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Lee Township

Regular Meeting Minutes January 11, 2010

The Regular Meeting of the Lee Township Board was called to order at 7:30 p.m. at the Lee Township Hall, 877 56th Street, Pullman, Michigan.

Members Present: Trustee Black, Trustee Ferguson, Treasurer Lowery, Supervisor Miller and Clerk King.

The Pledge of Allegiance was recited.

Board Comments: Supervisor Miller introduced Deputy Speese. Deputy Speese has been with the Sheriff's Department for just under 2 years and previously worked with the Flint Police Department for approximately 2 ½ years. He is married and has two small children.

Citizen Comments:

S. Lacy spoke up to comment on a few small mistakes that she found in the minutes.

A motion was made by Black and seconded by Lowery to approve the minutes with the minor corrections. All voted "Aye." Motion carried.

A motion was made by Black and seconded by Miller to receive the Treasurer's report as presented. Roll call vote was taken: Yes – Black, Ferguson, Lowery, Miller and King. Motion carried.

Committee Reports:

County Commissioner's Report: None

Deputies' Report: Deputy Lytle reported that during the previous month, there were a total of 104 complaints taken of which 35 were handled by the dayshift and 69 handled by the nightshift. Included in the calls were 12 accidents due to bad weather, 6 domestic and 4 B&E's. Deputy Lytle announced that Deputy Speese would be replacing Deputy Franck who was laid off as of the first of the year. Deputy Lytle stated that anyone wanting to express their concerns regarding the layoff could contact Sgt. Frank Baker at the Allegan County Sheriff's Department.

Fire Department Report: During the month of December there were 5 fire calls making the total 138 for the year. The paperwork on the new fire station is in the process. There is currently no word on the FEMA grant. Chief DeWeerd has not heard on the DNR grant, but after calling found that the paperwork had just been processed. The smoke detector paperwork is in the process with hopes that they will be able to hand them out soon. The Lee Township Fire

Department will be the host for the SKY1 weather alert meeting in April. It will be held on April 10, 2010 from 10:00 am until 12:00 noon. Anyone interested are encouraged to attend. Chief DeWeerd made a request from the board to approve funds to replace their chain saw that was damaged in the last house fire. Chief DeWeerd had two quotes which ranged from \$1260 to \$1291.87. The differences between the two are in the protective sleeve. The less expensive saw has a removable sleeve which would be more helpful.

Motion was made by Miller and seconded by Black to purchase whichever saw best suits their needs. Roll call vote: Yes – Black, Ferguson, Lowery, Miller and King. Motion carried.

First Responders' Report: During the month of December there were 18 calls. For October, November and December there were 50 medical calls, 4 PI's and 10 Fire calls with an annual total of 288.

Ambulance Report: None

Building Inspector's Report: During the month of December there were 3 building permits, 1 electrical, 3 mechanical and no plumbing permits issued for a approximate total property value of \$15,000.00.

Cemetery Report: None

Library Report: None

Transfer Station Report: During the month there was a total of \$198.00 collected with 22 coupons redeemed.

Supervisor Miller stated that Heather Melson had sent an email regarding a concern that she had with the port-a-john at the transfer station. She felt that it was not being cleaned regularly and the door did not shut properly. She wondered if it would be more cost effective to have a regular bathroom put in. Trustee Ferguson will contact Baylor's and speak with him regarding these concerns.

Lake Board Report: None.

Newsletter Report: Committee member, Lisa Galdikas reminded everyone that if there is an article of interest or information to be placed in the next edition of the Lee Township Crossing, the information would need to be presented by the February board meeting.

Assessor's Report: Assistant Bill reported that all of the splits were completed and they are working on land analysis and new notices. You should receive your notice soon. Bill also stated that the land division forms are available on the Lee Township website for easy access.

Holiday Committee: Committee Member Lisa Galdikas wanted to recognize Tom Laraway for all of his help in the removal of Christmas decorations.

Pullman Pride Committee: Committee Member Pam Rawson stated that there will be a meeting planned in the future to start working on the 2010 Pullman Pride Day. She stated that volunteers are always needed and she encouraged anyone interested to attend.

Clean Team Report: Committee Member Donna Allgaier-Lamberti provided a handout of the upcoming clean team dates. The scheduled dates are April 10th, May 8th and June 12th from 10 am to 12:00 noon; July 10th and August 14th from 9:00 to 11:00 am; September 11th and October 9th from 10:00 am to noon. All dates listed are Saturdays.

Road Committee Report: No committee report given. Supervisor Miller stated that he had been alerted to a possible road grant that could be used to fix the culvert on 102nd Avenue if we qualified. He would report with more details later.

Motion was made by Miller and seconded by Ferguson to suspend the Regular Meeting to open the Public Meeting. All voted "Aye." Motion carried.

Supervisor Miller called the public hearing to order at 8:00 pm.

Supervisor Miller read the resolution that was passed on November 19, 2009 at a Special Meeting held to present the charges against Building Inspector Paul Shamblin and to schedule a Public Hearing and Special Meeting to consider his removal. Mr. Shamblin was given a copy of the notice on November 19, 2009 and the hearing was scheduled for December 14th and re-scheduled to January 11, 2010 due to a conflict with Mr. Shamblin's counsel.

- 1. Verbal abuse of township residents, including the use of profane language demonstrating a total lack of respect to the public he is assigned to serve;
- 2. Charging inflated and excessive fees for permits;
- 3. Failing to perform his duties, including issuing incorrect or incomplete permits, and failing to perform necessary and required inspections in a timely manner;
- 4. Failing to maintain a proper filing system, lacking control over township files.

The Board members were each given time to speak on their questions or concerns.

Trustee Black- stated that he wondered it there was proof to the allegations.

Attorney Shek who was there to represent Mr. Shamblin interrupted the board comments to call a "point of order" to speak. He stated that due to the Veterans Preference Act, Mr.

Shamblin, a veteran of the Vietnam war, is entitled to continue employment unless the reasons are as stated below:

*He quoted the Veterans Preference Act as stating that *no veteran can be removed or suspended unless there has been official misconduct, habitual, serious or willful neglect in the performance of duty, extortion, conviction of intoxication, conviction of felony, or incompetency except after a full hearing.*

*He stated that Mr. Shamblin has the right to be represented by council.

*Mr. Shamblin is entitled to a notice of a public hearing in writing stating the cause or causes of removal.

Attorney Shek also was of the opinion that the Township Board would have to act in a capacity of the court, having someone available to swear in witnesses, a court transcriptionist to take a record of the meeting, and the hearing to be held with the same rules of the court. He stated that his client had the right to appeal any adverse decision made by the board. The Circuit Court would not hold another hearing, but would look at the record made by this board to evaluate the competent material and substantial evidence presented to it. The board is acting as first judge.

He also stated that he felt that the meeting could not start by a statement from the Supervisor stating that the board has the letters before them. The board was given letters and notes made by Mr. Miller, but the audience was not given an opportunity to see those letters. He reviewed the notes from Mr. Miller and the complaint letters which have taken place over 7 years, but wasn't satisfied that he had all the same materials that the board was presented to them from Mr. Miller. Attorney Shek wanted an opportunity to object to any document presented to which the board could overrule and the document could be used. Attorney Shek felt that he should be able to cross examine the author of the complaint letter. He stated that this is a process that would take hours to complete because he believes it should be a full evidential hearing, much like a full trial.

Attorney Knotek, representing the township, then spoke in regards to comments made by Attorney Shek. He stated that it is true that Mr. Shamblin has the right to council, written notice of a Public Hearing set 15 days prior to the hearing with the allegations on which his removal would be considered. He disagreed with Mr. Shek in regards to the township board's responsibility to act as a court with swearing in witnesses, recording testimony verbatim on a transcript and acting in the capacity of a court. The township board has no authority to act in such a manner. He stated that the law was very clear in the capacity of which the township board should conduct a Public Hearing. Attorney Knotek did agree that no additional hearing would take place and that the minutes from this meeting would be used in the event of an appeal for the Circuit Court to make its decision. The proper process for the board to conduct the meeting was to call the meeting to order; the reasons for the meeting were to be stated; the

board would have the right to comment; Mr. Shamblin and council would have the opportunity to respond; public comments from the residents would be heard; and the board would deliberate and make their decision. All of this would be recorded in the minutes. The public meeting would be closed and adjourned.

The Board was then given back the floor to continue with their comments.

Trustee Ferguson – stated that he had reviewed the material he was given. The complaints were taken by the Supervisor, because that is the person that that receives the calls. He stated that he wanted to hear from Mr. Shamblin.

Clerk King – stated that she has been on the board for 5 years and this is not the first time that they have sat and discussed complaints with Mr. Shamblin. Some of the complaints she recognized from when the previous Supervisor had held this same type of meeting. She also stated that some were new, but there has been a vast support for Mr. Shamblin. She expressed the she finds it difficult to weigh out all of the good comments to the complaints. Where she expressed real concern was with the records. After the recall of 2006, she was contacted by the State Bureau of Code regarding the township not complying with having the physical possession of the records. A complaint came from a citizen which had sent a letter to the state regarding the absence of records. The citizen was correct. She worked with Mr. Somers, of Building and Codes, who expressed the importance of the records physically being at the township office. No one was to hold the records other than the township. It was quite a struggle getting those records, and she is uncertain at this time that it has been kept up to date. That puts the township very liable. If the State were to come in and determine that there are deficiencies in our record keeping, they could withdraw the township's authority to issue permits. That would affects all of the residents. She also stated that Mr. Shamblin has always treated her as a resident favorably, but her responsibility is to weigh out how this could affect the residents, and she cannot let her personal feelings alter that decision.

Trustee Black – He is still is not certain about those that have complained. Are they here or is it just a letter sent?

Attorney Knotek requested that the board clarify what information was provided to the board in the packet that was referred to.

Clerk King read off names and dates of the complaints as well as referenced several pages of notes taken by Supervisor Miller. Attorney Shek was uncertain if these matched his information, so the letters were taken and sorted between Attorney Shek and Attorney Knotek to match up and make sure everyone had the same material. For the record, these were the materials that were provided:

- 1. Notes from Supervisor Miller from phone calls.
- 2. Letter from August of 2009 regarding problems with issuing permit on mobile home.

- 3. More notes from Mr. Miller
- 4. Copies of Permits that coincide with complaints and notes
- 5. April 05 Jason Schmit complained about an incident where he felt threatened by seeing Mr. Shamblin's gun while he was working on setting up his mobile home.
- 6. January 3, 2009 A complaint on a work order that was stopped on a garage and stated that Mr. Shamblin displayed agitated behavior.
- 7. May 9, 2005 regarding Ms. Loud's complaints that she had given in the form of unofficial minutes taken at a meeting where an incident was discussed concerning a citizen named Romero.
- 8. Jaqua Realtor
- 9. L & L Construction which was in the form of notes taken by Supervisor Miller in August of 2009.

Supervisor Miller stated that all this information was provided to Attorney Shek in response to a Freedom of Information request from Mr. Shek.

Attorney Knotek stated that Attorney Shek was given all the same documents as the board, and agreed with Attorney Shek that all the documents should be matched to be sure that all is consistent between board members and legal council.

Clerk King gave her materials to the attorneys and they compared documents.

Supervisor Miller requested a motion to close the meeting and will table the meeting until a later date because of the confusion.

Motion was made by King and seconded by Ferguson to close the meeting and adjourn the public hearing, which would be tabled and rescheduled at a later date to insure that information provided to the board members and attorneys can be verified and that consistent information has been provided to all parties. All voted "Aye." Motion carried.

Motion was made by Miller and seconded by Black to go back into the Regular Board meeting. All voted "Aye." Motion carried

Unfinished Business: None

New Business:

Supervisor Miller presented to the board a request for an increase in payment to Mr. Brock for the position of reading water meters. He has been receiving \$50.00 each month for many years, and it has not been reviewed in years.

Treasurer Lowery suggested that this issue be discussed with the Budget so that an increase can be included if approved.

This is the only official minutes from the Lee Township Board. The Township is not responsible for any other unofficial and unauthorized duplication of this document. Any document or information published from any other source than the above mentioned governmental municipality is not recognized as official information.

Minutes-January 11, 2010

Payment of the Bills:

Motion was made by Lowery and seconded by Black to authorize the clerk to pay the bills in the amount of \$53,930.05 which included the addition of \$500.00 to the general fund for the payment of code enforcement. Roll call vote was taken: Yes – Black, Ferguson, Lowery, Miller and King. Motion carried.

Correspondence:

A card was presented to the board from Debbie Laraway commending all who participated in the holiday decorations. She also thanked all the volunteers that helped with the Holiday Social.

A letter from Mark LaVanture of Oak Haven to express his appreciation to Paul Shamblin for all his help and knowledge with their projects over the years.

A letter was presented from Garry Banister/Warner Camp to let the board know that he has worked with Paul Shamblin many times in the past years and always found him to be professional, even when he had to sometimes request that a job be redone differently.

Citizen's Comments:

Citizen N. Tice asked when the board would proceed with forming a committee to work on an ordinance for the safety of rentals in the township. She has expressed her interest in wanting to be of help with this committee. Supervisor Miller requested that she send him an email expressing her interest.

Meeting was adjourned at 9:20 p.m.

Minutes submitted by Jacquelyn Ann King, Clerk