

insurance but representation. There wouldn't be any cost to the township because the representative's income would be derived from the insurance company which the township hires to take care of the health insurance.

COMMENTS FROM JEFF FEURT (FEURT):

- The cost and benefits would be the same
- Nothing would change

BACKGROUND INFORMATION FOR TOTAL BENEFITS SYSTEMS:

- Located on Hill Road at the Gateway Center, Flint, Michigan
- Feurt's business partner is Harvey Lee
 - a. been in business together over forty (40) years
 - Specialize in Employee Benefits and Pension Plans
 - Twelve (12) employees with the company, each employee has a specific designation of what they do in the business.

BENEFITS OF USING THE SERVICES OF TOTAL BENEFITS SYSTEMS (TOTAL BENEFITS):

- If Flushing Township had the Section 125 Plan, where there was an employer/employee relationship as to where both pay, or if one hundred (100%) percent of the benefits were paid for them but yet there is deductibles, Section 125 allowed the employee to put money away in an account on a free tax basis, or take the money out to pay for the benefits which they didn't get paid for through the health insurance plan, such as dental etc.
- The Human Resources (HR) person would contact Total Benefits and inform the company there was a new employee to be added. A simple telephone call is all that would be necessary to get the information back to the insurance company. Total Benefits would pay for the administration, which would come from the commission made off the product.
- Since there are more than twenty (20) employees at Flushing Township, the township would be subject to COBRA Administration issues. A company would be available through Total Benefits to take care of the issue; Total Benefits would pay for the services. When a new employee was hired, a package would be given to the employee which would describe all the rights of the company. When a person decided to leave the township, another package would be given to the person describing the rights of what could be done with their benefit package. All it takes is a phone call to Total Benefits, who takes care of the details including payment to the administrator.
- A 24/7 internet based management system is available if the HR person would like to review a certain situation, they would have their own pin number. Each employee could also have their own site and pin number to review their benefits.
- Other benefits are available on the web for the employees to view.
- Claim Issues: An individual would be assigned to Flushing Township to handle claim issues.
- Annual Reviews would be done.
- Employee Meetings would be conducted.
- An employee handbook would be given to each employee that would contain benefits, prescription drug cards, short term and long term, disability, pension plans, etc. Total Benefits is very familiar with Municipal Employees Retirement Systems (MERS).
- Total Benefits is HIPPA Compliant as far as Federal Regulations.
- Total Benefits has two (2) representatives who have had extensive dealing with union negotiations.
- Alternate Health Insurance Plans would be available.
- HRSSA – Health Savings Accounts – in the future, it would be the way to go. The account would be similar to a bank account and could eventually be invested in mutual funds. Example: if an employee put money away for dental work and at the end of the year, there was \$100 left, the employee would have three (3)

months to bring the money back in. Otherwise, it is lost to the Plan and covered expenses.

- A web based site would be available to Flushing Township. The HR individual could do anything from research compliance issues, benefit news service, keep up to date with all the benefit legislation, restore company HR and insurance forms if need be, view benefit claims, prescriptions and rates, etc.
- The Total Benefits Systems Web Page is available for customer services.
- There would be several pages of information that pertained to the employment hire guide.

FEURT passed out packets to each of the Board Members and if more information was needed, **FEURT** would be more than glad to answer any questions. Clayton Township and Mundy Township are a few of the references available if anyone would like to get further information regarding Total Benefits.

LIEPMANN stated Mr. Jack P. Schmitz, Benefits Manager, Burnham & Flowers Insurance Group would be in attendance at the June 14, 2007 Board of Trustees Meeting to present his company's health insurance program. At the July 12, 2007 Board of Trustees Meeting, the Board would make a determination as to which company to act as the Agent for Flushing Township. **LIEPMANN** has requested to be excused from voting on the issue because he knows both **JEFF FEURT** and **JACK SCHMITZ**.

UNFINISHED BUSINESS:

1. F.A.N.G.

- **FOTENAKES** stated she had contacted individuals and had been informed that F.A.N.G. was more or less an insurance policy. **FOTENAKES** stated she heard that if a Methamphetamine Lab (Meth Lab) was busted in the township, the township would be responsible for the clean up. The 2006-2007 F.A.N.G. dues are a lot of money, but felt it would be a risk if the township did not join F.A.N.G.
- **PRATT** felt there wasn't another alternative for a type of insurance, so did not know how the township could avoid not joining F.A.N.G.
- **FOTENAKES** stated she heard the average clean up cost could be up to \$150,000. **LIEPMANN** stated sometimes the cost could be up to \$1,000,000.
- **MINAUDO** stated meth labs had been investigated in Genesee County including North of Flushing Township and had been taken care of by the appropriate agency.

LIEPMANN stated a motion would not be in order because the money was already in the budget to pay the dues; the only motion needed would be to not pay the dues. No comments were heard so the township will pay the dues for 2006-2007.

NEW BUSINESS:

1. Summary of Projected 2007 Chloride Costs

TROTOGOT stated the chloride applications for 2007 were as follows: the first application would be free but the second and third applications would be \$10,074.90 each. **TROTOGOT** requested to go for the first application (free) and then pay the \$10,074.90 for the second application in June, 2007. **LIEPMANN** stated the third (3rd) application scheduled for September (Labor Day) would help hold the roads together during the winter months.

REED inquired if the two (2) applications would cover the Coldwater Road Extension. **LIEPMANN** stated the township had the chloride applications put on but the residents (on Coldwater Road Extension) paid for the chloride.

The schedule for chloride applications is as follows: first application would be the week of May 14, 2007; the second application would be the week of June 18, 2007 and, if the township should decide to have the third application, it would be the week of August 20, 2007.

REED MOVED, seconded by Minaudo to have two (2) chloride treatments on the gravel roads, one of which Genesee County would pay for and one that Flushing Township would pay for.

ROLL CALL VOTE:

AYES: Minaudo, Pratt, Reed, Morford, Liepmann, Fotenakes, and Trotogot

NAYS: 0 MOTION CARRIED.

2. Resolution to Establish Certain Fees for the Charter Township of Flushing Police Department

ATTORNEY STEVE MOULTON (ATTORNEY MOULTON) and Flushing Township Police **CHIEF DOUG KENNEDY (CHIEF KENNEDY)** had conferred regarding a fee that occasionally was part of a sentence in a drinking and driving offense when there was a long term probation; the Court would require the defendants to submit to a periodic portable breathalyzer test (pbt). Since the tests are administered by a law enforcement officer; Flushing Township would like to take care of the tests for the individuals that are required to have the tests. **CHIEF KENNEDY** had consulted with **ATTORNEY MOULTON** to have the approved fee be \$5.00 per Court Ordered PBT. **ATTORNEY MOULTON** stated there would be no problem as long as it was part of an established fee schedule. The Flushing Township Police Department already has fees imposed for various items in the Department. Since it has been years since the fees have been changed, **CHIEF KENNEDY** felt the fee structure would be appropriate at the time including the addition of the Court Order PBT.

PRATT wanted to know if Accident Reports had always been \$5.00. It was determined the fee had gone up. **PRATT** wanted to know if the fees were comparable with other jurisdictions. **TROTOGOT** stated the fees were lower than other municipalities.

LIEPMANN MOVED, seconded by Fotenakes to approve the Resolution for the Adoption of the New Fees.

DISCUSSION:

- **MINAUDO** wanted to know if other jurisdictions were charging for Portable Breathalyzer Tests (PBT). **MINAUDO** didn't know of any one doing the tests. **ATTORNEY MOULTON** stated the Courts order the tests quite frequently. **MINAUDO** stated normally the Court Fees were included and incurred. **ATTORNEY MOULTON** stated the testing took up the officer's time and the individual was there because the test was Court ordered. **MINAUDO** felt the test was a good thing.

ACTION OF THE MOTION:

MOTION CARRIED

3. Proclamation for Arson Awareness Week

TROTOGOT stated the Township had been approached to join in with the Arson Awareness Week Resolution during the time of May 6-12, 2007.

FOTENAKES MOVED, seconded by Pratt to accept the Proclamation for Arson Awareness Week of May 6-12, 2007. MOTION CARRIED.

4. Process and Cost of Stopping Infiltration in Manholes

LIEPMANN stated all the sewer lines in Flushing Township have been video tapped; there weren't any illegal tapes. The infiltration of water and sewage into the system that is not supposed to be there, or is put there intentionally by scrupulous people, is not that bad in the Township.

The Federal and State Government is requiring all municipalities to show they are not putting excess storm water into the sewage system. The Genesee County Drain Commissioner (Drain Commissioner) has established a cost factor if the municipality is over what the natural flow should be. If Flushing Township would have been billed for

the last year, the bill would have been \$59,000 but the County is giving all municipalities two (2) years to get into compliance. Flushing Township has approved Mid-Michigan Manufacturing and Maintenance (Mid-Michigan) to be the repair company.

Mid-Michigan has been in the process of checking all the man holes and establishing whether or not they need to be repaired. They (Mid-Michigan) are also in the process of putting an inverted cap in each manhole at a cost of \$45; there are 350 manholes in Flushing Township. The inverted cap has a “shower” head in the center so that when inflow from rainwater gets under the manhole cover, it is held there and slowly seeps in and when it reaches a certain level, water can no longer get into the manhole. The inverted cap has been proved to reduce inflow by twenty-five (25%) percent.

A letter has been sent to the Drain Commissioner stating that Flushing Township was in the process of coming into compliance. Per **LIEPMANN**, at the last Genesee County Water and Waste Advisory Committee Meeting (Water and Waste), the Drain Commissioner notified all the Committee Members, that if their particular township was in the act of complying, the municipality would not be billed for the next three (3) or four (4) years. Flushing Township is in the process of compliance with the Act and should be within complete compliance within the three (3) to four (4) year period.

REED stated people have been known to build driveways, porches, etc on top of manholes. **LIEPMANN** stated there are a lot of driveways that are over manholes.

LIEPMANN stated since the infrastructure in Flushing Township is relatively new, Flushing has not been running into situations that face a lot of other municipalities. **LIEPMANN** stated the township would save about \$69,000 over the next three (3) years by doing our own updating of manholes.

5. **A proposed Ordinance Amending Various Ordinances to Consolidate in One Ordinance Which Violations are Misdemeanors and Which are Civil Infractions**

PER ATTORNEY MOULTON, after review of the Proposed Ordinance, it would be the discretion of the Board of Trustees to either have a more detailed review of the ordinance at a later time or consider the First Reading.

BACKGROUND HISTORY:

ATTORNEY MOULTON stated originally all violations of township ordinances were ninety (90) day misdemeanors. In 1994 there was a push to decriminalize certain violations. It worked well with regard to certain motor vehicle violations but didn't realize at the time whether it was treated as a misdemeanor or civil infraction – in other words a speeding ticket was then a civil infraction and not a misdemeanor. If the fine wasn't paid, whether it was imposed as the result of a misdemeanor or civil infraction, the license was suspended. The Secretary of State had a very strong lever to get the fines paid.

In 1994 when the Township decided to make a number of violations civil infractions rather than ninety (90) days misdemeanors, the thought was the township did not want the stigma of a criminal conviction attached when someone was faced with the violation. The fines paid on civil infractions would be paid to the municipality rather than to the Courts and would be retained entirely by the municipality. The problem: there was not an affective way to impose and collect the fines. The Court stated the municipality had to file a civil lawsuit and proceed to a civil judgment to collect the fines which were modest. It didn't prove affective either as a means of obtaining enforcement, compliance with the ordinance, or as a revenue enhancer.

There has been talk from time to time about going back to the way things were with respect to certain of the offenses and making them misdemeanors so that if there was a perceived violation, the township could proceed into District Court on a ninety (90) day

misdemeanor and have the possibility of a ninety (90) day jail sentence and/or a \$500 fine as leverage to get compliance.

The list of issues have been reviewed by **ATTORNEY MOULTON** and **CHIEF KENNEDY** and in general terms of enforcement, if there was a misdemeanor or criminal offense, the enforcement would be initiated through the Police Department. If the issue was to still be treated as a civil infraction, the initial enforcement would be through the Code Enforcement Personnel.

The proposed ordinance does not make or add to the ordinances any types of violations. The ordinances are scattered throughout all twenty (20) chapters of the Code of Ordinances. **ATTORNEY MOULTON** felt it would save a lot of time if everything was consolidated into one (1) ordinance, a concise list setting forth which violations were civil infractions and misdemeanors and then enhance enforcement by making certain violations that are now civil infractions, misdemeanors.

ATTORNEY MOULTON reviewed the proposed items:

Violation	Penalty	Enforcing Agency
Amusements and Entertainments	Civil Infractions	Code Enforcement Issue
Animal Violations	Misdemeanor	Police Department
Building and Building Regulations	Civil Infraction	Code Enforcement/Building Inspector Issues
Fences	Civil Infraction	Code Enforcement Issue
Fire Prevention and Protection	Misdemeanor	Police Department
Flood Damage Control	Civil Infraction	Code Enforcement Issue
Housing	Civil Infraction	Code Enforcement Issue
Landfills	Civil Infraction	Code Enforcement Issue
Nuisances	Misdemeanors	Police Department
Offenses on School Property	Civil Infractions and Misdemeanors	Code Enforcement/Police Department
Penal Code/Curfew	Misdemeanors	Police Department
Parks and Recreation	Civil Infraction	Parks Manager
Signs	Civil Infraction	Code Enforcement Issue
Streets/Sidewalks/Public Places	Civil Infraction	Code Enforcement Issue
Traffic and Motor Vehicle	Civil Infraction and Misdemeanor	Code Enforcement and Police Department
Utilities	Civil Infraction and Misdemeanor	Code Enforcement Issue and Police Department
Vegetation	Misdemeanor	Police Department
Zoning	Civil Infraction	Building Inspector

DISCUSSION:

- PRATT** thought a first offense on a particular issue of the Fire Prevention and Protection should be a civil infraction and a misdemeanor for the second offense. **TROTOGOT** stated there had been a lot of requested for a “bonfire”. **ATTORNEY MOULTON** stated there were a lot of issues that could be violations under *Chapter 7 – Fire Prevention and Protection*. Sometimes only warnings are given to someone that understood the issue and wouldn’t continue to do the act; other issues could go a number of directions even though they might be characterized as a misdemeanor.
- FOTENAKES** was concerned about the cost. **ATTORNEY MOULTON** stated if the cost goes in as a misdemeanor, it would be factored in the existing ordinance violation most of which are traffic. Since **ATTORNEY MOULTON** already handles traffic violations, it would not require separate Court appearances. The added cost to prosecute as a misdemeanor should be minimal.

- **ATTORNEY MOULTON** stated the discretion would exist in all the proposed ordinances but in certain cases there needed to be a final back drop to where things that were not working and not getting compliance, that the Judge could, at the particular time if there was a conviction, say “you have ninety (90) days or a \$500 fine or both unless you do what I am telling you to do.” That would get most peoples’ attention.
- **PRATT** had a question regarding *Chapter 12, Section 12-8*: should there be consultation with **ATTORNEY MOULTON** regarding the vacating of danger situations such as when the roof falls in and there are children in the home, etc. **ATTORNEY MOULTON** would be consulted in the cases.

FOTENAKES MOVED, seconded by Reed to have the first reading of AN ORDINANCE TO MAKE THE VIOLATION OF CERTAIN ORDINANCES A MISDEMEANOR AND TO MAKE THE VIOLATION OF OTHER ORDINANCES A CIVIL INFRACTION. MOTION CARRIED.

TROTOGOT was contacted by **CHIEF KENNEDY** and suggested that the Police Department do the Code Enforcement because the Police Department could write tickets and impound which would be a lot easier for the Township. **ATTORNEY MOULTON** stated the Zoning Issues should be left to the Building Inspector.

6. Second Reading of an Ordinance to Adopt, by Reference, the Motor Carrier Safety Act of 1963

LIEPMANN MOVED, seconded by Minaudo to have the Second Reading of the Adoption of the Motor Carrier Safety Act of 1963 by Reference. MOTION CARRIED.

7. Lights at Large

BACKGROUND HISTORY:

LIEPMANN stated in 1994, the Flushing Township Board of Trustees decided that because the Township had a good fund balance, the Township would stop charging an assessment for lights-at-large (the lights that are in subdivisions, along road ways, and throughout the Township). Due to the economy, **LIEPMANN** recommended a public hearing be held to place the lights-at-large back on the Assessment Roll.

At the time the lights-at-large were taken off the tax roll, only the subdivisions were paying for the costs of the lights. Since 1994, many lights have been installed and it has come to a position where the Township has to establish the assessment township wide. The assessment would be \$12 per year. The cost to the Township for the lights for 2006 was \$44,000.

LIEPMANN MOVED, seconded by Fotenakes that a Public Hearing be held at the next meeting to establish an assessment roll for lights-at-large.

DISCUSSION:

- **REED** approved of the issue because she thought the idea was well past due; would it be possible to consider placing lights at intersections where there currently are no lights? **LIEPMANN** stated Consumers Energy charged the Township \$100 to install a light at an intersection. The Board of Trustees has the discretion to approve any intersection they would like to have a light. Most of the installation of lights has come from residents requesting a light be installed due to the darkness of the particular area. **REED** stated Duffield Road at Carpenter Road and Coldwater Road needed a light because of the dark street corners. **LIEPMANN** stated the cost for having lights at each parcel would be an additional \$1.00 per month.

ACTION OF THE MOTION:
MOTION CARRIED.

8. BS&A Software

The Township has two (2) computer systems in the office: 1) Pontem Software which is used in the Main Office and 2) BS& A Software which is used by the Assessor and the Building Inspector. The Township has used Pontem for approximately ten (10) years and has been told the company (Pontem) was updating to be comparable with BS & A Software.

Genesee County has gone to BS & A Software and all the taxing system will be on BS & A Software. The recommended solution has been to have all the software system with BS & A Software which would cover General Ledger, Accounts Payable, and the Payroll System. The cost would be \$17,285 for the three (3) software programs and the data conversion. If there are any problems with the conversions, there could be another fee. The price includes on-site training for six (6) days at \$700 per day. The yearly support fee is \$1,950.00 per year; the current price with Pontem is \$1,875.00 per year. The amount could be paid over multiple budget years if desired but the option has not been discussed as to interest free. **LIEPMANN** stated that since all the system will be used by all the people in the office, the Water Fund could absorb fifty (50%) percent of the cost which would get the amount down to approximately \$8,000 for the General Fund and \$8,000 for the Water Fund. **LIEPMANN** recommended the Township go with the system; it is the system of choice of almost all the townships.

REED MOVED, seconded by Fotenakes to approve switching the computer system to BS & A Software at a cost of \$17,285.00 and also the annual maintenance fee of \$1,950.00.

DISCUSSION:

- **REED** wanted to know if Flushing Township would eventually be able to write their own water and tax bills. **LIEPMANN** stated the township would not want to do the water bills as there had to be water readers but the Township could do the tax bills. The decision would have to be made by the Board.

ACTION OF THE MOTION:

ROLL CALL VOTE:

AYES: Pratt, Reed, Morford, Liepmann, Fotenakes, Minaudo, and Trotogot

NAYS: 0 **MOTION CARRIED.**

COMMITTEE REPORTS:

1. Roads and Bridges Committee

TROTOGOT stated all the Supervisors in Genesee County had been notified that all the work done on overtime by the Road Commission, such as ditching, they would like for the Townships to be billed for the culverts and in return, the Township would collect the money from the homeowners. In the past, the Road Commission has collected from the homeowners. **TROTOGOT** will keep the Board informed.

2. Concerts in the Park

FOTENAKES stated that Dave Woods (Woods), from *Concerts in the Park*, wanted to know if Flushing Township could donate money to the concerts. **WOODS** had stated that a majority of the people that attended the concerts were Flushing Township residents. **FOTENAKES** stated that \$400 to \$500 had been requested. **FOTENAKES** stated the organization was not a 501C3 organization. **ATTORNEY MOULTON** stated that legally the Township could not make a contribution to the concerts. It was mentioned that perhaps a fee should be charged.

3. Budget

LIEPMANN stated the 2006-2007 Budget with the fiscal year ending March 31, 2007, had recommended changes to the budget with a total approximate increase of \$10,000; \$4,400 of the figure was for lights-at-large. The Fund Balance went up from \$402,000

expected to \$420,000. **LIEPMANN MOVED**, seconded by Fotenakes to approve the Budget Amendments as presented.

DISCUSSION:

- **LIEPMANN** stated all the line-item cost centers had enough money to cover the increases.
- **FOTENAKES** wanted to know the average increase? **LIEPMANN** stated most of the increases were \$35 to \$50; \$4,500 was for lights-at-large; the rest of the increases were under \$1,000.

ACTION OF THE MOTION:

ROLL CALL VOTE:

AYES: Reed, Morford, Liepmann, Fotenakes, Minaudo, Pratt, and Trogotog

NAYS: 0 MOTION CARRIED.

4. Parks and Recreation Committee

LIEPMANN stated the Parks and Recreation Committee has completed the “*New Vision*” Statement and in the process of completing a long-range Master Plan for the Park which will take three (3) to five (5) meetings.

The final figures are in from the Grant with the completion of: 1) the Boardwalk, 2) the Interruptive Garden, 3) the water line going into the restroom area, and 4) interruptive signs have been received. The budget came in \$25,069 under budget with a cost savings in the Park Fund of \$9,776. **MINAUDO** wanted to know if **LIEPMANN** was working on another grant. **LIEPMANN** stated the Governor has notified everyone that all grants are suspended. The DNR grant will be paid but there won’t be any future grants until the budget is solved in Lansing.

LIEPMANN stated the Nature Park was having a “Bird-A-Thon” on Thursday, May 17, 2007 where individuals have been asked to pledge so much for species. Please see **LIEPMANN** to pledge funds for the “Bird-A-Thon”.

REPORTS:

1. Building Inspector’s Report: Reviewed and Accepted

BUILDING PERMITS ISSUED:

NEW HOMES	1
ACCESSORY BUILDINGS	0
DECKS	0
REMODELING	2
ADDITIONS	2
GARAGES	2
FENCE PERMITS	3
ROOF REPAIR	0
POOL	0
COMMERCIAL	0
SIGN	0
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TOTAL PERMITS ISSUED	10
PERMIT VALUATION FOR APRIL 2006	\$ 1,043,950
PERMIT VALUATION FOR APRIL 2007	274,800
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PERMIT FEES COLLECTED FOR APRIL 2007	\$ 1,426

TRAILER INSPECTIONS (1)	50
TRASH AND RECYCLING CHARGES	0
SPECIAL USE PERMIT	0
HOME OCCUPATION PERMIT	0
EARTH REMOVAL PERMIT	0
VARIANCE REQUEST	0
REZONING REQUEST	0
CODE BOOKS	0
FOR A TOTAL OF	\$ 1,476
CONSTRUCTION TO DATE APRIL 2006	2,382,150
CONSTRUCTION TO DATE APRIL 2007	852,010
FOR A DECREASE OF	\$ 1,530,140

PUBLIC COMMENTS:**8:20 P.M. OPEN FOR PUBLIC COMMENTS**

1. John Kreutzfeldt, 9060 W. Carpenter Road, Flushing – “for several years have had an issue with dead trees on the neighbor’s property; there has been a problem with poison ivy on the neighbor’s property; miscellaneous correspondence has taken place between the Township, neighbor, and the Township Attorney; the issue needs to be taken care of; Attorney Moulton has been taking care of the tree situation with Attorney Mike Zelle, who represents Mr. & Mrs. Kreutzfeldt.”

2. Bill Miller, 9246 Mt. Morris Road, Flushing – “has a huge bald spot on his lawn where Consumers Energy installed a gas line in September or October of 2006.” Consumers Energy will be contacted.

3. Bruce Larson, 6126 N. McKinley Road, Flushing – “has a problem with standing water on his property caused by the Township granting the property owner at 6111 N. McKinley Road permission to do a land split where he sold his primary residence and kept the property and out building, and in doing so, he applied for a driveway which apparently was granted therefore, the property owner filled in the driveway with busted up concrete which changed the water flow of 6126 N. McKinley Road as well as several neighbors; this has been an ongoing problem for more than five (5) summers; it has been determined to be a civil matter; Larson has contacted several lawyers and the lawyers have requested that Larson get an estimate to the property damage (dying trees) before any lawyer will take the case; Larson can’t get anyone in Genesee County to come out to give a price based on damage so therefore can’t get a lawyer to take the case; is there something that the Township can do?” **TROTOGOT** has contacted Mike Wilson of the Genesee County Drain Commission; many different solutions are being tried to resolve the matter.

4. Lawrence Peck, 6091 N. McKinley Road, Flushing – “years ago there was a saw mill in the area and the water for use came out of the thirty (30) inch crock; when the cement was placed in the area the six (6) inch tile was crushed; Mr. Peck tiled the area with a four (4) inch tile lateral over to the six (6) inch tile so the area would drain the area for proper cultivation.” There is a major problem but since the drain is not a County Drain there isn’t anything the Township could do. Mr. Peck stated the area where Mr. Larson lives use to be a gravel pit; the gravel was used to build McKinley Road. **TROTOGOT** wanted to know where the tile went – per Mr. Peck, the tile goes straight back to the end of his (Mr. Peck’s) property and goes South and ends in the area known as “Andy Lawrence’s pond”. Mr. Peck stated the tile was broken back to the front of his

(Mr. Peck’s) woods. **MINAUDO** wanted to know if Mr. Ted Jacques knew the drain was on the area and if the rocks going into the drain would break the tile. **TROTOGOT** stated the County could not find a permit for Mr. Jacques.”

5. **LIEPMANN** inquired from **ATTORNEY MOULTON** regarding forcing water on to another property. The remedy for the water is the affected property owner suing the wrong doer as opposed coming to the municipality.

6. **Lawrence Peck** – “never had any trouble with drainage until Mr. Jacques moved in. Peck stated when he put in a truck farm he wanted to make sure the drainage was correct. He placed four (4) inch tile, the laterals in, and pea rock so he (Peck) would know the area was properly drained.”

7. **ATTORNEY MOULTON** – “there may be reminification to take action against Mr. Jacques if he went onto Mr. Peck’s property.” Mr. Larson needs the services of a civil engineer.

8. **Debbie Smith, 6090 N. McKinley Road, Flushing** – “has called the County to see what could be done; there is a natural flow of water somewhere behind her house, under the road, and through the Larson property to the culvert at Lawrence Peck’s property.”

9. **MINAUDO** wanted to know how much damage was done on Mr. Peck’s property by having the drain put back in and have the area dug up and redone the way it should be done.

10. **ATTORNEY MOULTON** will check into the matter as there are several things that are unique to the property. If there is a violation of the township ordinances, the individual could ask the Board to take action to enforce and remediate, but it isn’t, it is a civil law that is being broken and the recourse in any civil situation is to sue and file a private suit as one property owner against another property owner to get the Court to compel them to do or undo what was done.

11. **Fred Bourjaily, 6120 N. McKinley Road, Flushing** – “the water sits on part of his property also; has lived at his current house for seven (7) years; never had any problems until the area was plugged out.”

9:05 P.M. CLOSED FOR PUBLIC COMMENTS

BOARD COMMENTS:

None

THE NEXT BOARD OF TRUSTEES MEETING IS SCHEDULED FOR THURSDAY, JUNE 14, 2007 AT 7:00 P.M.

ADJOURNMENT: There being no further business matters, **TROTOGOT** adjourned the meeting at 9:05 p.m.

JULIA A. MORFORD, Clerk

ANDREW TROTOGOT, Supervisor

APPROVED DATE: _____