

CHARTER TOWNSHIP OF FLUSHING

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

DATE: DECEMBER 10, 2009

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 7:05 p.m. by **SUPERVISOR DONALD A. SCHWIEMAN (SCHWIEMAN)** with Roll Call and the Pledge of Allegiance to the American Flag. 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: Thirty-six (36) other individuals were present.

APPROVAL OF THE AGENDA: GARDNER MOVED, seconded by Minaudo to approve the Agenda with the addition of letter K "*Authority to Contract*" to be listed under New Business.

ACTION OF THE MOTION:

ROLL CALL VOTE:

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

NAYS: 0 MOTION CARRIED.

APPROVAL OF PREVIOUS MINUTES: PURKEY MOVED, seconded by Matzke to approve the Minutes of November 12, 2009 with the following corrections: **Page 3:** top of page, second part of number 6, "employment training opportunities. . .lost in the shops" **changed to** "employment training opportunities for residents who have lost jobs in the shops"; **Page 5:** line four (4) from the top of page, "Pay Wage. . .During Winter Months" **changed to** "Winter Hours of Operation for Park Coordinator"; **Page 7:** line three (3) from top of page, "Gardner Moved, seconded by Purkey. . .power does not rest with the Committee" **changed to** "Gardner Moved, seconded by Purkey that the action taken by the Flushing Township Nature Park Committee on October 26, 2009, of appointing Donn Hinds as a park committee member be null and void because the power does not rest with the Committee".

ACTION OF THE MOTION:

ROLL CALL VOTE:

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

NAYS: 0 MOTION CARRIED.

APPROVAL OF PAYMENT OF BILLS: PURKEY MOVED, seconded by Matzke to approve the bills as presented.

ACTION OF THE MOTION:

ROLL CALL VOTE:

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

NAYS: 0 MOTION CARRIED.

UNFINISHED BUSINESS:

1. Police Chief Search/Scheduling Team/Budget Team Report

Scheduling: A meeting was held between the Trustees Matzke, Gardner, Minaudo, Terry Peck, Interim Chief Don Gansen, and Sgt Brian Fairchild. Different schedules were discussed but currently waiting to see if an offer could be accepted to open the Union Contract.

Budget: Treasurer Noecker, Clerk Morford, Trustee Purkey, and CPA Ken Shumate reviewed documentation regarding issues concerning GASB 45 and MERS. Charts were produced to the Board Members showing the different budget cuts. Plante and Moran will inform the Board of the March 31, 2010 budget, for which the actuarial will be available in June; Plante and Moran has set a goal for Flushing Township of \$764,000. The conclusion was to get more money into the GASB 45 Fund due to paying the health insurance for the people that are and will be retiring.

Police Chief Search: Trustee Matzke did a lot of reviewing and checking with different organizations and came to a final conclusion with three (3) police chiefs: *Flint Township Police Chief George Sippert; Grand Blanc Township Police Chief Dave Stamm, and Montrose Township Police Chief Darrell Ellis.* The Chiefs will be interviewing the selected seven (7) candidates names that were chosen on Tuesday, December 15, 2009. It was suggested by the Police Chiefs to reduce the number of applicants down to two (2) or three (3). Each applicant preferred a closed session that included the three (3) police chiefs and not more than three (3) board members at a time by rotation.

PURKEY MOVED, seconded by Noecker to proceed with Trustee Matzke’s plan to have three (3) Police Chiefs interview candidates in a private session on December 15, 2009 with only three (3) board members, at a time, will be allowed to participate; from the interview, the board will rank the candidates and make a determination and reduce down to three (3) individuals. A catered lunch for the three (3) police chiefs that are doing the service to the township will be provided at no cost.

DISCUSSION:

Once the interviews have been accomplished, there will be a special meeting held on Thursday, December 17, 2009 at 7:00 p.m. to further discuss the issue of the Flushing Township Police Chief.

Michigan Municipal League would have charged fifteen (15%) percent to do the interviews for the candidates for police chief; the three (3) local Police Chiefs volunteered to do the interviews at no cost so it was decided to supply lunch at the township’s expense to the three (3) Police Chiefs.

ACTION OF THE MOTION:

ROLL CALL VOTE:

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

NAYS: 0 MOTION CARRIED.

2. Approve Community Development Block Grant (CDBG) Application

PURKEY MOVED, seconded by Matzke to approve the Public Service Application for the Genesee County Community Development Block Grant Fund (CDBG) for \$8,500.

DISCUSSION:

The Community Development Block Grant funds can only be used for low to moderate income families. Currently, Public Service is the only thing that is being applied for by using fifteen (15%) percent of the grant funds. Two (2) different areas were mentioned for the funds to be used: 1) copy machine for the Flushing Senior Center and/or 2) youth employment at the Flushing Township Nature Park.

ACTION OF THE MOTION:

ROLL CALL VOTE:

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

NAYS: 0 MOTION CARRIED.

3. Review of Stanley Road Ditching

The Board will further review the issue and if anything should be done, it will be split by the Genesee County Road Commission (GCRC) and Flushing Township; nothing can be done at this time due to the weather. When further feedback has been received from the GCRC, it will be placed on the Agenda at a future Board of Trustee’s Meeting.

4. Flushing Township Cleaning Services

Notices were sent out to six (6) individuals/companies with a “659” and “487” telephone number. A walk through of the Township Hall was scheduled for the companies to review the areas to be cleaned; bids are due by Noon on December 16, 2009.

5. Electrical Bids for Flushing Township Hall

GARDNER MOVED, seconded by Minaudo that the Bids Committee review the bids that were opened, and be placed on the Agenda for the Special Board Meeting on Thursday, December 17, 2009.

ACTION OF THE MOTION:

ROLL CALL VOTE:

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

NAYS: 0 MOTION CARRIED.

6. Attorney Bids/Communication per Policy and Procedures Manual Amendment

Part 1.

GARDNER MOVED, seconded by Purkey that the Bids Committee bring back to the township board’s next regular scheduled meeting a bid proposal to be approved and at that meeting be approved and sent out for bids.

DISCUSSION:

Michigan Townships Association (MTA) recommended and State Statute stated the attorney’s contract could not go past the current board’s term of office. The Clerk previously had called all the townships in Genesee County to find out the attorney for each township.

It was recommended to place an ad in the newspaper and consist of:

“Flushing Township currently seeking application for bids for all legal duties of the township attorney.”

There needed to be a boiler plate as to what the attorney was bidding for such as what had to be done for the Flushing Township Police Department and what had to be done for the Flushing Township Main Office.

It was also mentioned that it was a good practice to change accounting firms from time to time.

ACTION OF THE MOTION:

ROLL CALL VOTE:

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

NAYS: 0 MOTION CARRIED.

Part 2. Communication

MINAUDO MOVED, seconded by Noecker change the Policies and Procedures Manual, page 38, to add “Treasurer and Clerk” to the current wording as a base for approval in order to contact either attorney; only permission from one (1) official would be necessary.

The language would read:

“Officials and employees should not contact the township attorney without first notifying the supervisor, treasurer, and clerk, who is the township agent for transaction of all legal business. Any official contacting the attorney without permission of the supervisor, treasurer, and clerk shall submit a report to the board at the next board meeting.”

ACTION OF THE MOTION:

ROLL CALL VOTE:

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

NAYS: 0 MOTION CARRIED.

7. Possible Sale of Trucks, Plows, Salt Equipment, etc.

PURKEY MOVED, seconded by Noecker to get rid of trucks, plows, and salters.

DISCUSSION:

The Personnel Committee had met and some of the grievances had been resolved, combined, and approved. There are contracts that stated a vehicle would be provided for the Park Manager, Assessor, and Building/Zoning Administrator.

It was recommended to get a report from each department and see exactly how often a vehicle would be needed.

There was some confusion as to who was supposed to perform the snow plowing services.

At the discretion of the park coordinator it was recommended to go into closed session.

8:25 P.M. – CONVENE TO CLOSED SESSION

MORFORD MOVED, seconded by Noecker that the township board meet in closed session to consider the issues involving the employee with regard to not necessarily limited to the subject of the grievances that have been filed and considered and the extent that those grievances impact the possible disposition of the snow removal equipment but the board also consider those in closed session.

ACTION OF THE MOTION:

ROLL CALL VOTE:

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

NAYS: 0 MOTION CARRIED.

8:45 P.M. – RECONVENE TO REGULAR SESSION

GARDNER MOVED, seconded by Minaudo to reconvene to regular session.

ACTION OF THE MOTION:

ROLL CALL VOTE:

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

NAYS: 0 MOTION CARRIED.

(Continuation of No. 7 Possible Sale of Trucks, Plows, Salt Equipment, etc.)

PURKEY MOVED, seconded by Gardner to sell two (2) pick up trucks and salters

DISCUSSION:

It was recommended to bring to the December 17, 2009 meeting, the value of the two (2) trucks and salters. It was recommended to keep the older truck for the park coordinator and any one else (other departments) that needed the truck because the value wouldn't be that much.

The motion would go against the decision the Personnel Committee and Teamsters had agreed upon.

ACTION OF THE MOTION:

ROLL CALL VOTE:

AYES: Purkey, Noecker, Gardner, and Minaudo

NAYS: Morford, Schwieman, and Matzke

MOTION CARRIED.

GARDNER MOVED, seconded by Noecker to amend the motion to include and empower the Bids Committee to set the price the vehicles are to be sold and the venue to be advertised.

ACTION OF THE MOTION:

ROLL CALL VOTE:

AYES: Minaudo, Purkey, Noecker, and Gardner

NAYS: Morford, Schwieman, and Matzke

MOTION CARRIED.

8. Update on GASB 45 Accounting System

NOECKER MOVED, seconded by Gardner to approve \$1,400.00 from Nyhart (also known as Alliance Benefit Group) from Indianapolis, Indiana to bring Flushing Township in compliance with GASB 45 .

DISCUSSION:

The services from Nyhart (a/k/a Alliance Benefit Group) would bring the township up to compliance with the Federal Law for GASB 45. The \$1,40.00 will have to be put in this year. Next year the township will have to file a GASB 43 because the trust would be funded for the actual count of the trust itself. The company has been highly recommended and does business in twenty-eight (28) states. Flushing Township only has one (1) employee involved in GASB 45.

ACTION OF THE MOTION:

ROLL CALL VOTE:

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

NAYS: 0

MOTION CARRIED.

NEW BUSINESS:

1-a. Review Recommendations of the Compensation Committee

Mr. Terry Peck, Chair of the Compensation Commission, read a letter of recommendation from the Compensation Commission dated November 4, 2009:

1. Current levels as of November 4, 2009, remain the same in total compensation and are not to be increased in years 2010 and 2011.
2. Elected Board accept a compensation reduction equal to or less than an amount as a percentage of whatever Flushing Townships' share of Michigan Revenue Sharing to Flushing Township and should be implemented as soon as possible.

RECOMMENDATIONS: Per MTA Attorneys and Attorney Steve Moulton, there could not be any reduction of salaries during the current cycle which would end in 2012.

The next Compensation Commission Meeting will be October 2011 to review the salaries for 2012 and 2013; if the feelings are the same, the wage reduction recommendation would be the same as the Revenue Sharing reduction.

It was suggested to talk to the people (appointed to Compensation Commission) in advance to make sure they could fill the requirements.

1-b. Review Wages of the Police Department Secretary

NOECKER MOVED, seconded by Gardner to revisit the issue at the April 8, 2010 Board of Trustees Meeting.

DISCUSSION:

It was recommended to let the new police chief manage his/her own budget. The matter was tabled.

ACTION OF THE MOTION:
MOTION CARRIED.

1-c Approval of 2010 Board of Trustee Meeting Dates

GARDNER MOVED, seconded by Minaudo to approve the 2010 Board of Trustee Meeting Dates with one change of 5:15 p.m. for the Parks and Recreation Commission meeting time.

ACTION OF THE MOTION:

ROLL CALL VOTE:

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

NAYS: 0 **MOTION CARRIED.**

1-d. 2010 Committee Appointments

GARDNER MOVED, seconded by Purkey that the Parks and Recreation Commission are made up of the following: Mike Gardner, Bill Noecker, Sue Culver, Jeff Swanson, Joe Wisniewski, Scot McPherson, and Larry Birchmeier.

ACTION OF THE MOTION:

ROLL CALL VOTE:

AYES: Gardner, Minaudo, Purkey, and Noecker

NAYS: Schwieman, Matzke, and Morford **MOTION CARRIED**

1-e. 2010 Board and Commission Appointments

SCHWIEMAN MOVED, seconded by Minaudo to nominate John Cuddeback to replace David Gibbs on the Planning Commission.

ACTION OF THE MOTION:

ROLL CALL VOTE:

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

NAYS: Morford **MOTION CARRIED**

1-f. Recommendation from the Planning Commission for Approval of the Wind Turbine System Proposed Ordinance

PURKEY MOVED, seconded by Morford to approve the recommendation from the Planning Commission for an ordinance to amend Sections 20-1804 of the Zoning Ordinance to add Subsection NN to provide for the use and regulation of residential Wind Energy Systems.

DISCUSSION:

Since a public hearing was held at the Planning Commission level, the only other publication would be the publication after the Board of Trustees approved the ordinance.

ACTION OF THE MOTION:

ROLL CALL VOTE:

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

NAYS: 0 MOTION CARRIED.

1-g. Recreational Alliance with City of Flushing, Flushing Community Schools and Flushing Township

The Recreational Alliance consists of the City of Flushing, Flushing Community Schools, and Flushing Township. After discussion, it was suggested by the treasurer that the Clerk and the Treasurer would call Rowe Inc and find out more details and vote on the issue at the Thursday, December 17, 2009 Special Board of Trustees Meeting.

1-h. Michigan Townships Association (MTA) Meeting Eligibility

PURKEY MOVED, seconded by Noecker that only Board Members (elected officials) attend the 2010 Michigan Township Association (MTA).

DISCUSSION:

There was discussion as to who was eligible to attend the Annual Michigan Townships Association Conference every year in January. If an individual, other than an elected official wanted to attend, that person would have to pay his/her own way.

It was mentioned that sometimes the Assessor needed to attend the Conference due to specific assessing classes that were scheduled during the Conference.

ACTION OF THE MOTION:

ROLL CALL VOTE:

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

NAYS: 0 MOTION CARRIED.

1-i. Amendment to Police Budget (Legal Fees)

After much discussion regarding issues such as what accounts come out of the general fund and the millage fund, when does the police department pay for grievances, where are funds derived from, who pays for the labor attorney, who could call the attorney, should the invoice be split with both the Main Office and the Police Department, it was decided to table the matter to a future date.

1-j. Letter to Attorneys

GARDNER MOVED, seconded by Purkey to send Letter No. 1 to both attorneys, (employed by the Township as a whole), Letter No. 2 to Attorney Fanning, (request to research the validity of the letter of October 28, 2009), and Letter No. 3 to Attorney Moulton on behalf of the Flushing Township Board.

DISCUSSION:

It was recommended to having the Genesee County Prosecuting Attorney review the issue. The township attorney stated that if the Board had felt there had been a wrongdoing, the matter should have been turned over to the Genesee County Prosecuting Attorney, Genesee County Sheriff Robert Pickell, and Michigan Attorney General Mike Cox.

ACTION OF THE MOTION:

ROLL CALL VOTE:

AYES: Gardner, Minaudo, Purkey, and Noecker

NAYS: Matzke and Morford MOTION CARRIED.

ABSTAIN: Schwieman

1-k. Authority to Contract

GARDNER MOVED, seconded by Noecker that in accordance with MCL 41.2 Sec 4, the Flushing Township Supervisor, Legal Agent or any other individual or committee not enter Flushing Township into any contract or agreement without first having said contract or agreement presented to and ratified by the Flushing Township Board. Furthermore, this motion is not to be construed to imply that prior to this motion the Flushing Township Supervisor, Legal Agent or any other individual or committee could have entered us into a binding contract; instead, this motion is to clarify the position of this Board as the sole authority of Flushing Township.

DISCUSSION:

The motion was to make clear the position of the Board as the sole authority of Flushing Township.

The supervisor read his statutory duties to the audience including extra activities for the supervisory position.

ACTION OF THE MOTION:

ROLL CALL VOTE:

AYES: Minaudo, Purkey, Noecker, and Gardner

NAYS: Matzke, Morford and Schwieman MOTION CARRIED.

COMMITTEE REPORTS:

1. Tax Sale:

The township will inherit one (1) acre on Frances Road; the township can decide in January what to do with it. If no decision is made, the township can Quit Claim the property to the Land Bank.

2. Road Committee:

There will be road proposals brought to the Board in January. Two (2) contracts did not get completed this winter.

3. Snow Plowing:

The Supervisor and Clerk need to sign the snow plowing contract with Beck's Lawn Service, which the Board has already approved. There also has been a collective bargaining contract signed for the snow plowing.

REPORTS:

PUBLIC COMMENTS:

11:00 P.M. - PUBLIC COMMENTS OPEN:

One (1) person gave their opinion.

11:01 P.M. - PUBLIC COMMENTS CLOSED

BOARD COMMENTS:

1. **SCHWIEMAN** introduced Stuart Worthing who is a licensed building inspector who is looking for a position with the township; he could wear a lot of hats at one time and help the community.
2. **MORFORD** requested that any Board Member that plans to go to the 2010 MTA Conference in January, please let her know as soon as possible.

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

ADJOURNMENT: Due to no further business items, the meeting was adjourned at 11:02 p.m.

JULIA A. MORFORD, Clerk

DONALD A SCHWIEMAN, Supervisor

APPROVED DATE: _____
12/10/09 Regular z0000068