

VIENNA TOWNSHIP SPECIAL MEETING

THURSDAY, FEBRUARY 26, 2015

CYNTHIA J. BRYAN, CLERK

Roll Call: Present: Taylor, Bryan, Cain, Fuller, Lemieux, Belill, Thomas
Absent: None

Bryan stated that on February 10, 2015, the Township received a letter from James Robert Redford, Legal Counsel for the Governor, indicating that the Governor declines to remove the Township Supervisor for habitual drunkenness because if it is established that the Township Supervisor is guilty of habitual drunkenness, then the office is vacant and proceedings by the governor to remove the Township Supervisor are unnecessary. Bryan stated that the Special Meeting was called to take actions provided by law for the Township Board to address the issue of the allegation of habitual drunkenness by the Township Supervisor. Bryan questioned Taylor on whether he would abstain from voting since the question before the Board is the allegation of your habitual drunkenness. Taylor stated that he would abstain. Moved by Bryan, seconded by Cain to accept Taylor's abstention to voting on this matter. Taylor stated that Attorney Swartwood was present on his behalf and may answer questions on his behalf if necessary.

ROLL CALL: Yeas – Bryan, Cain, Fuller, Lemieux, Thomas, Belill, Taylor
Nays – None

Motion carried

Public Comment: Robert Swartwood, 164 W. Vienna Road, stated that he was here on an official capacity to represent the Supervisor and that he would like to make a presentation but without knowledge of the strategy he would like to wait. Swartwood questioned what the intention of the Board was. Bryan stated that there are two options for the Board to decide to drop the matter completely or to move forward with a hearing. Swartwood questioned whether the Board was represented by an attorney at this meeting. Bryan stated that they were not.

New Business:

1. Review and discuss correspondence from the legal counsel to the Governor of the State of Michigan. Taylor stated that the Board had been given the correspondence and asked if any Board members had questions.
2. Further action as provided by law. Bryan stated that the Township and investigative attorney advised that the Board has the option of dropping the matter or holding a special hearing on the matter. Bryan questioned whether any Board members had questions on either of the options. Hearing no questions, Bryan stated that she would make motions pertaining to the two actions. Moved by Bryan, seconded by Fuller that Vienna Township drop the charges or allegations of habitual drunkenness to remove the Township Supervisor Randy Taylor. Roll call began, Bryan called for the motion to be read to the Board.

ROLL CALL: Yeas – None

Nays – Cain, Fuller, Lemieux, Thomas, Belill, Bryan

Motion denied

Moved by Bryan, seconded by Cain that the Vienna Township Board proceed with a Special Hearing on the allegations of habitual drunkenness of the Township Supervisor, Randy Taylor.

ROLL CALL: Yeas – Fuller, Lemieux, Thomas, Belill, Bryan, Cain
Nays – None Motion carried

Moved by Bryan, seconded by Fuller to appoint Leo Carey to act as the officer in charge on behalf of the Township and that he be directed to prepare charges against the Township Supervisor for habitual drunkenness, including the basis for the charges and file them with the Township Clerk's office by March 5, 2015 and that the Township Clerk serve the charges upon the Township Supervisor.

ROLL CALL: Yeas – Lemieux, Thomas, Belill, Bryan, Cain, Fuller
Nays – None Motion carried

Moved by Bryan, seconded by Fuller that the Township Supervisor file with the Township Clerk his answer to the charges within 21 calendar days after the date he is served with the charges.

ROLL CALL: Yeas – Thomas, Belill, Bryan, Cain, Fuller, Lemieux
Nays – None Motion carried

Moved by Bryan, seconded by Cain to schedule a Special Meeting on April 10, 2015 at 8:30AM, for the purpose of conducting a hearing on the issue of the allegations of the habitual drunkenness of the Township Supervisor. Cain stated that the Special Hearing was scheduled on a Friday so that it would not interfere with Township business.

ROLL CALL: Yeas – Belill, Bryan, Cain, Fuller, Lemieux, Thomas
Nays – None Motion carried

Moved by Bryan, seconded by Cain that the Township Board appoint Attorney Peter Doerr to represent the interests of the Township at the hearing on the issue of allegations of habitual drunkenness of the Township Supervisor.

ROLL CALL: Yeas – Bryan, Cain, Fuller, Lemieux, Thomas
Nays – Belill Motion carried

Moved by Bryan, seconded by Fuller to appoint retired District Judge Larry Stecco to preside over the hearing to assure that both the Township and Township Supervisor have a full and fair hearing on the issue raised by the allegations of habitual drunkenness of the Township Supervisor.

ROLL CALL: Yeas – Cain, Fuller, Lemieux, Thomas, Belill, Bryan
Nays – None Motion carried

Moved by Bryan, seconded by Cain that the Township Board request that the Sheriff direct that a deputy be present during the hearing to act as the sergeant at arms.

ROLL CALL: Yeas – Fuller, Lemieux, Thomas, Belill, Bryan, Cain
Nays – None Motion carried

Approved

Moved by Bryan, seconded by Fuller the Township Board retain Ripka & Baroski to act as court reporter for the hearing. Cain questioned whether this would be in addition to the video recording. Bryan stated that it would.

ROLL CALL: Yeas – Lemieux, Thomas, Belill, Bryan, Cain, Fuller
Nays – None

Motion carried

Public Comment: None

Moved to adjourn at 9:17am

Cynthia J. Bryan
Clerk

CERTIFICATION:
STATE OF MICHIGAN
COUNTY OF GENESEE

I, the undersigned, do hereby certify that the foregoing is a true and complete copy of the minutes of the special meeting of the Township Board of the Charter Township of Vienna, Genesee County, Michigan, held on the 26th day of February, 2015.

Randy Taylor
Supervisor

Cynthia J. Bryan
Clerk