

**CHARTER TOWNSHIP OF SUPERIOR BOARD
SPECIAL MEETING
DATE JULY 24, 2023
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1. CALL TO ORDER

The special meeting of the Charter Township of Superior Board was called to order by the Supervisor Ken Schwartz at 4:30 p.m. on July 24, 2023, at the Superior Charter Township Hall, 3040 North Prospect, Superior Charter Township, Michigan.

2. ROLL CALL

The members present were Supervisor Ken Schwartz, Clerk Lynette Findley, Trustee Nancy Caviston, Treasurer Lisa Lewis, Trustee Bernice Lindke and Trustee Rhonda McGill.

Absent: Trustee Bill Secrest.

3. ADOPTION OF AGENDA

It was moved by Trustee Lindke supported by Trustee McGill, to adopt the agenda as presented.

The motion carried by unanimous vote.

4. CITIZEN PARTICIPATION

A. CITIZEN COMMENTS

None.

5. NEW BUSINESS

A. DISCUSS SUPERVISION OF THE SUPERIOR CHARTER TOWNSHIP UTILITIES DEPARTMENT.

- Supervisor Schwartz opened the floor to those who wanted to make comments.
- Trustee Lindke expressed her concerns with how the Superior Charter Township Utilities Department is being managed and treated.
- Trustee Lindke said she is concerned with the disrespectful body language that Supervisor Schwartz showed as the Utility Department spoke during the July 17, 2023, regular Board of Trustees meeting.
- Supervisor Schwartz questioned if the Board was able to take any action not expressly written in the notice for this Special Board Meeting.
- Clerk Findley expressed her issue with the “total lack of support for the Utilities Department.” because she believes they do a “yeoman’s” job.
- Supervisor Schwartz said over the past years that he has been supportive of the Utilities Department and that this meeting can have discussion but that no action can be taken.

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- Attorney Fred Lucas shared, quoting MCL (Michigan Compiled Laws), that only business expressly written in the Special Meeting Noticed can be conducted because not all Board members were present.
- Trustee McGill said she has heard reports from members of the public from this past meeting July 17, 2023, regular meeting, which were disapproving of Supervisor Schwartz's body language.
- Trustee McGill said there have been needs and desires of the Utility Department that have been overlooked.
- Trustee McGill said that she has an issue that actions that were supposed to take place in May did not happen.
- Trustee McGill said she is determined to make sure that the Township is doing what is right from a fiduciary standpoint and what is right by the employees.
- Supervisor Schwartz asked why, if there was a desire to address personnel issues, it was not brought up in the discussion during the June 28, 2023, Special Meeting.
- Supervisor Schwartz said that he is amenable to relinquishing the responsibility of the Utility Department but suggested adjournment because no action can be taken.
- Trustee Lindke said that she did not want to adjourn, and she wanted to discuss what was on the table and that regardless of Supervisor Schwartz desires that it would be a Board decision.
- Treasurer Lewis reiterated that at the "last meeting" (June 28, 2023) during the decisions that were made, the Board lacked valuable context.
- Supervisor Schwartz said that the Personnel Manual was passed and questioned why the Utility Department issues were not brought up at that meeting.
- Clerk Findley said Supervisor Schwartz, in the June 28, 2023, Special Meeting, made a comment that gave a perception about past abuses of the on-call procedures as if it reflected the current staff.
- Trustee McGill stressed that she supports the Maintenance Department being compensated for on call availability but that dollar amounts should be in separate policies.
- Supervisor Schwartz said that the recording should be made available for those who ask for it.
- Trustee McGill said ~~that~~ in the June 28, 2023, Special Meeting, that there was confusion and after communication being received from Keith Lockie, Controller, Mary Burton, Utility Administrator, and the members of the Maintenance Department that spoke in the July 17, 2023, Regular Meeting, that there was clarity.
- Treasurer Lewis said ~~that~~ there is a need to reopen the discussion on the Personnel Manual.
- Supervisor Schwartz said ~~that~~ the Board, at the next meeting, can move to set aside their vote because any attempt to rescind a vote outside of that is illegitimate.
- Trustee Caviston said ~~that~~ she is "dumbfounded" that people that are on call do not get paid.
- Clerk Findley stressed ~~that~~ this discussion is not about the past Closed Session nor Personnel Manual.
- Trustee Lindke said in the June 28, 2023, Special Meeting, ~~that~~ Supervisor Schwartz gave an example of past abuse of the on-call system but made it seem as if it was current.

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- Supervisor Schwartz said he has all the emails that reflect the hazard pay and raises that the Utility Department received.
- Trustee Lindke interjected that he cannot give any raises but rather it was a decision of the Board of Trustees and that all he can do is offer a recommendation.
- Trustee Lindke said there is a need to strengthen the sexual harassment policy and integrate trainings.
- Supervisor Schwartz said that this meeting is a “set up.”
- Trustee McGill said that she has fielded complaints/concerns from residents about Supervisor Schwartz’s body language.
- Supervisor Schwartz requested the names of those individuals and said he would go back and check the tape.
- Trustee McGill said that she cannot do that to protect the individuals.
- Treasurer Lewis requested that all open Board of Trustee meetings be streamed via zoom to allow access to the public.
- Supervisor Schwartz said that he was bemused at the purpose of this meeting and that he spoke with Mary Burton, Utility Administrator, and she told him that it was just about deputy pay.
- Mary Burton responded that she gave the following reasons: morale is low considering that the on-call situation is not settled, the office staff is frustrated about the removal of the Education Incentive, staff is upset that other Township staff is receiving raises while the Utility Department is not.
- Mary Burton stressed that she does not want to lose valuable people in light of these issues, and she gave the floor to Rickey Harding, Utility Maintenance Superintendent.
- Rickey Harding said he wanted to address the disparaging comments from the June 28, 2023, Special Meeting that made it look like his department was dishonest.
- Treasurer Lewis offered an apology for anything that was unclear to her that she commented on.
- Rickey Harding said none of the disparaging comments should have been said at all because it sows seeds that dissolve trust and integrity.
- Supervisor Schwartz said he mentioned that there have been abuses in the past and that Keith Lockie made the decision at that time and he should speak.
- Clerk Findley interjected that Supervisor Schwartz, in his original comment from the June 28, 2023, Special Meeting did not say “past”.
- Keith Lockie reported that there was only one incident years ago that occurred that was subsequently addressed.
- Supervisor Schwartz said that is what he was referring to in the June 28, 2023, Special Meeting, and also addressed Trustee McGill saying that she was the one that wanted to take away the on-call pay.
- Trustee McGill stressed that she wanted to put all numbers, from the Personnel Manual, into a separate policy.
- Clerk Findley said for clarification that everything in the Personnel Manual basically is policy, and that the practice to have numbers in the Manual is consistent with multiple municipalities in the area but said that is not the issue at hand for the meeting.

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- Rickey Harding said that the comments made by Supervisor Schwartz in the June 28, 2023, Special Meeting, were worded in a way that included current staff and that he himself is not one that steals from anyone.
- Supervisor Schwartz said he knows that Rickey Harding would not do that.
- Rickey Harding reiterated that the comments were made in a way that planted seeds that makes his department look dishonest.
- Rickey Harding said he would like to also address another untruth where he has heard that Supervisor Schwartz has blamed the Utility Department for the situation at the pump station.
- Supervisor Schwartz said that he did not blame it on the Utility Department and that he was wondering whose responsibility it was because there has been a lack of communication between offices.
- Rickey Harding said the last thing he wanted to address was that Jeff Castro, former employee, did not help him with anything.
- Supervisor Schwartz said he has emails with Rickey Harding thanking him.
- Rickey Harding said that Jeff Castro helped with the new sampling, but, pertaining to the testing, that Rickey studied for, completed, and passed the test on his own.
- Keith Lockie said that from his memory that Supervisor Schwartz did support Rickey Harding in the decision for him to become Superintendent.
- Rickey Harding said in the beginning he did not want the position but as time went, he began to love the challenges and the process of testing takes time because the distance between testing periods.
- Supervisor Schwartz interjected that Rickey Harding failed the first time.
- Rickey Harding interjected that he passed and has his S1 and that is all that matters.
- Clerk Findley said that the Township was paying for Jeff Castro to train Rickey Harding.
- Supervisor Schwartz said that Jeff Castro was being paid to be the S1 license on staff to be able to operate the Superior Charter Township water and sewer system.
- Clerk Findley agreed it was true in the beginning, but the Township continued paying Jeff Castro until July of last year even though Rickey Harding was already duly qualified.
- Trustee Caviston agreed that the Township did.
- Supervisor Schwartz said that he would be happy to have another meeting about this but wants a chance to gather information to respond.
- Trustee McGill said she would like to decide on a meeting date.
- Supervisor Schwartz said that this should go on the August 21, 2023, Regular Meeting, where the general public can be present.
- Mary Burton reiterated concerns about the Maintenance Department not being compensated to be available on call and the wages of the entire Department, saying that she has requested that the pay of her staff at least be commensurate to union scale.
- Treasurer Lewis said because the Maintenance Department has to put their life on hold that there should be compensation.
- Treasurer Lewis said needs to be a resolution at the next meeting that compensates the Maintenance Department during their on-call availability.
- Mary Burton requested that all of the issues discussed regarding the on-call and the wages of the Utility Department be on the agenda at the next Board meeting.

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- Treasurer Lewis reiterated that the Personnel Manual should be brought back to the table.
- Trustee McGill said that the issue on the table for this meeting be added to the August agenda with a resolution allowing for Supervisor Schwartz to discuss anything of importance to him and that the Board sets a plan going forward to reset expectations.
- Rickey Harding said in the future, if there is ever any concern about the Maintenance Department, anyone can come and talk with them.

B. ADJOURNMENT

It was moved by Trustee Lindke supported by Trustee McGill, that the meeting be adjourned. The motion carried and the meeting adjourned at 5:40 p.m.

Respectfully submitted,

Lynette Findley, Clerk

Kenneth Schwartz, Supervisor