



MACOMB TOWNSHIP

MACOMB TOWNSHIP BOARD OF TRUSTEES
MEETING MINUTES
TUESDAY, APRIL 19, 2022

LOCATION: MACOMB TOWNSHIP MEETING CHAMBERS
54111 BROUGHTON ROAD, MACOMB MI 48042

Call Meeting to
Order

Meeting was called to order by Supervisor Viviano at 2:00 p.m.

Pledge of Allegiance to the Flag of the United States

Pledge of Allegiance was recited by all in attendance.

1. Roll Call

Clerk Pozzi called the roll:

**Present: Kristi Pozzi, Frank A. Cusumano Jr., Peter J. Lucido III, Nancy Nevers,
Charles Oliver, Leon Drolet, Frank Viviano**

Absent:

2. Approval of Agenda Items (with any corrections)

MOTION by Leon Drolet seconded by Peter J. Lucido III to approve the agenda with the following corrections to items 3 and 4: MCL 15.268(a) should be MCL 15.268(1)(a).

Vote Summary: (7 - 0 - 0)

**Ayes - Frank A. Cusumano Jr., Peter J. Lucido III, Nancy Nevers, Charles Oliver,
Leon Drolet, Kristi Pozzi, Frank Viviano**

Nays - None

Abstain - None

THE MOTION Passed Unanimously.

PUBLIC COMMENTS, AGENDA AND NON-AGENDA ITEMS - (3 MINUTE TIME LIMIT)

There were no public comments.

CLOSED SESSION

Dan Kelly, Labor Counsel for Macomb Township indicated the collective bargaining agreement stipulates the union may only have one executive board member present at a disciplinary meeting. The Township agrees to waive that requirement and allow the Union to have two executive board members at today's meeting and the Union agreed verbally. Representing the Union were Attorney Brandon Canfield, President Ryan Gierman and Treasurer Vince Pozzuoli.

Supervisor Viviano verbally confirmed with employees Huck and Nowak and their Union representation that both are requesting the disciplinary matter be conducted in a closed session of the Board of Trustees.

3. Employee disciplinary matter - Closed Session per MCL 15.268 (1)(a)

MOTION by Leon Drolet seconded by Peter J. Lucido III to enter into closed session at the request of Robert Huck and in accordance with MCL 15.268 (1)(a) for the purpose of considering disciplinary action.

Roll Call Vote Summary: (7 - 0 - 0)

Ayes - Leon Drolet, Peter J. Lucido III, Frank A. Cusumano Jr., Nancy Nevers, Charles Oliver, Kristi Pozzi, Frank Viviano

Nays - None

Abstain - None

THE MOTION Passed Unanimously.

MOTION by Leon Drolet seconded by Peter J. Lucido III to enter into closed session at the request of Lieutenant David Nowak and in accordance with MCL 15.268 (1)(a) for the purpose of considering disciplinary action.

Roll Call Vote Summary: (7 - 0 - 0)

Ayes - Leon Drolet, Peter J. Lucido III, Frank A. Cusumano Jr., Nancy Nevers, Charles Oliver, Kristi Pozzi, Frank Viviano

Nays - None

Abstain - None

THE MOTION Passed Unanimously.

Pursuit to MCL 15.268(1)(a) and at the request of both employee Huck and Nowak, the Board entered into closed session at 2:06 PM and reconvened into open session at 2:57 PM. The motion provided both employee Huck and Nowak, and their chosen union representatives and attorney, separate closed sessions with the Board of Trustees regarding a disciplinary matter.

MOTION by Frank Viviano seconded by Peter J. Lucido III to enter into closed session to discuss a confidential legal opinion in accordance with MCL 15.268 (1)(h).

Roll Call Vote Summary: (7 - 0 - 0)

Ayes - Frank Viviano, Peter J. Lucido III, Frank A. Cusumano Jr., Nancy Nevers, Charles Oliver, Leon Drolet, Kristi Pozzi,

Nays - None

Abstain - None

THE MOTION Passed Unanimously.

The Board and Macomb Township Labor Counsel, Dan Kelly, entered into closed session at 2:58 PM.

The Board reconvened into open session at 3:12 PM.

Dan Kelly, Labor Counsel for Macomb Township summarized the charges including the following as well as provided documents (attached to these minutes) to the Board, both employees, their attorney and union representation:

Firefighter Huck was notified of an investigative meeting on April 5, 2022, which was conducted on April 6, 2022, after which he was placed on paid administrative leave, effective April 7, 2022, pending the outcome of the investigation. He was then notified on April 7, 2022, he had the option to attend a pre-discipline meeting, also known as a Loudermill meeting, which he attended with IAFF representation and legal counsel on April 15, 2022. At that meeting testimony was provided by IAFF President in support of FF Huck that on or about November 24, 2021, he observed employee Huck to be ill and recommended that he stay home the following day. On the same day, April 15, 2022, employee Huck was advised orally and in writing that the Board would consider the matter at a meeting on April 19, 2022, at 2:00 PM.

As to a summary of the alleged facts, Firefighter Huck was scheduled to work the Thanksgiving holiday on November 26, 2021. He notified the Chief via text that he wanted to use a sick day and was directed to bring a note. He provided a note excusing his absence. The note was given to the medical provider, McLaren, for authentication. The note was not authenticated. Neither Huck or his union objected or grieved being asked to provide a note.

FF Huck called in again for his scheduled February 6, 2022, shift. He again notified the Chief and Deputy Chief he wanted to use a sick day and was again advised to bring a note. He provided a note

excusing his absence. The note was given to the provider for authentication. The note was not authenticated. Neither Huck or his union objected or grieved being asked to provide a note.

With regard to Lieutenant Nowak, he was notified of an investigative meeting on April 5, 2022; which was conducted on April 6, 2022, after which he was placed on paid administrative leave, effective April 7, 2022, pending the outcome of the investigation. He was also notified on April 7, 2022, that he had the option to attend a pre-discipline meeting, also known as a Loudermill meeting, which he attended with IAFF representation and legal counsel on April 15, 2022. At that meeting an alleged doctor's note dated April 7, 2022, was provided by IAFF legal counsel in support of employee Nowak. On the same date, April 15, 2022, he was advised orally and in writing the Board would consider the matter at a meeting on April 19, 2022.

Lieutenant Nowak was scheduled to work the Thanksgiving holiday on November 26, 2021, starting at 7:00 am. On November 25, 2021, he sent a text to Fire Chief Phillips and his Union stating he was using a sick day the next day. Employee Nowak was told to bring a note. The Fire Chief followed up with Lt. Nowak on December 6, 2021, again requesting the work excuse note. Lt. Nowak provided an alleged note. The Township submitted the note to the provider for authentication. It was not authenticated. The union stated it filed a verbal grievance, which was not advanced.

MOTION by Leon Drolet seconded by Nancy Nevers, upon a comprehensive review of the evidence presented regarding Robert Huck and considering all statements and evidence submitted in response, I move to find the charges of dishonesty and conduct unbecoming, including providing a falsified document for Township records, are justified and substantiated by the record.

Vote Summary: (7 - 0 - 0)

Ayes - Frank A. Cusumano Jr., Peter J. Lucido III, Nancy Nevers, Charles Oliver, Leon Drolet, Kristi Pozzi, Frank Viviano

Nays - None

Abstain - None

THE MOTION Passed Unanimously.

MOTION by Leon Drolet seconded by Nancy Nevers, upon a comprehensive review of the evidence submitted regarding Lieutenant David Nowak and considering all statements and evidence presented in response, I move to find the charges of dishonesty and conduct unbecoming, including providing a falsified document for Township records, are justified and substantiated by the record.

Vote Summary: (7 - 0 - 0)

Ayes - Frank A. Cusumano Jr., Peter J. Lucido III, Nancy Nevers, Charles Oliver, Leon Drolet, Kristi Pozzi, Frank Viviano

Nays - None

Abstain - None

THE MOTION Passed Unanimously.

MOTION by Leon Drolet seconded by Nancy Nevers, based on a finding that the charges against Firefighter Robert Huck were substantiated and justified, to immediately impose the disciplinary action of termination.

Vote Summary: (7 - 0 - 0)

Ayes - Frank A. Cusumano Jr., Peter J. Lucido III, Nancy Nevers, Charles Oliver, Leon Drolet, Kristi Pozzi, Frank Viviano

Nays - None

Abstain - None

THE MOTION Passed Unanimously.

MOTION by Leon Drolet seconded by Nancy Nevers, based on a finding that the charges against Lieutenant David Nowak were substantiated and justified, to immediately impose the disciplinary action of termination.

Vote Summary: (7 - 0 - 0)

Ayes - Frank A. Cusumano Jr., Peter J. Lucido III, Nancy Nevers, Charles Oliver, Leon Drolet, Kristi Pozzi, Frank Viviano

Nays - None

Abstain - None

THE MOTION Passed Unanimously.

ADJOURNMENT

MOTION by Leon Drolet seconded by Kristi Pozzi to adjourn the April 19, 2022 Board meeting at 03:38 PM.

Vote Summary: (7 - 0 - 0)

Aye - Frank A. Cusumano Jr., Peter J. Lucido III, Nancy Nevers, Charles Oliver, Leon

Drolet, Kristi Pozzi, Frank Viviano

Nay - None

Abstain - None

THE MOTION Passed Unanimously.