

RIVES TOWNSHIP REGULAR BOARD MEETING  
December 7, 2023  
Lansing Avenue Fire Barn

The meeting was called to order at 6:00 p.m.

Present: Supervisor Jerald Adams, Clerk Vercilla Hart, Treasurer Carol Schulz, and Trustees Christine Beecher and Bryce Hammond.

**Motion by Beecher, supported by Schulz, to approve the Agenda as printed. All ayes. Motion carried.**

Public Comment #1 began at 6:05 p.m. and ended at 6:10 p.m.

Jackson County Commissioner's Report

- Commissioner Tony Bair reported that 2 township supervisors are needed to serve on a newly-formed ad hoc broadband committee, which is led by the county IT Director.
- The former Rollatorium at the Jackson County Fairgrounds is open from 6 a.m. to 10 p.m., and open to the public for pickleball.
- Tony made a motion at the county commissioners' meeting to accept the Sheriff's proposal for a jail millage, because he believes it's the best choice for public safety. The cost will be \$54,385,000 and the millage requested (0.9%) is less than the previous request. If the millage doesn't pass, \$2 million will need to be cut from the road patrol budget. Tony said the county's ARPA money has been spent.

**Motion by Hart, supported by Schulz, to approve the October 23 Minutes as written. All ayes. Motion carried.**

Hart reported that Planning Commission member Jon Hoffman has not signed the Code of Ethics, but now 3 other Planning Commission members have signed.

Bills/Payroll

- *Legal* - There was discussion about a recent legal bill. Supervisor Adams read a letter from the Secretary of the MSU Board of Trustees that had received a call from a resident. The resident had informed the secretary that she was seeking information to give to a male board member concerning a property she believed was owned by Jim and Dianne Byrum. Adams said he hadn't requested information, and also said GIS is not up-to-date, which is what the resident was using for her information.  
Adams said a resident doesn't have a right to spend other residents' money by contacting the township attorney or (in this case) causing the township attorney's involvement to keep Rives Township in good standing with the MSU Board of Trustees. Resident Jobeth Carlton admitted she made the call, and Adams said he had told her during a board meeting at the pavilion this past Summer not to be contacting anyone and saying she represented Rives Township. Adams told Carlton she should have instead contacted Ashley, the Assessor for Rives Township, with her questions about ownership and taxes on a given Rives Township property. Beecher said Adams has to give any board member or township employee permission to contact the township attorney. Adams said he will not give a resident (non-Rives Township employee) permission to contact the township attorney.
- *Sewer* - Hart reported she has paid the authorized \$11,000 limit to Lester Brothers for sewer issues in District 3, and has received 3 subsequent invoices and wants to know why there are more bills.
  - Adams said James Lindstrom in District 3 has been hooked into the sewer for 2 years. There has recently been a hump in the line between his residence and Maple Lane Rd. Four air release valves were to be changed originally, but then it was decided to change a total of 9, and Rives Township was billed for

4 other cleaned air chambers that can be used when needed. The line has been purged 4 times, and Adams said Lester Brothers are doing the job correctly.

**Motion by Adams, supported by Hart, to pay Affordable Doors \$1,000.00, the Jackson County Treasurer invoice for \$1,131.00, and Lester Brothers \$3,700.00. Roll call. Beecher - yes, Hammond - no, Schulz - yes, Hart - yes, Adams - yes. 4 - yes, 1 -no. Motion carried.**

**Motion by Hart, supported by Beecher, to pay payables checks 84029-84061. Roll call. Beecher - yes, Hammond - no, Schulz - yes, Hart - yes, Adams - yes. 4 - yes, 1 - no. Motion carried.**

**Motion by Hart, supported by Beecher, to pay payroll checks 317188-31750, EFT 236 and EFT 224, and an additional \$549.78 for IRS penalties. Roll call. All ayes. Motion carried.**

Hart explained it was the (former) Treasurer's job to pay the IRS on time when the Clerk gave him the paperwork after Payroll checks are written.

#### Treasurer's Report

Schulz presented the board with a spreadsheet showing cash balances and investments as of 11/30/23, and said these are not book balances. The CD interest rates are 4 1/2% for some. Schulz will present information at the January Board Meeting about an insured liquid investment fund after checking into investment fees.

#### Clerk's Report

Hart stated she was certified for Elections on October 31st, and thanked the November election workers. She is accepting applications for next year's elections, and received a list of potential election inspectors from the State of Michigan.

**Motion by Hart, supported by Beecher, to pay State of Michigan \$71.12 for the FOIA request for Janina Teske's Police Report for the Surety Bond review. Roll call. All ayes. Motion carried.**

Hart said the bonding agent will not review the bond reimbursement request without the police report.

Hart asked for temporary staff (2 people) to help with pre-election mailings.

**Motion by Hart, supported by Hammond, to hire temporary staff as needed up to 2 people to help with the pre-elections process for 2024 elections. All ayes. Motion carried.**

#### William's Way

Schulz reported the Williams Way account balance is \$8,155.55, and the auditor recommended the account be closed and the balance moved to the General Fund.

**Motion by Schulz, supported by Hammond, to close the Williams Way account and move the \$8,155.55 to the General Fund. Roll call. All ayes. Motion carried.**

Adams said the funds had been left in the Williams Way account in case of an overrun on the Rolling Acres project on Azalea Drive to prevent water over the road.

#### Building Department Administrator

**Motion by Adams, supported by Hammond, to appoint Ashley Fletcher as the Building Department Administrator. All ayes. Motion carried.**

#### IRS Penalties

Hart reported receiving an IRS letter for failure to make a proper deposit on 941 payments. The former Treasurer failed to make IRS deposits in July and August. Current Treasurer Schulz called the IRS to ask for removal of the penalty, but the IRS refused. There are also \$308.00 in bounced check fees and there are NSF bank analysis fees, for a total of \$1,057.78 in fees. Beecher requested Schulz ask the bank if they will waive some or all of the fees.

#### Sewer Budget

Adams reported the former Clerk had not entered the Sewer Budget for the current Fiscal Year.

**Motion by Adams, supported by Hart, to approve the 2023-2024 Sewer Budget. Roll call. All ayes. Motion carried.**

Adams said the amount Rives Township bills those hooked to the sewer is extremely low. Schulz and Adams will be discussing a new rate to be effective April 1st.

#### General Fund Budget

**Motion by Hart, supported by Hammond, to move \$10,000.00 from Township Improvements to Staff Salaries/Wages, \$4,000.00 from Township Improvements to Insurance/Bonds, \$2,000.00 from Township Improvements to Township Board Miscellaneous, \$15,000.00 from Township Improvements to Township Property Repairs/Maintenance, and \$2,000.00 from Sewer to RRI per the USDA contract. Roll call. All ayes. Motion carried.**

#### Private Drive

Jon Hall, 3428 Henry Rd, was present to discuss concerns regarding the drive that goes back to his property. Supervisor Adams said his parcel and the 2 in front of his property were split against the ordinance by the previous assessor. A private drive should not be for more than 2 residences. This was corrected going forward, with the Supervisor signing off whenever the Assessor suggests a split. Mr. Hall asked the township board to enforce the word "use." Adams said the ordinance cannot be enforced due to the circumstances. There is a safety concern now about fire trucks getting back to Mr. Hall's residence. Adams said the new owners of the house in front are aware they cannot build. Mr. Hall said traffic on the drive has increased to not less than 6 cars per day, and said the new owner has added a row boat and 2 hunting blinds next to the drive. Mr. Hall said he may take legal action, and Supervisor Adams agreed to talk to the new owners to attempt to resolve the matter.

#### Communication

Adams said there will be sewer issues moving forward, given that the sewer was installed 15 years ago. Adams will be discussing with the road commission about several area roads.

Beecher said the Planning Commission will continue to discuss and redraft the ordinance. The solar amendment was approved by the Planning Commission.

Hammond has modified a wooden fence he built around the generator at the township office so that it will continue to be covered under warranty.

Hammond asked the insurance company's Risk Assessment department to look at 3 township-owned buildings. The date for the viewing was not decided by the township board.

Hart asked Hammond if the other projects he had reported this Summer that needed attention were completed, and he said there is no signage. Adams also hasn't removed the yellow climber at fire station #3 yet.

Hammond said playground equipment has been offered to the township free of charge, but he would like to have it inspected before accepting it. Adams said insurance agent Kevin Decker could probably inspect it. Wood chips are needed for the playground.

Schulz said tax bills have been mailed. The Treasurer's hours for tax collection and sewer bill collection are Wednesdays and Thursdays from 2 p.m. to 6 p.m.

Hart asked Hammond if he had any objections to stop payments being placed on his payroll checks dated March 23, 2021, June 22, 2021, July 27, 2021, and April 27, 2022 that he had told her were cashed.

Hammond replied that he knows he cashed them, and believes it is a problem on the bank's end that the bank statements don't show they are cashed.

**Motion by Hart, supported by Schulz, to pay Independent Bank fees to place stop payments on payroll check #31465, 31470, 31474, and 31504. Roll call. All ayes. Motion carried.**

**Motion by Hart, supported by Schulz, to amend the motion that was approved in July to pay ADP \$140.00 per month, to now pay ADP \$169.00 plus \$2.50-\$5.00 per month. Roll call. All ayes. Motion carried.**

**Motion by Hart, supported by Adams, to change the meeting on January 4th from a Town Hall Meeting to a Regular Board Meeting. All ayes. Motion carried.**

FOIA Amendment

Hart would like the 1st 15 minutes labor for a FOIA request to be included in charges, and to revise labor charges for redactions.

**Motion by Hart, supported by Adams, to approve a FOIA amendment to the FOIA Procedures and Guidelines dated January 10, 2017. Roll call. Beecher - yes, Hammond - no, Schulz - yes, Hart - yes, Adams - yes. 4 - yes, 1 - no. Motion carried.**

**Motion by Hart, supported by Adams, to appoint Stacy Stoner to be the FOIA Coordinator. All ayes. Motion carried.**

The FOIA Coordinator will not collect money for the FOIA, and will only work processing FOIA requests in the office when the Clerk is there.

Hart reported she had no reimbursement for certification for elections or QVF, therefore the November 1st FOIA request asking for her reimbursement for these has been completed.

**Motion by Hart, supported by Schulz, for all board members to go through the FOIA Coordinator for township record requests. Beecher - yes, Hammond - yes, Schulz - yes, Hart - yes, Adams - no. 4 - yes, 1 - no. Motion carried.**

Public Comment #2 began at 9:25 p.m. and ended at 9:33 p.m.

**Motion by Beecher, supported by Hammond, to adjourn. All ayes. Motion carried.**

The meeting adjourned at 9:33 p.m.



Vercilla Hart, Rives Township Clerk

Print

Close

**From:** Jerry Adams (supervisor@rivestwp.org)  
**To:** Judy Mccord  
**Subject:** Fwd: Byrum's

**Date:** Fri, 3 Nov 2023 19:44:49 -0400

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Sent from my iPhone

Begin forwarded message:

**From:** Jim Byrum [REDACTED]  
**Date:** November 3, 2023 at 7:28:45 PM EDT  
**To:** supervisor@rivestwp.org  
**Subject:** Byrum's

This morning we received a call from the office of the Michigan State University (MSU) Board of Trustees indicating that a woman called the office by the name of Jobeth Carlton (phone number 248 736 9012, asking about a parcel of land we (James and Dianne Byrum) owned in Rives Township that had back, unpaid taxes. My wife Dianne is a member pf the MSU Board of Trustees. Ms. Carlton did NOT claim to be the Rives FOIA coordinator, but Dianne googled her and found an article where she was named to that position by the Township Board. Again, sorry but she did NOT claim to be the township FOIA coordinator.

The bigger issue is what we need to do to address that small parcel of land and get it transferred to the new owner.

Print

Close

**From:** Jerry Adams (supervisor@rivestwp.org)  
**To:** Judy Mccord  
**Subject:** Fwd: INFORMATION ITEM--FW: Phone Call  
**Attachments:** image001.png

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**Date:** Fri, 3 Nov 2023 19:44:37 -0400

Sent from my iPhone

Begin forwarded message:

**From:** James Byrum [REDACTED]  
**Date:** November 3, 2023 at 7:32:04 PM EDT  
**To:** supervisor@rivestwp.org  
**Subject:** Fwd: INFORMATION ITEM--FW: Phone Call

This is the exact message received from the MSU Board office. Dianne did call her and tell her we owned no property in Rives Township.

On Nov 3, 2023, at 7:57 AM, Board Of Trustees <[trustees@msu.edu](mailto:trustees@msu.edu)> wrote:

Good morning,

Please note the phone message below.

Jackie

**From:** Barrigar, Allie <[barriga1@msu.edu](mailto:barriga1@msu.edu)>  
**Sent:** Thursday, November 2, 2023 3:10 PM  
**To:** Board Of Trustees <[trustees@msu.edu](mailto:trustees@msu.edu)>  
**Subject:** Phone Call

Good afternoon,

Jobeth Carlton called the office today looking to ask Trustee Byrum about property she owns in Rives Township. She stated that there was an individual on the board in Rives Township that was upset over the property and claimed that taxes weren't being paid on it. She wanted to inquire with Trustee Byrum about the property so that she could pass the correct information along to the township board. Her phone number is 248-736-9012.

Best,

Allie

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**Alexandria Barrigar**

Office Assistant

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**Office of the President**

426 Auditorium Road, Room 450 | East Lansing, MI 48824

Office: 517.355.6560 | Email: [barriga1@msu.edu](mailto:barriga1@msu.edu)

**Michigan State University**



# Fahey Schultz Burzych Rhodes

ATTORNEYS AT LAW

FSBRLAW.COM

4151 OKEMOS ROAD

TEL: 517.381.0100

OKEMOS, MI 48864 USA

FAX: 517.381.5051

January 23, 2024

Jobeth Carlton  
302 Palmer Street  
Rives Junction, MI 49277

Dear Ms. Carlton:

**Re: Byrum Property in Rives Township**

I act as the Township attorney for Rives Township. I was informed by the Township that you contacted Michigan State University's Board of Trustees, and purported to be doing so on behalf of the Township Board or a Township Board member. As we understand, you were specifically seeking records or information regarding real property allegedly owned by Ms. Diane Byrum and her husband. When MSU contacted the Township, MSU was left the strong conviction that you were not only making representations on behalf of the Board, but had apparent authority to act on behalf of the Township in obtaining this information. It is our understanding this is not the first time such actions have been taken by you related to your position or the impression that you otherwise leave of individuals related to an apparent or actual authority to act on behalf of the Township. This letter is formal notice that **you have no authority** to speak or act on behalf of the Township, Township Board, or Township Board members in their official capacities.

Specifically, MSU informed the Township that it has received a call from you stating that "there was an individual on the board in Rives Township that was upset over the property and claimed that taxes weren't being paid on it." The referenced property is allegedly owned by University Trustee Byrum. The University further stated you "wanted to inquire with Trustee Byrum about the property so that she could pass the correct information along to the township board." Your inquiry alleged that "an individual on the board" was "upset over the property" and further that the "correct information" would be provided to the "Township Board."

Not only are these duties subject to court action, as discussed below, but they also impair the Township's relationship with the public. News abounds centered on the public's trust in their public



officials. In Webber Township, officials created community unrest “unlawful expenditures, violating ordinances, [and] failing to maintain financial records” in line with their duties.<sup>1</sup> Failure to appropriately exercise their duties can result in misdemeanor prosecution.<sup>2</sup> In particularly egregious cases, the federal government may be involved.<sup>3</sup> Individuals purporting to act on the Township’s behalf face these consequences and additional penalties. See MCL 750.217c.

Township officials have statutory duties. See MCL 41.60 et seq. The Supervisor is the chief assessor. MCL 41.61(1). The Clerk is the custodian of Township records. MCL 41.65. She is required to file a bond. MCL 41.69. Members of the Township Board have a fiduciary responsibility. “A township trustee is the agent of his township in the transaction of its business, and hence in the performance of his duties he acts in a fiduciary, as well as an official, capacity.” *People v Hirschfield*, 271 Mich 20, 25 (1935) (quotation marks and citation omitted); see also *Macomb Co Prosecuting Atty v Murphy*, 464 Mich 149, 172 n 2 (2001) (recognizing fiduciary relationship), CAVANAGH, J. (concurring in part and dissenting in part). Township officials exercise their duties “primarily for the benefit of the public.” *Id.*

Each individual member has their statutory and fiduciary duties to the Board and the Township. As elected officials, they have liability to public. The Clerk may have an action filed against her bond. The Supervisor or other Township official may face actions for mandamus. See *Grabow v Macomb Twp*, 270 Mich App 222 (2006) (sustaining a suit for mandamus against the Clerk and Zoning Board of Appeals).

Your actions are potentially violative of MCL 750.217c by purporting to continue an unauthorized investigation that simulates a process on behalf of the Township Board or a Board member. MCL 750.217c specifically prohibits a person who is impersonating, falsely representing himself or herself as, or falsely act as a public officer or public employee and prepare, issue, serve, execute, or otherwise act to further the operation of any legal process or unauthorized process. MCL 750.217c provides for such actions to be punishable as a misdemeanor along with imprisonment and civil fines.

## CONCLUSION

The representations to the University implied Township authority. However, you do not have any authority to act on behalf of the Township Board. Elected officials have this authority granted by

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<sup>1</sup> <https://www.bigrapidsnews.com/news/article/lake-county-s-webber-township-officials-recalled-18079329.php>

<sup>2</sup> <https://www.macombdaily.com/2023/02/17/former-armada-township-treasurer-accused-of-deleting-emails-before-resigning/>

<sup>3</sup> <https://www.justice.gov/jmd/misuse-position-and-government-resources#two>

law and exercise their statutory duties as fiduciaries. Just as if a Township official acted inappropriately, appropriation of the Township authority impairs the public trust, is contrary to law, and may result in civil and criminal penalties.

Sincerely,

A handwritten signature in black ink that reads "Matthew Kuschel". The signature is written in a cursive, flowing style.

**MATTHEW A. KUSCHEL**  
**ASSOCIATE**

Direct: 517.381.3162

[mkuschel@fsbriaw.com](mailto:mkuschel@fsbriaw.com)