

# CHARTER TOWNSHIP OF FLUSHING

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

DATE: OCTOBER 11, 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, Fotenakes, Minaudo, Pratt, Reed, and Attorney Steve Moulton

**MEMBERS ABSENT:** Liepmann

**OTHERS PRESENT:** Pat Drozdowski, Ted Breidenstein, Richard Lucius, John Kreutzfeldt, Kaye Kreutzfeldt, Mary Mossman, and Joan Pajtas

**ADOPTION OF THE AGENDA: FOTENAKES MOVED**, seconded by Minaudo to adopt the Agenda. **MOTION CARRIED.**

**APPROVAL OF MINUTES OF SEPTEMBER 13, 2007: PRATT MOVED**, seconded by Reed to accept the Minutes of September 13, 2007. **MOTION CARRIED.**

**APPROVAL OF BILLS: FOTENAKES MOVED**, seconded by Minaudo to pay the bills as presented.

**ROLL CALL VOTE:**

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

**NAYS:** 0 **MOTION CARRIED.**

**ABSENT:** Liepmann

**UNFINISHED BUSINESS:**

None

**NEW BUSINESS**

1. **Approval/Signing of the Resolution from Michigan DEQ regarding Serial No. 2345, Flushing' Water System**

**TROTOGOT** stated the Board of Trustees needed to sign the Resolution so the water system, known as WSSN Serial No. 2345, could be placed in a dormant state and would be operated under the Genesee County System. If Flushing Township took care of the situation and did the study, it would cost Flushing Township approximately \$25,000. If Genesee County took care of the matter there wouldn't be any cost to the Township. By Genesee County having the whole system under their jurisdiction, the Department Environmental Quality (DEQ) would deal with the County directly, not the townships.

**REED MOVED**, seconded by Pratt to approve the Resolution Requesting the Michigan Department of Environmental Quality to Place the Charter Township of Flushing's Water System, Serial Number 2345, in a Dormant State and Operate Under the Genesee County System. **MOTION CARRIED.**

RESOLUTION REQUESTING  
THE MICHIGAN DEPARTMENT OF ENVIRONMENTAL QUALITY TO PLACE  
THE  
CHARTER TOWNSHIP OF FLUSHING'S WATER SYSTEM,  
SERIAL NUMBER 2345,  
IN A DORMANT STATE AND OPERATE UNDER THE  
GENESEE COUNTY SYSTEM

**WHEREAS**, the Charter Township of Flushing currently owns the water system in their jurisdiction; and

**WHEREAS**, the system has a water system serial number of 2345; and

**WHEREAS**, the Charter Township of Flushing contracts with the County Agency of Genesee to operate and maintain said water supply system; and

**WHEREAS**, the County Agency has its own WSSN of 2615; and

**WHEREAS**, State of Michigan maintains records for the Charter Township of Flushing under the County Agency's file;

**NOW THEREFORE**, be it resolved that the Charter Township of Flushing requests that WSSN 2345 be placed in a dormant state as long as the County Agency operates and maintains the Township water system; and

**BE IT FURTHER RESOLVED**, that the Charter Township of Flushing may reactivate WSSN 2345 by resolution and notification to the State of Michigan Department of Environmental Quality.

**CHARTER TOWNSHIP OF FLUSHING**

Dated: October 11, 2007

\_\_\_\_\_  
ANDREW TROTOGOT, Supervisor

**2. Discussion Regarding Proposed Amendments to Section 12-63(3) Recreational Vehicles**

**ATTORNEY STEVE MOULTON (ATTORNEY MOULTON)** stated the three (3) alternatives that were given, at the last Board of Trustees Meeting, weren't meant to be all inclusive, but there could be other amendments. There could be a combination of the three (3) amendments, or it could be something entirely different from which **ATTORNEY MOULTON** did not think about. (The three alternatives were mentioned in the Board of Trustees Meeting from September 13, 2007).

**First Alternate:**

- (3) No owner, occupant, or possessor of land within the Township shall keep or permit to be kept at any time on such parcel, any recreational vehicle unless the recreational vehicle is properly stored, kept in the rear or side lot of the parcel or on the driveway of the premises for a period of appropriate seasonal use not to exceed a total of ninety (90) days in a calendar year.

**Second Alternate:**

- (3) No owner, occupant, or possessor of land within the Township shall keep or permit to be kept at any time on such parcel, any recreational vehicle unless the recreational vehicle is properly stored, kept in the rear or side lot of the parcel or on the driveway of the premises for a period of appropriate seasonal use not to exceed a total of ninety (90) days in a calendar year. Any recreational vehicle

exceeding 20 foot in length may not be kept on a driveway for a period exceeding 14 days, unless the lot on which the vehicle is kept is at least 1 acre in area.

**Third Alternate:**

- (3) No owner, occupant, or possessor of land within the Township shall keep or permit to be kept at any time on such parcel, any recreational vehicle unless the recreational vehicle is properly stored, kept in the rear or side lot of the parcel or on the driveway of the premises for a period of appropriate seasonal use not to exceed a total of ninety (90) days in a calendar year. A recreational vehicle may be kept on a driveway, provided the vehicle is a minimum of 100 feet from any window or door of any residence adjoining or across the street from the property where the vehicle is kept.

After much discussion it was decided to change the wording of the *Third Alternate* to extend the time to one hundred (100) days.

**ATTORNEY MOULTON** stated he never advised making ordinances that were specific to a particular situation but since a particular situation had been discussed, the way the ordinance would be applied once the amendment would be in place was the recreational vehicle could be stored in the back yard, on the side yard, on the driveway, but if the vehicle was on the front yard but not on the driveway, the property owner would be in violation. If the vehicle was on the driveway, the vehicle had to be hundred (100) feet from the adjoining property owner’s window or door. If any part of the vehicle was in the front yard, it had to be in the driveway

**PRATT MOVED**, seconded by Reed to have the first reading to amend the ordinance as proposed in Option (Alternate) #3 with the change from ninety (90) days to one hundred (100) days. **MOTION CARRIED.**

- (3) No owner, occupant, or possessor of land within the Township shall keep or permit to be kept at any time on such parcel, any recreational vehicle unless the recreational vehicle is properly stored, kept in the rear or side lot of the parcel or on the driveway of the premises for a period of appropriate seasonal use not to exceed a total of one hundred (100) days in a calendar year. A recreational vehicle may be kept on a driveway, provided the vehicle is a minimum of 100 feet from any window or door of any residence adjoining or across the street from the property where the vehicle is kept.

**3. Approval of Street Lights at the Intersection of Duffield/Carpenter Roads and Dillion/Carpenter Road.**

**REED MOVED**, seconded by Fotenakes to put street lights at the intersection of Duffield and Carpenter Road and Dillon and Carpenter Road at \$100 each.

ROLL CALL VOTE:

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

NAYS: 0 MOTION CARRIED.

ABSENT: Liepmann

**4. Approval of Attendance at the Michigan Townships Association, Genesee County Chapter Appreciation Dinner on November 9, 2007**

**MORFORD** stated the “2007 Motown Review Appreciation Dinner” would be held Friday, November 9, 2007, starting at 6:30 p.m., at the Davison/Richfield Senior Center, Davison, Michigan at a cost of \$20 per person. **MORFORD** needed an RSVP by October 23, 2007. It has been determined that due to the economy, everyone would pay for their own ticket.

**TROTOGOT** stated that Representative Rick Hammel would be at the Flushing Township Hall on Friday, October 19, 2007 from 1:00 p.m. to 3:00 p.m. for “Coffee Hour”. Everyone is invited to attend.

**5. Disparity in Treatment of Board Members by the Supervisor; and**  
**6. Discussion regarding Flex Time for Chief Doug Kennedy**

**MINAUDO** had questions regarding the ability of the Board of Trustees reviewing the records of the Flushing Township Police Department Chief Doug Kennedy (Chief Kennedy) concerning flex time.

**ATTORNEY MOULTON** stated that any time the Police Chief's records pertained to: 1) time worked, 2) compensation, and 3) anything to do with the Chief's employment status as Police Chief, any member of the Board of Trustees was entitled to review the records. **ATTORNEY MOULTON** stated he was not aware of any policy or procedure but it should be a matter of administrative convenience between the Trustees and the Police Chief to set up a time that was convenient for both the Chief and the Trustees to review the materials.

Under the Open Meetings Act, if there was going to be any comment as to the Police Chief's rate of pay, job performance, etc. then the Police Chief has the right to be put on notice and at his discretion if he wanted to request that discussion take place in a Closed Session, he (Police Chief) had that option. If there were personal records which the Police Chief has maintained that would be separate and apart from his actual time records, that would be a separate issue and those records may not be available. If records pertaining to the hours worked, what was being done on the job, the rate of pay, flex time, donated time, then as a Trustee, the Board would be entitled to see those documents.

A question was asked pertaining to having more than three (3) Board Members present at a Personnel Committee Meeting. **ATTORNEY MOULTON** stated there was a concern about having a Trustee present, if not as a member of the Committee, but to listen and ask questions as there would be a problem since there would be (3) Personnel Committee Members which would be a violation of the Open Meetings Act. **ATTORNEY MOULTON** stated, in general, if a Personnel Committee was being created to consider employee issues, it would be better that the Committee was comprised of two (2) Board Members, and because Committees should not be an even number, that the third person be a Human Resource Officer or the highest executive employee. The Human Resource Officer would have the day to day knowledge.

**ATTORNEY MOULTON** suggested that **MINAUDO** deal directly with the Police Chief and make arrangements to review what the Chief has in terms of all the time records, and if **MINAUDO** felt that wasn't sufficient, then **ATTORNEY MOULTON** and **MINAUDO** would sit down and discuss the issue. Per the Statute everyone on the Board not only has the right to the records as a fiduciary and as an Elected Official it is the responsibility to make sure the time records are accurate and people are being paid appropriately.

**MINAUDO** wanted to know if something very specific could be placed in the Policies and Procedures Manual so as to prevent future problems with similar issues.

**ATTORNEY MOULTON** stated that, through no one's fault, there wasn't a written *Employment Contract* with the Police Chief. Everyone else in the Police Department from the Lieutenant on down was subject to the collective bargaining agreement. The Police Chief's position was an administrative position. **ATTORNEY MOULTON** stated that as the Township Police Department grew and the Police Chief's position involved into one that was almost purely administrative, the township should have modified the approach to the position and done as the larger municipalities found themselves forced to do, create a salary position and go forward. The advantage of an individual being in a salary position would be to eliminate "flex" and "comp" time. **ATTORNEY MOULTON** stated it would be encumbered upon the Board and the Chief as to the negotiating of the Employment Contract to determine what arrangements would be involved in the Contract. (Flex, comp, hours, etc.)

Due to unanswered questions, it was determined the Personnel Committee would meet to research the issue and report back to the Board of Trustees. It was determined that Supervisor Trogot would step down and Trustee Minaudo would sit in his place for the upcoming Personnel Committee Meeting. Trustee Pratt would be the Acting Chair and would arrange the scheduling of the Personnel Committee.

**COMMITTEE REPORTS:**

1. **Parks and Recreation Committee:**  
**TROGOT** stated there would be a Halloween Program at the Flushing Township Nature Park on Sunday, October 28, 2007.

**REPORTS:**

**Building Inspector’s Report: Reviewed and Approved.**

**BUILDING PERMITS ISSUED:**

NEW HOMES	2
ACCESSORY BUILDINGS	3
DECKS	1
REMODELING	0
ADDITIONS	2
GARAGES	1
FENCE PERMITS	0
ROOF REPAIR	0
POOL	0
COMMERCIAL	0
SIGN	0

<b>TOTAL PERMITS ISSUED</b>	<b>9</b>
PERMIT VALUATION FOR SEPTEMBER 2006	\$ 657,190
PERMIT VALUATION FOR SEPTEMBER 2007	441,300

<b>PERMIT FEES COLLECTED FOR SEPTEMBER 2007</b>	<b>\$ 2,306</b>
---	-----------------

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

<b>FOR A TOTAL OF</b>	<b>\$ 2,356</b>
-----------------------	-----------------

CONSTRUCTION TO DATE SEPTEMBER 2006	5,671,791
CONSTRUCTION TO DATE SEPTEMBER 2007	2,251,030

<b>FOR A DECREASE OF</b>	<b>\$ 3,420,761</b>
--------------------------	---------------------

**PUBLIC COMMENTS:**

**1. John Kreutzfeldt, 9060 W. Carpenter Road, Flushing** – “concerned about a fire hazard created by a neighbor cutting and leaving approximately twenty (20) trees behind his house; there had been multiple visits to the property in question and differing opinions by authority; please enforce the codes to protect Mr. & Mrs. Kreutzfeldt and please remove the trees, which remain on the ground, immediately.”

**2. Mary Mossman, 7031 N. McKinley Road, Flushing** – “who directed the attorney to send a letter to clean up the trees (Kreutzfeldt’s property).”

**BOARD COMMENTS:**

None

**THE NEXT BOARD OF TRUSTEES MEETING IS SCHEDULED FOR THURSDAY, NOVEMBER 8, 2007 AT 7:00 P.M.**

**ADJOURNMENT: TROTOGOT** adjourned the meeting at 8:55 p.m.

\_\_\_\_\_  
JULIA A. MORFORD, Clerk

\_\_\_\_\_  
ANDREW TROTOGOT, Supervisor

APPROVED DATE: \_\_\_\_\_