

Thetford Township  
Minutes of the Regular Meeting  
February 27, 2107  
6:30 p.m  
4014 E Vienna Road  
Clio, MI 48420

The Pledge of Allegiance was led by the Board of Trustees.

There was a moment of silence in observance of all military past and present.

The meeting was called to order by Supervisor Stevens at 6:30 p.m

**MEMBERS PRESENT:** Supervisor Stevens, Clerk Pennington, Treasurer Ayotte, Trustee Congdon, Trustee Gunnels, Trustee Stanke, Trustee Piechnik

**MEMBERS ABSENTS:** None

**STAFF PRESENT:** Chief Kenny, Senior Director Shannon Kline and Co Senior Director Pam McIlmurray, Attorney Michael Gildner

### **Approval of Minutes**

Motion by Trustee Congdon, supported by Treasurer Ayotte to approve the January 23, 2017 Regular Board of Trustee minutes that were presented. Vote 6-1, Nays Trustee Gunnels Motion Carried.

### **Addition to the Agenda**

Motion by Trustee Congdon, supported by Trustee Stanke to add Attorney Gus Morris and a representative from Charter to presentation. Under New Business #8 Policy Issue requested by Trustee Eric Gunnels. Call of Vote. Motion Carried

### **Brief Public Comments**

Public comments began at 6:40 p.m Ended at 6:40 p.m. No comments were received.

### **Presentation:**

Attorney Gus Morris ~ update on case Gunnels vs Thetford Township Employees

Attorney Gus Morris is the attorney assigned to us in the matter of Eric Gunnels bringing suit against the township. Attorney Morris is an expert in township litigation involving public safety. In this law suit, there are five (5) defendants, Chief Robert Kenny, Building Official Stuart Worthing, Officers Jason Pletscher, Roy Hatchet and Erick Eckles.

Update given by Attorney Gus Morris:

Mr. Gunnels filed this lawsuit on June 16, 2015 regarding an incident that occurred on February 12, 2014.

- When the complaint came in and after interviewing the persons involved I filed a response back denying the allegations.
- Then a scheduling order to a civil case after a conference which was on September 2015, discovery comments to a civil case. During that discovery depositions were taken, deposition of Mr. Gunnels was taken by myself on January 21, 2016 and the depositions of the five defendant were taken by Mr. Gunnel's attorney on February 15, 2016. There after the discovery was closed.
- We then had a settling conference on February 16, 2016 with a magistrate, the case was not settled.
- Next step was filing a summary judgement motion, these are motions designed to test the evidence in a case to see if there is enough evidence that a jury might believe if there was a constitutional violation and if damages were suffered.
- This case then went in front of Judge Rosen, in our belief we argues that the search warrant was valid, that Mr. Gunnels did not suffer from any 4<sup>th</sup> amendment violation by illegal search or an illegal seizure.
- Judge Rosen voiced his opinion on September 30, 2016, in that opinion he found that the search warrant was valid, that Mr. Gunnels 4<sup>th</sup> amendment rights were not violated in any way by any of the defendants. Entered judgement in favor of the defendants (namely, Chief Kenny, Building Inspector Worthing, Officers Pletscher, Office Hatchett and Eckles and dismissed the case)
- Mr. Gunnel's attorney then filed an appeal which will go to the 6<sup>th</sup> district in Cincinnati. When you file an appeal the district court mediator will then get on the phone with both attorneys to have a mediation conference. We have met with the 6<sup>th</sup> district court mediator, which again was not successful in settling the matter.
- Mr. Gunnel's attorney then filed a brief on December 28, 2016, then we filed our response on February 13, 2017.
- As of today's date, February 27, 2017, no reply brief has been filed, Mr. Gunnel's attorney has 17 days to file a reply brief.
- The 6<sup>th</sup> circuit has not scheduled an oral argument, once all brief are filed they will go to a panel of attorneys who will then submit it to the 6<sup>th</sup> district judges.
- When oral argument start, it will be held in Cincinnati, each party has 15 minutes to argue in front of the judges. Judges can render a judgment right there but most of the time they will give a written opinion sometime after all oral arguments have been given and they have finalized their opinions.

I am always asked "Mr. Morris how do you feel about our chances in prevailing in the case." I have always said, in my opinion that Mr. Gunnels did not suffer from the 4<sup>th</sup> amendment violation, I might add that I have been representing police officers in the State of Michigan since 1990. In my opinion we will prevail on this appeal, I have told the insurance company that in my opinion we will prevail.

Attorney Morris opened the floor for the board to ask questions. No questions were asked.

Charter ~ Karen Cornodo also two representatives that work with our area of Charter Communications.

I am here to answer some questions with some issues that the residents of Thetford are having and hopefully get them solved.

Supervisor Stevens: I believe we are very lucky to have Charter in our community and there are other franchise agreements other than Charter. It's not like the hearsay that they have a monopoly, there's no monopoly, there's other options. They have been more the willing to come and speak about issue that some might have.

Karen Cornodo ~ we are not exclusive, there are no franchise agreement in the State of Michigan, anyone have a franchise agreement, it is a uniform franchise agreement. How the cost to fill in another community for an operator is very prohibited and that's why you generally don't see that. There are 17 broad band in Thetford Township as well as 9 providing residents. We are not exclusive, we are happy to be here, we provided services to over 300 communities in the State of Michigan.

Questions from the audience:

- I pay for ShowTime and HBO and cannot get them on my smart TV. Tells me that Charter doesn't participate with those services.

Not all streaming apps are guaranteed to work with our services. The have to allow it on their end for the Charter apps to be able to use them. If you would get a standard cable box you would be able to get what every subscription we have it's only the streaming ones that are hard to get, it's a partnership. Have you called us to help you?

- No, not about this issue

We'll give us a call and we can see what we can do, even if we have to have a technician out.

- Do you plan to expand?

No, intentions on expanding at this point. We just merged with another company and we are planning in the next 5 years to reach out to a million home but unsure where those million homes will be located at. In Thetford Township, we service 20% of our homes.

- Can we pay to get cable?

Yes, it is expensive depending where you are at. To give you an example it cost about \$35,000 to \$40,000 to run a mile.

- What are you doing with all the outrageous that are going around right now?

My understanding there was outrageous in the evening. Over the course of a week and half, it's a problem that we have recognized, it's a problem that we believe we have fixed. We need people to call, the more calls we get the better location to find the problem. It was very hard to find this problem because not everyone was calling and it was hard to pin point. If you have an issue, we want everyone to call. It was an issue with our facility, it was our facility that we had to find where it was coming from. We have fixed the problem. After we started getting the calls, we started to be able to find the spot that needed to be fixed.

- I have had my lines replaced outside and inside twice. It's not my problem, it's your problem with our system. Its all-time of night, been going on since December. Sometime its total outage, sometime portion, not always internet, sometime its internet/phone, phone/TV or phone/internet.

Can you please get your address? I will get someone out and we will work on it. Will you allow our technicians come back to our house and fix the problem?

Supervisor Stevens, residents please call Charter and if you are not getting things done call me and I will call them.

Trustee Congdon, if you are having issue don't leave until they have your address and phone number, they have already said they are here to help you.

**Correspondence:** None

### **Supervisor Report**

- Canceling March 13, 2017 Board of Trustee meeting.

### **Treasurer Report**

- January Bank Balance ~ \$490,061.75

### **Clerk Report**

- Fund balance as of February ~ \$687,178.74

### **Bills for Approval**

Motion by Trustee Congdon, supported by Trustee Stanke to approve the bills as presented. Roll Call Vote 6-1, Nay Trustee Gunnels. Call for Vote. Motion Carried

### **Building Inspector's Report**

Accepted

## **Committee Reports**

### Fire Authority

- Fire Authority Budget is out, Trustee Congdon will have it if anyone would like to look at it.

## **General Business**

### **A. Unfinished Business**

#### 1. Supervisor Authority and Responsibility

Supervisor Stevens asked Trustee Stanke to read what is presented with the changes:

Thetford Township, Act 359 of 1947

Township Supervisor; appointment; delegation of power and duties of township supervisor.

The township Board of Thetford shall delegate to him any or all of the following functions and duties which functions and duties, unless so delegated, shall be exercised by the supervisor:

- a) To see that all laws and township ordinances are enforced;
- b) To manage and supervise all public improvements, works, and undertaking of the township;
- c) To have charge of the construction, repair, maintenance, lighting and cleaning of streets, sidewalks, bridges, pavements, sewers, and of all the public buildings or other property belonging to the township;
- d) To manage and supervise the operation of all township utilities;
- e) To be responsible for the preservation of property, tools, and appliance of the township;
- f) To see that all terms and conditions imposed in favor of the township or its inhabitants in any public utility franchise, to in any contract, are faithfully kept and performed;
- g) To attend all meetings of the township board, with the right to take part in discussions;
- h) To be a member, ex officio, of all committees of the township board;
- i) To prepare and administer the annual budget under policies formulated by the township board and keep the said board fully advised at all times as to the financial condition and needs of the township;
- j) To recommend to the township board for adoption such measures as he may deem necessary or expedient;
- k) To be responsible to the township board for the efficient administration of all departments of the township government;

- l) To act as the purchasing agent for the township or, under his responsibility, delegate such duties to some other officer or employee;
- m) To conduct all sales of personal property which the township board may authorize to be sold;
- n) To assume all the duties and responsibilities as personnel director of all township employees or delegate such duties to some other officer or employee;
- o) To perform such other duties as may be prescribed by this act or required of him by ordinance or by direction of the township board, or which are not assigned to some other official in conformity with the provision of this act.

Motion by Treasurer Ayotte, supported by Trustee Piechnik to accept the Township Supervisor; appointment; delegation of powers and duties of township supervisor with the changes. Roll Call Vote 6-1, Nay Clerk Pennington. Motion Carried.

## **B. New Business**

### 1. Board of Review ~ appointments

- Motion by Trustee Congdon, supported by Treasurer Ayotte to appoint Michelle Voorheis to the Board of Review. Call for Vote. Motion Carried
- Motion by Treasurer Ayotte, supported by Supervisor Stevens to appoint Helen Bloss as alternate to the Board of Review. Call for Vote. Motion Carried

### 2. Letter from Attorney Michael Gildner regarding services

Discussion regarding the \$125 for meeting. Attorney Gildner said he agreed to the same as previous attorney with this budget because that was already budget before and will discuss an agreement with Supervisor Stevens to get a contract signed.

### 3. Letter from Attorney Michael Gildner reference Abuaita vs Clio Fire Authority

Letter stating that he has removed himself as Mrs. Abuaita attorney on the case against the Clio Area Fire Authority due to the conflict of interest now being the townships attorney. Also, states that the case is still in office just with another attorney named Richard Cummins. Attorney Gildner assured the board that he will not have anything to do with this case and that the office staff is aware of this as well.

### 4. Charter was moved to presentation

### 5. Lease agreement with John Walden

Motion by Treasurer Ayotte, supported by Trustee Piechnik to approve the lease agreement from the township to John Walden for one year at \$110.00 per acre of

approximately thirty three (33) acres total amount \$3,630.00 a year. Roll Call Vote 7-0  
Motion Carried

6. Cemetery Opening/Closing

Looking into out sourcing or keeping it in house. Committee: Supervisor Steven,  
Trustee Piechnik

7. Police Impala ~ was taken off the agenda

8. Policy Issue ~ Trustee Gunnels left his seat and took the podium

Trustee Gunnels: There's a policy issue with this township that I would like to address. Formal analyzation of my case, tonight we had a very professional analyzation by a very qualified attorney Gus Morris. I think Mr. Gus Morris has a great repetition and credentials to go with it. I can only imagine that's what your \$65,000 dollars is paying for. I would like to ask the board to give me the opportunity that I have been asking for, begging for, pleading for, for three years, fifteen days, four hours and thirty-two minutes since the thing that happened to my place February 12, 2014. I have before me and you should all have before you a copy of my United State court of Appeals that my attorney filed. This appeal has just riddled the court failed, the court refused, the court errored, the court failed again. Let me point out a couple of things that the court failed on

Clerk Pennington requested a copy of what Trustee Gunnels referring to.

Trustee Stankee asked for another copy, wasn't aware that she needed to bring it.

Trustee Gunnels you all have a copy, I have given you all a copy.

Clerk Pennington, I have never received a copy

Trustee Gunnels, everyone was given a copy obvious you are involved in my lawsuit

Clerk Pennington, my name is not mention in your law suit

Trustee Gunnels, yes, it is. The building inspector Stuart Worthing of this township mentions your name twice in given him false allegations against me. Do you not understand that part?

Clerk Pennington, again I am not on your law suit

Supervisor Steven, direct to the chair, let's get this back about the policy issue that you wanted on the agenda.

Trustee Gunnels, the court failed to finding discrepancy material facts. The court finds no general issue of material fact that named search and seizure made of my property of profitable cause. Under the Constitution of the Untired States, the 4<sup>th</sup> amendment someone has to have a profitable cause to search your home. When an agent of the State comes to your home and says "Hi, I want to search your home" I would like to think the 4<sup>th</sup> amendment still exist in our county all though I am bringing to think it doesn't. I would like this board to clarify that for me.

Supervisor Stevens, so you would like to put this into policy that your 4<sup>th</sup> amendment rights should not be violated? That's the law already

Trustee Gunnels, yes, it is law but apparently, the testimony of your officers and the building inspector that policy is over ridden from the policy this board adopted during our last session known as the International Building Code.

Supervisor Stevens, I would rather stay out of your case. Maybe we need to go into some policies to change things from that. I am really uncomfortable in dealing with your personal issues.

Trustee Gunnels, that's not fair this is a policy by which you folks adopted.

Supervisor Stevens, then if that's the case then this board will have to look at that

Trustee Gunnels, I understand that but this community needs to understand that a picture or a visitation in carrying a single sheet of ply wood into your home that now merits the government probably cause to search your home. Court also found no material facts based on the evidence brought forth by your former police officer. (passed a piece of paper around to the board of trustees and the attorney to read except Clerk Pennington)

Supervisor Stevens, possible for you to bring back to this board, in writing possible changes and procedure we need to follow to get things corrected so this doesn't keep happening?

Trustee Gunnels, Multiple policy issues, first one I would like to address.... What is the policy of Thetford Township currently? How many phones? How many employees answer the phones? What do the employees do when they answer the phones? Policy issue number two would be, that there is tendency to ignore medical marijuana is a legitimate thing now a day.

Supervisor Stevens, we really don't need to try your case right here in front of these board. I agree there is a need for policies to be looked into and I believe you are the man to help us do it and I believe this is going to take time and a lot of patients. If we can correct so we don't make the same mistake again will be the key.



Trustee Gunnels, I will close with this, this is my little philosophical thoughts about death, "we all face death, I once heard a wise man saying, "It is the knowledge that I am going to die that creates the focus that I bring to being alive. The urgency of accomplishment, the need to express love now, not later." That now a kind of life I would like to leave, I don't fear death, I fear living a life that I can accomplish something. Other quote from a wise individual, "be a shame to die, until you score some victory for humanity." That is some of the philosophical reason why I am here. We have some serious township issues, that are really bad they need to be cleared up and addressed. I have brought up multiple times before and being told the elephant in the room we don't want to talk about it.

- Question in the audience ~ Eric what will make you happy

Trustee Gunnels, what will make me happy is if this board, and when I say this board I mean the five of you not the six of you. I recognize the five of you recommend or review all the policy and realize that Judge Rosen was either corrupt or blind. Because a 6<sup>th</sup> grader could have read this and determine on what happened. It's a real cut, clear case faction base line of evidence that shows my rights were severely violated and every rights this township can be violated at any time and at any place. Facts if this township can do this to a trustee they can do it to anybody. Policy change if someone comes up or calls the township that one of you a 15-year felony there better be a name written on a piece a paper. Because if it is found to be not true like it in my case I need to sue somebody. Because that person brought false allegations against me and the policy currently says I cannot miss with these people, I cannot sue you because you are protected by the government and you are protected by the insurance company. That stands between the individual and me and my justice. That you hired an insurance company that hired an attorney that has spent \$65,000 dollars, to put in the newspaper to make me look like a bad guy.

### **Brief Public Comments**

Public comments began at 7:56 p.m Ended at 8:14 p.m. three comments were received.

- We have an issue with the township and have been in the 2<sup>nd</sup> circuit court, on February 14<sup>th</sup> we had a hearing and there is a couple of things that was brought up. One was regarding the public hearing notice that was very confusing and Judge Fullerton told us to come back to the township board for procedural issues and we come and meet with this board and try to clarify the issues that we have. We like to do that and get on the agenda or a special meeting

Supervisor Stevens, if you could possible put it in writing what you are referring to and we will look into it with a special meeting or agenda but we will look at it to see if we can take care of that.

- Attorney here for several residents, my clients are here pursuing the state licenses on medical marijuana. In September 2016, the state passed a new statutory licensing for the State of Michigan that limits marijuana on being culverted and distributed on care giver 5 patients with 12 plants. Looking for the township to look into an ordinance for provisional centers with an annual fee of \$5,000.00, property tax, and Revenue Sharing. My clients are ready to start, if you don't do this they will look into other communities. I understand that some communities are unsure. Again, we are not here to change just would like you to consider it. The power is in your hand on regulation, if you would like 15 then you can have 15, if you want them all painted brown or green you can do that as well. I have an example of a policy that I have for you to look at, to work with. (handed to the board) A lot of medical marijuana is in residential because of the medical marijuana act 2008, this would not be in residential area in fact you are not allowed to have them. These are highly regulated in commercial areas or industrial areas.

Trustee Stanke, so \$5,000.00 per facility? Share Revenue?

- That is the amount you can, up to \$5,000.00, Share revenue comes from sales. The State of Michigan is going to charge 3% fee on all products.

Supervisor Stevens, I have had a lengthy discussion with our attorney and he is going to keep us up to speed. This is kind of in the works and I can assure you we will not be the first one in Michigan to pass an ordinance. We are going to take the options and look at them but we are far off right now.

- How much is it costing us to play for Eric? In other words, how much has this fiasco so far for this man in his nice fancy suit to tell how great of job everyone has done

Supervisor Stevens, actually it cost us what our insurance cost us

- So all included in our insurance? So, we haven't occurred any extra?

Supervisor Stevens, pretty much and yes, we have because insurance goes up

- I mean we have a standard cost like everyone else, has our cost went up with the results of this litigations?

Supervisor Stevens, no

- So, so far this hasn't cost any extra, no more than day to day operation but it may in the future.

Supervisor Stevens, correct

Trustee Gunnels, that is in correct

Supervisor Stevens, can we discuss this later Eric because this hasn't cost us any extra

Trustee Gunnels, so you are telling us the Eileen former supervisor just lied to everyone at the township

Supervisor Stevens, I am not sure if you can call it that, \$65,000 dollars that you keep referring to is what the insurance company will pay up to.

- So, we are still under that cap

Supervisor Stevens, right, our insurance company is still taking the case

Trustee Gunnels, so the former Supervisor Eileen blaming me for the \$65,000 increase in the insurance is all false

Supervisor Stevens, I don't know where all that comes from Eric. This is for comments not a question and answers

- Assessment plan, are we not supposed to have a vote? Can you explain that

Supervisor Stevens, it was supposed to take place with the previous supervisor and hopefully it is still in the works. And we actually will be looking into things as the year goes on.

- So, it's your goal to have that come into a reality, we could possibly still be able to have a vote on that.

Supervisor Stevens, correct I will not put another assessment on you without a vote.

- What will happen with the existing one?

Supervisor Stevens, we have to look into it every year

- How do we get a packet of the meeting?

Supervisor Stevens, actually there is detail information that some possible that wouldn't be proper to hand out. All this stuff just come in and look at it.

- Conflict of interest, can we check with the attorney, my understanding that if the former supervisor was elected as supervisor he would have to resign his job in the township because he would have to be supervisor. But it's my understanding that we have a board member on this board that is employed by another department in this township, but they also make decision of that department.

How does that work? I am a little confused. Can you ask the attorney if that's a conflict?

Supervisor Stevens, that person doesn't work on that budget

- So, that person doesn't have anything to do with that budget, doesn't vote on that budget, excluded from that budget

Supervisor Stevens, correct, recently the governor and the MTA has allowed board members to be firemen and police men. I don't know where that will go in the future but as of now its allowed.

- And on the budget, the adjustment column what is that? What does that mean?

Supervisor Stevens, if you are going over a department you adjust it from where you have it to where you are short. A budget is just a perimeter that you set up, it's an expatiation.

- With you authority will be able to adjust, over rule, and modify any of it

Supervisor Stevens, basically all done by board approval

- It's the function of this new board to take control of this township and as supervisor you are going to oversee it and make sure it's done.

Supervisor Stevens, correct

### **Board Member Comments were received**

**Announcement:** None

Meeting adjourned at 8:17 p.m  
Leanne Pennington, Clerk  
Thetford Township