

CHARTER TOWNSHIP OF FLUSHING

6524 N. SEYMOUR ROAD

FLUSHING, MICHIGAN 48433

BOARD OF TRUSTEES MINUTES

DATE: MAY 12, 2011

TIME: 7:00 P.M.

PHONE: 810-659-0800

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

ADMINISTRATION MEMBERS

SUPERVISOR: Terry A. Peck

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 7:00 p.m. by **SUPERVISOR TERRY A. PECK** with Roll Call and the Pledge of Allegiance to the American Flag.

ROLL CALL: Terry A. Peck, Julia A. Morford, William J. Noecker, Michael S. Gardner, Scott R. Matzke, Scott P. Minaudo, Mark H. Purkey, and Attorney Steve Moulton

MEMBERS ABSENT: None

OTHER INDIVIDUALS PRESENT: Twenty-eight (28) other individuals

APPROVAL OF THE AGENDA: MORFORD MOVED, seconded by Gardner to amend the Agenda with the following changes:

Unfinished Business:

Delete Number 2 – “Ordinance for Driving in the Flushing Township Nature Park”

New Business:

b. changed “First Reading of AN ORDINANCE TO AMEND SECTIONS 13.1-21 OF THE CODE OF ORDINANCES TO AMEND AND CLARIFY THE STATUS OF THE FLUSHING TOWNSHIP PARKS AND RECREATION COMMISSION AND TO REGULATE THE LAUNCHING AND RECOVERY OF WATER CRAFT”

e. changed Repair Drains and Spydel Drive

i. changed Closed Session – **Real Estate Sale, Contract Negotiations, and possible criminal complaint**

(Note: bold print indicates the changes)

GARDNER MOVED, seconded by Purkey to amend the motion on the floor to remove item “J” under New Business.

ATTORNEY’S OPINION:

Mr. Larry Birchmeier, through his attorney, made a request at the last meeting to be placed on the next Agenda; the Supervisor agreed to allow Mr. Birchmeier to speak to the Board for no more than ten (10) minutes. The request wasn’t able to take place at the April Board Meeting and was rolled over to the May Board Meeting.

Mr. Birchmeier was a former member of the Parks and Recreation Committee. Over the past several months Mr. Birchmeier has requested information regarding Policies and Procedures, and the selection of committee members for the operation of the Park Committee. Attorney Moulton has supplied the requested information to Mr. Birchmeier’s attorney. The request has continued from Mr. Birchmeier to be placed on the Board of Trustees Agenda.

In order to bring the issue to a resolution, Attorney Moulton recommended the board take a very uncharacteristic action and allow an individual to address the board outside the *Public Comment* section to find out what the issue is regarding Mr. Birchmeier's request to speak to the board for no more than ten (10) minutes.

It was a concern by some board members that if the board allowed one individual to speak, it would set a precedent and other individuals would seek the time also; Mr. Birchmeier's request will be an exception. Attorney Moulton did advise Mr. Birchmeier's attorney, which was the understanding at the last (April) board meeting, that Mr. Birchmeier would be on the next Agenda. Since the issue has been going on for some time, the Attorney felt there could be a closure to the issue by allowing no more than ten (10) minutes for Mr. Birchmeier to speak.

When a board member places an item on the Agenda, felt that when an item was placed on the agenda, a document had to be turned in to the Clerk with the request; would like to see a written request from Mr. Birchmeier to the board members. There has also been requests from others that would like to be placed on the agenda for next month to rebuttal the issue.

The Open Meetings Act controls what takes place at the Board Meetings. It was ask why the issue was not settled at the Parks and Recreation Committee Meetings.

ACTION OF THE MOTION

ROLL CALL

AYES: Minaudo, Gardner, Purkey, Peck, and Noecker

NAYS: Matzke and Morford

Motion Carried.

NOECKER MOVED, seconded by Purkey to accept the Agenda as corrected by the Clerk with the exception of item "j" will be removed.

ACTION OF THE MOTION

AYES: 5

NAYS: 2

Motion Carried.

APPROVAL OF PREVIOUS MINUTES: PURKEY MOVED, seconded by Minaudo to approve the Minutes of April 21, 2010 with correction: **Page 1**, "OTHER INDIVIDUALS PRESENT: Thirty-one (31) other individuals" **changed to** "OTHER INDIVIDUALS PRESENT: Seventeen (17) other individuals".

ACTION OF THE MOTION

AYES: 7

NAYS: 0

Motion Carried.

APPROVAL OF PAYMENT OF BILLS: PURKEY MOVED, seconded by Minaudo to pay the bills as submitted.

ACTION OF THE MOTION

AYES: 7

NAYS: 0

Motion Carried

UNFINISHED BUSINESS:

1. **Update to the Policies and Procedures Manual**
Postponed until the June Board of Trustees Meeting.
2. **Flushing Township Chloride Treatment**

GARDNER MOVED, seconded by Minaudo to go with thirty-eight (38) percent of chloride .

DISCUSSION:

Other counties use brine but it was determined that Genesee County could not use brine so chloride will be used in Genesee County.

There will be three (3) applications: the first (1st) application will be paid for by the County; the second (2nd) and third (3rd) application will be paid for by Flushing Township. Flushing Township has a choice of going with thirty-five (35%) or thirty-eight (38%) percent calcium at 2,000 gallons per mile. For thirty-five (35%) percent the cost is \$11,865.00 for each application.

It was recommended by the Supervisor to go with the higher percentage of chloride.

ACTION OF THE MOTION

ROLL CALL VOTE:

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

NAYS: 0

Motion Carried

3. Sale of 2006 Ford Crown Victoria – Car 6

The Ford was taken to Petersen’s Body Shop in New Lothrop, MI to have all the police equipment and details stripped from the cruiser. The cruiser was taken to the auction at Mt. Morris Road and I-75 and has went through the auction several times; didn’t get the offer which Flushing Township wanted. Currently, the auction has the vehicle listed on Craig’s List. Flushing Township will not be charged any fees for the selling the 2006 Ford.

NEW BUSINESS:

1-a. Approve April Monthly Budget

PURKEY MOVED, seconded by Minaudo to approve the April Monthly Budget.

ACTION OF THE MOTION

AYES: 7

NAYS: 0

Motion Carried

1-b. First Reading of AN ORDINANCE TO AMEND SECTIONS 13.1-21 OF THE CODE OF ORDINANCES TO CLARIFY THE STATUS OF THE FLUSHING TOWNSHIP PARKS AND RECREATION COMMISSION AND TO REGULATE THE LAUNCHING AND RECOVERY OF WATER CRAFT.

MORFORD MOVED, seconded by Purkey to accept AN ORDINANCE TO AMEND SECTIONS 13.1-21 OF THE CODE OF ORDINANCES TO CLARIFY THE STATUS OF THE FLUSHING TOWNSHIP PARKS AND RECREATION COMMISSION AND TO REGULATE THE LAUNCHING AND RECOVERY OF WATER CRAFT, which is the first reading.

DISCUSSION:

Two issues will be addressed in one ordinance both of which govern Parks in general. The existing ordinance uses “Commission” which is inappropriate and not sure how the “Commission” came about; the first part of the proposed ordinance amends the ordinance to remove the word “Commission” and replaces it with “Committee”. Flushing Township actually has a “Park Committee”. The word Commission brings a lot of things with it that are not what Flushing Township actually has.

The proposed language for *Section 13.1-33 the Launching and recovery of water craft*. Water craft is defined as a non-motorized craft in excess of twenty (20) feet in length. The craft can be launched and recovered at an area designated at the river site in

the Flushing Township Nature Park (Nature Park) to be done during park hours. Vehicles and trailers used to bring the craft to the park shall not remain at the park after hours.

There were also issues about traffic, but they have been addressed in the previous ordinance.

ACTION OF THE MOTION

AYES: 7

NAYS: 0

Motion Carried.

1-c. Approval of METRO Act Right of Way Permit Extension

MORFORD MOVED, seconded by Purkey to approve the METRO Act Right of Way Permit Extension.

ACTION OF THE MOTION:

AYES: 7

NAYS: 0

Motion Carried

1-d. Approval of MTA Seminar “Hot Topics in Planning and Zoning”

GARDNER MOVED, seconded by Purkey to allow only the Planning and Zoning Board Members to attend the “Hot Topics in Planning and Zoning”.

DISCUSSION:

It was felt by some that the issues have been discussed so many times that it would be a waste of money. If approved by the Board, only the Planning Members should attend.

ACTION OF THE MOTION:

ROLL CALL:

AYES: Morford, Gardner, and Matzke

NAYS: Minaudo, Purkey, Noecker, and Peck

Motion Failed

1-e. Repair Drains and Repair Spy Del Drive

NOECKER MOVED, seconded by Purkey to approve repairing approximately two hundred (200) feet of Spy Del Drive (drain) and two (2) catch basins located at Apple Blossom Drive and Shady Brook Lane. The repair cost for each catch basin will be between \$2,800.00 and \$5,600.00. The total cost for repairing the drain and the two (2) catch basins will be \$26,700.00 which will come out of Road Maintenance.

ACTION OF THE MOTION:

ROLL CALL VOTE:

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

NAYS: 0

Motion Carried.

1-f. Building Security

PURKEY MOVED, seconded by Noecker to have the Supervisor, Clerk, and Treasurer sit down and come up with recommendations for building security and then return to the board with the update.

DISCUSSION:

The safety issue has come up several times in the past in the office and at board meetings so something should be done. The idea of cameras has been discouraged by the

office employees. Details will be brought back to the Board. The Supervisor reminded everyone to be quiet during the meetings; if the talking continues, the Chief will remove the individual from the meeting.

ACTION OF THE MOTION:

AYES: 7

NAYS: 0

Motion Carried

1-g. F.A.N.G.

NOECKER MOVED, seconded by Matzke to accept the proposal by the Chief to join F.A.N.G.

DISCUSSION:

It was recommended by the Chief, that due to the dwindling resources, the township should contact with F.A.N.G.; by joining it would be an investment. The Police Department has went from thirteen (13) to six (6) police officers so it would be a way to be a force multiplier by being involved. The cost would be \$4,964.45 for six (6) months. There was a discussion as to how long the township had not belonged to F.A.N.G. If the money was tight years ago, then the money would also be tight now. The Federal government has also taken care of the cost of cleaning up meth labs instead of the township.

ACTION OF THE MOTION:

ROLL CALL VOTE:

AYES: Noecker, Peck, Matzke, Minaudo, Purkey, and Morford

NAYS: Gardner

Motion Carried.

1-h. Police Department Computer Update

PURKEY MOVED, seconded by Gardner to approve updating the Police Department Computer system.

DISCUSSION:

With the new bid, the server would be eliminated and stored on site in Saginaw. The proposed bid by eliminating the servicer and replacing three (3) work stations would be approximately \$6,000.00 which would be half of what the former computer company proposed to update the system.

A new lock system has been put into affect for the police department.

ACTION OF THE MOTION:

ROLL CALL VOTE

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

NAYS: 0

Motion Carried.

1-i. Closed Session – Real Estate Sale, Contract Negotiations, and Possible Criminal Complaint

7:45 P.M. ADJOURNED TO CLOSED SESSION

GARDNER MOVED, seconded by Minaudo that under MCL 15.268(h) to go into Closed Session.

ACTION OF THE MOTION:

ROLLCALL VOTE:

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

NAYS: 0

Motion Carried

8:20 P.M. RE-CONVENE TO REGULAR SESSION

PURKEYMOVED, seconded by Noecker to re-convene to regular session.

ACTION OF THE MOTION:

ROLLCALL VOTE:

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

NAYS: 0

Motion Carried

ATTORNEY MOULTON stated there were two (2) reasons for going into Closed Session: 1) the provision indicated for the record and mentioned by Mr. Gardner concerned a written opinion Attorney Moulton had provided to the Township Treasurer on March 9, 2011 regarding the legal status of properties acquired by the Township through tax foreclosures by Deed from the County, which was sited from MCL 15.268(h), and 2) the current status and strategy regarding the ongoing negotiations of the collective bargaining patrol officers which is permitted under the Open Meetings Act under MCL 15.268(c)

GARDNER MOVED, seconded by Morford to amend the prior motion to go into Closed Session to include MCL 15.268(c)

ACTION OF THE MOTION:

ROLLCALL VOTE:

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

NAYS: 0

Motion Carried

COMMITTEE REPORTS:

None

REPORTS:

1. **Treasurer's Report:** As presented.

8:25 P.M. – OPEN FOR PUBLIC COMMENTS

Three (3) individuals gave their comments.

8:34 P.M. - CLOSED FOR PUBLIC COMMENTS

BOARD COMMENTS:

1. **GARDNER** has spoken with Mr. Birchmeier several times and it is not the intent of the Board to keep him from being an Agenda item, but once someone is given ten (10) minutes to speak, the right should be given to everyone. Gardner, or three (3) members, would be willing to meet with Mr. Birchmeier, but when it comes to placing Mr. Birchmeier on the Agenda, Gardner is opposed to that.
2. **NOECKER** felt that Mr. Birchmeier should not take this personally; when Noecker left the Parks and Recreation Committee, Noecker recommended Mr. Birchmeier since he had a strong feeling for the park. There are a lot of hot issues in the township that are contested but the Board of Trustees was elected to make tough decisions. The Park Committee was never in a position to re-hire, give raises, or extend hours; only the Board of Trustees can take that position. Noecker recommended on several occasions that Mr. Birchmeier draft a letter and express his intentions in order to get on the Agenda. Noecker would be willing to meet with Mr. Birchmeier and/or his attorney.
3. **MORFORD** congratulated former Supervisor Jerry Woods for the new picture hanging on the wall in the Board Room with all the other Supervisors. Morford would like to have the large 2008 Board of Trustees picture returned to her office. The picture was made to hang on the wall in the Board Room with all the other elected officials.

4. **SUPERVISOR PECK'S COMMENTS**

- a. Household Hazardous Waste Collection Day: May 21, 2011 from 10:00 a.m. until 2:00 p.m. at Brent Run, M-57, Montrose.
- b. Misteguay Creek Intergovernmental Drain: There will be a meeting Wednesday night at Maple Grove Township regarding future steps for the law suit that was filed.
- c. Flushing Summer Fest: The feast will be held June 8-12, 2011 in Flushing.
- d. Boy Scouts: The Boy Scouts will be using the Flushing Township Nature Park (Nature Park) for a camp out this weekend. This is the third group of Boy Scouts to use the Nature Park this year.
- e. Complaints:
 - a. most complaints are about roads and bridges.
 - b. Carpenter Road will be paved this year.
 - c. hopefully a mile or two (2) of roads will be taken care of on the West side of the river.
 - d. there are eight (8) miles of roads that really need attention but the Township can't afford to do now. The Genesee County Road Commission (Road Commission) has been doing a lot patch/repair work.
 - e. there have been complaints regarding junk cars and trailers in front yards.

THE NEXT REGULAR SCHEDULED BOARD OF TRUSTEES MEETING WILL BE THURSDAY, JUNE 9, 2011 AT 7:00 P.M. AT THE FLUSHING TOWNSHIP HALL.

ADJOURNMENT: PURKEY MOVED, seconded by Morford to adjourn at 8:45 p.m.

JULIA A. MORFORD, Clerk

TERRY A. PECK , Supervisor

APPROVED DATE: _____