

CHARTER TOWNSHIP OF FLUSHING

6524 N. SEYMOUR ROAD
FLUSHING, MICHIGAN 48433
BOARD OF TRUSTEES MINUTES

DATE: DECEMBER 9, 2021

TIME: 7:00 P.M.

PHONE: 810-659-0800

FAX: 810-659-4212

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

ADMINISTRATION:

SUPERVISOR: Frederick R. Thorsby

CLERK: Wendy D. Meinburg

TREASURER: Terry A. Peck

TRUSTEES:

William Bain

Linda Minarik

William L. Westenbarger

Sharilynn K. Willette

TOWNSHIP ATTORNEY:

STEVEN W. MOULTON PLLC

6258 W. Pierson Road

Flushing, MI 48433

810-407-7658

I. MEETING CALLED TO ORDER at 7:00 P.M. by **CLERK WENDY D. MEINBURG** with Roll Call and the Pledge of Allegiance to the American Flag.

II. ROLL CALL: Peck, Willette, Westenbarger, Bain, Minarik and Meinburg. Attorney Steven Moulton was also present.

MEMBERS ABSENT: Thorsby

OTHER INDIVIDUALS PRESENT: Eleven (11)

CLERK MEINBURG reported that Supervisor Thorsby sent an email communicating that he was unable to attend the Board of Trustees meeting on December 9, 2021, and recommended that Clerk Meinburg run the meeting.

TREASURER PECK MOVED, supported by Trustee Willette that **CLERK MEINBURG** run the Board of Trustees meeting for December 9, 2021.

THE MOTION CARRIED.

APPROVAL OF AGENDA FOR DECEMBER 9, 2021

TREASURER PECK MOVED, supported by Trustee Westenbarger to approve the agenda for December 9, 2021.

THE MOTION CARRIED.

APPROVAL OF DRAFT MINUTES OF THE BOARD MEETING OF NOVEMBER 4, 2021

TRUSTEE WILLETTE MOVED, supported by Treasurer Peck to approve the Minutes of the November 4, 2021 Board Meeting.

THE MOTION CARRIED.

APPROVAL OF PAYMENT OF BILLS

TREASURER PECK MOVED, supported by Trustee Willette to approve the payment of bills as presented.

THE MOTION CARRIED.

III. PUBLIC COMMENTS:

OPEN FOR PUBLIC COMMENTS: 7:02 P.M.

No comments made.

CLOSED FOR PUBLIC COMMENTS: 7:03 P.M.

IV. UNFINISHED BUSINESS: None

V. NEW BUSINESS:

1. Discussion of generator for the Township Office.

A representative from Goyette and a representative from Cummins were both in attendance to answer questions regarding proposals for a potential generator for the Township.

2. Motion to approve Federal Poverty Guidelines.

TRUSTEE WILLETTE MOVED, supported by Clerk Meinburg to approve the Federal Poverty Guidelines pursuant to Section 211.7u.

ACTION ON THE MOTION

ROLL CALL VOTE:

AYES: Meinburg, Westenbarger, Bain, Peck, Minarik and Willette

NAYS: None

ABSENT: Thorsby

THE MOTION CARRIED.

3. Motion to approve 2022 Flushing Township meeting dates.

TREASURER PECK MOVED, supported by Trustee Bain to approve the 2022 Flushing Township meeting dates.

THE MOTION CARRIED.

4. Motion to approve Resolution No. 21-17, A RESOLUTION AUTHORIZING INCREASE IN RATES CHARGED FOR WATER AND SEWER SERVICES PROVIDED TO TOWNSHIP USERS.

TREASURER PECK MOVED, supported by Clerk Meinburg to approve Resolution No. 21-17, A RESOLUTION AUTHORIZING INCREASE IN RATES CHARGED FOR WATER AND SEWER SERVICES PROVIDED TO TOWNSHIP USERS.

Flushing Township Water Clerk, Brook Terryah, was in attendance and gave a detailed overview of water and sewer rates and projections through 2026-2027. The township will have a deficit in the water department without an increase in rates. Last increase was in 2006. This rate increase will allow the township to

maintain the cost of water and sewer services, not make a profit. The township has lost \$100,000 over the last 5 years in the water department.

ACTION ON THE MOTION

ROLL CALL VOTE:

AYES: Bain, Minarik, Westenbarger, Peck, Meinburg and Willette

NAYS: None

ABSENT: Thorsby

THE MOTION CARRIED.

CHARTER TOWNSHIP OF FLUSHING

GENESEE COUNTY, MICHIGAN

RESOLUTION NO. 21-17

A RESOLUTION AUTHORIZING INCREASE IN RATES
CHARGED FOR WATER AND SEWER SERVICES PROVIDED
TO TOWNSHIP USERS

WHEREAS, the Charter Township of Flushing received notice from the Genesee County Drain Commissioner- Department of Water and Waste (the "County") that the County is increasing rates for sewer services, including the Readiness to Serve (RTS) Rate, Flat Rate and Commodity Rates charged to Township users; and,

WHEREAS, the Township last increased sewer rates in 2006; and,

WHEREAS, the Township last increased water rates in 2006; and,

WHEREAS, the Township, in dealing with past County mandated rate increases, only passed through the rate increase amounts mandated by the County, has not increased rates to account for increased costs incurred by the Township to bill, collect and manage water and sewer fees; and,

WHEREAS, the Township water and sewer fund has operated at an average annual deficit of \$20,000 over the past 5 years; and,

WHEREAS, prudent operation of the water and sewer system requires fees charged for sewer and water services pay not only for the amounts charged by the County, but the related out-of-

pocket costs incurred by the Township with respect to the water and sewer services provided through the Township;

NOW THEREFORE IT IS HEREBY RESOLVED:

- 1. The rate increases described below, as charged by the County for water and sewer services provided to Township users, are adopted, effective December 9, 2021, and shall be included in the water and sewer bills issued January 2022.

- 2.

Ready to Serve Sewer Rate -	From	\$20.04	to	
\$22.10				
Flat Rate Sewer	From	\$61.76	to	
\$73.40				
Commodity Rate Sewer	From per cubic foot	\$2.53	to	
\$3.11per cubic foot				
Commodity Rate Water	From per cubic foot	\$6.18	to	
\$6.38 per cubic foot				

YES:

NO:

ABSENT:

THE RESOLUTION IS DECLARED _____ ADOPTED _____ NOT ADOPTED

Passed and approved by the Charter Township of Flushing Board of Trustees, on the _____ day of _____, 2021.

Frederick Thorsby
Flushing Township Supervisor

Dated:

Wendy Meinburg
Flushing Township Clerk

Dated:

5. Motion to approve Resolution 21-18, A RESOLUTION AUTHORIZING USE OF AMERICAN RESCUE PLAN (ARP) FUNDS TO SUPPLEMENT COMPENSATION OF CERTAIN TOWNSHIP EMPLOYEES.

TREASURER PECK MOVED, supported by Trustee Willette to approve Resolution 21-18, A RESOLUTION AUTHORIZING USE OF AMERICAN RESCUE PLAN (ARP) FUNDS TO SUPPLEMENT COMPENSATION OF CERTAIN TOWNSHIP EMPLOYEES.

ACTION ON THE MOTION

ROLL CALL VOTE:

AYES: Minarik, Willette, Bain, Meinburg and Peck

NAYS: Westenbarger

ABSENT: Thorsby

THE MOTION CARRIED.

CHARTER TOWNSHIP OF FLUSHING

GENESEE COUNTY, MICHIGAN

RESOLUTION NO. 21-18

A RESOLUTION AUTHORIZING USE OF AMERICAN RESCUE PLAN (ARP) FUNDS TO SUPPLEMENT COMPENSATION OF CERTAIN TOWNSHIP EMPLOYEES.

WHEREAS, the American Rescue Plan Act of 2021 (ARP) was signed into law March 11, 2021 and provides for the allocation of federal funds to state and local governments; and,

WHEREAS, the Charter Township of Flushing, as a qualifying unit of local government has received ARP funds in the amount of \$1,065,631; and,

WHEREAS, payment of additional compensation to governmental employees is a permitted use of ARP funds; and,

WHEREAS, the Flushing Township Board of Trustees believes it would be appropriate to recognize and compensate its employees for their additional work, service and dedication over

the past two years and going forward as the Township continues to serve its residents in response to the Covid-19 pandemic and its aftermath; and,

WHEREAS, the Board of Trustees has determined it would be an appropriate use of a portion of the ARP funds allocated to the Township to pay additional compensation to its employees as set forth below;

NOW THEREFORE IT IS HEREBY RESOLVED that the monetary compensation paid to Township employees for each of the Township fiscal years ending, March 31, 2022, March 31, 2023 and March 31, 2024, and only for such years, shall be increased by the following amounts, to be paid in a lump sum on or before December 31 of the calendar year immediately preceding the fiscal year end, providing ARP funds are available to pay the stated compensation.

1. The Township Assessor, Financial Director, Water Clerk, Tax Clerk, and Maintenance Worker, an additional \$2000 per year. First check paid January 1, 2022.
2. Full-Time Police Officers, an additional \$4000 per year. First check paid April 1, 2022.
3. Part-Time Police Officers, an additional \$2000 per year. First check paid April 1, 2022.
4. Part-Time nonunion employees, including but not limited to, police administrative assistants, building inspector, code enforcement officer, and deputy clerk, an additional \$1000 per year. First check paid January 1, 2022.

To qualify for the additional compensation, the employee must be actively employed with the Township as of December 31, of the year immediately preceding the fiscal year for which the additional compensation applies.

YES:

NO:

ABSENT:

THE RESOLUTION IS DECLARED _____ ADOPTED _____ NOT ADOPTED

Passed and approved by the Charter Township of Flushing Board of Trustees, on the _____ day of _____, 2021.

Dated: _____

Frederick Thorsby

Flushing Township Supervisor

Dated: _____

Wendy Meinburg

Flushing Township Clerk

- 6. Motion to approve Resolution 21-19, A RESOLUTION TO ESTABLISH A DEFINED CONTRIBUTION PLAN WITH MERS TO COVER CERTAIN EMPLOYEES IN ACCORDANCE WITH COLLECTIVE BARGAINING AGREEMENT WITH TEAMSTERS.

TRUSTEE WILLETTE MOVED, supported by Treasurer Peck to approve Resolution 21-19, A RESOLUTION TO ESTABLISH A DEFINED CONTRIBUTION PLAN WITH MERS TO COVER CERTAIN EMPLOYEES IN ACCORDANCE WITH COLLECTIVE BARGAINING AGREEMENT WITH TEAMSTERS.

After discussion, the following motion was made.

TREASURER PECK MOVED, supported by Trustee Bain to move this item to Unfinished Business at the January 13, 2022 Board of Trustees meeting. Attorney Moulton will examine the language and give further clarification at that time.

THE MOTION CARRIED.

7. Motion to approve Resolution 21-20, A RESOLUTION TERMINATING DEFINED CONTRIBUTION PLAN ESTABLISHED FOR PREVIOUS POLICE CHIEF POSITION.

TRUSTEE WILLETTE MOVED, supported by Trustee Minarik to approve Resolution 21-20, A RESOLUTION TERMINATING DEFINED CONTRIBUTION PLAN ESTABLISHED FOR PREVIOUS POLICE CHIEF POSITION.

ACTION ON THE MOTION

ROLL CALL VOTE:

AYES: Peck, Bain, Meinburg, Westenbarger, Minarik and Willette

NAYS: None

ABSENT: Thorsby

THE MOTION CARRIED.

CHARTER TOWNSHIP OF FLUSHING

GENESEE COUNTY, MICHIGAN

RESOLUTION NO. 21-20

A RESOLUTION TERMINATING DEFINED CONTRIBUTION PLAN ESTABLISHED FOR PREVIOUS POLICE CHIEF POSITION

WHEREAS, the Charter Township of Flushing (Employer), while contracting with the Genesee County Sheriff for law enforcement services, entered into an agreement with Dale Stevenson (Employee), effective March 15, 2010, to serve as the Township Chief of Police (the "Agreement"); and,

WHEREAS, Addendum A, Section 9 of the Agreement provided Employee would participate in a Defined Contribution Pension Plan maintained by Employer with MERS; and,

WHEREAS, Employer, to implement this provision of the Agreement, instituted a Defined Contribution Plan with MERS (the "Plan") for the sole purpose of maintaining a Defined Contribution Plan to the requirements of the Agreement and for the sole benefit of Employee; and,

WHEREAS, several months after entering into the agreement with Employee, Employer reinstated its previously employed Police Department personnel and ceased its agreement with the Genesee County Sheriff; and,

WHEREAS, after reinstatement of Police Department personnel, it was no longer necessary or feasible to retain Employee as Police Chief, Employer and Employee entered into a Separation Agreement effective March 15, 2012, terminating Employee’s employment; and,

WHEREAS, Employee was the only participant in the Plan; and,

WHEREAS, the circumstances under which Employee was contracted to serve as Police Chief were unique and there will be no other participants in the Plan;

NOW THEREFORE IT IS RESOLVED

1. The Plan is closed for all purposes as the position for which it was established has been discontinued and no future employees shall be eligible for MERS under the employment classification for which the Plan was established.

2. The Township Supervisor, is authorized to approve, sign or take any other action necessary with respect to any documents required by the Municipal Employees’ Retirement System to close the Plan and otherwise implement the intent of this Resolution, including but not limited to, signing Form MD-061 (version 2020-01-15) in the form attached to and made a part of this Resolution.

YES:

NO:

ABSENT:

THE RESOLUTION IS DECLARED _____ ADOPTED _____ NOT ADOPTED

Passed and approved by the Charter Township of Flushing Board of Trustees, on the _____ day of _____, 2021.

Frederick Thorsby
Flushing Township Supervisor

Dated: _____

Wendy Meinburg
Flushing Township Clerk

Dated: _____

8. Motion to approve budget amendments as of December 2021.

CLERK MEINBURG MOVED, supported by Trustee Willette to approve the budget amendments as of December 2021.

ACTION ON THE MOTION

ROLL CALL VOTE:

AYES: Meinburg, Willette, Bain, Peck and Westenbarger

NAYS: Minarik

ABSENT: Thorsby

THE MOTION CARRIED.

9. Motion to approve reappointments to the Planning Commission of Christopher Czyzio for a 3-year term, Mark Newman for a 3-year term, Ronald Voigt for a 3-year term and William Mills for a 2-year term beginning January 1, 2022.

CLERK MEINBURG MOVED, supported by Treasurer Peck to approve reappointments to the Planning Commission of Christopher Czyzio for a 3-year term, Mark Newman for a 3-year term, Ronald Voigt for a 3-year term and William Mills for a 2-year term beginning January 1, 2022.

THE MOTION CARRIED.

10. Motion to approve appointment of Christopher Czyzio to the Board of Review beginning January 1, 2022 for a one-year term.

TREASURER PECK MOVED, supported by Trustee Willette to approve appointment of Christopher Czyzio to the Board of Review beginning January 1, 2022 for a one-year term.

THE MOTION CARRIED.

11. Motion to approve reappointments to the Zoning Board of Appeals of Richard Vaughn, Mark Newman and Timothy Lloyd for a 3-year term beginning January 1, 2022.

TREASURER PECK MOVED, supported by Trustee Willette to approve reappointments to the Zoning Board of Appeals of Richard Vaughn, Mark Newman and Timothy Lloyd for a 3-year term beginning January 1, 2022.

THE MOTION CARRIED.

VI. REPORTS:

1. Supervisor's Report – Supervisor
Monthly Building Report
Monthly Code Enforcement Report
Fire Department Report

Clerk Meinburg reported there is a tax reverted property at 10221 W. Coldwater Road that is coming back to the Township from Genesee County. There is no motion required in accepting this property.

2. Clerk's Report – Clerk

Clerk Meinburg reported she attended the MTA Master's Program which was very informative.

3. Treasurer's Report – Treasurer
Water Report
October Financial Report

Treasurer Peck gave report on October's Financial Report. He also reported the acquisition of a drop box at Huntington bank which has proved helpful and time saving.

4. Flushing Township Police Department – Chief Bolin

Chief Bolin thanked the Board for the additional compensation awarded to the officers through the approval of Resolution 21-18. Chief also reported that Justin Greninger has been hired as a full-time officer and is currently in the field training program and doing very well. He will introduce him to the Board at a future meeting.

VII. PUBLIC COMMENTS

OPEN FOR PUBLIC COMMENTS: 8:00 P.M.

There were no comments.

CLOSED FOR PUBLIC COMMENTS: 8:01 P.M.

VIII. BOARD COMMENTS:

Trustee Bain commended Clerk Meinburg in doing a great job in running tonight's meeting.

Trustee Westenbarger brought up the Compensation Committee's recommendation to raise salaries for the elected officials and expressed that he would like to have the opportunity for the board to vote on it, as no vote had been taken at the previous meeting. Attorney Steve Moulton gave explanation that the time had expired for any action to be taken regarding this decision and no motion had been made on the compensation committee agenda item at the November 4, 2021 meeting.

Trustee Minarik also stated that there was some confusion in the way Compensation Committee's recommendation was handled. Attorney Moulton explained that this is the third time a Compensation Committee recommendation has come before this Board, as it is every odd year, and the process has been the same each time.

Treasurer Peck offered that any Board member is encouraged to read the handbook that was given to them and also to come into the office for clarification if there is any question or concern.

Both Trustee Westenbarger and Trustee Minarik wanted to be on record that they are completely opposed to the salary increase recommendations from the Compensation Committee.

Trustee Minarik inquired if recordings could be retained for a 6-month period. Clerk Meinburg informed that by law, the recordings are only required to be retained until

the minutes are approved as presented.

Trustee Willette reported that Flushing Area Senior Center is moving along, doing well. The parking lots are completed. The seniors are doing many joint activities with other senior centers.

IX. NEXT REGULAR MEETING: January 13, 2022

X. ADJOURNMENT

TRUSTEE WESTENBARGER MOVED, supported by Trustee Minarik to adjourn the meeting at 8:14 P.M.

THE MOTION CARRIED.

WENDY D. MEINBURG, Clerk

FREDERICK R. THORSBY, Supervisor

APPROVED DATE _____

RECORDING SECRETARY: Mandy Hemingway, Deputy Clerk
12/9/2021

The minutes were approved by the Board with the following amendment. Trustee Minarik wanted the minutes to reflect that the compensation process was not clear. The 2 previous times Compensation Committee made a recommendation the Board voted on them.