

CHARTER TOWNSHIP OF FLUSHING

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

DATE: NOVEMBER 12, 2009

TIME: 7:00 P.M.

PHONE: 810-659-0800

FAX 810-659-4212

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 7:00 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: Eighty-three (83) other individuals were present.

APPROVAL OF THE AGENDA: MATZKE MOVED, seconded by Purkey to approve the Agenda with the addition of three (3) items: 1) Budget line item adjustments per the Accountant, 2) Ditching requests for Stanley Road, 3) Committee assignments per the Supervisor and two (2) items requested by Trustee Gardner: 1) Union Grievance Memo from the Supervisor dated November 5, 2009 and 2) Appointment of Park Committee Members; all five (5) items 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:

A. APPROVAL OF MINUTES OF SPECIAL BOARD OF TRUSTEES MEETING ON SEPTEMBER 24, 2009: GARDNER MOVED, seconded by Minaudo to approve the Minutes of September 24, 2009 with one correction: Page 2, top of page, insert "a" in roads.

ACTION OF THE MOTION:

ROLL CALL VOTE:

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

NAYS: 0 MOTION CARRIED.

B. APPROVAL OF MINUTES OF REGULAR SCHEDULED MEETING OF OCTOBER 8, 2009: PURKEY MOVED, seconded by Minaudo to approve the Minutes of October 8, 2009 as presented.

ACTION OF THE MOTION:

ROLL CALL VOTE:

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

NAYS: 0 MOTION CARRIED.

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

ACTION OF THE MOTION:

ROLL CALL VOTE:

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

NAYS: 0 MOTION CARRIED.

7:06 P.M. - OPEN - PUBLIC HEARING FOR COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FUNDS FOR 2010:

The Treasurer read the notice that was published in the Flint Journal on November 4, 2009:

PUBLIC NOTICE

The Charter Township of Flushing will hold a public needs hearing on its 2010 Federal Community Development Block Grant (CDBG) Program on Thursday, November 12, 2009 at 7:00 p.m. at the Flushing Township Hall, 6524 N. Seymour Road, Flushing, Michigan.

The purpose of the hearing is to obtain citizen needs and project proposals concerning the use of Federal CDBG funds for the 2010 Program Year. The hearing will also provide an opportunity for citizens to comment on past CDBG projects.

William J. Noecker
Treasurer

SPECIFICATIONS FOR COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FUNDS:

- The Public Hearing is aimed at determining services for low to moderate income families.
- The Grant amount is \$56,854 for a three (3) year period.
- The CDBG funds used for public services shall not exceed fifteen (15) percent or approximately \$7,000.
- The application has to be turned in to the Genesee County Planning Commission by December 11, 2009. There are limited funds for next year (2010); the funds are actually for 2011.
- In the past, funds have been designated to the Flushing Township Nature Park for educational programs; the Flushing Senior Center; the Flushing Historical Society, etc.
- It was recommended to divide the funds so that different services would receive some money instead of one service receiving all the money.
- A public hearing is held every three (3) years.
- There are other programs offered through the CDBG funds; one specifically is to help hardship cases where repairs are needed to the homes; the amount could not exceed \$18,000.

SUGGESTIONS/COMMENTS/RECOMMENDATIONS AS TO HOW TO USE THE CDBG FUNDS FOR THE TOWNSHIP:

1. Tear down or buy back property in order to avoid blight and to keep the property values up.
2. Give the money to the school to fight crime prevention/drug programs.
3. Pay the yearly membership dues to Flint Area Narcotics Group (F.A.N.G.).
4. In the past the funds have been allocated to the Flushing Township Nature Park, which is forever owned by the township; the funds have been used for

seasonal employees to maintain the park property and for educational programs, etc. There are criteria which the park has to meet.

5. Water, sewer (drainage for sump pumps) improvements; ditching; street infrastructure/improvements (pot holes); improvements to lighting in public places to save money (changing the lights in the township hall); purchase of fire equipment (jointly with the fire department to reduce the fire contract between the City of Flushing and Flushing Township). A private company did research on the bureaucracy of the breakdown of the CDBG Funds from the Federal Administration level down to the local level. Every time an individual pays taxes, \$1.00 goes toward the CDBG program which has to run through Federal, State, and local government.
6. Services for the children with working parents who are not home during the day; employment training opportunities for residents who have lost jobs in the shops for years and due to being laid off, now need new ideas to find a new job.
7. It was inquired if other grants had been applied for.

It was recommended to have the residents get with the Board within the next few weeks with recommendations for the CDBG funds.

7:34 P.M. – CLOSED - PUBLIC COMMENTS REGARDING THE PUBLIC HEARING FOR COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FUNDS FOR 2010:

UNFINISHED BUSINESS:

1. Police Chief Employment Resumes

PURKEY MOVED, seconded by Morford to have **MATZKE** contact MML and see about lining up two/three/four police chiefs that would like to sit on a panel to conduct interviews which the Board of Trustees would sit in on.

DISCUSSION:

After much discussion, it was determined to have Michigan Municipal League (MML) select three (3) or four (4) retired personnel who would do the interviewing by asking questions which the Board had chosen. The question was asked “could the Board choose the MML personnel or was a list presented to the Board stating who MML had picked to do the interviewing. The Board of Trustees would sit in on the interviewing; the Board would make the final decision. The interviewing would be done during a Board of Trustee Meeting, since confidentially requests had not been received from any of the eleven (11) applicants. Background checks and Contract Negotiations would follow after the selection of the proposed police chief. The treasurer had a question regarding wages for the police chief.

Other suggestions for the interviewing process were: 1) the Genesee County Sheriff had volunteered to put together a committee similar to MML to select a police chief; 2) have a thirty (30) minute discussion with each applicant face to face; 3) the Montrose Police Chief had recommended sending out a questionnaire to the eleven (11) applicants; etc.

IT WAS RECOMMENDED TO NARROW THE APPLICANTS DOWN TO THREE (3) AND THEN PROCEED WITH THE BACKGROUND CHECKS.

ACTION OF THE MOTION:

ROLL CALL VOTE:

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

NAYS: 0 **MOTION CARRIED.**

NEW BUSINESS:

1-a. Snow Plowing Services

PURKEY MOVED, seconded by Noecker to hire Beck’s Lawn Care to take care of the snow plowing needs for the season.

DISCUSSION:

Beck’s Lawn Services, who was one of five (5) lawn care services that bid for the lawn mowing and snow plowing last spring, was selected to do the lawn mowing services for the 2009 season.

The Supervisor advised the Board that both the snow plowing and the winter operation of the Nature Park were linked to both the job description and Union Contract of the Park Coordinator. Jim Wood, Representative of the Department of Nature Resources, has been contacted regarding the closing operations of different areas of the Nature Park.

It was recommended to contract the snow plowing services because it was too expensive to maintain the trucks and pay insurance on the vehicles. Vehicles have to be provided for the Assessor and the Park Coordinator.

Reference was made to the June 11, 2009 and the June 25, 2009 Board Meeting to increase the Park Coordinator’s hours to twenty-eight (28) hours in the summer and the wage increase to be \$14.00 per hour. At the June 25, 2009 Board Meeting, the hours and wages were reaffirmed, not the job description. A discussion between the Supervisor and the Union Representative had been discussed as to hours, job descriptions from the Union, and Union Contracts; if anyone from the Teamster’s worked, the person had to get paid. A job description for the Park Coordinator had previously been requested by the Board.

It was recommended by a Board Member to contract out and focus on the core responsibilities of the township.

The township attorney stated some issues needed to be taken into consideration: 1) the position was a part-time position for which the employer scheduled the hours not to exceed an average of twenty-eight (28) hours a week; 2) the duties for the part-time park coordinator were set forth in the job description; 3) there wasn’t anything in the contract that stated the equipment had to be maintained for snow plowing; and 4) the position is a part-time position for a number of hours per week.

ACTION OF THE MOTION:

ROLL CALL VOTE:

AYES: Gardner, Minaudo, Purkey, and Noecker

NAYS: Schwieman, Morford, and Matzke

MOTION CARRIED.

The Bids Committee will review the snow plowing services and selling of the township vehicles and return with information at the December Board Meeting.

1-b. Nature Park Services

Discussion was held regarding closing a section of the Flushing Nature Park from the top of the hill down to the Flint River and the Observation Tower during the winter months per the recommendation of the insurance company. There were also recommendations to put up signs, but due to the Nature Park being “a nature park” it would be hard to patrol the area for activities where snow accumulated. The township could do whatever it wanted because the township owned the park. The enforcement of the signs could be difficult because the park was a “nature park” and there were so many ecosystems that have to be maintained per the State.

The City of Flushing had been contacted as to how the City handles the City Parks during the winter months; the City does not plow the area during the winter.

Since the Nature Park uses grant funds, it has to be open all four (4) seasons for winter plantings, horse back riding, hiking, etc. If portions of the park should be closed, a process would have to be followed with the State. The township attorney will contact

the City of Flushing attorney regarding the signage of Flushing City Parks and then get back with the Township Board at the next meeting. It was recommended to do nothing at the present time.

Winter Hours of Operation for the Park Coordinator

GARDNER MOVED, seconded by Morford for the months of December, January, and February, the hours of the Part Time Park Coordinator average to twelve (12) hours per week.

DISCUSSION:

Hours for the Park Coordinator were discussed ranging from eight (8) to twenty (20) hours per week. The park coordinator knows what her responsibilities are and the park has to be maintained year round. It was recommended going to an average of twelve (12) hours per week for the months of December, January, and February; if there is an activity/event, then reduce the hours from the next week. The Park Coordinator had presented her winter duty activities to the Board with the recommendation of working between eighteen (18) to twenty-eight (28) hours.

It was suggested to have the Park Coordinator take over the Cleaning Service at the township hall, since the cleaning service has resigned. The township attorney had addressed the similar issue regarding the snow plowing; it would keep the park coordinator’s hours up to twenty (20) hours per week. If the Park Coordinator took on the responsibility of the cleaning of the township hall, it would be for December, January, and February and then bids would be received.

It was recommended by the Supervisor to keep the Park Coordinator and the Cleaning Services separate issues.

AMENDED MOTION:

GARDNER MOVED, seconded by Morford to approve the hours for the Part-Time Park Coordinator to be set at an average of eighteen (18) hours per week for the months of December, January and February; the park coordinator would prioritize the hours as she sees fit.

ACTION OF THE MOTION:

ROLL CALL VOTE:

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

NAYS: 0 MOTION CARRIED.

1-c Budget Line Item Adjustments

MATZKE MOVED, seconded by Morford to approve the expenditures as presented, including the Genesee County Road Commission (GCRC) chloride application of \$11,942.23 and amend the 2009-2010 budget line items:

	<u>From</u>	<u>To</u>
Road Chloride	-0-	\$12,000
Road Maintenance	\$155,000	\$143,000

ACTION OF THE MOTION:

ROLL CALL VOTE:

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

NAYS: 0 MOTION CARRIED.

1-d. Ditching Request for Stanley Road

There had been a ditch problem on Stanley Road, Flushing. The Supervisor had discussed the issue with the Genesee County Road Commission (GCRC) foreman; apparently there wasn’t enough fall to the ditch. Genesee County owns the road and the ditch is to hold water.

It was recommended by the GCRC for the resident/township to start a permit process for elevations/bids which could cost \$5,000.

The township attorney stated there were two (2) systems involved: 1) the County Drainage System deals with large drains that feed into the Flint River and don't have anything to do with the road drains where a procedure could be set up to petition the County to establish a drainage district to address issues that don't pertain to road maintenance and 2) with the road right of way, the County owns the roads, shoulders, and ditches and is only concerned about the ditches being able to maintain the road. The road ditch is not available to relieve the drainage problem.

The County has been out to review the ditch and determined they are not going to do anything else to the ditch because they have done the best they can; the incline of the fall from the railroad tracks is the problem.

The Flushing Township Road Committee will review the issue and determine what can be done.

1-e. Committee Assignments by Supervisor

The Supervisor has assigned two (2) teams to review issues such as scheduling for the Police Department, Review of Contracts, building a budget, MERS, GASB 43/45, review the Police Millage wording, and bring back to the next board meeting. The issues will be discussed further at the December 10, 2009 Board of Trustees Meeting.

1-f. Union Grievance Memo from the Supervisor dated November 5, 2009

GARDNER MOVED, seconded by Purkey that the Board direct the township supervisor to immediately inform the union's representatives in writing, that the supervisor's reinstatement of Officer Baughman's was not valid. The officer's layoff was affected by Board action and his reinstatement requires Board approval. The Board does not believe the reinstatement is appropriate and therefore the officer's grievance remains unresolved.

DISCUSSION:

There was discussion as to the confusion when the news was released regarding one (1) police officer being reinstated on November 5, 2009. The Board laid off one (1) officer plus three (3) part-timers in June; November 5, 2009, the grievance was settled and the officer was reinstated. There are certain requirements per the millage, contracts and procedures: 1) the millage requires 24/7 police coverage with a full police department and a school resource officer; 2) the Board has reversed a four year trend of an eroding fund balance; 3) approved a budget for the Police Budget; 4) approved a contract with ten (10) hour shifts; 5) there are contractual obligations and procedures to deal with the non compliance of contracts; 6) the Board approved the POAM Contracts.

There were two (2) grievances that had to be taken care of: 1) the wrong officer was laid off and 2) the grievance to reinstate one (1) officer. Legal opinions were received from the labor attorney and the township attorney. The Interim Police Chief did not reinstate the laid off officer. The Board didn't need to take action to finalize the issue. If the Board does not concede, the grievance will go to the third step under the collective bargaining which is arbitration where it should have gone to in the first place.

ACTION OF THE MOTION:

ROLL CALL VOTE:

AYES: Minaudo, Purkey, Noecker, and Gardner

NAYS: Matzke, Morford, and Schwieman

MOTION CARRIED.

GARDNER MOVED, seconded by Purkey that to the extent Officer Baughman may be deemed reinstated, I move for his immediate lay off for the same economic reasons presented in support of the board's initial decision to lay off one (1) full time police officer.

ACTION OF THE MOTION:

ROLL CALL VOTE:

AYES: Minaudo, Purkey, Noecker, and Gardner

NAYS: Morford, Schwieman, and Matzke

MOTION CARRIED.

1-g. Appointment of Park Committee Members

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.

DISCUSSION:

It was recommended to wait until December to appoint another member to the Parks and Recreation Committee.

ACTION OF THE MOTION:

ROLL CALL VOTE:

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

NAYS: Morford MOTION CARRIED.

COMMITTEE REPORTS:

A. Electrical Bids:

Electrical bids will be going out so that everyone will have the opportunity to bid for the same material.

B. Finance Committee:

The treasurer is in the process of obtaining actuaries for the GASB 45 Accounting Program. The deadline is March 31, 2009

C. Sale of Park Home:

The Flushing Township Nature Park home has been sold; the net profit was \$75,628.50 and deposited in the Revenues - General Fund.

D. Flushing Township Road Committee:

Everything is well under way; should be able to do more work next year. The Senate is looking at different funding for revenue sharing. Flushing Township has a low tax rate of .5 which is the lowest around.

NOECKER MOVED, seconded by Purkey to clean up all the leaves and branches on site with Beck's Lawn Service for \$140 before it snows.

ACTION OF THE MOTION:

ROLL CALL VOTE:

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

NAYS: 0 MOTION CARRIED.

2. Cleaning Services:

PURKEY MOVED, seconded by Matzke to put out bids for cleaning services.

DISCUSSION:

The cleaning service will be for the Main Office and the Police Department. The position can be solicited by phone calls or placed in the newspaper. There will be background checks done on the applicants.

ACTION OF THE MOTION:

ROLL CALL VOTE:

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

NAYS: 0 MOTION CARRIED.

REPORTS:

1. Treasurer's Report: GARDNER MOVED, seconded by Purkey to approve the Treasurer's Report.

ACTION OF THE MOTION:

ROLL CALL VOTE:

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

NAYS: 0 MOTION CARRIED.

9:50 P.M. - PUBLIC COMMENTS OPEN:

Eight (8) people gave their Opinions

10:00 P.M. - PUBLIC COMMENTS CLOSED

BOARD COMMENTS:

1. **NOECKER** stated that the Supervisor found extra money in the Police Department; he (Noecker) could not find the extra money.
2. **MINAUDO** thanked everyone for the support during the recent election; he (Minaudo) had nothing to do with the flyer that went out without a disclaimer.
3. **GARDNER** gave out his cell 810-577-2483. Thanked everyone for their support; didn't know where the flyer came from that was sent to individuals without a disclaimer.

THE NEXT REGULAR SCHEDULED BOARD OF TRUSTEES MEETING IS THURSDAY, JANUARY 14, 2010 AT 7:00 P.M. AT THE FLUSHING TOWNSHIP HALL.

ADJOURNMENT: Due to no further business items, the meeting was adjourned at 10:05 p.m.

JULIA A. MORFORD, Clerk

DONALD A SCHWIEMAN, Supervisor

APPROVED DATE: _____