

NEWS & VIEWS

In regard to the proposed township Superintendent Agreement and Possible Criminal Implications

By Ron Cooper, Editor

April 7, 2016

Proposed changes to our township management should be guided by what is best for the township – not what is best for any particular individuals on the township board. For Werschem and Whitlow to try to sneak it through before anyone could stop it, is especially troubling!

I can understand why Brian Werschem would like a \$12,000+ raise a year, not have to run for re-election, and a contract that's unchangeable, and that takes authority for him and away from the township board. It's basically a Dictator's contract.

Particularly troubling is the additions to Brian's anticipated Superintendent's agreement:

"In addition, the Employee shall be the Township representative on the Muskegon County Central Dispatch and Coordinating Committee. The Employee shall also be the Township's primary contact and liaison with the Little River Band of Ottawa Indians, and the Township's representative on the Revenue Sharing Board and the Seventh Generation Fund Board, or the functional equivalents thereof, as established by the Little River Band of Ottawa Indians."

By putting this in the contract, Brian and Chuck would take this authority away from the township board. It would put Brian and Chuck in a position to extort favors and money. The only way the board could get this authority back and away from Brian would be to cancel the Superintendent's contract which would be very difficult and costly to do.

I can understand why Trustee Charlie Whitlow would work hand in hand with Brian to construct a contract like that with The Little River Band of Ottawa Indians affairs locked into it so he could have a good shot at some of the Indians' money and business. He has property and a business close to the Indians' property and it's easy to see that he is looking out for himself. Neither one should have been able to vote on this self-serving issue and they knew it! **Knowing it**, puts them at risk of being charged with a Felony.

What I can't understand is why Trustee David Markgraf and Trustee Ron Becklin would be expected to go along with Werschem's and Whitlow's shenanigans. They are supposed to represent what is best for our township, not what is best for Brian and Chuck. To Ron Becklin's credit he did decide to not vote for it after becoming more informed, and Werschem and Whitlow lost the votes needed to make it done and final.

People have voiced concerns about corruption associated with projects like the casino. Could this be the first known attempt in that direction?

Another coincidence: Normally the number 6 item on the township board meeting agenda is public comment. It comes before unfinished business and new business on the agenda. For the first part of the February 22, 2016 meeting Brian removed public comments, which is very unusual. That was the meeting after the first attempt to force the superintendent contract and changes through. It indicates that Brian was going to give it one more try and didn't want any comment from township citizens to mess up his plan. Concern was raised from the floor and the board voted to insert it in its usual place. The public responded with numerous concerns and the board ended up voting to remove the superintendent issue permanently from further consideration.

This is another example of Brian's disrespect of his fellow board members and the citizens of our township.

The township attorneys, Scholton & Fant, represented by Ron Bultje, billed the township a half hour for this issue. It takes that long just to read the Superintendent's contract much less to construct it, with all the thinking, consideration and conspiring that went into it. Obviously, some costs were camouflaged or covered some other way which may create additional criminal legal problems for both Brian and Charlie and possibly Ron Bultje. By coincidence, Ron Bultje has not attended a meeting since this issue came to light

and has instead sent a different attorney to the meetings.

Attorney Jim Waters in his Memorandum to the Citizens of Fruitport Charter Township offers information which suggest that Brian Werschem and Chuck Whitlow may be able to be prosecuted for their self-serving "conflict of interest". Since Brian seems to find pleasure in persecuting other township citizens, maybe it would be fitting to give him some of his own medicine.

Condensed from a Memorandum furnished by Attorney James L. Waters

I am an attorney and a proud resident of Fruitport Charter Township for 36+ years. I attended the Township Board meeting on Monday February 8, 2016. Numerous angry, upset citizens in the audience requested that I render a legal opinion, regarding self-dealing, conflict of interest, and legality of the proposed agreement.

My opinion is: (1) Any agreement between the Township and a Superintendent or Manager, should clearly provide that the employee is at will and serves at the "pleasure of the board". – (a) The proposed agreement is for the benefit of only the employee and not in the Township's best interest and is probably illegal and unethical, at best. (2) The Supervisor, Brian Werschem, has a clear "conflict of interest: and should not have been involved in the preparation, negotiation, discussion or vote, with respect to the proposed agreement: (a) Since his vote was illegal, the motion to table, fails, since there was a tie, 3 to 3 vote... 3 men voting to table and 3 women voting no; therefore, there is nothing legally before the Board or a Committee to consider. (3) If the Township, in the future, hires a Superintendent... that person cannot interfere with the legal and statutory Duties of the Clerk or Treasurer. (4) there has been an inappropriate use and waste of Township time, money, and resources. (a) The citizens obtained nothing, while the new superintendent would receive a \$12,500.00 increase in salary, plus costly fringe benefits, including a guaranteed yearly increase in salary, plus a possible 18 month payment for termination (more than \$100,000.00 paid by the Township; plus an additional \$5,400.00 salary for a new supervisor and health insurance)... **the cost to the taxpayers, would easily exceed \$30,000.00 per year... with nothing in return. (b) The guilty parties should reimburse the Township for their wasted time, legal fees to the Township attorney, etc.:**

In conclusion, attached are the documents outlining the statutory duties of township officials. I would suggest that a summary of this information be posted on the Township's website...plus the Charter rules, policies, ordinances, etc.... This information would be valuable to the citizens and help to improve transparency.

I am pleased to provide this information and opinion, at no cost, for the benefit of our citizens.

Story 2: Vindictive Fruitport Township Government in Action: Brian vs. Dave

This was written from the memories and in the words of witnesses. I believe it to be an accurate description of what transpired. – by Ron Cooper

During Old Fashioned Days 2014 a confrontation occurred between Fruitport Township Supervisor Brian Werschem and State Police Officer David Ybarra, both are Fruitport Lions members. David and several other Fruitport Lions were not pleased with the OFD coverage by Fruitport Police and had for several years asked why another district or State Police help could not be used or possibly hiring a private security firm to help out with the fireworks.

While standing security before the fireworks of 2014, Dave being a former Marine, made a comment about one of the Fruitport officers that did not stop to respect the National Anthem as it was being played. Brian, hearing that comments were made, approached Dave just before the fireworks began while they were both keeping people behind the roped off area. Brian was observed yelling loudly and profanely at Dave and was pushing the maglite he carried into Dave's chest several times. Dave pushed Brian back with both hands and that ended the altercation.

At the next Lions Club Board meeting, Brian, toward the end of the meeting, addressed the board and stated he was concerned for his safety just being in the room with Dave Ybarra. He stated to the board that Dave assaulted him, and he felt Dave should be removed from the Lions Club.

The two Lions that had witnessed the altercation spoke up stating they witnessed Brian shoving a flashlight into Dave's chest and swearing at him, and then, yes, Dave pushed Brian away from him.

At this time the Lions President dismissed the board meeting, keeping behind with him all three Vice Presidents, the Secretary and both Brian & Dave. They were both asked to tell what occurred at the park and what was said to Lt. Morningstar later by Dave Ybarra.

It came out that Brian began the altercation with swearing and pushing a flashlight into Dave's chest, and Dave ending it with a shove. The meeting which Dave had with Lt. Morningstar was inconclusive on what the intent was or what was implied on the part of Dave. We must keep in mind that Brian was Lt. Morningstar's supervisor.

Dave stated he only was suggesting the assistance of the State Police for the next Old Fashioned Days due to the fact they are trained in crowd control. Brian stated Dave insulted the police department saying the State Troopers were better at their jobs. Dave clarified he was asked point blank by Lt. Morningstar if, in his opinion, the State Troopers were better at crowd control than his department, and Dave stated yes, due to their years of training specifically for that type of police work.

The Lion President and Vices agreed that this was not a Lions Club related problem, but more of a conflict between Brian and Dave and that they felt the two should be able to work out their difference without further involvement with the Lions.

The problem did not dissipate. Brian pressed formal charges on Dave and tried to get him fired from his job. Several Lions were interviewed by a detective as was Brian and Dave. Brian being the supervisor, his version weighed heavy and the detective did not view Dave in a good light. Consequently, the State Police administration transferred him and placed him on a suspension. Dave asked for a Review Board. Upon doing that, the detective's interview and determination was given to Dave and his police representative. It was found in those recorded interviews that Brian had, according to the witnesses, lied about the altercation and stated he represented the Township board as well on the subject. The township board, however, was uninformed about the incidents.

During the Review, which was held in Lansing, three Lions members, plus Supervisor Brian, Dave and Lt. Morningstar gave testimony. Brian at that time, under oath, recanted his story and Dave was found innocent of the charges, given his back pay and returned to duty. Dave was under investigation and sanctions for over four months. The entire incident, perpetrated by township Supervisor Brian Werschem, could have damaged or perhaps ended Dave's career.

Editor's Note: Lt. Morningstar has taken an opportunity to leave the Fruitport Police Dept. and is no longer here. In my opinion, Fruitport has lost a good police officer due to the ongoing vindictiveness in township government.