

CHARTER TOWNSHIP OF FLUSHING

6524 N. SEYMOUR ROAD

FLUSHING, MICHIGAN 48433

SPECIAL BOARD OF TRUSTEES MINUTES

DATE: JUNE 5, 2013

TIME: 7:00 P.M.

PHONE: 810-659-0800

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WEB PAGE: <http://www.flushingtowship.com>

ADMINISTRATION MEMBERS

SUPERVISOR: Rian R. Birchmeier

CLERK: Julia A. Morford

TREASURER: Maryion T. Lee

TRUSTEES

Shirley D. Gage

Bonnie Jean Martinson

Scott R. Matzke

Scott P. Minaudo

TOWNSHIP ATTORNEY:

STEVEN W. MOULTON PLLC

6258 W. Pierson Road

Flushing MI 48433

810-407-7658

MEETING CALLED TO ORDER at 7:00 p.m. by **SUPERVISOR RIAN R. BIRCHMEIER** with Roll Call and the Pledge of Allegiance to the American Flag.

ROLL CALL: Rian R. Birchmeier, Julia A. Morford, Maryion T. Lee, Shirley D. Gage, Bonnie Jean Martinson, Scott R. Matzke, Scott P. Minaudo, and Attorney Steve Moulton

MEMBERS ABSENT: None

OTHER INDIVIDUALS PRESENT: Eight (8) other individuals

ADOPT THE AGENDA: MATZKE MOVED, seconded by Lee to adopt the Agenda as presented.

ACTION OF THE MOTION

ROLL CALL VOTE:

AYES: Minaudo, Matzke, Martinson, Gage, Lee, Morford, and Birchmeier

NAYS: 0

Motion Carried.

7:02 P.M. – OPEN FOR PUBLIC COMMENTS FOR NON AGENDA ITEMS:

None

7: 03 P.M. – CLOSED FOR PUBLIC COMMENTS FOR NON AGENDA ITEMS

NEW BUSINESS:

1-a. Possible Employment of Brian Farlin and Jim Hough

BACKGROUND:

ATTORNEY STEVE MOULTON (ATTORNEY MOULTON) gave a brief background synopsis of the possible employment of Brian Farlin and Jim Hough:

- A decision was made to reinstate the Police Department.
- Three (3) Officers have been re-employed in full time positions.
- The township contracted with Brian Fairchild as the Flushing Township Police Department Chief.
- The three (3) officers and the Police Chief have been attempting to provide 24/7 coverage and to do that has required that the individuals work extensive hours which they have agreed to do with the understanding that the Township would go forward to address additional man power in the Police Department.
- There were discussions with the Police Chief regarding what his preference would be as to how to acquire additional personnel; he indicated that the two (2)

experienced officers, Jim Hough and Brian Farlin, who were laid off approximately two (2) years ago, would be welcome additions to the Department if a number of issues could be resolved.

- Jim Hough and Brian Farlin are Plaintiffs in the lawsuit currently pending against the Township and in Federal District Court, as are the three (3) full time officers which were previously employed.
- There were discussions with the attorney who represents the Township in the pending lawsuit, with the attorney who represents the Plaintiffs in the pending lawsuit, and in part the discussion with the Plaintiffs attorney needed to get permission to talk directly to the two (2) officers since they are litigants in the case brought against the Township. There are certain rules that have to be followed. All of the ground work has been completed.
- There were several meetings: The Personnel Committee entered into discussions with the two (2) individuals who were previously and are members of a Collective Bargaining Unit and had to be involved in the discussions, Lloyd Whetstone, and Mark Bolin.
- Initially the Personnel Committee met to lay out some objectives. There were meetings which included the Police Chief, and meetings with the Personnel Committee, the two (2) perspective officers involved, Lloyd Whetstone and Mark Bolin. A Tentative Agreement was discussed to re-employ the two (2) officers, which has been reduced to writing and has been reviewed by the Personnel Committee and Lloyd Whetstone. Everyone agrees that the written agreement, which is now on the table for consideration, is tentatively acceptable to all parties.
- “All Parties” is defined as the two (2) officers involved, their Collective Bargaining Agent, and the Personnel Committee.
- The purpose of the current Special Board Meeting is rather than waiting for the next regularly scheduled meeting and since it is getting very hard for the existing officers to continue the current schedule, it was agreed to schedule the Special Meeting to see if the Board would take the Tentative Proposed Agreement under consideration, and if acceptable, to approve the Agreement, so that the preliminary steps which needed to be taken by the Police Chief to reinstate the two (2) individuals could be done in order to get the officers back to work full time by June 17, 2013.
- A scheduling issue has come up. The Police Chief has spoke with Supervisor Birchmeier and Attorney Moulton to see if possibly without modifying the Agreement other than to allow him (the Chief) to call back one of the officers June 16, 2013, to cover a scheduling issue.
- The current issue is to consider the possible approval of the Agreement to re-employ Jim Hough and Brian Farlin as full time Police Officers.

GAGE MOVED, seconded by Matzke to re-employ Brian Farlin and Jim Hough.

DISCUSSION:

The Treasurer felt it was time to bring the officers back. With the background information supplied by Attorney Moulton it would be logical and the final step; part time officers could be added at a later date. The Treasurer was provided a schedule by the Police Chief of the number of hours each officer worked the last two (2) weeks of May. They are as follows:

- Police Chief Fairchild – 92 hours with 2 days off.
- Officer Mark Bolin – 96 hours (regular hours plus to cover the Chief’s 2 days off).
- Officer Louis Cook – 96 hours (regular hours plus an additional 12 hours).
- Officer Andrew Owens – 84 hours.

The officers could not continue to work the number of hours they have been and it was felt it was necessary to bring back experienced Police Officers. Flushing High School is very happy that Mr. Hough, hopefully, will be coming back to work and will be part of the School System again. In the opinion of the Treasurer, it also lessens the exposure in the lawsuit and gives the Township some certainty in the future. The Treasurer also thanked everyone for their patience and understanding while working through the issues.

Although everyone is not happy with the decision, they have to be made and come to a conclusion and create one department rather than continuing with two (2) departments. Welcomed the Officers back to work.

It was asked by a Trustee how the officers were illegally laid off. Attorney Moulton stated it was an ascertain in the complaint that stated the officers were illegally laid off. The damages sought by Mr. Farlin and Mr. Hough include past and future wages and benefits had they not been laid off. The Township isn't saying they were "improperly laid off", but what is being said is that the pending lawsuit involves their claim that they were improperly laid off.

The understanding and intent of the Agreement is that the officers will be brought back full time. *Agreement Regarding Employment of Brian Farlin and James Hough*, page 1, Number C-5:

"In lieu of their respective claims for wages and benefits (together "back pay") they might have received during the period from layoff through June 16, 2013, Farlin and Hough agree to accept the following amount of time to be credited to each of them on (and subject to) re-employment, June 17, 2013. . ."

ACTION OF THE MOTION

ROLL CALL VOTE:

AYES: Matzke, Birchmeier, Gage, Lee, and Morford

NAYS: Minaudo and Martinson

Motion Carried.

BOARD COMMENTS:

None

7:15 P.M. OPEN FOR PUBLIC COMMENTS

None

7:16 P.M. - CLOSED FOR PUBLIC COMMENTS

THE NEXT REGULAR SCHEDULED BOARD OF TRUSTEES MEETING WILL BE THURSDAY, JUNE 13, 2013 AT 7:00 P.M. AT THE FLUSHING TOWNSHIP HALL.

ADJOURNMENT: Due to lack of business issues, **SUPERVISOR BIRCHMEIER** adjourned the meeting at 7:15 p.m.

JULIA A. MORFORD, Clerk

RIAN R. BIRCHMEIER, Supervisor

APPROVED DATE: _____