

AUGUSTA TOWNSHIP: Special meeting suit goes before judge

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Rachelle Marshall, Special Writer

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Judge Timothy P. Connors denied a motion for summary disposition in the Augusta Township “special meeting” hearing at the Washtenaw County Trial Courthouse on Dec. 1.

Plaintiffs were requesting an order invalidating the special Augusta Township Board of Trustees meeting, which took place Sept. 2.

Both attorneys agreed that delays in the proceedings could be affecting day-to-day operations of the township.

“I think we’re both on the same page here, the sooner-the-better,” Defense Attorney Nancy Dembinski said.

The case is on a fast track to some sort of hearing at the end of the month, Connors said.

“I understand the predicament...I want to get this resolved for you,” he said

Pending a decision, current Treasurer Susan Burek may be voting on board decisions, which could be invalidated by a court ruling in the plaintiff’s favor.

“I’m sympathetic to that time constraint,” Connors said.

Plaintiffs prepared the motion pro-per, so Connors asked Plaintiffs’ Attorney Nik Lulgjuraj to amend the draft and resubmit it as soon as possible.

Both parties’ attorneys arranged a meeting with Connors, and set a scheduling session for 3 p.m. Dec. 6. Continued...

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The action could depend on whether there was a quorum in the nomination of Susan Burek, because former Treasurer Angela Sherbine could not legally vote for her processor.

Evidently, four board members did approve the call for the special meeting.

“It is the defendants’ position that there was a quorum,” Dembinski said.

Lulgjuraj will articulate individual violations in the revised document and said the defendants committed procedural violations, in “an attempt to conceal wrong-doing,” which occurred prior to the special meeting under consideration.

Plaintiffs are asking Connors to invalidate a decision made by the public body of Augusta Township.

Dembinski asked how the rights of the community were violated, and suggested that a missing phone number on the public notice was not a basis for invalidation of the meeting.

Another concern for plaintiffs is how specific the public announcement of purpose must be.

Dembinski said her clients acted in accordance with proper procedure and the public attended the meeting.

Plaintiffs claimed that the meeting's purpose was insufficiently stated.

The defense maintained that the "Treasurer's Department Staffing Report" description reasonably alerted the public about why the meeting was called. Continued...

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"The purpose matched the business transacted," Dembinski said.

Even if the notification was "technically deficient", plaintiff and Augusta Township Supervisor Pete Hafler was served with notice of the special meeting via email, she said.

"There is no genuine issue of material fact," Dembinski concluded.

The case should head to trial by 2012, and a schedule for future court appearances should be available after Dec. 6.

"I think the Judge's actions were appropriate," plaintiff and Trustee Mike King said.

Trustee William Tobler and Clerk Kathy Giszczek said that plaintiffs have had their attorney for at least a month.

"I am surprised that their attorney was not prepared for today. He's had plenty of time to resubmit his own brief. This, to me, was very clear law-action," Giszczek said.

Rachelle Marshall is a freelance writer for the Ypsilanti Courier. She can be reached at rachellefmarshall@gmail.com.

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