made his strong opposition well known prior to the contract agreement. However, since then, the behavior of the Supervisor towards Wade Trim personnel has become increasingly rude, unprofessional, demanding and not representing the intent or knowledge of this Board. These actions have resulted in Wade Trim officers and personnel requesting assistance and action on the part of the Board in order to work efficiently with Augusta Township. For the current fiscal year starting April 1, 2012, the Supervisor has failed to submit any budget recommendations or financial reports on the utility system as required by the Augusta Township Board, and has refused to follow the Board's requests to meet with the Utilities Advisory Committee and bring back written reports regarding various issues of concern.



**THEREFORE, BE IT RESOLVED** that the sixth duty assigned to the Superintendent, effective January 1, 2013, is to “manage and supervise the operation of township water and sewer utilities” and to be the official township contact and liaison with Wade Trim Operations Services Inc.

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

Howard withdrew motion.

34. Public Comment at 10:38 pm closed at 11:52 pm.

35. Motion by Dew, 2<sup>nd</sup> by Howard to adjourn meeting at 12:03 am. Motion passed.

Respectfully submitted:

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Pete Hafler, Supervisor

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Kathy Giszczak, Clerk

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Date

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Date