

June 7th, 2022
REGULAR MEETING MINUTES
TUSCARORA TOWNSHIP
3546 S. Straits Hwy
Indian River, MI 49749

- **Call to Order with Pledge of Allegiance**

Supervisor Ridley called the meeting to order at 7:00 pm.

- **Roll Call of Board Members**

Present: Kramer, Webb, Ridley, Balazovic, Vance. There was a quorum of the Board present.

- **Minutes of May Meeting (Regular and SPA Sewer Resolution)**

Motion to approve with changes to regular minutes to include discussed the polies that Vance had requested – sheet attached. made by Kramer, supported by Balazovic. All in favor, motion carried.

- **Adopt Agenda**

Motion to adopt the agenda by Kramer, supported by Balazovic. All in favor, motion carried.

- **Public Comment on Agenda Items**

There were no public comments

- **Correspondence**

There were four: Open letter (K. Swanson), USPS price increase, USIC price increase, VA clinic.

- **Treasurer's Report and Bills:**

Cash summary:

Beginning balance general fund 3,489,232.17 ending balance \$3,429,014.89

Motion to pay the bills made by Balazovic, supported by Webb

Kramer No, Webb yes, mike yes, Bobbi yes, Vance No

Kramer read an objection for the record – attachment A

- **Police Report :**

Submitted paperwork for snowmobile grant and should be getting money soon. Officer Blumke is back to work from sick leave.

School resource officer is back to work on the road.

No word on delivery of new vehicles yet. Still sometime in June.

Reports:

- **DDA:** Concrete vendor is in town to work on sidewalks by chamber and bank. New bid from Consumers on removing eastside poles. Also received the survey from Brian Fulford for the corner (fish) so will be requesting MDOT release their interest in the right of way by the fish so we can put the well in.
- **Parks Commission:** Pad has been poured for the bench in Marina park and about half of the seawall cap and will keep working on the rest. Parks is looking for help.
- **Planning Commission:** Pulled the trigger on the Master plan and have had two companies that are willing to quote on the update. Waiting for NEMCOG to give us a formal bid.
- **Cemetery:**
- **Library Report:** June summer reading program has launched. Can sign up on the website. Book walk at co-op is up and running. COVID 19 tests are available as a curbside service – call first.
- **Sewer Report:** Engineer has already started the design process. Should get the offer from USDA around the first of July.
- **Supervisory Contracts:** Motion to allow Supervisor Ridley to begin work with Lawyers on employment contracts for the Chief of Police and Maintenance Supervisor made by Kramer support by Vance, all in favor.
- **Brining Two Times per year or SAD:** Called A1 Services and it costs \$3000.00/mile and we have 24 miles of road. Motion made by Vance support by Kramer to spend not to exceed \$45,000.00 to brine all roads twice a year. All in favor.
- **Set dates for Public Hearing, Annual Meeting:** Motion made by Balazovic, supported by Webb to set public budget hearing for June 21st at 7:00 pm. Annual meeting for the last Tuesday June 28th 6:30 pm meeting place tbd. All in favor.
- **Conflict of Interest Policy Discussion:** Kramer said he would like to see more legal work on the policy to have a recommendation by Tuesday. Vance read an objection into the record (Vance attachment B). Motion

made by Webb supported by Ridley to delete paragraph one (defines Public Servant) and section III D (dual employment). 2 ayes and 2 nays, motion failed. Motion made by Kramer, supported by Vance to give Supervisor Ridley our specific concerns about the policy so he can give them to Legal Counsel for review with a Monday deadline to be put on the agenda for Tuesday's workshop meeting. Motion carried.

- **Tuscarora Twp> Purchasing/Bid Policy:** Point of order called by Kramer and objection read (attachment Kramer C)
Motion by Vance supported by Balazovic to adopt the bid policy with three changes: Routine purchases #3 change to spend up to \$5000.00 and add "However, no transfers of appropriations for line items related to personnel or capital outlays may be made without prior board approval by budget amendment".
Bids for Goods... change from "up to \$2500" to "up to \$5000" and scratch "Verbal solicitations" paragraph. All in favor, motion carried.

- **Federal Awards Policy: Add one sentence to reference cash management policy**

Motion made Balazovic, supported by Kramer to adopt the Federal awards policy with changes to add Travel Policy heading on page six, add "while traveling" to paragraph four and Cash Management – reference Township cash management policy. All in favor, motion carried.

- **RRC Update:** Supervisor Ridley gave an update on where we are at with RRC and how it can help with the Master Plan and engagement of developers. He has completed the training.
- **Generator Bid:** Two bids – one from Tanner Electric (\$76,700.00 including gas) and the other from Windemuller (\$85,000.00)

Kramer said we would need to give Ridley authorization to work with the DNR to get another 4X4 piece of land to put the generator and concrete pad on and we would have to order the stuff from the gas company at a cost of \$5500/\$6000 and then we can order the generator. It will take six to 8 months to get. We have to come up with the money and then we will be reimbursed. Call Steve Mann to see where we can come up with the money (Burt Lake State Park, ARPA, Fund Balance). Motion by Vance supported by Webb to accept the Tanner bid. All in favor, motion carried.

- **Public Comment:**

There were five public comments

- **Board Comment**

There were no Board comments

- **Motion to Adjourn**

Respectfully Submitted

Dawn M Webb, Clerk

Michael E Ridley, Supervisor

Kramer Attachment A

Pay the Bills

I cannot vote to "pay the bills" since it includes additional pay for the Treasurer for the following reasons:

- a. I can find no board resolution or minutes authorizing the hiring not can I find any pay setting for the treasurer. (See MCL 41.61)
- b. Our Ethics Policy, passed on October 5, 2022 prohibits having an additional township position.
- c. As well as the many other reasons contained in Kathy Swanson's "Open Letter" to all Board members concerning this issue.

Vance Attachment B

Objections:

- This action would erode public trust and confidence of this Board. Many people in the community will perceive this action as an attempt to cover-up a situation that could be described as a scandal, with financial benefits for one specific member of the board. The facts have yet to be determined, but glossing over them will only make matters worse.
- This Board cannot simply vote away potential misconduct, misfeasance, or any activity that could be perceived as fraudulent financial activity.
- This action violates our unanimously approved "Code of Ethics" provision of what a Public Servant is and the Dual Employment clause:
 - "Public Servants. Township trustees, officials, employees and appointees are Public Servants. **Public Servants SHALL avoid any action which might result in or create the appearance of using a public office position, or employment for private gain, giving improper preferential treatment to any person or organization, impeding governmental efficiency or economy, exhibiting a lack of independence or impartiality of action, making a government decision outside of official channels, or effecting the confidence of the public and the integrity of the Township.**"
- Dual Employment. "No public servant shall engage in employment with any other agency or department of the Township".

Oct 2021: The Board adopted the USDA recommended version of the "Code of Ethics". It was read, adopted, and every member signed an "Ethics Policy Yearly Acknowledgment Form". It specifically says the signee has read the policy, understands the policy, and will abide by the policy. It also gives space for the signee to acknowledge any conflicts of interest, and the treasurer wrote "None Known".

- In a 1975 Michigan Attorney General Opinion, it is explained that a **conflict of interest arises when the "personal interest of a public official places him in a position where he cannot execute his public duties without affecting his private interests, thus denying the public the fair, impartial and objective judgement to which it is entitled."** i.e. As a Board member, you cannot be subordinate to the assessor, and at the same time be responsible for reviewing the assessor's job performance, terms of employment, determination of compensation, job description, etc....
Nor can you be expected to be subjective enough to review your own "employee" position as well.

There are many questions that have to be answered, and facts that have yet to be determined with this situation. I urge the Board to tread cautiously, wait for prudent legal advice before acting in a way that could have further negative consequences for individual Board members, the Board itself, or the Township as a whole. We need to be responsible to the People of the Township, and make sure that we proceed in their best interests.

Remember: "A lie doesn't become truth, and wrong doesn't become right just because it's accepted by the majority".

Kramer Attachment C

BID POLICY

I object to the failure of 3 Board members to share information and communicate, to allow input and decisions by ALL 5 Trustees. The draft bid policy sent to Trustees in the advanced packet on Friday only included a policy drafted by the Clerk and Treasurer. I specifically requested that Trustee Vance's proposal using the county's policy be considered and sent to all Board members. That did not occur. Trustee Vance later requested the same. That did not occur. The refusal to consider this for any reason is unacceptable and indicates to me and the public, that decisions by Board members have already been made which further erodes confidence in Board processes and procedures.