

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

DATE: JULY 9, 2007 **TIME: 7:00 P.M.**
PHONE: 810-659-0800 **FAX 810-659-4212**
WEB PAGE: <http://www.flushingtowship.com>

ADMINISTRATION MEMBERS

SUPERVISOR: Andrew Trotogot
CLERK: Julia A. Morford
TREASURER: Carl G. Liepmann

TRUSTEES

Ann L. Fotenakes
Scott Minaudo
Barry Pratt
Ida M. Reed

TOWNSHIP ATTORNEY:

Steven Moulton of
Cooley Moulton & Smith
Attorneys at Law

MEETING CALLED TO ORDER at 7:00 by **SUPERVISOR ANDY TROTOGOT**
with roll call and the pledge to the American Flag.

ROLL CALL: Trotogot, Morford, Liepmann, Fotenakes, Minaudo, Pratt, Reed, and Attorney Steve Moulton

MEMBERS ABSENT: None

OTHERS PRESENT: Ted Breidenstein, Pat Drozdowski, Dave Rowe of Inland Seas Engineering, Rich Bysko of the Genesee County Drain Commissioners Office Water and Waste Division, Genesee County Treasurer Dan Kildee, and Kelsee Joseph granddaughter to Trustee Ann Fotenakes

TROTOGOT requested permission to add three (3) additional items to the Agenda: **1) Unfinished Business**, number 2, Railroad Management; **2) New Business**, number 2, Proposed Ordinance Regarding Student Parking at Flushing High School, and **3) New Business**, number 3, Change in Financial Institutions for the Township's Investments.

ADOPTION OF THE AGENDA: FOTENAKES MOVED, seconded by Pratt to adopt the Agenda with the three (3) additions. **MOTION CARRIED.**

APPROVAL OF MINUTES OF JUNE 14, 2007: LIEPMANN MOVED, seconded by Reed to approve the Minutes of June 14, 2007 with one correction:

Page 4, Board Comments, "why was the Supervisor's. . .in the Budget" **changed to** "why was the Supervisor's telephone so much more than anyone else's in the Budget."

ACTION OF THE MOTION:
MOTION CARRIED

APPROVAL OF BILLS: FOTENAKES MOVED, seconded by Minaudo to approve the payment of the bills as listed. **Questions: FOTENAKES:** 1) J.B. Enterprise – what was the surcharge fee; 2) Genesee County Register of Deeds – why were copies of deeds made – a copy goes into each file jacket for each parcel in the township; 3) Lights at Large – is there money available in the fund. **MINAUDO:** 1) Goyette Mechanical for \$600 – the township had a water problem and the \$600 was for a new water heater; 2) Michigan Wildflower Farm – seed and materials for the Nature Park – paid for out of the U.S.D.A. Grant. **PRATT:** 1) J-R Auto Repair – new motor for the Park pick up truck – the price included the new motor and warranty on the engine for 150, 000 miles; 2) FBH – a Dead Latch on the back door of the Police Department.

ROLL CALL VOTE:

AYES: Fotenakes, Minaudo, Pratt, Reed, Morford, Liepmann and Trotogot
NAYS: 0 **MOTION CARRIED.**

WATER AND SEWER RATE STUDY: DAVE ROWE (ROWE) of Inland Seas Engineering was selected by Flushing Township to do a study to determine the status of Flushing Township's water and sewer and what should be done in order to accommodate the new charges from Genesee County.

I. HISTORICAL OVERVIEW OF THE FLUSHING TOWNSHIP WATER SUPPLY SYSTEM.

- 1970's – the township started getting requests from residents in “The Ponderosa” for water – wells were turning salty, were briny, or had a bad taste.
- the wells had already turned bad before 1970 in the Saginaw County area.
- after World War II, people started moving out into the suburbs.
- after the move to the suburbs, there were thousands of wells in the area and with so many wells, it was “sucking” up all the good drinking water.
- when all the good drinking water from the earth had ran out, salty water was then pumped up from underneath the good water, which started the process of bringing water in from the lakes.
- The salty water started:
 - a. Clio was the first area within Genesee County that started having bad water problems. A water line was extended on Clio Road.
 - b. City of Flushing had problems with salty water; all of the water was coming out of shallow wells which had a big tube sunk into the ground thirty (30) to forty (40) feet that was used for drinking water. Irrigation pipes were used to run water from a couple of gravel pits in Mt. Morris Township to a pond near the Springview School (Flushing). A water main was then brought in from the City of Flint and constructed on Pierson Road behind the former Country Squire in the large storage tank.
 - c. the process has led Flushing Township to join in with the County System. We pay for the water.
 - d. Montrose and Flushing Township are the furthestmost remote entities on the Detroit Water System.
 - e. mid 1970's, enough residents in the Chickasaw, Tahquamenon Trail area were having water problems so (Ted Buell was the Supervisor at the time) the residents petitioned the township to having a water system built.
 - f. the saving grace of the whole system was that ductile iron pipe was used, which was and is the Cadillac of water mains.
 - g. after 1968, the Land Division Act (Subdivision Control Act) made it almost mandatory for any development to have public water; wells could no longer be used unless they were good wells.
 - h. most of the water mains were located in the section south of the City of Flushing, the Tahquamenon Trail and Chickasaw area, or the vicinity of the new Flushing Middle School. There are different kinds of water mains along section lines in the township.
 - i. the Township of Flushing has a good looped system; there haven't been any breaks.
 - j. all the bonds that were floated in 1970, 1980, and early 1990's have been paid off. The System is debt free.
 - k. the oldest pipe in the system would be approximately thirty-five (35) years old; the City of Flint has pipes that were constructed in the 1930's, 1940's, and even earlier.
 - l. the City of Flushing has pipes that were installed in the 1930's and 1940's.
 - m. prior to World War II, the pipe used was called a “sand case water main” which was inferior to the cast iron pipe that was used after World War II and is inferior to the ductile iron that is currently being used. Ductile iron pipe is not brittle like cast iron pipe and will withstand a lot of pressure from frost or heavy traffic; the ductile iron pipe will also bend. The old cast iron was so brittle it would snap off.

II. PROCESS FOR RESIDENTS TO HOOK ON TO THE WATER SYSTEM:

1. Petition the Township
2. Agree to pay enough in the tap-in fees to pay for the cost of the main.
3. 1992 was the last year new bonds were issued

III. PRESPECTIVE OF THE WATER SYSTEM:

277,225 feet of water main which equals 52.5 miles of water main which equals to \$17,000,000 worth of water main in the ground.

IV. STATUS OF THE RATE STUDY:

1. Water Charge:
 - a. total charge: current - \$2.10 for 100 cubic feet; proposed - \$2.36 for 100 cubic feet

V. FACTORS INFLUENCING THE RATE CHARGED FOR WATER SERVICE:

1. increased rates for water supply and pass thru fees
2. inflation at three (3%) percent per year
3. aging of the system
4. the experience with repairs has been minimal
5. it is possible that the MDEQ would upgrade the requirements for water supply systems
6. the most vulnerable location for water main damage has been under creeks, ditches and rivers. The township also has a stretch of water main hanging from the Mt. Morris Road Bridge over the Flint River. A repair in those areas would be expensive.
7. The addition of customers to the existing system would tend to increase the revenue without capital expense.

VI. HISTORICAL OVERVIEW OF THE TOWNSHIPS SANITARY SEWER SYSTEM

- a. late 1960's or early 1970's an eight (8) foot interceptor sewer followed the Flint River from the City of Flint Treatment Plant.
- b. at the time, the City of Flushing and the County were in disagreement as to who would get the grants to construct sewer systems in the City of Flushing.
- c. the City of Flushing already had a small treatment plant and it was determined the City could handle the sewage treatment cheaper than the County could at the particular time. (The City of Flushing had obtained a grant from the EPA to construct a sewer system).
- d. a large lift station is located at the West end of the Flushing County Park. Process: lift station pushes the sewage up to Carpenter Road by the High School; at the point of Deland and Carpenter Road, the system becomes a gravity system and flows to the Anthony Ragnone Sewage Treatment Plant at Montrose (MI).
- e. plenty of opportunity to develop land in the Flushing Township with a good sewer outfit.
 1. few years ago a mobile home park needed assistance
 2. system was installed extending from the interceptor West on Mt. Morris Road to and under the Flint River with a lift station
 3. the entire mobile home park is on system.
- f. most of the development is south and north of the City of Flushing.
- g. ninety (90%) percent of "The Ponderosa" area does not have sewer.
- h. grants are no longer available to construct sewers.
- i. any subdivision that was developed prior to 1968 is in the same condition.

VII. COST ANALYSIS ON THE SEWER SYSTEM

The cost analysis would be approximately \$4.3 million dollars of sewer systems at today's prices.

VIII. CAPACITY MANAGEMENT OPERATION AND MAINTENANCE (CMOM)

- a. Michigan Department of Environmental Quality (MDEQ) and the Environmental Protection Agency (EPA) are suggesting that Genesee County upgrade their overall sewer system.
- b. CMOM requested the sewer systems throughout the County be monitored on a regular (every five (5) to ten (10) year) basis by having a television camera run through all the sewer lines to check for:
 1. leaks
 2. broken pipes
 3. manholes by making sure the joints are sealed and the casting on the tops are sealed properly, etc.
- c. the program would reduce the leakage and the infiltration into the sewer which is being treated at the Anthony Ragnone Treatment Plant (Montrose); the plant could not handle all the sewage if there was a large rainfall.
- d. mandatory program that Genesee County would be administrating:
 1. Flushing Township opted to handle monitoring independently because Flushing Township's sewers are relatively new and in better shape than most areas. (Flushing Township has two (2) lift stations)
- e. CMOM had planned to take all the cost to maintain all the systems in the County and divide the total number of people being served by the County System.
 1. Mid-Michigan Manufacturing has been doing work in Flushing Township. (The Flushing Township Water Committee recommended on May 2, 2007 to hire Mid-Michigan Manufacturing to do the inspections for the township).
 2. More favorable to have the work done independently than what the County had offered to do for the same service.
 - a. more freedom to keep repair costs down.
 - b. County was going to charge \$4.87 per foot per month regardless if the County did any repair work or not; with Mid-Michigan and the same statistics that would need to be done, the cost would be \$4.60. If work was not done, the township would not pay.
- f. Genesee County is in the process of changing system for sewer charges.
 1. township residents that are on the sewer system are being charged \$37.00 bi month for treatment; with the new system the residents, that are using only a minimum amount of water, would pay less than the \$37.00 bi month. Most residents would pay more.

IX. SANITARY SEWER RATE STUDY

- a. The current sanitary sewer rate is \$37.00 bi-monthly; the proposed new rate to be charged to Township un-metered sewer customers would be \$58.68 bi-monthly.
- b. the County would require residents that have sewer but no water system with a meter, to install a meter on their well. (This is voluntarily or the resident would pay the high figure).
 1. residents could pay \$58.68 bi-monthly and let it go

OR

 2. if the resident thought they were using far less water than what the price would constitute, the County would put a meter on and the sewer rate would be the water meter charge.
 - a. if the resident used less, the price would be less

- b. if the resident used more water, the meter would not be taken off and the resident would be paying more money.
 - 1. when the meter has been installed, the number of cubic feet used would start and the sewer rate would be based on that particular figure.

X. CONCLUSION OF THE WATER/SANITARY SEWER RATE STUDY

ROWE stated the cost for some residents would increase and some would decrease depending upon whether there was water and sewer or just water. **LIEPMANN** stated the biggest impact would be the non-metered figure which would be increasing from \$37.00 to \$58.68. If any residents would like to have a meter installed, the Township would put the resident in contact with the County as to quotes for the meter. If a resident used four-hundred (400) cubic feet or less, the resident would be saving \$11.76 per bi-monthly billing.

LIEPMANN stated the current status is that the sewer billing has not been covering the cost of having sewers. Inland Seas Engineering was hired to do the study to find out the status of the water/sanitary sewer situation. The water fund has been holding its own.

FOTENAKES wanted to know if Genesee County just implemented the charges or was there a vote by the people? **LIEPMANN** stated the charge to the Township was going from \$12.00 a month to \$19.05. The township’s charge to the residents went from \$6.50 a month to \$10.29 a month.. The markup would be the same, but the township has been losing money. The township could not operate if money was being lost on the system as no taxes are available to back the township up. **FOTENAKES** wanted to know if the residents would be notified. **LIEPMANN** stated the article would probably be in the Flushing Observer.

LIEPMANN stated the CMOM had been handed down from the Federal Government to the State and then to the locals. A review of the system will be made after a couple of years to determine the status of the system. The review might show the township would not have to spend what has been predicted since the township system was so new. If not, the issue could be addressed and perhaps the rates could be lowered.

ROWE stated most of the sewers in Flushing Township have been located in subdivisions and were built as part of the Subdivision Development. A lot of the sewers have been built along county roads where there could be damage from traffic, etc. Normally, heavy trucks would not be going through subdivisions damaging man-holes. **ROWE** stated when sewers are constructed on county roads quite often the casting ends up being too high and sticking up or too low and when the development takes place the pipes leak; when the development has taken place and the sewers have been installed, the sewers would be on grade and not sticking out of the ground.

LIEPMANN MOVED, seconded by Fotenakes that the Board approve the water and sewer rate increases as presented effective August 1, 2007.

ROLL CALL VOTE:

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

NAYS: 0 MOTION CARRIED.

DUE TO GENESEE COUNTY TREASURER DAN KILDEE BEING IN ATTENDANCE, THE ISSUE OF THE RESOLUTION CONCURRING WITH THE PROVISIONS OF AMENDMENTS TO A BROWNFIELD PLAN TO BE APPROVED BY THE GENESEE COUNTY BOARD OF COMMISSIONERS FOR THE GENESEE COUNTY LAND BANK AUTHORITY BROWNFIELD REDEVELOPMENT PROJECT WAS NEXT ON THE AGENDA.
NEW BUSINESS:

1. Approval for Resolution Regarding the Genesee County Land Bank Authority Brownfield Plan Amendments by July 13, 2007

GENESEE COUNTY TREASURER DAN KILDEE (KILDEE) was present to give an explanation of the Genesee County Land Bank Authority Brownfield Plan Amendments. **KILDEE** stated several years ago, Flushing Township had voted to include a parcel in the Brownfield Plan.

KILDEE stated seven hundred (700) properties would be added to the Brownfield Plan, none of which are currently in Flushing Township. The law required that when there was a substantially amendment to a Plan, the original units of Government that approved the Plan originally are asked to approve the amendments. The Amendments would not add any properties from within the Township but would add the voice of the Township in approving the Amendment which would allow the County to continue clean-up work primary in Flint, Mt. Morris Township, Genesee Township, some in Flint Township, and a scattering of properties throughout the remainder of the County.

KILDEE stated there was one (1) parcel on Elms Road and would like to know what Flushing Township would like to do with the parcel. If there should be any suggestions, **KILDEE** recommended the Township inform the County.

FOTENAKES MOVED, seconded by Minaudo to approve the Resolution regarding the Genesee County Land Bank Authority Brownfield Plan Amendment. **MOTION CARRIED.**

(Please see Page 7 for the continuation of NEW BUSINESS).

UNFINISHED BUSINESS:

1. Discussion Regarding the Health Insurance Agent for Flushing Township

FOTENAKES felt the decision for the Health Insurance Agent would be a personality issue instead of cost factor. Burnham and Flowers has been very nice to work with; Total Benefits would be a smaller company and was in a great location. When the Township entered into a *Letter of Agent of Record*, the question would be if the service wasn't rendered, would it be possible to change companies. **LIEPMANN** stated the *Agent of Record* could be changed. **MINAUDO** stated the price would be the same for both companies. **TROTOGOT** stated Total Benefits had a specialist that had worked with HealthPlus Insurance Company.

TROTOGOT MOVED, seconded by Reed to go with Total Benefits System of Flint, Michigan.

DISCUSSION:

- **PRATT:** would there be any benefit as to the closeness of the agency?
TROTOGOT stated Total Benefits was locally and could easily be contacted.
- **MORFORD:** if we feel we don't like the service, we could always change agents. Burnham and Flowers has been associated with Michigan Townships Association (MTA) for a long time.
- **FOTENAKES:** the township has always taken care of our own services.
LIEPMANN stated the work has gone beyond the scope of ability because of the amount of details involved, especially with COBRA which is regulated by the Federal Government. The expertise of insurances is needed.

ACTION OF THE MOTION:

ROLL CALL VOTE:

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

NAYS: 0 **MOTION CARRIED.**

ABSTAIN: Liepmann

2. Railroad Management

ATTORNEY STEVE MOULTON (ATTORNEY MOULTON) stated that at the last Board of Trustees Meeting, the Township continues to receive invoices from an outfit called Railroad Management Company LL. **ATTORNEY MOULTON** stated a check had been sent to Railroad Management Company LL that based on the original lease agreement which constituted payment for a ten (10) year period that would run through September 2016.

Another invoice had been received by the Charter Township of Flushing. After the June 2007 Board of Trustees Meeting, another letter was sent to Railroad Management Company LL from **ATTORNEY MOULTON** indicating the township's position regarding the continuing invoices to the township since the township had paid the \$100 that would cover the rent for the next ten (10) years.

The original written agreement had been between Flushing Township and Grand Trunk Western Railroad Company for the right to have a water main run below the railroad right-of-way in Brent Creek. **LIEPMANN** stated the railroad did not pay taxes on the property. **ATTORNEY MOULTON** wasn't sure whatever was standing with Grand Trunk Western Railroad Company had devalued to Railroad Management Company. Railroad Management Company LL could be the agent for Grand Trunk, or if they believed they had purchased the rights which Grand Trunk had and now could contract with Flushing Township.

The recommendation of the June 2007 Board of Trustees Meeting was to again state the Township's position that the agreement was \$100 per a ten (10) year period; the township paid the \$100 for the next ten (10) years. **ATTORNEY MOULTON** will keep the Board informed.

NEW BUSINESS (CONTINUED)

2. An Ordinance to Amend Section 17-73 of the Code of Ordinances to Prohibit Student Parking on School Property in Violation of the Policies Established by the Board of Education and to Establish the Penalties for Such Violation

ATTORNEY MOULTON, Flushing Township **CHIEF OF POLICE DOUG KENNEDY (CHIEF KENNEDY)**, and representatives of Flushing High School Board of Education (Board of Education) including Superintendent Barbara Goebel had met and discussed the student parking issue. As indicated in the Flushing Observer Newspaper, the Board of Education has adopted a policy regarding charging high school students a fee to park at the high school; \$30 for the whole year and \$20 for the second semester. The Board of Education has requested the Flushing Township Board of Trustees amend or add to its existing ordinance whatever would be required to authorize the Township Police Department to issue civil citations to students who violated the student parking policy. **ATTORNEY MOULTON** stated the issuance of the Citation would be the third (3rd) step of the amendment. The first step would be a warning to the student issued by the School Personnel; the second step would be detention.

DISCUSSION:

- **MINAUDO** wanted to know who issued the citations? **ATTORNEY MOULTON** stated the School Personnel would issue the citations, not the Flushing Township Police Department.
- **ATTORNEY MOULTON** stated that by the time the Police Officer was requested to issue a citation, the officer would go forward based on the school personnel's representation that the first two (2) steps had occurred.
- **MINAUDO** wanted to know if before a Citation was issued, didn't the office have to witness the offense. **TROTOGOT** stated for school property the officer didn't have to witness the offense.
- **FOTENAKES** wanted to know why the school didn't take care of the matter.
- **REED** felt the school would have to patrol the parking area every day.

- **FOTENAKES** stated her concern was how the area would be policed and then suddenly the Flushing Township Police Department would be involved.
- **ATTORNEY MOULTON** stated the policy between the Board of Trustees and the Police Department would be the School Personnel would have to take care of the first two (2) instances and if they (School Personnel) seen the student the third (3rd) time, the matter would be turned over to the Flushing Township Police Department for a citation.
- **FOTENAKES** wanted to know what would happen if a student’s car would not start some morning and the student had to take his parent’s car; felt the taxpayers had already paid for the parking; didn’t believe the students should be paying for parking.
- **REED** thought the issue involved a student parking in someone else’s parking spot. Example: Student “X” was assigned space 5 but Student “Y” suddenly parked in space 5 – wrong space.
- Different Board of Trustee Members wanted more information on the parking issue from the Flushing Board of Education.
- **FOTENAKES** wanted to know if the Resource Officer would be handling the issue. **TROTOGOT** stated it would be the School Liaison Officer.
- **MINAUDO** wanted to know why the township police should get involved; why not keep it a school issue. The School could state a student had violated their (the student) rights and hold up on the diploma or some other similar remedy.
- **LIEPMANN** recommended having the first reading at the current meeting and then notify the Board of Education there wouldn’t be a second reading until the Board of Trustees had more information. The issue would not have to be delayed.

REED MOVED, Pratt to approve the First Reading of the ordinance to amend Section 17-73 of the Code of Ordinances to prohibit student parking on school property in violation of the policies established by the Board of Education and to establish the penalties for such violation. **MOTION CARRIED.**

3. Change in Financial Institutions

LIEPMANN has been in the process of reviewing the Policy and Procedures Manual and some of the Financial Institutions either do not exist or have changed their names. The changes being: Bank One is changed to Chase; Standard Federal is changed to LaSalle; Old Kent is changed to Fifth/Third; William C. Rooney & Company is changed to Raymond James; First of America is changed to National City; Republic Bank is changed to Franklin Bank. **LIEPMANN MOVED**, seconded by Fotenakes to change the mentioned names on the authorized institutions. **MOTION CARRIED.**

COMMITTEE REPORTS:

1. **Audit Report**

LIEPMANN stated there would be an Auditors Meeting on September 13, 2007 at 6:00 p.m.

REPORTS:

1. **Building Inspector’s Report:** **MINAUDO MOVED**, seconded by Pratt to approve the Building Inspector’s Report. **MOTION CARRIED.**

BUILDING PERMITS ISSUED:

NEW HOMES	0
ACCESSORY BUILDINGS	1
DECKS	0
REMODELING	0
ADDITIONS	0
GARAGES	1
FENCE PERMITS	1

ROOF REPAIR	0
POOL	2
COMMERCIAL	0
SIGN	0
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TOTAL PERMITS ISSUED	5
PERMIT VALUATION FOR JUNE 2006	\$ 385,435
PERMIT VALUATION FOR JUNE 2007	49,100
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PERMIT FEES COLLECTED FOR JUNE 2007	\$ 267
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TRAILER INSPECTIONS	0
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	\$ 267
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CONSTRUCTION TO DATE JUNE 2006	3,718,677
CONSTRUCTION TO DATE JUNE 2007	1,406,450
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FOR A DECREASE OF	\$ 2,312,227
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PUBLIC COMMENTS:**8:35 P.M. OPEN FOR PUBLIC COMMENTS**

1. **Rich Bysko, 9303 Stanley Road, Flushing** – “Jeff Wright is his boss and he does work for the Genesee County Water Department; it is great to hear something nice about the Water Department. Rich has five (5) operators, 1 major mechanic, 1 equipment operator, and two (2) meter readers that do all of Genesee County; the crew takes care of water breaks, flushing hydrants, reading meters, etc. The costs have been absorbed by the County when there have been problems. Water is tested two (2) times a week; there are ten (10) different places in the County where the water is tested to assure the water is safe. The workers do work hard and try to keep the cost down as much as possible.

8:40 P.M. CLOSED FOR PUBLIC COMMENTS**BOARD COMMENTS:**

1. **FOTENAKES** wanted to know if all taxpayers had received the letter explaining the break down of the taxes? **FOTENAKES** had received two (2) calls complaining about the increase of the 2007 Summer Property Tax which she informed the residents that the school wanted their money.

2. **LIEPMANN** stated it would be too expensive to send out the notice, but it was placed on the counter and on the web at flushingtownship.com

THE NEXT BOARD OF TRUSTEES MEETING IS SCHEDULED FOR THURSDAY, AUGUST 9, 2007 AT 7:00 P.M.

ADJOURNMENT: There being no further business matters, **CHAIR LIEPMANN** adjourned the meeting at 8:40 p.m.

JULIA A. MORFORD, Clerk

ANDREW TROTOGOT, Supervisor

APPROVED DATE: _____

07/09/07 Regular