

PINE GROVE TOWNSHIP MONTHLY BOARD MEETING MINUTES

February 7, 2024 7:00 p.m.

1. Meeting was called to order at 7:05 P.M. by Smith.
2. Pledge of Allegiance.
3. Roll Call: Present: Richardson, Meert, Smith, Sell, Hephner Also Present: Attorney Catherine Kaufman
4. Agenda: Additions to Agenda: Fraud Protection and Resolution of Censure under New Business. *Motion by Hephner, supported by Richardson to approve the agenda with the additions to New Business. All yes, motion carried.*
5. Consent Agenda: *Motion made by Hephner, supported by Richardson to approve the Consent Agenda with correction of deleting the word March under road commission. All yes, motion carried.*
6. Monthly Bills: *Motion made by Sell, supported by Meert to approve the monthly expenditures for a total of \$73086.47 All yes, motion carried.* Sell stated the tablets on the monthly bill, had not been delivered yet as the owner of the computer shop had passed away. The tablets will be delivered soon.
7. Correspondence and Reports:
 - A. County Commission: Submitted.
 - B. Sheriff: 47 complaints-Deputy stated if you find trash, bottles, alongside the road, do not pick them up. Seeing a lot of them with hazardous waste in them. Meert stated the blight in the Township is extreme. We keep visiting the same places with no improvement. Officer Turner stated he could be more aggressive on these if the Board directed him. Attorney Kaufman suggested an informal change in policy which could then be used to achieve a court order if necessary. Sell requested the properties on CR390 and CR388 be tagged as dangerous buildings by KABA. There was discussion on the 2 properties that had been visited numerous times over the last 3 years. Attorney Kauffman requested the addresses also be sent to her on the 2 houses and she would review any prior records her office may have on them. *After further discussion a motion was made by Richardson supported by Sell to put a new blight process in place: 1. notify of blight, 10 days later, if no progress, give a 14-day notice, if no progress after 14 days, issue a citation. Officer to also turn in report to Meert of progress so it can be reported to KABA. All yes. Motion passed.*
 - C. Road Commission: None
 - D. Fire Chief: 208 calls for service to date for 2023. 28 Mutual calls.
 - E. Fire Board: Working on the new budget.
 - F. Ambulance: Submitted.
 - G. Treasurer: As of 12-31-2023: Tax: \$339378.79 Huntington General: \$230189.13
T&A: \$9,953.61 Mercantile General: \$611079.00
PNC Savings: \$199,907.34 Consumers Xtra Protect: \$251,169.75
Consumers Money Market: \$252,347.54 ARPA: \$120804.55
 - H. Planning Commission: Richardson stated there have been questions about allowing single wide trailers for homes in the Township. He will bring this up at the planning commission meeting.
8. KABA: Smith stated nothing from Kaba.
9. Committee Reports:
 - A. Building Committee: Pam Visser was the only one at the Committee Meeting, Hephner was on vacation and Don did not show up. Sell stated the door lock and intercom have been installed. The light in the Kendall Park has an eye on it now so it will go on and off automatically. The electric in the basement has been fixed. Still waiting on Smith for new bids on the mold and asbestos removal. Sell stated Esper did not know about the speed sign being approved for repair. Smith said Seth from Esper knew about it. Sell asked where the new map was, Meert stated it was in Smith's office. Smith stated he did not care where it goes.
10. Public Comment (limit two minutes): Eric stated Brett from the Road Commission and Joe Parman, the Drain Commissioner, finally came out and looked at the Kendall Drain. Decision was made that it needed a lot of work, but they are going to fix it. Consumers is also going to take out the old short telephone poles and replace them with new ones. Citizen asked if the Road Commission is responsible for taking out old dead

trees. Smith stated call the Road Commission if it is in the 33-foot road right of way. Pam Wescott stated there would be a Valentine Party on Friday at the church. Kathy Garrett requested the flag in the park be moved to half-staff when requested by the Governor.

11. **Old Business:**

1. **E-Mail Policy:** Katherine asked if the Board had received the new simple version of the email policy that had been drafted. Meert stated no. Catherine stated she would get that to the Board.
2. **Job Description Transfer Station Attendants:** The job description was reviewed and Sell asked if it could be amended to have a 90-day probation period added. Attorney Kaufman verified that the policy stated the employee was hired "at will" so a probation period is not needed. *Hephner made a motion supported by Richardson to adopt the Transfer Center Job Description. All yes. Motion passed.*
3. **Contract with MEC-ARPA funds:** Smith stated he needed an exact amount of the ARPA funds for the contract to MEC. Sell stated she did not have it at this moment, but she would figure it out and get it to him. It is approximately \$10000.00. *Motion by Hephner, supported by Smith to approve the contract with MEC once we get the exact dollar amount. Roll Call: Richardson – yes, Meert – yes, Smith – yes, Sell – yes, Hephner – yes. All yes, motion carried.*

12. **New Business:**

1. **Approve Boom Mowing Program Sheet:** *Motion by Hephner, supported by Smith to adopt the program sheet from the Road Commission for 2024 Boom Mowing in the amount of \$3500.00. Roll Call: Richardson -yes, Meert – yes, Smith – yes, Sell – yes, Hephner – yes, motion carried.*
2. **Approve Emergency Meeting, February 3, 2024:** Meert explained on Friday night there was a situation on CR388 where a person had tried to pull a single wide mobile home onto property in the dark without a permit. When they turned into their driveway, the axles underneath the trailer broke, the trailer was totally blocking CR388. Saturday, Township Board Members were approached by an officer about paying for the towing and removal of the trailer. (See emergency meeting minutes) *Motion by Hephner supported by Sell to approve the emergency minutes of February 3rd, 2024. Roll Call Vote: Richardson-yes, Meert-yes, Smith-no, Sell-yes, Hephner-yes. Motion passed.* Hephner requested a copy of the Special Meeting Minutes be sent to the County Board of Commissioners.
3. **Fraud Protection:** Sell stated fraudulent scams are taking place, especially with checking accounts that contain large sums of money. Deputy Turner stated this was true and once they got your money, very rarely did people get any of it back. Sell stated both Mercantile Bank and Huntington Bank have fraud protection called check positive pay. *Richardson made a motion supported by Sell to put positive pay on both checking accounts in the amount of \$45.00 per month. All yes, motion carried.*
4. **Resolution of Censure:** Attorney Kaufman explained an outside investigation by Attorney McDonnell had found Mr. Smith guilty of creating a hostile work environment. Investigative summary concerning Township Supervisor Donald Smith available to the public. *Hephner made a motion supported by Sell to adopt the Resolution of Censure. Roll Call Vote: Meert-yes, Smith-no, Sell-yes, Hephner-yes, Richardson-yes. Motion passed.* Attorney Kaufman explained Smith could now only perform his statutory duties, which include running the monthly Board meetings, Secretary for the Board of Review and serving as legal agent for any Township legal issues that may come up with authority of the Board. *Meert made a motion supported by Sell to have Hephner take over as Kaba Representative and Road Commission representative. All yes. Motion passed.* Meert has taken over blight and planning commission when needed. Hephner will be the representative for KABA and Road Commission. Smith will be allowed to enter the Township Hall for office purposes on Thursdays between 4 and 6 PM.

13. **Member Comment:** None

14. **Adjournment:** *Motion made by Smith, supported by Meert to adjourn. All yes, motion carried. Adjourned at 9:12p.m.*

Respectfully submitted,
Michelle Meert, Pine Grove Township Clerk

***Investigative Summary Attached**

INVESTIGATIVE SUMMARY
CONCERNING
TOWNSHIP SUPERVISOR DONALD SMITH
PINE GROVE TOWNSHIP, MICHIGAN

To: Pine Grove Township Board of Trustees
Prepared by: Clark Hill, P.L.C.
Elizabeth White McDonnell
Date: February 7, 2024

On November 27, 2023, the Township received a complaint of workplace harassment. On December 6, 2023, the Township Board convened a special meeting and authorized the Clark Hill law firm ("Clark Hill") to investigate the complaint. Clark Hill conducted the investigation and interviewed eight (8) witnesses, including Mr. Smith.

The investigation sustained the following facts. On November 9th, 2023, Pine Grove Township Supervisor Donald Smith attended a Zoom meeting which involved training for the Township's newly developed website. The training was conducted by a consultant hired by the Township. Forty-one seconds into the video Supervisor Smith appears on camera, not wearing a shirt, with his naked upper body exposed and clearly visible to any participants. Mr. Smith stated that he was aware the meeting was being recorded.

On November 22nd, 2023, Mr. Smith called a Township employee and instructed her to watch the video, which he had saved to the Township's computer network. Mr. Smith advised the employee that he would be appearing at the Township Hall later that day to do some one-on-one website training with her. The employee viewed the video and observed that Mr. Smith was unclothed in the meeting. Shocked and visibly shaken according to witnesses, the employee did not view the rest of the video and did not attend the training. The employee promptly filed a complaint alleging a hostile work environment.

The investigation concluded that the facts contained in the complaint were supported by the evidence. To varying degrees, a hostile work environment was described by several Township employees who were interviewed. Three witnesses described Mr. Smith as a "bully". One described him as a "ticking timebomb". Four stated they did not feel safe in Mr. Smith's presence.

Mr. Smith offered to apologize to the employee "if she was embarrassed by the video" but did not express remorse for causing the incident. Instead, he complained that he was the victim of

an unfair process apparently designed to discredit him or force him to resign. The complaint of hostile work environment harassment was sustained by the investigation.

Respectfully Submitted,

A handwritten signature in cursive script, appearing to read "Elizabeth White McDonnell".

Elizabeth White McDonnell
February 7, 2024