

**GARFIELD TOWNSHIP BOARD**  
**REGULAR MEETING**

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**Monday, March 12, 2012, 6:00 p.m.**  
**Garfield Township Hall**  
**1138 West Erickson Road, Linwood MI 48634**

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**MINUTES**

The meeting was called to order by James Dubay the Supervisor at 6:00 p.m.

Roll call: Supervisor-James Dubay, Clerk-Kimberly Day, Treasurer-Betty Monsion, Trustee-Brad Dubay, and Trustee-James Herber were present.

The Pledge was said in unison. Public attendance was Thirty-One.

Minutes from the February 13, 2012 regular meeting were presented.  
Motion made by James Herber/Brad Dubay to approve the minutes as printed.  
Motion carried.

Treasurer's report was presented. Motion made by James Herber/Kimberly Day to approve the Treasurer's report. Motion carried.

Bills presented. See attached. Motion made by Brad Dubay/James Dubay to pay the bills. Motion carried.

**Public Comment:** None

**Unfinished Business:** Sound System and Web-site will be addressed in 2012-2013 Budget.

**New Business:** Supervisor read Resolution 2012-1 Proposal to Renew Extra voted Millage for Township Fire Protection. (See Attached) Motion made by James Herber/Betty Monsion to adopt resolution. Motion carried. Roll call vote: James Herber "Yes", Kimberly Day "Yes", James Dubay "Yes", Betty Monsion "Yes", and Brad Dubay "Yes" No "Nays" Supervisor declares the resolution adopted.

Supervisor read Resolution 2012-2 Proposal to Renew Extra voted Millage for Purchasing of Fire Fighting Equipment. (See Attached) Motion made by Betty Monsion/James Herber to adopt resolution. Motion carried. Roll call vote: James Herber "Yes", Kimberly Day "Yes", James Dubay "Yes", Betty Monsion "Yes", and Brad Dubay "Yes" No "Nays" Supervisor declares the resolution adopted.

Clerk will submit the Resolutions to the County Clerk to be put on the August 7, 2012 ballot.

In December 2010 James Dubay was put on the Fire Department Liaison Committee. At that time James Dubay was not a member of the Fire Department. Now that James Dubay has been reinstated on the Fire Department he can no longer be on the Liaison Committee. Motion made by James Herber/Brad Dubay to remove James Dubay from the Fire Department Liaison Committee. Motion carried.

Motion made by James Herber/James Dubay to put Brad Dubay on the Fire Department Liaison Committee. Motion carried.

There have been a lot of rumors going around the Township about the Fire Department and the Assistant Fire Chief Lee Heritier. The supervisor read the following which was given to him from the Township Attorney.

(Resignations of all PUBLIC EMPLOYEES are generally effective upon giving the resignation. There is no hard and fast rule that a public employee's resignation must be in writing, but most of the cases involve written resignations. There is also no hard and fast rule as to what magical terms must be in a resignation to be valid, but most of the cases require that the words reflect a clear intent to resign. A resignation by a public employee is effective when it is given. Thereafter, the decision to accept a retraction of a resignation or to rehire the plaintiff falls with the person or entity who has responsibility to hire for the position that resigned. Since the person who gave the alleged resignation is the assistant fire chief, a court would likely find that the assistant fire chief is not a public officer but instead a public employee. Even so, it's not clear to me what the oral "resignation" stated. Given that, it's unclear to me if the "resignation" reflected a clear intent to resign immediately or resign later or resign at all. The long and short of it is that, given the vagueness or the oral "resignation," I recommend that the Township make these statements at its next board meeting:

1. The Township Board has sole authority to determine whether an alleged resignation is effective.
2. The Township Board understands that the so-called "resignation" of the assistant fire department chief was never effective.
3. The Township Board is proceeding as if there never was a valid resignation, and so the employee at issue remains in their position.)

Discussion on Hall Rental, there was a lot of things that the Hall Committee did not put into consideration, or did not address to the Township Board. We would need several items done to secure the offices, thermostat, door laser sensor, and other miscellaneous items. The Township Board received a bid of \$1,490.00 to secure the above items. Discussed the fee \$275.00 deposit and \$50.00 would go to Jerry Dubay for opening and closing and inspecting the hall. Discussed the hall rental fee \$225.00, maybe this is too high. NO DECISIONS WERE MADE. (Many people in the audience would like to make comments on this) Supervisor stated it is NOT public comment at this time.

**Planning Commission:** James Herber's recommendation from the Planning Commission Public Hearing is to send the Zoning Ordinance to the Township Board for the final process. (See Planning Commission minutes). The Township Board has just received the red-lined copy for the Township attorney today. Supervisor stated that there are several red-lined items from the attorney that need to be reviewed.

**Fire Chief:** Assistant Fire Chief Lee Heritier gave report. (See Attached).

**Miscellaneous:** James Dubay thanked the Fox Club on behalf of the Township

Board for letting us hold our meeting here. Jerry Sylvester President of the Fox Club wanted to make it clear the Fox Club let the Township Board have their meeting here at NO CHARGE. The Fox Club is always available to the Township at NO CHARGE.

Motion made by James Herber/Kimberly Day to adjourn at 7:15 p.m. Motion carried.

Kimberly Day, Clerk

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