

Augusta Charter Township
8021 Talladay Road, Whittaker, MI 48190
Regular Board of Trustees Meeting
August 27, 2013 7:00 pm

1. Call meeting to order at 7:00 pm.
2. Pledge of Allegiance.
3. Roll Call: Present: Dew, Giszczak, Hafler, Keefe, Thornton and Todd. Absent: Howard.
4. Motion by Hafler, 2nd by Thornton to accept agenda as submitted with the following amendments: To add attorney agreement and remove audit report as auditor cannot make it. Motion passed.
5. Motion by Hafler, 2nd by Keefe to approve the Meeting Minutes of 08/12/13 as amended. Motion passed.
6. Public comments opened at 7:05 p.m. closed at 7:05 p.m.
7. Motion by Hafler, 2nd by Thornton to accept the agreement for legal services from Mr. Fahey & Associates. Motion withdrawn.
8. Motion by Hafler, 2nd by Thornton to direct the Board members to forward questions to attorney Fahey. Roll Call: Aye: Dew, Hafler, Keefe, Thornton and Todd. Nay: None. Absent: Howard. Motion passed.
9. Motion by Hafler, 2nd by Thornton to accept Fire Department Report July 2013 as submitted. Roll Call: Aye: Dew, Giszczak, Hafler, Thornton and Todd. Nay: None. Absent: Howard. Motion passed.
10. Motion by Giszczak, 2nd by Keefe to hire Cheyenne Gonzalez under the condition that they pass a medical exam and physical agility test including receipt of current background checks conducted to include criminal and driving records checked. Roll Call: Aye: Dew, Giszczak, Hafler, Keefe, Thornton and Todd. Nay: None. Absent: Howard. Motion passed.

11. Motion by Hafler, 2nd by Dew to accept UMS Utilities Report as submitted. Roll Call: Aye: Dew, Giszczak, Hafler, Keefe, Thornton and Todd. Nay: None. Absent: Howard. Motion passed.

12. Motion by Giszczak, that whereas this ~~is a~~ report [is from] a Quicken/Quickbooks software, [and is] called "Reconciliation summary" [report]; whereas we discontinued using this software over two (2) years ago; whereas we now use BS&A software for all of our Cash Accounts [aka the check register in the BSA general ledger]; whereas this Intuit software [report] shows that as of 7/31/13 the check "Register" balance is \$530,776.83 (the same amount as the bank statement shows for 7/31/2013) and whereas we have been using the BS&A "Check Register" for all cash accounts for over two years and the "Check Register" in the BS&A software shows a check register balance of a negative \$219,590.73 as of 8/27/2013; now therefore it be resolved that the Treasurer will reconcile the township BS&A Real Property Tax Cash Accounts up to date from November 2012 and to provide copies to the Clerk's office as required by page 14 of the State of Michigan Accounting Standards in paragraph 2: the treasurer must keep track of the total cash...to each fund, and must reconcile these amounts to each months' bank statements. A listing of all cash ...along with a copy of the bank reconciliations must be provided to the ...clerk." [Giszczak withdraws motion until after the auditor reports on the matter.

13. Motion by Hafler, 2nd by Todd to accept Treasurers Report as given. Roll Call: Aye: Dew, Giszczak, Hafler, Keefe, Thornton and Todd. Nay: None. Absent: Howard. Motion passed.

14. Motion by Giszczak, 2nd by Keefe to approve Warrants 14271 -14332 as submitted. Roll Call: Roll Call: Aye: Dew, Giszczak, Hafler, Keefe and Todd. Nay: Thornton. Absent: Howard. Motion passed.

15. Motion by Hafler, 2nd by Thornton to direct the Clerk to send emails to Mr. Fahey the attorney and UMS to get them paid promptly through the Clerk's office, friendly amendment Giszczak, not accepted by Hafler contingent upon the motion being compliant with the statutes of the State of Michigan specifically MCL 42.10. Roll Call: Ayes: Thornton and Hafler. Nays: Dew, Giszczak, Keefe, Thornton and Todd. Absent Howard. Motion failed.

16. Motion Hafler, 2nd Todd, to prepay [Utility Management Services] the July invoice for \$13,548.39, the August invoice for \$20,000.00 and the September Invoice for \$20,000.00 for a total of \$53,548.39, friendly amendment Giszczak, not accepted by Hafler, prepay one time only, invoices will be submitted by the due date for monthly warrants with Supervisor's initials and general ledger number coding for input and payment will be processed upon receipt of all vendor required documents. Roll Call: Aye: Dew, Giszczak, Hafler, Keefe, Thornton and Todd. Nay: None. Absent: Howard. Motion passed.
17. Motion by Hafler, 2nd by Keefe to prepay Fahey for his invoice #20156 for \$1,501.00, friendly amendment Giszczak, not accepted by Hafler, upon receipt of required new vendor paperwork from Supervisor. Roll Call: Aye: Dew, Giszczak, Hafler, Keefe, Thornton and Todd. Nay: None. Absent: Howard. Motion passed.
18. Motion by Giszczak, 2nd by Todd to approve Journal Entries #4599-4621 as submitted. Roll Call: Ayes: Dew, Giszczak, Keefe and Todd. Nays: Hafler and Thornton. Absent: Howard. Motion passed.
19. Motion by Hafler, 2nd by Todd to accept the Assessors Report as submitted for the month of July 2013. Motion passed.
20. Motion by Giszczak, 2nd by Dew to accept the Freedom of Information Coordinator report as submitted. Motion passed.
21. Motion by Hafler, 2nd by Todd to accept the Planning Commission July Report as given. Motion passed.
22. Motion by Hafler, 2nd by Thornton to take the Affordable Care Act, the information the Clerk's office has put together, send it to the township attorney Fahey, to see if we have to comply with the Affordable Care Act. Roll Call: Aye: Dew, Hafler, Keefe, Thornton and Todd. Nay: None. Absent: Howard. Motion passed.
23. Motion by Hafler, 2nd by Giszczak to forward the Utility Management Services contract to Attorney Fahey's office for review and send back comment or

concerns. Roll Call: Aye: Dew, Giszczak, Hafler, Keefe, Thornton and Todd. Nay: None. Absent: Howard. Motion passed.

24. Motion by Hafler, to limit time of Board members comment and or on responses to five minutes. Motion withdrawn.
25. Motion by Hafler, 2nd by Todd to go into closed session in order to discuss confidential legal written opinion from township attorney regarding the request for information in the Wade Trim case. Objections by Giszczak, not accepted, to provide proof of compliance be provided from the Open Meetings Act [267 of 1976 MCL 15.268 closed session; permissible purposes section a through j, which states a public body may meet in closed session only for the following purposes.] Supervisor called Special Meeting at 10:16 pm. Trustees Dew, Hafler, Keefe, Thornton and Todd left meeting room. Clerk Giszczak declined to attend Supervisor Hafler's call for a closed meeting without an Open Meetings Act permissible purpose.
26. Supervisor called meeting back to order at 10:48 pm.
27. Motion by Hafler, 2nd by Giszczak that Attorney Fahey is given the authorization to provide documents from the Supervisor to the Township Board members who request them and we as individual board members of this public body acknowledge and recognize the Township's attorney-client privilege, the attorney work product privilege, and their fiduciary duty to maintain the documents' confidentiality unless and until the majority of the Township Board votes to waive that privilege. Roll Call: Aye: Dew, Hafler, Keefe, Thornton and Todd. Nay: None. Absent: Howard. Motion passed.
28. Motion by Hafler, 2nd by Todd to instruct Attorney Fahey to advise the Freedom of Information Act Coordinator on the Freedom of Information Act Request of a resident concerning the emails from the Clerk and x-Trustee Tobler regarding current litigation. Roll Call: Aye: Dew, Hafler, Keefe, Thornton and Todd. Nay: None. Absent: Howard. Motion passed.
29. Public Comment at 11:01 pm closed at 11:01 pm.
30. Motion by Giszczak, 2nd by Hafler to adjourn meeting at 11:01 pm. Motion passed.

Respectfully submitted:

Pete Hafler, Supervisor

Date

Kathy Giszczak, Clerk

Date