

# CHARTER TOWNSHIP OF FLUSHING

6524 N. SEYMOUR ROAD

FLUSHING, MICHIGAN 48433

REGULAR BOARD OF TRUSTEES MINUTES

DATE: FEBRUARY 11, 2010

TIME: 7:00 P.M.

PHONE: 810-659-0800

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

## ADMINISTRATION MEMBERS

SUPERVISOR: Donald A. Schwieman

CLERK: Julia A. Morford

TREASURER: William J. Noecker

## TRUSTEES

Michael S. Gardner

Scott R. Matzke

Scott P. Minaudo

Mark H. Purkey

## TOWNSHIP ATTORNEY:

STEVEN MOULTON

Cooley Moulton & Smith LLP

727 S. Grand Traverse Street

Flint, Michigan 48502

**MEETING CALLED TO ORDER** at 7:03 p.m. by **SUPERVISOR DONALD A. SCHWIEMAN (SCHWIEMAN)** with Roll Call and the Pledge of Allegiance to the American Flag led by Troop 302 from Seymour School, Flushing MI. The Board Meeting was held at the Flushing Township Hall.

**ROLL CALL:** Schwieman, Morford, Noecker, Gardner, Matzke, Minaudo, Purkey, and Attorney Steve Moulton

**MEMBERS ABSENT:** None

**OTHER INDIVIDUALS PRESENT:** Fifty-two (52) other individuals were present.

**APPROVAL OF THE AGENDA: MINAUDO MOVED**, seconded by Purkey to approve the agenda with one (1) additional item of "Mass Mailings" to be listed under *Unfinished Business*, per the Policies and Procedures Manual.

## ACTION OF THE AMENDED MOTION:

ROLL CALL VOTE:

AYES: Minaudo, Matzke, Gardner, Purkey, Schwieman, Noecker, and Morford

NAYS: 0 MOTION CARRIED.

## APPROVAL OF MINUTES:

- A. **MINUTES OF DECEMBER 10, 2010: PURKEY MOVED**, seconded by Morford to approve the Minutes of December 10, 2010 as presented.

## ACTION OF THE MOTION:

ROLL CALL VOTE

AYES: Minaudo, Purkey, Morford, Noecker, Schwieman, Gardner, and Matzke

NAYS: 0 MOTION CARRIED.

- B. **MINUTES OF DECEMBER 17, 2010: MINAUDO MOVED**, seconded by Noecker to approve the Minutes of December 17, 2010 as presented.

## ACTION OF THE MOTION:

ROLL CALL VOTE

AYES: Purkey, Morford, Noecker, Schwieman, Gardner, Matzke, and Minaudo

NAYS: 0 MOTION CARRIED.

C. **MINUTES OF JANUARY 14, 2010: PURKEY MOVED**, seconded by Matzke to approve the Minutes of January 14, 2010 with corrections: **Page 5**, number 1, “Board Comments” , “Minaudo stated that the . . .on the misappropriations of funds” **change to** “Minaudo stated it had been stated at the December 17, 2009 meeting that the Genesee County Prosecutor’s Office was involved and a determination had been made that no “misappropriation of funds” had occurred; the Genesee County Sheriff’s Department and Michigan State Police had also been contacted. Minaudo has letters from the Genesee County Prosecutor’s Office and the Genesee County Sheriff’s Department stating no investigation had been done. Minaudo stated he believed someone on the Board has a letter from the Michigan State Police stating there hasn’t been an investigation done. Minaudo stated he did not contact the Flushing Township Police Department regarding an investigation because he believed it would be a conflict of interest. He (Minaudo) wanted to know if documents had been provided, who provided the documents, who did the investigation, and what documents were provided. How could someone be cleared of an investigation for “misappropriation of funds” when an investigation had never been done. Minaudo contacted the Township Bookkeeper to find out if she had been involved in the investigation by the Genesee County Sheriff’s Department and the Michigan State Police and her response was “No”. The treasurer and others on the Board had been contacted and his response also was “no”. If an investigation was done why wasn’t everyone involved. Was there any Board member aware of the investigation. There is a lot of missing information. How can someone be cleared of an investigation when there wasn’t an investigation done.”; **Page 5**, number 4, “Board Comments” NOECKER has concerns. . . of road paved this year” **changed to** “Noecker has concerns, but wanted to keep things clean; wanted to avoid confrontation; wanted to get a mile or two (2) of road paved this year.”

**ACTION OF THE MOTION:**

ROLL CALL VOTE

AYES: Noecker, Schwieman, Gardner, Matzke, Minaudo, Purkey, and Morford

NAYS: 0 MOTION CARRIED.

D. **MINUTES OF JANUARY 20, 2010: PURKEY MOVED**, seconded by Minaudo to approve the Minutes of January 20, 2010 as presented.

**ACTION OF THE MOTION:**

ROLL CALL VOTE

AYES: Purkey, Gardner, Matzke, Minaudo, Schwieman, Morford, and Noecker

NAYS: 0 MOTION CARRIED.

**APPROVAL OF PAYMENT OF BILLS: PURKEY MOVED**, seconded by Minaudo to approve the bills as presented with the additional of Beck’s Lawn Care and Delehanty Ford Service.

**DISCUSSION:**

The Treasurer requested two (2) additional bills be paid: 1) Beck’s Lawn Care for snow plowing and 2) Delehanty Ford for small repairs/touchups to one of the township’s trucks.

**ACTION OF THE MOTION:**

ROLL CALL VOTE:

AYES: Schwieman, Gardner, Matzke, Minaudo, Purkey, Morford, and Noecker

NAYS: 0 MOTION CARRIED.

**UNFINISHED BUSINESS:**

**1. Police Chief Search:**

**7:25 P.M. ADJOURNED TO CLOSED SESSION:**

**GARDNER MOVED**, seconded by Purkey to go into Closed Session pursuant to MCL 15.268(8)(h) to discuss the Police Chief search; discussion regarding background check, municipal employees retirement system (MERS), and the contract.

**DISCUSSION:**

The Contract Negotiating Committee will also be included in the Closed Session.

**ACTION OF THE MOTION:**

ROLL CALL VOTE

AYES: Gardner, Matzke, Minaudo, Purkey, Morford, Noecker, and Schwieman

NAYS: 0 MOTION CARRIED.

**8:12 P.M. RECONVENED TO REGULAR SESSION:**

**GARDNER MOVED**, seconded by Purkey to reconvene to Regular Session.

**ACTION OF THE MOTION:**

ROLL CALL VOTE

AYES: Matzke, Minaudo, Purkey, Morford, Noecker, Schwieman, and Gardner

NAYS: 0 MOTION CARRIED.

**GARDNER MOVED**, seconded by Purkey to approve the Municipal Employees Retirement System (MERS) Resolution establishing a defined contribution retirement plan for the chief of police and all necessary documents attached with.

**DISCUSSION:**

A defined contribution retirement plan will be established for the new police chief. The new chief will put one (1%) percent of his gross wages into the plan and will be instantly vested. The employer will not put any money into the Plan. Since the new chief has to be in MERS, the proposed retirement plan satisfies MERS, and, at the same time, the township will not be contributing any money.

The background information has to be reviewed by all the Board before a decision can be made.

**ACTION OF THE MOTION:**

ROLL CALL VOTE

AYES: Schwieman, Morford, Noecker, Gardner, Matzke, Minaudo, and Purkey

NAYS: 0 MOTION CARRIED.

**2. Flushing Township Fire Runs**

**GARDNER MOVED**, seconded by Purkey to offer the City of Flushing \$8,000.00 (Eight thousand dollars and no/100s) as payment in full for past due fire runs with the offer expiring next week, Thursday at 5:00 p.m.

**DISCUSSION:**

The issue has been discussed by both the City of Flushing and the Flushing Township officials. It was recommended to only pay fifty (50%) percent of the \$12,136.33 for fire runs from 2004 through 2009. It would be hard to collect money from residents for fire runs before 2004 as there is a six (6) year statute of limitations. The previous board did not sign the previous five-year contract but accepted the benefits of the fire department.

The recently signed new fire run contract is for five (5) years and covers the issue at hand.

It was felt by the previous board, that the fire run costs could be placed on the tax bill.

There had been contract issues on both sides; neither the City of Flushing or Flushing Township is blameless for the problem of the fire runs never being resolved.

**ACTION OF THE MOTION:**

ROLL CALL VOTE

AYES: Minaudo, Matzke, Gardner, Purkey, Schwieman, and Morford

NAYS: Noecker MOTION CARRIED.

**3. Sale of Trucks**

The trucks will be placed on the front lawn of the Township Hall with a “For Sale” sign placed in the window. Since the treasurer already has appraisals on the trucks, the supervisor and treasurer will get together and take care of the issue. The items for sale include two (2) salters, two (2) trucks, and two (2) snow plows.

**4. Mass Mailings**

**MINAUDO MOVED**, seconded by Purkey to add to the Policies and Procedures Manual the following: “any mass mailings will be provided in writing, by whomever is requesting this, to the township supervisor, clerk, and treasurer. All three (3) must sign this request to move forward with the mass mailing. If only one (1) or two (2) of the three (3) sign, it must be taken to the Board for approval prior to any mass mailings.”

**DISCUSSION:**

The issue involved is a checks and balance system for the township where personal agendas will not be attached to the mailings.

**ACTION OF THE MOTION:**

ROLL CALL VOTE

AYES: Purkey, Gardner, Matzke, Minaudo, Schwieman, Morford, and Noecker

NAYS: 0 MOTION CARRIED.

**NEW BUSINESS:**

**1-a. Police Department Budget**

A budget was developed and leaves a balance of \$125,000 for the remaining two (2) months of the fiscal year.

**1-b. Road Committee**

The Township Road Committee has been working with the Genesee County Road Committee, since pacer ratings have been taking place in the township, and has come up with the following recommendations. A decision has to be made by April 1, 2010 in order to get the projects on the Road Commission Work Schedule:

- a. **Deland Road:** 2 1/8 inch cap with repairs to the base (\$50,000)
- b. **Johnson Road:** the issue is being reviewed (between \$85,000 and \$100,000)
- c. **Coldwater Road:** paving from Seymour Road to the railroad tracks

The above mentioned projects will be over a three (3) year period. There will be 50/50 money between the Road Commission and Flushing Township that could be used for the paving. There is \$212,000 money left from last year. The safety issue is of great concern for the paving of roads. A “cap” is good for ten (10) years. There are eleven

(11) miles of gravel roads in the township. One mile of road would cost \$600,000 to pave. The three (3) road projects have 8,000 vehicles travel on them per day.

The township needed to take advantage where the County paid for most of the work because the free money will be gone soon.

The Township Road Committee has tried to develop a three (3) year plan to fix the township roads.

**1-c. Appreciation Gift for Three Police Chiefs**

**NOECKER MOVED**, seconded by Purkey to give a \$50.00 gift certificate to each of the three (3) police chiefs (Montrose Township, Grand Blanc Township, and Flint Township) who took a day off from their regular Chief’s position to interview the seven (7) candidates for the Flushing Township Police Chief.

**ACTION OF THE MOTION:**

ROLL CALL VOTE:

AYES: Minaudo, Purkey, Morford, Noecker, Schwieman, Gardner, and Matzke

NAYS: 0 MOTION CARRIED

**COMMITTEE REPORTS:**

**1. Parks and Recreation Committee:**

**MINAUDO MOVED**, seconded by Purkey to place the issue on the Agenda for the next meeting.

**DISCUSSION:**

Mr. Rian Birchmeier had a concern regarding individuals taken off the Parks and Recreation Commission before their term expired. The issue will be placed on the Agenda for the next meeting for further discussion. It was determined that if the public wanted something placed on the Agenda, they could approach a Board member to have the issue placed on the Agenda. The Township Attorney stated individuals could give up their two (2) minutes (during Public Comment Session) so that others could speak.

**ACTION OF THE MOTION:**

ROLL CALL VOTE:

AYES: Purkey, Morford, Noecker, Schwieman, Gardner, Matzke, and Minaudo

NAYS: 0 MOTION CARRIED

**2. REPORTS:**

**1. Treasurer’s Report:**

a. **Waste Management:** There normally had been three (3) leaf pickups but for 2008 there were only two (2) leaf pick ups due to the weather. A \$500 credit had been given to the Flushing Township. There will be a meeting with Waste Management regarding a five (5) year contract the first of March.

b. **Plante & Moran:**

**PURKEY MOVED**, seconded by Noecker to use Plante & Moran for the audit of the next fiscal year ending March 31, 2010 for \$16,750.00.

**DISCUSSION:**

It was discussed to go with Plante & Moran for another year and then put the auditor service up for bids. The price was reduced from \$17,100 to \$16,750.00

**ACTION OF THE MOTION:**

ROLL CALL VOTE:

AYES: Morford, Noecker, Schwieman, Gardner, Matzke, Minaudo, and Purkey

NAYS: 0 MOTION CARRIED

**c. Land Bank Property**

**GARDNER MOVED**, seconded by Purkey to list the property on Frances Road (8315 Frances Road, Flushing, Michigan) for \$29,900.00 with Lucy Ham once the Township has the deed in its possession.

**DISCUSSION:**

The property located at 8315 Frances Road, Flushing, Michigan was given to Flushing Township through a package deal from the Land Bank. The deed hasn't been received but is in the works. The property size is 208' x 208'. The suggested listing price was \$29,900.00 by realtor Lucy Ham. It looks like there is a fairly new well.

**ACTION OF THE MOTION:**

ROLL CALL VOTE:

AYES: Noecker, Schwieman, Gardner, Matzke, Minaudo, Purkey, and Morford

NAYS: 0 MOTION CARRIED

**d. Blue Cross Insurance**

Blue Cross Insurance rates are going up. The township is on schedule to save twenty-nine (29%) percent in health insurance as compared to last year. There will be a twelve (12%) percent increase in the future and no changes can be made. If changes are made, Blue Cross will cancel the insurance.

**e. Budget**

There are two (2) bills from Attorney Rick Fanning of Keller Thoma. The concern is the legal fees as the township is now entering arbitration; there could be a cost of \$4,500.00 per day. It was discussed as to which department the arbitration funds would be taken from.

**f. Police Chief Search**

The Police Chief search is going well and coming in lower than the cost assessment.

**10:10 P.M. – OPEN FOR PUBLIC COMMENTS**

Nine (9) people gave their opinions/comments.

**10:25 P.M. – CLOSED FOR PUBLIC COMMENTS**

**BOARD COMMENTS:**

1. **MATZKE** was embarrassed that the township office was closed due to the parking lot not being plowed.
2. **NOECKER** had went to Lucy Ham's Office for personal information and while there had explained the situation on Frances Road. He didn't have a problem putting a "For Sale by Owner" sign on the property. According to Lucy Ham, there had been four (4) vacant properties sold last year in the 48433 zip code district; there had been six (6) properties sold in Grand Blanc. He is all for merging municipalities; felt it was time to take a stand for the Flushing residents regarding not paying for the Flushing Fire Department fire runs.
3. **SCHWIEMAN** stated he would not hold a grudge with the recall election; tonight, the audience has been very fair.

**THE NEXT REGULAR SCHEDULED BOARD OF TRUSTEES MEETING IS THURSDAY, MARCH 11, 2010 AT 7:00 P.M. AT THE FLUSHING TOWNSHIP HALL.**

**ADJOURNMENT:** Due to no further business items, the meeting was adjourned at 10:35 p.m.

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JULIA A. MORFORD, Clerk

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DONALD A SCHWIEMAN, Supervisor

APPROVED DATE: \_Approved at a Special Board of Trustees Meeting held on Wednesday, March 3, 2010.

02 11 2010 Regular