

Van Buren County Board of Road Commissioners

Thursday, April 25, 2019

Special Session - Storage-Maintenance Facility, Lawrence, Michigan

BE IT REMEMBERED: That on the 25th day of April, 2019 at 4:00 PM, E.D.T., the Board of County Road Commissioners for the County of Van Buren met in special session in the Storage-Maintenance Facility adjacent to the offices in Lawrence, Michigan.

PRESENT: Road Commissioners Askew, Boze, Burleson, Kinney, and Moffat
Finance Director Linnea Rader
Highway Engineer Barry Anttila
Operations Director Greg Brucks
Fleet & Facilities Superintendent Gary Rohacs
Administrative Assistant-Board Secretary Jill Brien

GUESTS:

Attorney Luis Avila	Attorney Kelly Page	Attorney Gary Stewart
Andy Abbott	Bob Reits, Waverly Township	David Clift
Greg Pardike	Bonnie Pardike	Donna Spenner, Lawrence Twp
Kurt Doroh, Van Buren County	Dave Wiatrowski, South Haven Charter Township	Paul Kiry, So. Haven Charter Township
Lowell Tippam, So Haven Twp	Marla Salmon	Randy Peat, County Comm.
Randel Moser	David Mason	Todd Skinner, Van Buren County Sheriff's Department
Jeff Daughtry	Joshua Souther	Nancy Whaley, Geneva Twp
Don Hanson, VBC Commissioner	David Houdek, Bangor Township	Josh Przygocki, Sen. Aric Nesbitt Ofc.
Trisha Nesbitt, Treasurer	Regina Hoover, City of Bangor	Tommy Simpson, City of Bangor
Steven Rogusta, Village of Breedsville	John Chancellor, VBCRC	Adam Springsteen, VBCRC
Mike Sinkler, VBCRC		

Chairman Boze called the meeting to order at 4:00 PM.

Askew requested that Item 3(a) be added to the Agenda, W.C. Askew Personal Statement.

Motion by Burleson, seconded by Moffat to approve the Agenda.

AYES: 5
NAYS: 0
MOTION CARRIED.

Askew stated that he is requesting that the County Prosecuting Attorney conduct a full investigation of the firing of Larry Hummel. It is Askew's statement that there was a violation of the Open Meeting Act. Askew wants to know who authorized the transportation of Hummel home by the Sheriff's Department, and who hired Miller Canfield to draft the documents they brought to the meeting because this was not authorized by the Board.

The Interim Managing Directors were introduced as follows: Linnea Rader, Finance Director; Barry Anttila, Highway Engineer; Greg Brucks, Operations Director; and, Gary Rohacs, Fleet & Facilities Superintendent. Brucks, Anttila and Rader provided a PowerPoint Presentation, "Moving Forward", for the Board and those present outlining the Interim Organization and Process, Long Term Organizational Options, and Future Recruitment/Selection Process.

The Board addressed the Interim Management Team and those present as follows:

Moffat - After the last meeting, the Board tasked the Interim Managing Directors with a big responsibility, and he stated that he is very impressed with what has been presented. He expressed his confidence in staff, and management, and also expressed his appreciation.

Burleson - He is aware that Road Commissions are being run a couple of different ways. Personally, he would like to see a Managing Director, and a separate P.E.

Askew - Indicated Management Team was doing an excellent job. Originally favored the idea of an Engineer-Manager, but also likes the idea of a Managing Director to keep the politics out.

Kinney - Emphasized there was no need to rush to a decision. I am leaning toward a Managing Director and a separate P.E., and there is a developing trend for a Managing Director, and contracting out the P.E., but either way, the Townships will be taken care of.

Boze - Would like to hear from the Township Supervisors; either in writing, or by Public Comment tonight. He has heard the pros-cons of both, but the Management Team is doing an excellent job for the time being.

The Board agreed that so as to keep communication clear, the Spokesperson from the Management Team to the Board is Linnea Rader.

The Chairman opened the meeting to public comment.

Randy Peat, County Commissioner, District 5, thanked the Management Team. The Board of County Commissioners collaborates with many other Boards, and he recommended that the Road Board make opportunities to talk to other counties. Rader responded that staff has been in contact with fellow Road Commission and will continue to do so.

Don Hanson, County Commissioner, stated that the current Road Commission staff were selected well by the former Engineer-Manager, and that he felt that they are performing, and will continue to perform well during this interim time.

Greg Pardike, retired Road Commission staff, implored the County Commission to look into how this situation happened. He questioned the integrity of the process. He also questioned how two new Board members could attend six or eight meetings and make a decision like this when it takes years to understand Road Commission operations.

Kurt Doroh, County Commissioner, District 2, stated that the current Road Commission staff in place are good, and that was due to Larry Hummel. He stated that he has an email from a County Commissioner to him.

Jim Lisowski, former Bloomingdale Township Supervisor, listed instances of interactions with Larry Hummel which he felt were disagreeable.

Dan Ruzick, Antwerp Township Supervisor, referenced a letter sent to the Road Board several months ago stating that the voters want a change. The millage failed, and there are reasons why that happened. Ruzick feels the organization is flawed. He thanked the Board for taking the initial steps to make the organization better, but that transparency is important.

Marv Flick, thanked Dan Ruzick for saying what others wanted to say. Gave examples of projects he feels could have been accomplished if Road Commission would fix the roads, and quit worrying about removing the trees on the sides of the road. He feels that it is time for change.

Jean Stein, former Road Commissioner, feels disappointed in the manner that this happened because she knows the Open Meetings Act. Not every township was dissatisfied. Roads all over the State of Michigan are in bad shape, not just Van Buren County. Larry had a vast knowledge of finance, and was forward thinking, and his was a thankless job.

Jean Stein also stated that she received a letter from John Rosevelt, former Road Commissioner. The letter stated that the former (prior to Hummel) Engineer-Manager wanted to keep everyone happy, and that, going forward, he believes that any new hire must also be forward thinking, and good with funds.

Dave Wiatrowski, South Haven Charter Township, previously had issues with Road Commission staff which were addressed by Larry Hummel. He worked well with Larry, and felt that Larry had the knowledge and experience to get things done. He implored that someone really address the issue of Larry's departure, as he feels some may be on the Board for personal gain. One person cannot be blamed for the condition of the roads.

Paul Kiry, South Haven Charter Township, stated that he has been around roads, and that people should not be critical unless they understand what they are talking about.

Public Comment was closed at 4:54 PM by the Chairman.

Rader presented the draft FY 2018 Act 51 Report for review. Asked that the Board approve pending any modifications that may be required by the Auditor. Rader stated that a Special Meeting was previously held to help in the understanding of the Audit Report, but the meeting was not well attended. She offered hold another Special Meeting, if there was any interest. Motion by Askew, seconded by Moffat to approve the Act 51 Report subject to review and modifications by the Auditor.

AYES: 5
NAYS: 0
MOTION CARRIED.

Discussion held by Rader regarding the Act 51 Attestation, which must be signed by the Road Commission's Chief Fiscal Officer. Because the Chief Fiscal Officer was Larry Hummel, a new appointment must be made. Motion by Moffat, seconded by Askew to appoint Rader as Interim Chief Fiscal Officer.

AYES: 5
NAYS: 0
MOTION CARRIED.

Motion by Askew, seconded by Burleson to recess the Special Meeting at 4:59 PM to open a Closed Session for the purpose of considering written material subject to the attorney-client privilege. Roll call vote:

Askew: Aye
Burleson: Aye
Moffat: Aye
Kinney: Aye
Boze: Aye
MOTION CARRIED.

The Special Meeting was reconvened by the Chairman at 5:32 PM with all Members present.

Motion by Moffat, seconded by Askew to accept the recommendation of Attorney Avila to present Hummel with the Separation Agreement and Release, and to withdraw the Waiver and Release of Claims and Indemnification Agreement that was presented to Hummel on April 18, 2019. Roll call vote:

Askew: Aye
Burleson: Aye
Moffat: Aye
Kinney: Aye
Boze: Aye
MOTION CARRIED.

Chairman Boze explained to all present that the previous document provided by Miller Canfield to Hummel was flawed. Road Commission labor counsel, Luis Avila, has rectified the errors and will provide the revised Agreement to Hummel.

Rader advised that there are a number of issues pending with current labor counsel, Varnum Law, and that she needs direction from the Board as to whether we will move to seek proposals at this time. After discussion it was decided to keep current counsel through 2019, to be reviewed at that time.

Motion by Askew, seconded by Burleson to adjourn the Call of the Chair at 5:36 PM.

AYES: 5
NAYS: 0
MOTION CARRIED.

Secretary

Chairman