

CHARTER TOWNSHIP OF FLUSHING

6524 N. SEYMOUR ROAD

FLUSHING, MICHIGAN 48433

BOARD OF TRUSTEES MINUTES

DATE: MARCH 13, 2014

TIME: 7:00 P.M.

PHONE: 810-659-0800

FAX 810-659-4212

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

ADMINISTRATION:

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

- I. MEETING CALLED TO ORDER** at 7:20 p.m. by **SUPERVISOR RIAN BIRCHMEIER** with Roll Call and the Pledge of Allegiance to the American Flag.

II. 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: Genesee County Clerk John Gleason and other interested individuals

ADOPT THE AGENDA: MORFORD MOVED, seconded by Minaudo, to move under "New Business," letter j, *Closed Session* to "Unfinished Business," letter a; remove from the Agenda "New Business," letter c, *Policies Concerns* and letter e, *2014 Flushing Township Road Improvement Plan*.

ACTION OF THE MOTION

ROLL CALL VOTE:

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

NAYS: 0

MOTION CARRIED.

LEE MOVED, seconded by Morford, to add to the Agenda under "New Business," letter h, the insurance contract for the employees that has to be done by March 21, 2014.

ACTION OF THE MOTION

ROLL CALL VOTE:

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

NAYS: Birchmeier

MOTION CARRIED.

APPROVAL OF DRAFT MINUTES:

- a. January 9, 2014: MATZKE MOVED**, seconded by Gage, to approve the Minutes of January 9, 2014 as presented.

ACTION OF THE MOTION

ROLL CALL VOTE:

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

NAYS: 0

MOTION CARRIED.

- b. February 13, 2014: **MATZKE MOVED**, seconded by Lee, to approve the Minutes of February 13, 2014 with the following amendments: **Page 1**: last motion on the page, Action of the Motion, **change** “MOTION FAILED” to “MOTION CARRIED”; **Page 2**: paragraph 3, “LEE MOVED, seconded by Matzke...from the Agenda” **changed to** “LEE MOVED, seconded by Matzke, to remove from under “New Business” 1(d(iv)(a) from the Agenda; Approval of Draft Minutes: December 12, 2013 and “MATZKE MOVED, seconded by Lee...minutes from December 12, 2014” **changed to** “MATZKE MOVED, seconded by Lee, to approve the draft minutes from December 12, 2013”; Paragraph 10: “ACTION OF THE MOTION...DECEMBER 12, 2014” **changed to** “ACTION OF THE MOTION FOR DRAFT MINUTES OF DECEMBER 12, 2013”; letter b, “Special Board Meeting for... December 17, 2014” **changed to** “Special Board Meeting for December 17, 2013”: MATZKE MOVED, seconded by Gage, to approve the Special Board Meeting Minutes for December 17, 2013; **Page 3**: Public Comments should be changed from three (3) individuals to four (4) individuals; **Page 5**: there wasn’t any action taken under “Resignation of Martinson from the Personnel Committee”; **Page 6**: last paragraph, “MINAUDO MOVED, seconded by Lee...out of the Fire Contract Fund” **changed to** “MINAUDO MOVED, seconded by Lee, to approve the upgrade for carpet and tile throughout the Township Hall and for carpet or tile in the Break Room, Conference Room, and Kitchen not to exceed \$10,000; the \$10,000 to be taken out of the Fire Contract Fund; **Page 7**: 1-g, add to the current paragraph “The issue was withdrawn by the Supervisor”; bottom of the page, commas removed after Birchmeier and Minaudo; **Page 9**: ADJOURNMENT – “Due to lack... 10:20 p.m.” **changed to** “Due to lack of business issues, SUPERVISOR BIRCHMEIER adjourned the meeting at 10:59 p.m.”

ACTION OF THE MOTION

ROLL CALL VOTE:

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

NAYS: 0

MOTION CARRIED.

APPROVAL OF PAYMENT OF BILLS: MATZKE MOVED, seconded by Morford, to approve the payment of the bills as presented.

ACTION OF THE MOTION

ROLL CALL VOTE:

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

NAYS: 0

MOTION CARRIED.

III. 7:42 P.M. – OPEN FOR PUBLIC COMMENTS

Three (3) individuals gave a comment.

7:54 P.M. – CLOSED FOR PUBLIC COMMENTS

IV. UNFINISHED BUSINESS:

1-a. 7:55 p.m. – ADJOURNMENT TO CLOSED SESSION

MINAUDO MOVED, seconded by Lee, that the Board meet in Closed Session in pursuant to Section 8(e) of the Open Meetings Act to consult with the Attorney regarding trial or settlement strategy with specific pending litigation that being the lawsuit filed by the Patrol Officers currently pending in Federal District Court.

ACTION OF THE MOTION

ROLL CALL VOTE:

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

NAYS: 0

MOTION CARRIED.

8:35 p.m. – RE-CONVENED TO REGULAR SESSION

MINAUDO MOVED, seconded by Matzke, to re-convene from Closed Session to Regular Session.

ACTION OF THE MOTION

ROLL CALL VOTE:

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

NAYS: 0

MOTION CARRIED.

1-b. Approval of New Administrative Assistant for the Police Department

MINAUDO MOVED, seconded by Gage, to hire Amanda Jarred as the new Administrative Assistant for the Flushing Township Police Department.

ACTION OF THE MOTION

ROLL CALL VOTE:

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

NAYS: 0

MOTION CARRIED.

1-c. Update on Traffic Control Resolution

Due to the weather, some concerned residents on Johnson Road have decided to wait until spring to circulate petitions on Johnson Road to reduce the speed limit from 55 Miles per Hour to 45 Miles per Hour. The area involved would be Johnson Road from Stanley Road to Mt. Morris Road.

V. NEW BUSINESS:

1-a(i). Directives Concerning Property Management

MORFORD MOVED, seconded by Matzke to accept the Directives Concerning Property Management as a Policy. (Building/Bids/and Grounds)

DIRECTIVES CONCERNING PROPERTY MANAGEMENT

The Building, Bids and Grounds Committee having met and determined it would be in the best interest of the Township to establish specific rules regarding the administration of Township property, the following rules shall be immediately effective.

1. All matters pertaining to the operation of the Township office, the Township Park and all other Township property, exclusive of the Township Police Department, shall be under the control and direction of the Township Treasurer and Clerk as they agree. In the absence of either the Treasurer or Clerk, the other may make any decisions required regarding operation of the Township office, Park or other Township property.

2. The Treasurer/Clerk shall be responsible for the maintenance and repair of all Township property and facilities, including but not limited to, the Township administrative offices (including the police department), garage, parking lot, sidewalks and grounds immediately surrounding the administrative offices, the Nature Park, Nature Park facilities and all vehicles, equipment and tangible personal property owned by the Township. The Treasurer/Clerk shall be responsible for and shall schedule all cleaning, routine maintenance, repair, renovation, improvements or additions to Township property, obtaining prior Board approval where necessary. Except as expressly authorized by the Treasurer and/or Clerk, no Township official, employee or representative shall have authority to direct any work, including obtaining estimates or bids for work to be done with respect to Township property or to spend or authorize expenditure of any Township funds for any work to Township property.

3. Subject to Board approval, all matters concerning insurance, including but not limited to health, dental, optical, property protection and casualty insurance, shall be handled by the Treasurer/Clerk. This shall include the review and consideration of replacement or additional insurance coverages and policies with the recommendations to the Board; the submission of claims; and, all communications with insurance agents, adjusters and other insurance representatives. All communications between the Township and its insurer, insurance agents and insurance representative shall be between the Treasurer/Clerk and insurance representatives. The Supervisor shall not be involved in insurance matters and shall not issue, direct or receive communications concerning insurance matters.

4. The Treasurer/Clerk shall be in charge of access to Township property and shall determine who shall be provided keys to Township facilities and equipment. Upon implementation of this policy, the Treasurer/Clerk shall immediately inventory all keys in the possession of Township officials, employees or third parties doing business with the Township on either a paid or voluntary basis. Each Township official, employee or third person shall

account to the Treasurer/Clerk for the keys in his or her possession and shall immediately return any keys when asked by the Treasurer or Clerk. At the request of the Treasurer/Clerk any official, employee or third-party shall sign a written acknowledgment identifying any keys currently in his or her possession upon delivery of a key or keys. The Treasurer/Clerk shall maintain at least one duplicate of each key to all Township property kept in a secure location and maintained as a backup. All locks to any Township property shall remain operable by keys maintained by the Treasurer/Clerk.

CALL THE QUESTION.

ACTION OF THE MOTION

ROLL CALL VOTE:

AYES: Birchmeier, Martinson, and Minaudo

NAYS: Morford, Lee, Gage, and Matzke

MOTION FAILED.

CALL THE QUESTION.

ACTION OF THE MOTION

ROLL CALL VOTE:

AYES: Matzke, Gage, Lee, and Morford

NAYS: Minaudo, Martinson, and Birchmeier

MOTION CARRIED.

1-a(ii). Public Access to Business Offices After Business Hours

LEE MOVED, seconded by Morford, to approve the public access to township business offices when officially closed is limited to elected officials and township employees. When there is a need to schedule a meeting other than during official business hours with an outside entity for township business purposes, the official or employee will give advance notice to the Clerk. The notice will state the time of the meeting, the purpose of the meeting, and identify the people attending the meeting.

MATZKE MOVED, seconded by Minaudo, to postpone the issue.

ACTION OF THE MOTION

ROLL CALL VOTE:

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

NAYS: 0

MOTION CARRIED.

1-a(iii). Township Park Pole Barn

Update. . . .there will be new keys made to the Township Pole Barn, the Nature Park Pole Barn, and the Main Office. The code to the Main Office will also be changed and limited to a certain number of people.

1-a(iv). Park Committee Park

MINAUDO MOVED, (None) to accept the Park and Recreation Committee Report.

MINAUDO RESCINDED HIS MOTION. .

LEE MOVED, seconded by Matzke, that the Committee is recommending that the Board approve an additional Unit (9 e) for the prescribed burns for a discounted cost of \$600; the cost would increase from \$2,900 to \$3,475. The burn units covered would be 9 a, c, d, and e.

ACTION OF THE MOTION

ROLL CALL VOTE:

AYES: Gage, Lee, Morford, and Matzke

NAYS: Martinson, Birchmeier, and Minaudo

MOTION CARRIED.

1-b(i). Directives Concerning Staff Direction and Office Operations

LEE MOVED, seconded by Morford, that the Personnel Committee having met and determined, consistent with Township policy, that it would be in the best interest of the Township, the Township administration and staff to establish specific rules regarding staff supervision and operation of the Township office, the following rules shall be immediately effective:

1. The Personnel Director shall be responsible for the supervision of all non-police Township employees, including the assessor, financial director, tax clerk, water clerk and part-time maintenance personnel, collectively, the staff.
2. Staff members shall take direction from the Personnel Director, the Township Treasurer, and the Township clerk and from each other as their respective jobs require. Any dispute as to direction shall be resolved by the Personnel Director. In the absence of the Personnel Director, the Clerk shall provide direction to staff. Staff shall not be subject to the supervision of the Supervisor and shall not be accountable to the Supervisor. The Supervisor shall not issue instructions to Staff and shall not interfere with Staff in the performance of their duties.
3. Operation of the Township office shall be under the control of the Treasurer and Clerk as they agree. The Personnel Director and, in the absence of the Personnel Director, the Clerk shall be in charge of the day-to-day operation of the Township office. The assignment of offices, work stations, location, setup and operation of counters, desks, equipment, furniture, furnishings and supplies, etc. shall be determined by the Treasurer and Clerk, as they agree. In the absence of either the Treasurer or Clerk, the other may make any decisions necessary to the day-to-day operation of the Township office. The Supervisor shall have no authority regarding these matters.
4. All mail, faxes and deliveries to the Township offices shall be received by a staff member designated by the Treasurer/Clerk. The designated staff member shall be authorized to sign on behalf of the Township all receipts or acknowledgments of delivery. The designated staff member shall open all mail and deliveries and shall distribute the mail, faxes and deliveries to the appropriate Township employee or official. If the information contained in a mailing, fax or delivery should be available to more than one employee or official, the designated staff member shall provide copies of the mailing, fax or delivery to each such employee or official. All checks, cash or other payments received by mail or delivery shall be accounted for and processed in accordance with Township policies.

CALL FOR A VOTE.

ACTION OF THE MOTION

ROLL CALL VOTE:

AYES: Gage, Lee, Morford, and Matzke
NAYS: Birchmeier, Minaudo, and Martinson
MOTION CARRIED.

ACTION OF THE MOTION

ROLL CALL VOTE:

AYES: Morford, Matzke, Gage, and Lee
NAYS: Birchmeier, Minaudo, and Martinson
MOTION CARRIED.

1-c. Budget Amendments for 2013-2014 Fiscal Budget

MORFORD MOVED, seconded by Lee, to approve the Budget Amendments for 2013-2014 Fiscal Year as per the presented budget.

ACTION OF THE MOTION

ROLL CALL VOTE:

AYES: Birchmeier, Minaudo, Matzke, Gage, Lee, and Morford
NAYS: Martinson
MOTION CARRIED.

1-d. First Ordinance of AN ORDINANCE TO AMEND SECTION 12-62 AND 12-63(3) OF THE CODE OF ORDINANCES TO AMEND THE DEFINITION OF “RECREATIONAL VEHICLE” AND TO REGULATE THE KEEPING OF A RECREATIONAL VEHICLE ON LAND LOCATED IN THE TOWNSHIP

MINAUDO MOVED, seconded by Birchmeier, to adopt the first reading of AN ORDINANCE TO AMEND SECTION 12-62 AND 12-63(3) OF THE CODE OF ORDINANCES TO AMEND THE DEFINITION OF “RECREATIONAL VEHICLE” AND TO REGULATE THE KEEPING OF A RECREATIONAL VEHICLE ON LAND LOCATED IN THE TOWNSHIP.

ACTION OF THE MOTION

ROLL CALL VOTE:

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

NAYS: 0

MOTION CARRIED.

1-e. Genesee County Water and Waste Services – Sewer Increase

MORFORD MOVED, seconded by Lee, that the Board accepts a pass-through for the five (5) year rate increase for sewer from Genesee County Water and Waste Services on Consumption, Readiness To Serve Fees and Flat Rate Sewer. This increase is effective July 2014 and will be reflected in the August 2014 billing cycles. This is a 13.5% increase. Flat Rate (Sewer customers without metered Water) increase will be \$3.29 per month and \$6.58 bi-monthly. Metered Rate Readiness To Serve Fee will increase \$1.26 monthly and \$2.51 bi-monthly. Consumption will increase \$0.162 per 100 cubic feet.

ACTION OF THE MOTION

ROLL CALL VOTE:

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

NAYS: Martinson and Gage

MOTION CARRIED.

1-f. Election Supplies – 8 Election Ballot Bags

GAGE MOVED, seconded by Lee, to approve the Clerk purchasing eight (8) election ballot bags at a cost of \$159 each. (The money will be coming out of the current budget).

ACTION OF THE MOTION

ROLL CALL VOTE:

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

NAYS: 0

MOTION CARRIED.

1-g. METRO ACT RIGHT OF WAY Permit Extension

MORFORD MOVED, seconded by Gage, to approve the METRO ACT RIGHT OF WAY Permit Extension for the period of June 30, 2014 to June 30, 2019.

ACTION OF THE MOTION

ROLL CALL VOTE:

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

NAYS: 0

MOTION CARRIED.

1-h. Employee Insurance

LEE MOVED, seconded by Morford, that the Flushing Township Board of Trustees approve the BlueCare Network HMO Plantium Plan and approve Bois Insurance (Flushing MI) to act as the Agent of record with BlueCare Network. (Police and Main Office).

ACTION OF THE MOTION

ROLL CALL VOTE:

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

NAYS: 0

MOTION CARRIED.

VI. REPORTS:

None

VII. COMMITTEE REPORTS:

1. Flushing Township Police Department: Chief Brian Fairchild gave the Police Department Report for February 2014.
2. Flushing Fire Department: there were two (2) fire runs in the Township, one (1) natural gas leak and one (1) car fire; there was no property loss or contents loss; the average response time was six and one-half (6 ½) minutes.
3. Flushing Area Senior Center: Director Karen Popovits has had surgery and hopes to be back to work at the Senior Center sometime in the near future; another Board of Directors Meeting is scheduled for Tuesday, March 25, 2014; there are two (2) Flushing Township residents on the Senior Board: Dean Wenk and Dale Kinney.
4. Web Page Committee: there have been some concerns about the web page as far as not having information which Flushing Township residents would like to see on the Web; the Supervisor will get with the Web Page Committee to see what can be done; and if there is a recommendation, bring it back to the next Board Meeting.

VIII. FINANCIAL REPORT: presented by Treasurer Lee.

IX. BOARD COMMENTS:

1. **LEE**: the tile company will be at the Township Hall on Friday and Saturday to put down the tile in the board room, hall, and the kitchen; the lobby will not be tiled due to the hall being rented on Sunday for a party. The Water Fund has generated much activity for the office due to the sewer rate increase; other phone calls have been coming in that deal with water issues. The office is amazed as to how much of the daily activity is water related. She appreciates everyone coming to the meeting because it has been a long evening. If anyone has any questions or suggestions, please contact the Treasurer; we will move forward with the budget.
2. **MINAUDO**: has to disagree with the Treasurer because 250% is not spent on water.
3. **MORFORD**: reminded everyone there will be a Michigan Townships Association – Genesee County Chapter Meeting on Thursday, March 20, 2013 at Richfield Township, Davison MI. The Clerk received a letter from another Genesee County Clerk regarding a homeland security siren at the corner of Elms Road and Potter Road and involved Clayton Township, Flint Township, Mt. Morris Township, and Flushing Township. The Supervisor will be receiving more information from Genesee County Emergency Manager Jennifer Boyer.
4. **BIRCHMEIER**: Clayton Township Supervisor Chris Gehringer thought that since there weren't any security sirens in the area (Potter Road and Elms Road), and it was the corner where four (4) municipalities joined, it would be great to have participation from all four (4) municipalities because the more municipalities involved in the grant the better. The Supervisor will be getting more information from Ms. Boyer.
The Supervisor had a question concerning number 4 of the Directives because the opening of other individual's mail in the office which he stated is a federal offense. The Supervisor made reference to USC, Section 1702, Title 18, Obstruction of Correspondence.

X. 10:40 P.M. OPEN FOR PUBLIC COMMENTS

Four (4) individuals gave their comments.

10:45 P.M. - CLOSED FOR PUBLIC COMMENTS

XI. THE NEXT REGULAR SCHEDULED BOARD OF TRUSTEES MEETING WILL BE THURSDAY, APRIL 14, 2014 AT 7:00 P.M. AT THE FLUSHING TOWNSHIP HALL.

XII. ADJOURNMENT: Due to lack of business issues, **SUPERVISOR BIRCHMEIER** adjourned the meeting at 11:00 p.m.

JULIA A. MORFORD, Clerk

RIAN R. BIRCHMEIER, Supervisor

APPROVED DATE: _____

03 13 2014 Regular Min 7 p.m.