

CHARTER TOWNSHIP OF VAN BUREN
BOARD MEETING MINUTES
APRIL 17, 2018

Supervisor McNamara called the meeting to order at 7:00 p.m. in the Board Room. Present: Supervisor McNamara, Treasurer Budd, Clerk Wright, Trustee Frazier, Trustee Martin, Trustee Miller and Trustee White. Others in attendance: Secretary Montgomery, Executive Assistant Selman, Public Safety Director Laurain and Deputy Director (Police) Wright, Township Attorney Kotzian and an audience of twenty-two (22).

Supervisor McNamara requested a moment of silence in memory of the Honorable William J. Szlinis retired 34th District Court Judge who passed away April 13, 2018. A memorial mass will be held at 11:00 a.m. on Wednesday April 18, 2018 at St. Anthony's Catholic Church.

APPROVAL OF AGENDA: Frazier moved, Miller seconded to approve the agenda. Motion Carried.

CONSENT AGENDA: Budd moved, White seconded to approve the Consent Agenda. [Board Meeting minutes of April 3, 2018, Prepaid List of April 5, 2018, Prepaid List of April 12, 2018 and the Voucher List of April 17, 2018]. Motion Carried.

CORRESPONDENCE/ANNOUNCEMENTS: Clerk Wright announced the Clerk's Office in conjunction with staff and senior students will host the Belleville High School Student Council Election on Tuesday May 8, 2018 and reminded the public that May is Motorcycle Awareness Month.

PUBLIC COMMENT: Residents commented on the following: Displeasure with a change in the meeting protocol and policy language as it pertained to elected officials, the rush to judgment on a case that has not been adjudicated, un-ethical behavior and contact with the media, breach of public trust, Officials being held to higher standards and requests for Trustee Frazier to resign. Attorney Knappman on behalf of Trustee Frazier reminded the Board that Trustee Frazier has never been convicted of anything, that she has been advised not to speak regarding her arrest and therefore cannot defend herself, requested the Board respect the constitutional provision of innocent until proven guilty and there was no reason for the Board to proceed.

NEW BUSINESS: Miller moved, Wright seconded to consider an amendment to the Meeting Conduct Policy (as amended) Resolution 2013-05 to approve the Process and Procedure as outlined in the Memorandum Re: Investigative Report as to Trustee Sherry Frazier. Roll Call Vote. Yeas: McNamara, Budd, Wright, Martin and Miller. Nays: Frazier and White. Motion Carried. The process allowed for each Board member to speak for 10 uninterrupted minutes on their determination of any violation. Trustee Frazier would then be allowed 20 uninterrupted minutes for a response and if Trustee Frazier is found in violation a penalty phase and discussion would occur. Trustee's Frazier and White stated that they had not been advised that the request for an amendment to the Meeting Conduct Policy would appear on the agenda. Trustee Frazier did not feel the process was fair. Supervisor McNamara stated several conversations regarding the process had occurred with Trustee Frazier and that Trustee White is provided meeting packets and any revisions via email as are all Board members.

Supervisor McNamara provided the background that lead to consideration of policy violations. On March 13, 2018 the Supervisor was interviewed by a Van Buren Township police officer who was investigating an assault and battery complaint filed against Trustee Frazier by Clerk Wright, which occurred following the February 20th Board Meeting. Clerk Wright claims that Trustee Frazier pushed him during the altercation. During the course of his investigation the officer ran a Computerized Criminal History (CCH) on Trustee Frazier. It was discovered that Trustee Frazier was arrested and charged with retail fraud (2nd degree) on December 31, 2017 in the City of Taylor. In the investigative report from the Macy's Loss Prevention Agent Trustee Frazier admitted to the theft. The officer reported the charge against Trustee Frazier to the Supervisor as required by the Township's Ethics Policy Resolution 2003-45. At no time did Trustee Frazier disclose this incident to the Supervisor as required in the Township's Ethics Policy. On March 16, 2018 the Supervisor met with Trustee Frazier urging her to disclose the incident. She did not. Subsequently the

Supervisor notified Board members as required by the Ethics Policy. At the March 6, 2018 Board meeting, Trustee Frazier took credit for an article written about the Township in the Michigan Township Association Focus magazine. She took credit for the article and accepted thanks. It was later learned that the Assistant DDA Director was responsible for the work and getting it published. In addition, the Supervisor received written reports from other elected officials personally witnessing and confirming behavior from Trustee Frazier which was felt to be in violation not only of the Ethics Policy, but Meeting Conduct Policy as well. Supervisor McNamara informed fellow Board members of the events both verbally and by letter on March 27, 2018. These incidents are not conducive to the conduct expected of an elected official. Per the Township Ethics Policy Resolution 2003-45, the Board of Trustees must evaluate if Trustee Frazier is in violation of the policy, and thereby levy a penalty that is deemed appropriate if that is the determination.

Each Trustee made a statement addressing actions they felt were or were not in violation of either the Violence in the Workplace Policy and Ethics policy, both or neither. Board members supporting an ethics violation reiterated incidents that had occurred, behavior issues, safety concerns, lack of respect and a desire for Trustee Frazier to seek help. Board members not in support of an ethics violation reiterated the she was innocent until proven guilty, the issue was being addressed prematurely, the Township policy did not address penalties for violation and a desire to wait on a decision until after the court hearing.

Trustee Frazier explained that she intended to bring forth the charge against her after the court date at the advice of counsel, she apologized for taking credit for the MTA Focus magazine article and that she was pretty sure other Board members knew the DDA Deputy Director had authored the article at the time she jokingly took credit for it, there was no credence to Clerk Wrights allegation of assault, alluded to confidential information disclosure and unauthorized personal investigation of her, accused a Van Buren Police officer of mis-conduct and regretted deeply that she finds herself in this situation, that this all is a rush to judgment and that Clerk Wright is upset with her because she questioned his expenses. Attorney Knappman questioned the process used in obtaining the Taylor police report, distribution of the report to the public, running of a LEIN, the intensity of the legal work and requested the Board hold off until after the court hearing to make any decision

During the deliberation Board members discussed the allegations and options of waiting until after the court date, proceeding with the violation determination, circumstances and procedures surrounding the alleged assault incident, that there is no penalty outlined in the policy, that proceedings were premature and that they should be put off until such time Trustee Frazier could speak freely, a request to remove violence in the workplace and retail fraud as they pertained to violations. Board members failed to reach a consensus on violation of the Violence in the Workplace Policy.

McNamara moved, Wright seconded that the board find that Trustee Frazier has violated the Township Ethics Policy by (1) Engaging in conduct on December 31, 2017 that led to Trustee Frazier being arrested and charged with retail fraud in the City of Taylor (2) Failing to notify the Supervisor of the events of December 31, 2017 and (3) repeatedly and dishonestly taking credit at the March 6, 2018 Board meeting for the creation and placement of a favorable "Township in the Spotlight" article related to the Township in the March 2018 edition of Michigan Township Focus, the official publication. Roll Call Vote. Yeas: McNamara, Budd, Wright, and Miller. Nays: White and Martin. Motion Carried.

During the penalty phase Board members discussed the limitations of the scope of penalty and/or censure, the law as it pertained to the Board's inability to remove an elected official from office, referral to a higher authority, further investigation, deeming no action, ability to impose reasonable, just and appropriate penalties, censure by resolution, removal from water and sewer board, placing limitations on representation and training.

Trustee Frazier read a statement in which she regretted finding herself in this situation that embarrassed her, her family, friends and the Township, that an apology takes courage and it is never easy to admit you may have done

something embarrassing or dishonest, that it takes great strength to restore damage to a relationship, that the offense she is accused of does not represent who she is or what she was brought up to be, that it is not how we make a mistake but how we correct them that defines us, that mistakes are forgivable and that if she fails to apologize resentment will build personally and in the workplace. She apologized for any mistakes, she has sought counselling and understands how hurtful it was to others and the citizens of Van Buren Township, that God has forgiven her and she asked the fellow Trustees and the community to forgive her. In conclusion she is committed to restoring the faith in her, doing her part in making a difference in the community and moving forward.

Supervisor McNamara recessed the meeting at 9:07 p.m. The meeting reconvened at 9:14 p.m.

Discussion continued on whether the Board wished to impose immediate sanctions. Supervisor McNamara made a motion to disallow Trustee Frazier to attend the upcoming Michigan Association Conference. Motion failed for lack of support. Trustee Frazier inquired if she could attend the conference and pay for it herself. Board members indicated that she could and therefore imposing a sanction not allowing her attend was meaningless. Board members unanimously agreed that they needed to move forward, iron out difference, stop the gotcha moments, attend training and put lessons learned into practice, stop the cat calls and acquisitions and treat each other with respect.

PUBLIC COMMENT (AGENDA AND NON-AGENDA ITEMS): The public commented on the following: displeasure in the Board’s actions, investigation exhibit that meant nothing, ethics policy as it pertained to legal actions, Township policies pertaining to employees and not elected officials, a storm still brewing, need for a penalty and discipline, a request for the Board to look at themselves before doing anything, first amendment rights to speak, desire for a Board policy handbook and ethics ordinance.

Board members reached a consensus that a Resolution would be presented at a future meeting reflecting the ethics violation and any censure or penalty that would be imposed.

ADJOURNMENT: Miller moved, Martin adjourn at 9:56 p.m. Motion Carried.

Leon Wright, Township Clerk

Date: _____

Kevin McNamara, Supervisor

Date: _____