

EDWARDS TOWNSHIP BOARD MEETING

November 13, 2023 7:30pm

PRESENT: Supervisor Rob Kowalski, Clerk Korey Kripli, Treasurer Eileen Fournier, Trustee Dan Zettel, and Trustee Todd Johnson

ATTENDANCE: County Commissioner Brenda Simmons, Zoning Administrator Bob Clayton, and Deputy Clerk Kim Glasser. Several residents of Edwards Township.

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES - October 9, 2023 Board Meeting and October 15, 2023 Special Meeting

Motion by Robert Kowalski, supported by Eileen Fournier to approve the minutes. Motion carried.

ADDITIONS/DELETIONS TO THE AGENDA:

Motion by Eileen Fournier, supported by Dan Zettel to approve the agenda with the addition of AT&T at 16A. Motion carried.

PUBLIC COMMENT ON THE AGENDA: None

COUNTY COMMISSIONER:

Students from Whittemore Prescott attended the Commissioner's Meeting. The city laid off 18 people including corrections officers and sheriff deputies because of the million dollar deficit from the jail. They were mostly part time workers. The city is thinking about another millage.

ZONING ADMINISTRATOR:

We had two zoning permits this month. We are now passed the November 1st deadline for the house on Greenwood Road (Young Residence). Larry Watson said Katherine Young called and left a voicemail that contained a litany of excuses about the house. The board wants to get the attorney involved and get this issue solved.

County adopted new rules for zoning. Mr. Clayton will be asking the planning committee to adopt these rules in January.

TREASURER REPORT:

Treasurer report presented by Eileen Fournier. Motion by Korey Kripli, supported by Dan Zettel to accept the Treasurer Report.

Motion carried.

APPROVAL OF BILLS:

Motion by Robert Kowalski, supported by Todd Johnson to approve bills with checks #6944-#6977 for a total of \$78,503.81. This included the IRS 941 Quarterly Payment via ACH and the \$48,833.91 check made to the Ogemaw County Road Commission for Green Road Phase II.

Roll Call: Kowalski Y Kripli Y Fournier Y Johnson Y Zettel Y

Motion Carried.

HALL DEPOSIT RETURNS:

Motion by Eileen Fournier, supported by Dan Zettel to issue hall deposit returns for a total of \$450. Motion carried.

PAUL OLSON/MUNICIPAL UNDERWRITERS:

Paul Olson is reopening our claim to go after the former clerk's bond. He didn't understand why the insurance company denied it. Rob Kowalski also sent the insurance information to the township attorney. Chris Patterson is going to reach out to the claims department as well. We should be able to recoup \$10,000 on the bond. The board did not sign a renewal and the board is looking at other companies going further because of the issue with the former clerk.

CHRIS PATTERSON/INSURANCE INFORMATION: The board hopes to hear information about the bond next week from Chris. We also hope to receive bids from other insurance companies.

CHRIS GROBBLE/PLANNING AND ZONING TRAINING:

It is recommended that we receive training every two years, but we have two new board members. Rob Kowalski is trying to set up a date and time with Chris to do training. It is \$1,000 per day. Rob is going to mention this at the MTA Meeting on November 28th at West Branch Township Hall in hopes other townships will attend and split the bill.

HEALTH AND SAFETY ORDINANCE FROM PLANNING:

If you are going to stay on your property for more than 30 days per year, then you must have a working well or septic which must be inspected by the board of health. Rob Kowalski will be reaching out to Andrew Thompson to try and get this ordinance finished.

DRAIN FIELD - WEED SPRAY:

Larry Kartes didn't have time to spray because of harvesting. He has told Rob Kowalski that he will spray in the spring and then will cut it down. It will then be maintained by our lawn care company and staked out so the board knows where the drain field is located.

LAPTOP FOR DEPUTY CLERK:

The laptop Korey Kripli had that was fixed by Computer Genie crashed again. Kim Glasser was using the laptop for deputy clerk duties.

Motion by Korey Kripli, supported by Eileen Fournier to purchase a new laptop for the deputy clerk in the amount of \$500.

Roll Call: Kowalski Y Kripli Y Fournier Y Johnson Y Zettel Y

Motion carried.

AT&T:

The board received a letter in the mail from AT&T for a right of way permit. They pay the township because the telephone towers they use are on our property. The board will sign it, send it back, and then receive the funds at a later date.

ROAD COMMISSION:

The road commission received \$170,433.00 on June 27, 2022.

They also received \$86,280.20 on August 29, 2023.

\$86,280.20 is what is left to pay for Green Road.

The board made a payment of \$48,833.91 and will pay the rest after they receive the Winter taxes.

CPA UPDATE:

State taxes are being worked on right now. Federal has been paid. The Treasurer, Clerk, and Deputy Clerk have put in a lot of work to get this done. The state may demand another audit and the board is waiting to hear their answer.

Kim Glasser has been uploading all documents to the Microsoft One Drive to have a backup of all files. This will also be helpful for future audits.

STARLINK/CAMERA UPDATE:

Starlink is up and running at the township hall. Security Cameras are up and running.

LAND DIVISION APPROVAL:

The county was hoping that the township would allow them to divide parcels in our township. They are asking for the board to sign it and give them control. The board has decided to not sign this approval.

EMAIL SUMMARY:

Emails were found by Korey Kripli from Yvonne Mahl to the CPA.

Rob Kowalski summarized the emails.

Rob - "When we talk about the money we are spending and we talk about the problems with CPA's, this goes to a timeline of why nothing was done. We know there wasn't knowledge, she refused help, she didn't want training, because that would have shown what was going on."

Margie Taylor - "I think the perception of the previous Supervisor is that he failed. It was prevalent she had a problem. She never responded to emails, she never responded to phone calls. I personally know my husband and can speak for him. She never answered his emails and never answered phone calls. He called the lawyer several times about the bond. He called the insurance people, the CPA. He was working with the board. There was nothing he could do. There is nothing you can do. She could stay home the entire term. There is nothing you can do unless you recall her. You can only do so much. Everyone was trying to push her to get it done, but she never cooperated. I think the board did all that they could do."

PUBLIC COMMENT:

Dennis Stephens FOIA requested emails from former Clerk Yvonne Mahl to the CPA Stephenson & Co. Clerk Korey Kripli records each and every board meeting to assure meeting minutes are accurate. The following is the exact excerpt from Dennis Stephens to the best of the current clerk's ability:

"I have received via FOIA request copies of emails from former clerk Yvonne Mahl to financial institutions contracted by the township. The existence of the emails was revealed in the township board meeting of July 10, 2023 and span the period July of 2020 to December of 2022. I have studied them in detail. What they reveal should be of extreme cause for concern by anyone who cares about the township in which we live. There are 16 in all. I have prepared comments to address 4. Out of respect to the responders and financial institutions, I will not use the names of the individuals, and will paraphrase the answers.

7-13-2020: Question to Stephenson & Co. – At this point Yvonne Mahl has been in office as township clerk for 1+ years, and was previously deputy clerk for approximately 6 months.

Yvonne - "This might be a dumb question but I have to ask it. On my standard budget report in revenue, I have some negative numbers, why. I have attached a copy of the report."

7-14-2020: Answer received from CPA (paraphrased)

"1st

- the problems are caused by voided receipts.

2nd

- a voided deposit caused the revenue sharing amount to be negative.

3rd

- it looks like not all of the revenue is recorded. Are you behind on entering receipts?"

7-14-2020: Response back to CPA

Yvonne - "I will go through all deposits and see where my deputy has been putting things."

[Dennis's Comment and Opinion]

There is a right way and a wrong way to void transactions using Pontem software. Based upon my experience in doing the job with the same software for 6 years, the answer received is a CPA's polite way of saying that it is obvious you have no clue what you are doing.

6 WEEKS LATER

8-30-2020: Question to Stephenson & Co.

Note: There are 3 points to this message. I will only comment upon point #2.

"I have not been doing bank reconciliations, let me see if I can explain why. Back in January of 2019 (when Brandy was clerk) our treasurer made an over the phone payment to the credit card but didn't turn in any paperwork. In my looking, I can't find where that payment was taken out so when I went back to try reconcile the bank statement for February of 2019 the amount was taken out of our bank but not out of our system. Any idea how I fix that?"

[Dennis's Opinion]

This email is loaded and bears examination.

- First the Admission: "I have not been doing bank reconciliations."
- Next, the Excuse: "Back in January of 2019 (when Brandy was clerk) our treasurer made an over the phone payment to the credit card but didn't turn in any paperwork."
- The manipulation: "Any idea how I fix that?" means 'Not my fault. Those two left behind a mess for me to clean up.'

[Dennis's Further Opinion]

The very definition of an electronic transaction means that there is no paperwork. The transaction shows up on the statement, and that is all a competent clerk needs to reconcile. Let us keep our eyes on the ball. This email was written by Mahl after not doing bank reconciliations by her own admission, (by my count 14 months straight) followed by strongly implying in a devious way that Brandy not only fudged the numbers for the months in question, but then left office, leaving a mess behind.

[Dennis's Comment and Opinion]

Allow me to offer a reminder that the combined ledger numbers of Brandy and Dennis passed the audit of Fiscal Years 2017-2018. That 24-month period of clean audit completely encompasses the months mentioned in the above Mahl fabrication - namely, November & December of 2018, and January,

February, and March of 2019, which were Brandy's first 5 months in office. This fact alone proves absolutely that the accusation against Brandy is a blatant lie. In my opinion, the Translation into English of the manipulation in this paragraph is: 'I have not done my job for 14 months straight. My numbers are all wrong. I will say any lie to shift the blame.'

8 MONTHS LATER

APR 12, 2021: Question to Stephenson & Co.

Yvonne - "I have a major problem with bank reconciliation. Dating back to 2019, it has not been taken care of properly and now I am trying to clean it up. I can't get the deposits to equal out on each bank statement because back in 19 and part of 2020, the deposits were not put in timely. So, when I go to reconcile the numbers don't chive in Pontem. I have talked to Pontem and they are willing to help me to force it to reconcile, picking a date of December 31, 2020, but before doing that they suggested to get input from you. BUT there is a \$14,413.66 difference. Should I at this point go through manually each deposit and withdraw to make sure they are all there, then try to do something with Pontem? I am so over myhead with this."

[Dennis's Comment]

Quotation:

"I have a major problem with bank reconciliation. Dating back to 2019, it has not been taken care of properly and now I am trying to clean it up."

[Dennis's Opinion]

Look closely at the above statements. It is now more than 2 full years later, and the blame for current job failure is still aimed at Brandy with this dirty gem: "Dating back to 2019, it has not been taken care of properly and now I am trying to clean it up."

[Dennis's Opinion]

It is a virtual certainty that this problem was passed to the head of Pontem tech support. If the same person still works there, then I know him and met him on numerous occasions. He is extremely smart and could comprehend at a glance exactly what has been going on. He likely recorded the phone conversation as well. It is clear that he (or whomever) was not willing to participate in falsifying any numbers without the go-ahead from the CPA. And he knew no CPA would risk their reputation to participate in any sort of coverup. Just so happens that I know the CPA in question very well. Worked with her a lot. She is sharp as a tack, and is nobody's fool. Both Pontem tech support and the CPA have high integrity. Neither would ever risk their livelihood to be complicit in a scheme to fabricate public records. The outcome? Mahl did not succeed in manipulating either one of them.

8 MONTHS LATER

JAN 7, 2022

Yvonne - "I have been working on the bank reconciliation and because it went back to 2019 and because the deposits weren't put in the same month they were deposited in the bank, this whole thing has become a huge mess. In order to balance over the last 3 years I had to manipulate Pontem to balance it each month. Problem is, now I am at the end of 2021 and I am not balanced and can't go forward. When I put in info for Nov 2021 it clears up all deposits in 2021 except those done in the future of December 2021. So I am off \$12,213.29 and don't know what to do."

[Dennis's Comment and opinion]

Let us analyze this paragraph in detail.

- "I have been working on bank reconciliation"

Nice to see the effort once in a while

- "because it went back to 2019"

Almost 3 years later and the first excuse on the agenda is to use a thinly veiled disguise to blame Brandy with the same argument that holds no water via the clean audit.

- "In order to balance over the last 3 years, I had to manipulate Pontem to balance it each month."

For any doubters out there, here it is in print: an admission that any completed monthly bank reconciliation has been falsified by her hand.

- “Problem is, now I am at the end of 2021 and I am not balanced and can’t go forward.”

Ladies and gentlemen, this is what government fund accounting programs are designed to do – catch the perpetrators in their own web of lies. This is one reason why the programs cost so much. They will eventually prevent devious politicians from altering the real numbers in order to make the bottom line look good. As you can see, the house of cards finally collapsed!

- “So I am off \$12,213.29 and don’t know what to do.”

The out of balance condition appears to drone on. But wait - a seismic event has occurred! It is 8 months later and now there is no mention of Pontem tech support. Why? In my view, he has flatly refused to fabricate numbers. We know this because otherwise, the out of balance problem would have disappeared. Also, I would like to know exactly when the CPA abandoned Edwards Township. Was it around the same time? More than once, I myself have seen Mahl lose her temper and have a screaming fit when she cannot manipulate people to do what she wants. We know this same CPA abruptly discontinued service to us. I wonder why?

[Dennis’s Commentary]

Opinion Summation

The words in these emails reveal the true character of Yvonne Mahl. She collected a monthly salary for 3 1/2 years totaling in excess of \$25,000 while doing virtually nothing for it. When she did bother, the result was a screwed-up mess. Witness the General Ledger that never balanced preventing the audits from being done, the F-65 Reports that were never done, and the complete mismanagement of the township 401(a). To cover it all up, she willfully slandered in print innocent township officials who are serious about doing the job the right way. She tried to manipulate to her will duly contracted professionals like the CPA, who most certainly dropped the township like a hot potato, and Pontem tech support, who clearly refused to be complicit in any scheme of deception.

There was a special township board meeting held on January 16, 2023 to discuss the clerk's many job performance failures. The board authorized the supervisor to have legal counsel draft a letter of resignation for Yvonne Mahl. At least one resident at that meeting also publicly called for her to resign. The cost to the township in time expended, legal counsel, labor, fees, interest, and penalties exceed an additional \$25,000, and probably more. Compare that cost to the approximately \$5,000 that it cost for the last clean township audit, a combination of work between former clerks Brandy Curtis and Dennis Stephens. I encourage everyone to read the CAP letter associated with the minutes to this meeting once they are published on the township website. Share that information with your family and friends. In view of all that has transpired, Yvonne Mahl should never again hold any public office. It should be the responsibility of everyone to spread the facts of this matter to make sure that a disaster of this magnitude never happens to Edwards Township again.

In closing, I would like to ask if anyone on the board would care to elaborate on why the additional costs are so high, are we done paying, and if not, when?

Dan Zettel - "I think we talked about that earlier in the meeting. I think we are just trying to figure it out. All I know is that you summed it up. I'm glad Korey found those emails, because before tonight I had no idea those existed. My opinion as a board member is we were lied to when we were told that this was being taken care of and that she didn't need any training."

Pat Miller - "Thank you as a board for all you have done with this situation. I wish more of our neighbors knew what was going on and knew the truth. She could run again. Our neighbors need to know the truth because it is costing us a lot of money."

Rob Kowalski - "I didn't want to offend anybody, but these are facts. These emails were typed on the township laptop, on the township time, given to a CPA that we were paying. If there is any privilege it is extended to the board, not anybody else."

UPCOMING MEETINGS:

- Township Board Meeting: Monday, December 11, 2023 at 7:30pm

ADJOURNMENT:

Motion by Rob Kowalski, supported by Eileen Fournier to adjourn at 9:11pm. Motion carried.

Rob Kowalski, Supervisor

Korey Kripli, Clerk