

Holly Township
Board of Trustees – Special Meeting
Minutes of March 17, 2010

Call to Order: Supervisor Jesse Lambert called the March 17, 2010 Special Meeting of the Holly Township Board of Trustees to order at or about 5:30 p.m. at the Holly Township Hall, 102 Civic Drive, Holly, Michigan, 48442.

Roll Call:

Board Members Present:

Jesse Lambert, Supervisor
Karin Winchester, Clerk
Mark Freeman, Treasurer
Janet Leslie, Trustee
Steve Ruth, Trustee

Others Present:

Attorney Greg Need
Lalaine Kilbourn, Planning Commission Chair

Agenda Approval:

- **Clerk Karin Winchester moved to approve the March 17, 2010 Agenda, as submitted. Trustee Steve Ruth supported the motion. A voice vote was taken; all those present voted yes, the motion carried.**

Supervisor Jesse Lambert stated written charges against Holly Township board member Lalaine Kilbourn are in the Board packets. Ms. Kilbourn will have an opportunity to explain her actions at the December 16th, 2009 Board of Trustees meeting and defend herself before any decision is made. The charges are as follows:

1. Inaccurately reciting Township policies and state law in claiming that the Township Supervisor and Township Board was not following the proper and lawful procedure in making and confirming Planning Commission appointments.
2. Accusations without accompanying proof regarding following procedures and the basis for the Supervisor's Planning Commission nominations.
3. Inaccurate statements that a person involved in the planning commission appointment process was not considered due to their health status.
4. Disparaging comments without providing evidence or support about the suitability of the Supervisor's appointments to the Planning Commission, including making comments without providing evidence or support that one such appointment had an "agenda" detrimental to the Holly community as a whole.

Public Comment

Larry Lilly, 110 Clarence Street, commented he's attended Holly Township board meetings for over ten years. Ms. Kilbourn always stood out at Planning Commission meetings as asking

good, intelligent questions. She's concerned about the township and always came with an armful of prints and everything necessary. After she spoke on December 16th, 2009, Mr. Lilly told her that was absolutely wrong. He thought it was settled then and now there is a public hearing. That's not right. She's done a good job all these years and he supports her 100 percent.

Supervisor Lambert noted Ms. Kilbourn requested the public hearing.

- **Clerk Karin Winchester moved to enter a public hearing. Trustee Janet Leslie supported the motion. A voice vote was taken; all those present voted yes; the motion carried.**

Public Hearing:

Ms. Lalaine Kilbourn indicated Supervisor Lambert asked for her resignation and it has nothing to do with her performance. With the exception of Clerk Winchester and maybe Roger Welsh, she's the next most qualified person who is familiar with plans, zoning and what township residents want. At the December meeting she spoke in support of a fellow planning commissioner, just as the Board of Trustees would support each other. She's being retaliated against for comments made during a public meeting during Public Comment. She tried to address this with Supervisor Lambert ahead of time. That failed so she came and spoke.

At Supervisor Lambert's request she met with him and Mr. Ruth following the meeting. She told the Supervisor she abides by the law, the master plan, zoning and what she feels township residents want. She thought it was resolved. A week later Supervisor Lambert changed his mind, went back on his word. Supervisor Lambert must not have liked something said at that meeting also. That was a more personal meeting, which that was the place for it.

Supervisor Lambert has cost this Township the expense of legal counsel. The Township could use that money for other legal interests of the Township. He corresponded with legal counsel and Mr. Need is in attendance. There was also a closed door Board meeting so all Board members and the Recording Secretary were paid, as well as building fees. She will address each charge. The answers will be pretty much what she gave Supervisor Lambert in her closed door meeting with him and Mr. Ruth.

Ms. Kilbourn noted the majority of the Board is new. After the Town Hall Meeting everyone will have a better idea what residents want. She's been reappointed by the Planning Commission, by her peers, and doesn't believe that would have happened had she not been able to follow laws and do what's in the best interest of the residents. One person doesn't run the Township. It's a group effort and we all try to look out for the best of the residents.

Supervisor Lambert and Mr. Need say in item 1 that she inaccurately stated Township policies. She doesn't know state law and didn't say anything about state law that she knows of. The bylaws may be ambiguous, and different lawyers have different opinions, but she read from the

bylaws. She brought up the question, just as anybody should, of whether the procedure was correct or not. Supervisor Lambert and Mr. Need's interpretation does not match the interpretation her legal counsel gave her prior to the December meeting.

Trustee Janet Leslie stated not only is the law clear, but just through experience of how appointments are made, most of us wouldn't have to review the law to understand it's the Supervisor's decision whether to reappoint someone.

Supervisor Lambert questioned how long Ms. Kilbourn had been a planning commissioner.

Ms. Kilbourn stated she had probably been a planning commissioner for ten years.

Clerk Winchester noted Ms. Kilbourn had been a planning commissioner since 1998.

Supervisor Lambert questioned whether Ms. Kilbourn knew the yearly routine of the Planning Commission.

Ms. Kilbourn stated she knew the general routines. She doesn't know state law and has not been chairperson for that long.

Trustee Steve Ruth questioned whether there was a difference between the Planning Commission bylaws and the statute.

Mr. Greg Need questioned what part of the bylaws Ms. Kilbourn referred to.

Ms. Kilbourn stated she referred to the bylaws where it mentioned an appointment to fill a vacancy. When Bill Angus left, that was an appointment done by the Supervisor. Reappointment is termed differently. An appointment to fill a vacancy is a recommendation by the Supervisor and a vote by the Board. Under reappointment it says reappointments are done by the Board.

Mr. Need indicated Article 3, Section 1.1 Appointment, says the commission shall consist of 5 to 9 members who shall be representative of major interests as they exist in the township -- and there is a list of those -- who shall be appointed by the supervisor and subject to approval by a majority vote of the Township Board. Then there is the sentence Ms. Kilbourn referred to that vacancies are also filled by appointment by the Supervisor, subject to approval by the Board.

Ms. Kilbourn stated she did not have a copy of the bylaw with her, though she read right from it at the December meeting and brought it to the meeting with Supervisor Lambert and Trustee Ruth.

Trustee Leslie noted that none of the appointments are for life so it stands to reason a decision would have to be made whether to reappoint someone. That decision would fall to the Supervisor.

Ms. Kilbourn stated Article 3, Section 1 addresses appointment. Section 2 addresses term. The last sentence reads reappointments shall be approved by the Township Board. It may be ambiguous, but that's what it says. It doesn't say anything about recommendation by the Supervisor.

Mr. Need noted that language was not in his copy of the bylaws.

Supervisor Lambert questioned whether Ms. Kilbourn would provide Mr. Need her copy so that he could review it.

Ms. Kilbourn stated she had an old copy but the current copy is the same thing and it was in the Planning Commission packets last month.

Supervisor Lambert questioned whether Mr. Need's copy was dated.

Mr. Need indicated it wasn't dated. He requested a copy from the clerk's office and this is what he was provided.

Ms. Kilbourn stated the last sentence under Term says reappointment by the Board. She may have misquoted it if she has an inaccurate copy.

Supervisor Lambert stated in the letter she gave the Board, it seemed like Ms. Kilbourn was out to get Supervisor Lambert and making slanderous statements against him and actually bringing another fellow board member and fellow planning commissioner into it.

Ms. Kilbourn stated she came in professional, read her letter, handed out copies and that was it.

Supervisor Lambert read charge number 2 as follows: Accusations without accompanying proof regarding following procedures and the basis for the Supervisor's planning commission nominations. He has her copy of the letter and he will read from it. "In the past the Supervisor has proven that his appointment to the PC has not been based on valid applicants with relevant degrees and PC experience, but for political reasons, not in the interest of the township as a whole.

Ms. Kilbourn stated that's her opinion and she stands by it. She guesses this meeting is because Supervisor Lambert takes offense to what she said.

Supervisor Lambert noted Ms. Kilbourn accused him of having a secret agenda. He wouldn't do the same to her.

Treasurer Freeman stated no one is questioning her right to free speech. They are questioning whether what she said is misfeasance as a planning commissioner. There may be repercussions if what she said constitutes misfeasance. That's what the charges are about.

Ms. Kilbourn questioned what the definition of misfeasance was. The Planning Commission has gone over that, as well, as to what it entails.

Mr. Need indicated misfeasance is a term that is subject to interpretation by the body making the decision; in this case, the Township Board. Misfeasance includes misinterpreted, creates something bad or offensive, intentional or purposeful. Those words are subject to some interpretation. Ultimately it's up to this Board to determine whether those comments constitute misfeasance.

Trustee Leslie questioned whether the line that has been drawn in the past regarding issues of free speech on the part of public servants is whether or not the person made it clear that they were speaking as a private citizen versus a situation we have here where Ms. Kilbourn submitted a written statement, listing her name as Lalaine R. Kilbourn, Holly Township Planning Commission Chair. It was her impression Ms. Kilbourn was speaking as the chairperson of the Planning Commission when she made these allegations against the Supervisor.

Mr. Need indicated Trustee Leslie's comments were correct.

Clerk Winchester stated she believes if you're a public official, you can't undo that position. You can't say I'm removing myself from that official capacity. You can't be both. You are what you are and everybody recognizes what you are.

Ms. Kilbourn indicated her letter began saying what the qualifications are of a planning commissioner or what makes a good planning commissioner. When she made point number 2, that's what she was addressing.

Supervisor Lambert noted the charge referred to accusations without accompanying proof.

Ms. Kilbourn indicated the charge states a couple times without providing evidence. She questioned what documentation she should have brought. When Bill Angus left and there was an opening, everybody thought Mark Cornwall would be appointed. He is a degreed horticulturist. He brings to the table for the residents of Holly Township his background on water, on landscaping, on vegetation. He has served on the Planning Commission before. Instead of putting him in place, Supervisor Lambert recommended someone else with no experience.

Trustee Leslie questioned who everybody was who thought Mr. Cornwall would be appointed.

Ms. Kilbourn stated several people she spoke to who had talked to Mr. Lambert told her they were led to believe Mark Cornwall was going to be appointed. The Planning Commission plans for the good of the residents. You take a strong individual who can bring good information, background and experience to the Planning Commission for the best of the residents and you don't choose that. Then when the next opening occurs, Supervisor Lambert nominated and approved a person who has never even attended a Planning Commission meeting.

Supervisor Lambert questioned whether attending a Planning Commission meeting before was a requirement to be a planning commissioner.

Ms. Kilbourn stated she would have thought some interest in the township would be a requirement and helping with planning or something in the past.

Trustee Leslie indicated she would expect Ms. Kilbourn to support Mr. Barton, having worked with him for a number of years. Speaking on his behalf is a respectful thing to do. There is a difference between saying I believe that there is another appointment or a reappointment that you should make for the benefit of the township and accusing the Supervisor of not performing his duties properly. There is a big leap there.

Treasurer Freeman questioned whether Ms. Kilbourn was contesting that the Supervisor has the sole authority to appoint and reappoint.

Ms. Kilbourn stated she was not contesting that.

Treasurer Freeman noted, knowing that, Ms. Kilbourn still chose to make these comments.

Ms. Kilbourn stated she questioned what was the correct way to appoint and reappoint somebody. She can't say she thinks he has the right to do this and then accuse him. That's not correct. That wasn't her procedure.

Treasurer Freeman stated Supervisor Lambert has the sole authority to appoint and reappoint by recommendation to the Township Board. Then the Township Board decides whether to approve his recommendation.

Ms. Kilbourn stated she had a different interpretation.

Trustee Leslie indicated the issue is that an accusation was made. It's not that Ms. Kilbourn expressed an opinion as to who should be appointed, which any member of the public would be welcome to do. Ms. Kilbourn chose to also implicate the Supervisor.

Ms. Kilbourn noted she questioned what was best for Holly Township in the previous appointment.

Treasurer Freeman stated the authority to recommend for appointment or reappointment rests with the Supervisor. The Board decides whether they will agree with what the Supervisor is doing.

Ms. Kilbourn noted that was not her understanding of the bylaws she had. She was questioning what the correct procedure was. If you asked her today does she believe he has the authority to appoint or recommend, it would be yes.

Treasurer Freeman indicated Ms. Kilbourn also made the statement the Supervisor is trying to nominate persons that serve only his interests and the interests of a select few in the township and the village who have a particular agenda. He questioned whether Ms. Kilbourn believed that.

Ms. Kilbourn stated she does believe that.

Treasurer Freeman noted that is an accusation.

Ms. Kilbourn noted Mr. Freeman has only been on this Board for a year. The number of Township residents he has met with are probably a small fraction and he has not heard what everybody wants. She knows. She doesn't know Mark Diaz. He could be a very nice person. She doesn't know his qualifications. The Board did not even have a chance to review the applications that came in for the position. All Ms. Kilbourn knows of Mark Diaz is he was heavy in one or two interests, mainly the police issue and maybe one of the other Riverside issues.

Trustee Leslie stated there are many qualified people in the community that we don't all necessarily know or know of. No one in this room can claim to know what everyone in the township desires. Part of the decision making process for the Supervisor is to choose people who are representative of major interests in the entire township. The Supervisor selected someone from a different area of the township that was not represented on the Planning Commission at that time. None of us knows what every person in the township wants, regardless of how long we've served.

Ms. Kilbourn noted Trustee Leslie made Ms. Kilbourn's point for Ms. Kilbourn. She's not going to argue these issues. She's addressed them. It came to a conclusion and now Supervisor Lambert is asking for her resignation.

Treasurer Freeman stated evidently it did not come to a conclusion or Supervisor Lambert would not have asked for her resignation. He doesn't believe Supervisor Lambert did that lightly.

Ms. Kilbourn indicated she doesn't believe Supervisor Lambert liked some of her comments in the private meeting; again he didn't like something she said. She spoke for the township residents. She questioned the legality of how the appointment was taking place and she questioned the appointment.

Supervisor Lambert questioned what qualified Ms. Kilbourn as a voice of the people of Holly.

Ms. Kilbourn stated she's spoken to enough township residents over the years. They've come to meetings and told us what they want and don't want. The town hall meeting coming up will be a great opportunity to hear what everybody wants.

Supervisor Lambert stated item 3 states inaccurate statements that a person involved in the Planning Commission appointment process was not considered due to their health status. It's Business 101 that you do not take into account somebody's family life or their health when you screen people for jobs. Last year he was very new to the job and recommended two planning commissioners for reappointment and the Board honored the request with a unanimous vote. This year he did a job search and sent out e-mails. It was published in the newspaper that we were looking for two Planning Commissioners. He let Mr. Barton and Mr. Gurski both know that if they wanted reappointment, they could come in for an interview, sit down and answer the stock set of questions that every person who interviewed had to answer. Mr. Barton did not take the interview as well as Supervisor Lambert thought he would. He came in and was very apathetic. His answers to the questions weren't proactive, they were just, oh, well, whatever happens happens. It was very nonchalant. Supervisor Lambert did not appreciate it. He used that to help base his decision. It's an interview process, just like if you were applying for a job. To accuse him of not reappointing someone because of a health issue is ridiculous.

Ms. Kilbourn indicated Supervisor Lambert had even stated to her that when Mr. Barton came in his demeanor, his physical ability to walk or talk or anything was mentioned. Maybe it was not as a whole. She doesn't believe Supervisor Lambert took that as a whole to get rid of him.

Supervisor Lambert stated it wouldn't factor into his decision at all. He knows better. And to say he doesn't is quite ridiculous.

Ms. Kilbourn noted she had just stated health was not a reason to remove a capable commissioner. She said a recent health issue.

Trustee Leslie indicated Ms. Kilbourn is claiming that Supervisor Lambert is doing his job improperly and questioned Supervisor Lambert's character.

Ms. Kilbourn stated she was not questioning his character. From the statements Supervisor Lambert made to her prior as to how Mr. Barton came in and interviewed, we are a better community than that. We stick by our people. And it wasn't so much what he did, it's how he did it that hurt people. We're a better community than that.

Trustee Leslie indicated she was satisfied with the explanation Supervisor Lambert gave for why he made his decision; the answers to the questions in the interview process.

Treasurer Freeman indicated Ms. Kilbourn's letter states, "Further, a recent health issue of one of the Commissioners is no reason to now remove that capable commissioner from his seat. The Supervisor has no regard, nor respect for the Boards and their members, and this Holly community does not treat their fellow citizens like that. We are a caring, concerned community - - and not just out for the interests of a few and the Village officials." That's a pretty strong statement. It sounds like an accusation.

Ms. Kilbourn stated she wasn't saying it was the sole reason. She's saying it was not a reason to also remove him, if there were other reasons. He wanted to choose somebody else. When she said he has no regard or respect for the boards, we've had e-mails from Supervisor Lambert lambasting the Planning Commission after meetings for apparently no reasons.

Supervisor Lambert requested that Ms. Kilbourn provide him the e-mails she was referring to.

Ms. Kilbourn stated she believes they are still on her computer and will provide them. Before she came in front of this Board she sent Supervisor Lambert an e-mail and asked a couple questions: Could you please send me a copy of the letter that Supervisor Lambert sent to Mr. Barton and Mr. Gurski and she can't remember what else she asked about. Supervisor Lambert flatly refused and wondered why the hell she wanted the letter.

She was the chairperson. Supervisor Lambert should be able to talk to the zoning board chair, the Planning Commission chair and any other board. There should be communication going back and forth. She's not saying Supervisor Lambert needs her approval for any appointment or recommendation. But Supervisor Lambert has never even said, hey, we're going to appoint two Planning Commissioners at this Board meeting, would you like to attend or are you going to be attending. They sit on her Planning Commission. Supervisor Lambert doesn't communicate with the chairs. As far as she's concerned, it's a two-way street. It wasn't what Supervisor Lambert did, it's how he did some of the things. You have to have good communication. You can't fault her for coming in and standing in front of the Board when Supervisor Lambert refused to answer her e-mail.

Supervisor Lambert stated he is not faulting Ms. Kilbourn for speaking her mind. It's how she generated this preconceived statement. She obviously put a lot of thought into it. It was typed out and copies were done when she arrived. He's not refuting her right to her First Amendment freedom of speech. The tone, the letter and how she went about doing this is what's in question, not the content of.

Ms. Kilbourn stated she approached the Board in a purely professional manner. She never raised her voice and did not argue.

Supervisor Lambert stated number 4 is disparaging comments without providing evidence or support about the suitability of the Supervisor's appointments to the Planning Commission, including making comments without providing evidence or support that one such appointment had an agenda detrimental to the community as a whole. That would be bullet point two or three in the letter Ms. Kilbourn provided to the Board on the 16th.

Ms. Kilbourn stated number 4 was a duplicate and already addressed in the other charges.

Supervisor Lambert stated it's almost a conclusion of the previous three charges.

Ms. Kilbourn stated she would not address it, she has already answered it.

Supervisor Lambert stated Ms. Kilbourn has opted not to address charge number 4 and questioned whether the Board had any comments.

Trustee Ruth stated based on what he's heard, he can see both sides. Some of the tone he would have to admit could have been worded differently.

Ms. Kilbourn stated in hindsight she would have worded it differently, more generalized.

Trustee Ruth questioned whether Ms. Kilbourn had time to think about this and what she would like to see happen in the future.

Ms. Kilbourn stated it's up to the Board. She spoke from what she thought was best for the township residents and representing them. Maybe she stated some things too strongly or maybe she called out a Supervisor when maybe she should have just made a general statement. That's pretty much what she has to say. She's served the township and will continue to serve on the Planning Commission if the Board votes that way. She goes according to the law, the master plan and the zoning ordinances and what we hear from the residents who come in, the planners, legal recommendations and the engineers.

Trustee Leslie asked Ms. Kilbourn if she knew roughly the population of the township she represents.

Ms. Kilbourn stated the population of Holly Township was roughly 3,000. She's not sure what the new census will show.

Trustee Leslie noted the population of Holly Township is over 10,000 residents. The township includes the village. When we talk about representing the people, we represent the township and the village.

Ms. Kilbourn noted the village has their form of government also. She's never approved a site plan or recommended a site plan for anything in the village. She's speaking for what she feels is the best for all the township residents.

Supervisor Lambert asked whether anyone had any further comments for the public hearing.

Ms. Kilbourn stated she would reiterate, yes, maybe she could have done it differently. This is not performance based and is basically because some people took offense to what she said. She's sorry that she wrote it wrong or stated it in the way where people took offense.

Mr. Lilly stated what happened at that meeting hasn't happened in almost 11 years that he's been going to meetings. He talked to Ms. Kilbourn and the Trustees stating it wasn't right, drop it, we'll forget about it and it will never happen again. The Township, and especially the Trustees, have done an excellent job since he's been here. What you're doing now, you're destroying everything you've accomplished in ten years. You shouldn't let personal feelings get involved. People get frustrated. He voted for Mark Diaz because he believes in getting young people

involved in the Board and also the commissions. They bring us into the 21st Century. They have very good ideas. Ms. Kilbourn has always done an excellent job. She's always been very informed, very polite, even to Silverman. You should reconsider this, drop it, forget about it. Don't take it personal. There's nothing personal against Supervisor Lambert. We all have to learn. We should cooperate and unite the whole Holly community, 10,000 residents. She knows what she did wrong and apologized. Just drop it, forget about it and start over.

- **Clerk Karin Winchester moved to close the public hearing. Supervisor Jesse Lambert supported the motion. A voice vote was taken; all those present voted yes; the motion carried.**

Business:

1. Written charges for Planning Commissioner Lalaine Kilbourn.

Trustee Ruth stated item 1 of the written charges could involve a misinterpretation or there could be old bylaws out there that were read incorrectly. He would take that as not a valid issue. Item 2, accusation without accompanying proof, her comments related to Mr. Cornwall not being appointed based on experience versus others. He can see why she was probably very strong on that point for reasons that she has stated. Relative to the health reasons of Mr. Barton, that's still an open issue. He's extremely ill right now. If he seemed apathetic, it's probably because it was during the onset of the severe illness he's dealing with right now. In her final comments she did make an apology that she's sorry if she wrote it in the way that people took personal offense.

Trustee Leslie stated one of the main qualifications for a member of the Planning Commission is the ability to make decisions and statements based on fact, data, and law. What we see here was a misinterpretation of the policies and state law. One would think a Planning Commissioner would do research before quoting statute and making accusations without proof. You always want to look at the actual evidence you have in front of you and not some emotional interpretation. She has questions about the professionalism of Ms. Kilbourn and her effectiveness on the Planning Commission.

Treasurer Freeman stated this is a very serious issue. The Township Board finds no pleasure in taking an action that's legally required here, regardless of how it turns out. The statute that authorizes the Township Board to appoint the Township Planning Commission is Township Planning Act CL 125.321. A Planning Commission member must be a qualified township elector but does not have to be a property owner. Members are appointed by the supervisor with Township Board approval and may be removed by the supervisor after a hearing with the approval of the Township Board.

These are the facts concerning this issue as he understands them:

- ✦ Ms. Kilbourn voluntarily attended the Holly Township Board meeting on December 16th, 2009.
- ✦ At that meeting Ms. Kilbourn voluntarily entered a written statement into the public record and made verbal comments that became part of the public record via the official minutes.
- ✦ Supervisor Lambert felt Ms. Kilbourn's statements were inappropriate, unacceptable and constituted misfeasance. He scheduled a meeting with her for January 11, 2010 to discuss her comments.
- ✦ Supervisor Lambert met with Ms. Kilbourn and Trustee Ruth to discuss this issue. It should be noted that Mr. Ruth is the Township Board's liaison member on the Planning Commission.
- ✦ Supervisor Lambert was obviously dissatisfied with the outcome of that meeting and sent Ms. Kilbourn a letter requesting her resignation.
- ✦ Ms. Kilbourn refused to resign and requested a public hearing. It's a very important fact that Ms. Kilbourn requested this public hearing.
- ✦ Recently appointed Planning Commissioner Mr. Diaz submitted a letter dated February 27th, 2010 expressing concerns about Ms. Kilbourn's comments at the December Board meeting, which is in the Board packets.
- ✦ We all attended a special meeting with our legal counsel, Mr. Need, and heard his comments concerning this issue.

When the Township Board makes a political appointment, there is a legitimate and a reasonable expectation the appointee will be loyal, supportive and cooperative. Speaking for himself, if he was appointed to any position and the person with the sole authority to appoint or reappoint asked for my resignation, I would give it to them.

Ms. Kilbourn's term ends December 31st, 2011. She has seven meetings remaining, at \$75.00 per meeting, for a total of \$525.00. Based on all that has transpired, it's highly unlikely Supervisor Lambert will recommend reappointment of Ms. Kilbourn when her term expires. I find it very difficult to understand Ms. Kilbourn's motivation here. It certainly isn't the money and there's probably very little chance she would be reappointed.

Supervisor Lambert has determined Ms. Kilbourn's statements constitute misfeasance. It's obvious the working relationship between Supervisor Lambert and Ms. Kilbourn has deteriorated to the point where it's no longer in the best interest of Holly Township for Ms. Kilbourn to remain as a Planning Commission member. Supervisor Lambert is requesting that the Board

approve his recommendation to remove Ms. Kilbourn from the Planning Commission and now the Township Board must make a decision.

Clerk Winchester questioned whether Supervisor Lambert was recommending removing Ms. Kilbourn from the Planning Commission.

Supervisor Lambert stated he was making that recommendation.

Ms. Kilbourn stated she has come in and addressed the charges. What Mr. Freeman has said is a whole different set of issues.

Supervisor Lambert questioned whether this constitutes some sort of breakdown in a working relationship between himself and Ms. Kilbourn.

Ms. Kilbourn stated she e-mailed Supervisor Lambert. She did not have the breakdown in communication. What she did and said was for the good of the residents of Holly Township.

Clerk Winchester stated she doesn't condone everything Ms. Kilbourn said and the way she said it. Removing someone from office is such a serious thing. This is very extreme. There may be a communication problem. We could get past this with the next seven commission meetings. We should reserve removal from office for things that actually hurt the Township. Some of the processes that have transpired since the event have hurt the Township more than the actual event that took place. It could have handled it a little bit differently and we could have moved past it.

She doesn't like to see the township being a totalitarian government, removing people that don't agree with them. In our political positions we're always going to have these type of issues. There may be times we say things like that between each other and very much oppose each other's opinions and make misquotes. It's going to happen. Removal is too drastic a measure.

Trustee Leslie stated if this were an issue of opinion and if Ms. Kilbourn had come in stating an opinion, Trustee Leslie would support her. When her behavior was more about making unfounded accusations, that's unprofessional and she believes the township residents deserve better; and they should have better representation as soon as possible and not wait for seven more meetings.

Treasurer Freeman stated he would make one distinction. We make heated comments between each other as elected officials. There is a major distinction here that Ms. Kilbourn is a political appointee. As we've made very clear, it's the Township Supervisor's sole statutory responsibility to make recommendations for appointment or reappointment. No one is questioning his authority to do that and he did that. Ms. Kilbourn is entitled to her own opinions. But when she makes accusations in a public hearing, taking the time to type it up and enter it into the public record, her comments became part of the public record via the official minutes. He can't see how you can say she didn't say it because she did. We have documentation to verify it.

We can't say she didn't mean it because she took the time to write it. He questioned Ms. Kilbourn whether she still believed most of what she said.

Ms. Kilbourn stated she still believed some of what she said. She will have to get a copy of the bylaws Mr. Need has and review that. Some things, with further information, then she doesn't believe it if she was incorrect. There are some she does believe. The Planning Commission, even though they're appointed, they debate each other. Not everyone agrees, that's why you have multiple people on boards and multiple boards and commissions.

Treasurer Freeman stated it is not Ms. Kilbourn's responsibility to judge who is qualified to be on the Planning Commission and who isn't. Ms. Kilbourn was very critical of Mr. Diaz.

Ms. Kilbourn stated she was not critical of Mr. Diaz. She did not say anything about Mr. Diaz. She said she never met him and doesn't know much about him. She does know he was interested in a couple issues. She welcomed him onto the Planning Commission when he got elected and welcomed him the other night to the Planning Commission. She was not critical of him.

Trustee Leslie questioned whether Ms. Kilbourn referred to Mr. Diaz when she said the Supervisor is nominating a person that serves only his interests and the interest of a select few in the township and the village who have a particular agenda. The Supervisor has nominated an individual who has only been involved in one personally motivated issue of the Township and has never attended a Township Planning Commission meeting.

Ms. Kilbourn stated she was speaking of a prior appointment and the appointment that was up.

Treasurer Freeman questioned whether she thought that was a critical statement regarding Mr. Diaz. It says the Supervisor has nominated an individual. That was Mr. Diaz.

Ms. Kilbourn noted Ted Gurski was also nominated.

Supervisor Lambert stated Ted Gurski was a reappointment.

Ms. Kilbourn stated she already answered these questions. Mr. Diaz had never, ever attended a Planning Commission meeting. The Board has what she wrote. She's answered the Board's questions and doesn't know how much more the Board wants her to say.

Treasurer Freeman stated this also is not a performance evaluation in any way. It is not intended to be, nor should it be viewed as a performance evaluation. It has to do with four specific charges regarding statements Ms. Kilbourn made.

Ms. Kilbourn stated what she thinks is they took some simple statements, maybe worded incorrectly, and blown it out of proportion. This whole process is unwarranted.

- **Supervisor Jesse Lambert moved to remove Ms. Lalaine Kilbourn as Planning Commission for Holly Township based upon the list of written charges provided in the Board packet. Trustee Janet Leslie supported the motion. A roll call vote was taken. Ruth: No; Freeman: Yes; Lambert: Yes; Leslie: Yes; Winchester: No. The motion carried with a 3/2 vote.**

Public Comment:

Mr. Lilly stated he's been attending Township meetings for 11 years and this is the first time this has happened. It's absolutely wrong. Maybe she made a mistake. He's against it. He believes what the Board did is absolutely wrong for the whole community. Ms. Kilbourn did a fabulous job and she's done that for ten years.

Adjournment: Supervisor Jesse Lambert, hearing no other business, adjourned the meeting at 6:45 PM.

Zo Turner, Recording Secretary
Holly Township

Karin Winchester, CMC
Holly Township