

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

**DATE: JANUARY 8, 2009**                      **TIME: 7:00 P.M.**  
**PHONE: 810-659-0800**              **FAX 810-659-4212**  
**WEB PAGE: <http://www.flushingtownship.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 to the American Flag.

**ROLL CALL:** Schwieman, Noecker, Gardner, Matzke, Minaudo, Purkey, and Attorney Steve Moulton

**MEMBERS ABSENT:** Morford

**OTHER INDIVIDUALS PRESENT:** 27 other interested residents

**APPROVAL OF THE AGENDA: MINAUDO MOVED**, seconded by Purkey to adopt the Agenda. **MOTION CARRIED.**

**ROLL CALL VOTE:**

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

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

**ABSENT:** Morford

**APPROVAL OF MINUTES:**

**A. APPROVAL OF MINUTES OF DECEMBER 11, 2008: PURKEY MOVED**, seconded by Matzke to approve the Minutes of December 11, 2008.

**ROLL CALL VOTE:**

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

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

**ABSENT:** Morford

**B. APPROVAL OF MINUTES OF DECEMBER 15, 2008: GARDNER**

**MOVED**, seconded by Purkey to approve the December 15, 2008.

**DISCUSSION:**

1. **GARDNER** stated he was absent for the December 15, 2008 Board of Trustees Meeting and his name was not indicated as “Absent” in the Roll Call Vote.

**ACTION OF THE MOTION:**

**MOTION CARRIED.**

**APPROVAL OF BILLS: MINAUDO MOVED**, seconded by Purkey to approve the bills as listed. Questions: What did the Contractual Services pertain to for Check No. 32363.

ROLL CALL VOTE:

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

NAYS: 0 MOTION CARRIED.

ABSENT: Morford

**7:09 P.M. – OPEN FOR PUBLIC COMMENTS:**

One comment from one interested individual

**7:12 P.M. – CLOSED TO PUBLIC COMMENTS**

**UNFINISHED BUSINESS**

None

**NEW BUSINESS**

**1. Review and Possible Action Regarding Board of Trustees and Township Employees Wages and Benefits**

A) **GARDNER MOVED**, seconded by Noecker that from this day forward the Township Board of Trustees no longer is eligible nor is it offered health care/cafeteria plan; life or disability insurance; dental and vision benefits; and MERS retirement.

**DISCUSSION:**

- **SCHWIEMAN** referred the issue of **MERS** to **ATTORNEY MOULTON**.
- **ATTORNEY MOULTON** stated that fringe benefits are subject to modification by the Board during its present terms as opposed to salary which cannot be reduced by the Board during its present term. With regards to the retirement, everything that has been earned by existing Board Members, which would only apply to **MORFORD** and **MINAUDO**, simply stated that any vested benefit that has already been accrued and earned could not be taken away. With regards to future benefits that would be earned, if the Board decides they no longer want to participate, it would be within the Board’s power to rescind the benefits.
- **SCHWIEMAN** (repeated the words of **ATTORNEY MOULTON**) stated that from this day forward to offer to any Board of Trustee Member the MERS retirement would be void.
- **ATTORNEY MOULTON** stated the motion would only apply for future benefits. Any Board Member that had earned the vested accrued benefit would remain; it could not be taken away.
- **PURKEY** stated that four (4) of the Board Members had already decided they would not take the benefits from the township: Purkey, Gardner, Schwieman, and Noecker. By not taking the benefits **PURKEY** stated they would be saving the township over \$200,000.00 during their term.
- **NOECKER** was in favor of the motion; due to the economy felt the elected officials should set a good example.
- **MATZKE** was not in favor of the motion as it was not the right time to vote; bad timing due to the negotiations of the Flushing Township Police Department Officers. The officers depend on the benefit for their income.
- **MINAUDO** didn’t have any comments.
- **SCHWIEMAN** stated he was not ready to discuss the MERS issue. He gave an example as to what would happen if a single father or mother of four (4) were not a trustee such as the Supervisor, Clerk, Treasurer, and the funds were their only income.
- **GARDNER** felt that by being in MERS, the township would be fulfilling the legal requirement for which the township had to have some type of pension plan in place. In lieu of MERS, there are two (2) options: 1) the Social Security Program or 2) Lord Abbott (Deferred Pension Plan – 457) which manages a retirement plan and would be an acceptable substitute for being in the social

security system for governmental employees. The money would come from the officials' wages and would not be paid by the township.

- **NOECKER** stated that **SCHWIEMAN** and he have opted to go with Lord Abbots (Edward Jones) which has been approved for use by the township. By electing to contribute 7.5 percent of the payee's wages, being that the Board Members are elected officials, the officials are then exempt from paying Social Security. The township would be saving money.

**ACTION OF THE MOTION:**

ROLL CALL VOTE:

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

NAYS: Matzke MOTION CARRIED.

ABSENT: Morford

**CLARIFICATION ON MOTION:**

- **MINAUDO** wanted clarification of the motion by **GARDNER**. **GARDNER** stated that in four (4) years, if there was a brand new Board, the motion would not expire and would be specific not on an individual basis.

**B) EMPLOYEE WAGES AND BENEFITS:**

**NOECKER MOVED**, seconded by Gardner that all paid positions within the township be reduced by at least ten (10%) percent.

**DISCUSSION:**

- **ATTORNEY MOULTON** stated there was a specific statute with regard to elected officials. The Board cannot take the action to reduce the salaries paid to the Board Members. At most, the Board could take action to reduce the salaries affective four (4) years from now for the newly elected officials. The rest of the employees in the township are all subject to collective bargaining agreement or specific employment contracts. The Flushing Township Board cannot unilaterally take action to reduce the employee's compensation. Legally cannot take action.
- **ATTORNEY MOULTON** stated that if the Board approved the motion, the action would be void because it would not be legal.

**PURKEY MOVED**, second by Gardner to table the issue indefinitely.

ROLL CALL VOTE:

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

NAYS: Noecker MOTION CARRIED.

ABSENT: Morford

**2. Review and Possible Action Regarding Flushing Township Police Department Leased Vehicles**

**NOECKER MOVED**, seconded by Purkey that both leased vehicles from Patsy Lou Williamson be returned on Friday, January 9, 2009 and that the vehicles which Flushing Township owned be used in their place.

**DISCUSSION:**

- **NOECKER** stated the dealership has requested the leased vehicles be returned. There was a general feeling among several Board Members that Flushing Township had too many vehicles.
- **MATZKE** wanted to know who used the leased vehicles.

- **SCHWIEMAN** stated a call had been received from Patsy Lou Williamson’s Dealership stating that General Motors no longer had the lease program.

**ACTION OF THE MOTION:**

ROLL CALL VOTE:

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

NAYS: 0 MOTION CARRIED.

ABSENT: Morford

**3. Review and Possible Action Regarding Flushing Township Vehicles (All Vehicles other than the Flushing Township Police Department)**

**NOECKER MOVED**, seconded by Gardner to approve the sale of two (2) additional vehicles: 1) 1992 GMC Pick-up with a Scout Plow and 2) 1999 Ford Crown Victoria Police Vehicle.

**DISCUSSION:**

- **SCHWIEMAN** stated **NOECKER** had taken on the task of reviewing the Flushing Township vehicle fleet including the Police Department vehicles.
- **GARDNER** wanted to know the estimated value of the two (2) vehicles that would be for sale.
- **NOECKER** stated the value of the two (2) vehicles was yet to be determined.
  - a. Flushing Township currently has fourteen (14) vehicles including the two (2) leased vehicles:
    1. return of the two (2) leased vehicles to the dealership would reduce the fleet to twelve (12).
    2. Sale of the 1992 GMC and the 1999 Ford Crown Victoria would be reduced to ten (10)
    3. currently there are three (3) pick up trucks with three (3) snow plows:
      - a. the 1992 GMC Truck is very old and needs repairs; the snow blade is not in top shape.
      - b. The 1999 Ford needs approximately \$600.00 worth of repairs plus another \$1,200.00 to make the vehicle road ready with radios, computers, etc.
    4. **NOECKER** stated the vehicles need to be prepared to be sold in the near future.
  - a. **GARDNER** wanted to know how the vehicles would be sold.
    - a. **SCHWIEMAN** stated there needed to be a public auction. Recently Flint Township sold a vehicle on e-bay. Also a dealership would be able to sell the vehicle. Today, the trend seems to sell on e-bay.
    - b. **SCHWIEMAN** stated if the motion was approved, **NOECKER** would be in charge of handling the sell of the two (2) vehicles.
    - c. **GARDNER** wanted to make sure the Bids Committee received three (3) bids; what would be the fee to sell the vehicles.
    - d. **NOECKER** stated the township would still own ten (10) vehicles: two (2) pick up trucks equipped with good plows; two (2) four-wheel Ford Expeditions; six (6) Police cars, one police car that is brand new.

**NOECKER MOVED**, seconded by Purkey to amend the motion to read that the Board approve the sale of two (2) vehicles: 1) a 1992 GMC Pick up with a snow plow and 2) a 1999 Ford Crown Victoria and take three (3) bids for a seller.

ROLL CALL VOTE:

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

NAYS: 0 MOTION CARRIED.

ABSENT: Morford

**4. Re-Establishment of Flushing Township Salary Compensation Commission**

**NOECKER MOVED**, seconded by Minaudo to re-establish the Flushing Township Salary Compensation Commission which was disbanded in June 2006.

**DISCUSSION:**

- **NOECKER** felt that when adjustments are made to pay wages, then the township should be willing to re-establish a committee of Flushing Township residents picked at random.
- **GARDNER** wanted to know if the ground work was the only thing that was being discussed at this time.
- **SCHWIEMAN** reminded everyone that the Supervisor appointed the five (5) commission members who met in the odd-numbered years. Board approval would be needed for the commission. The Salary Compensation Commission could not lower pay wages.
- **ATTORNEY MOULTON** stated the State Statute authorized the Board to create the Salary Compensation Commission but the process had to be done by ordinance. **ATTORNEY MOULTON** read the Statute:
  - a. The Commission shall consist of five (5) members who are registered electors of the township, appointed by the Supervisor, subject to conformation by a majority of the members of the elected and serving township board.
  - b. Terms of office shall be for five (5) years except that of the members first appointed. The term of the Compensation Commission exceeds the four (4) year elected term.
  - c. Once individuals are appointed, the terms of the Commission are staggered years.

**AMENDED MOTION:**

**PURKEY MOVED**, seconded by Noecker to amend the motion to create an ordinance to establish a Salary Compensation Commission.

ROLL CALL VOTE:

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

NAYS: O MOTION CARRIED.

ABSENT: Morford

**5. Approval of the Genesee County 2009 Pictometry and Orthoimagery Contract**

**PURKEY MOVED**, seconded by Matzke to pay the Genesee County 2009 Pictometry and Orthoimagery Contract signed by the Supervisor and paid from the General Fund. The cost of the project will be \$958.00.

**DISCUSSION:**

- **PURKEY** was informed recently from a trip to Genesee County that the imagery is taken of all the municipals in Genesee County. The imagery is then passed on to the Assessor who can then compare the imagery to the existing imagery. The imagery is a great tool use by the Assessor's office.
- **GARDNER** wanted to know the purpose of the imagery.
- **PURKEY** stated the imagery was primarily used for the purpose to see if someone had built or done something and did not notify the Building Inspector of the issue.
- **GARDNER** stated the invoice for the service stated an initial payment of \$958.00 was due. Would there be another payment for 2009? **SCHWIEMAN** stated the \$958.00 would be the only payment for 2009.
- **GARDNER** stated he understood the intent of the imagery but opposed the issue because it would be getting too close to "big brother". He (Gardner) is a big fan of property rights and being able to build a deck on his property with a certain amount of freedom is what he likes. He sees the imagery as one more step of government looking over the shoulder.
- **MINAUDO** wanted to know if 9-1-1 would be using the imagery for their new systems.

- **SCHWIEMAN** stated the imagery has been done once a year to keep track of properties. He (Schwieman) hoped that 9-1-1 would use the imagery service.
- **PURKEY** stated the \$958.00 was the portion which Flushing Township had to pay.
- **NOECKER** stated he shared Mr. Gardner’s concern about the individual freedom and privacy in the Country; he (Noecker) farms his property and has been told that the United States Department of Agriculture (USDA) office at Beecher and Elms Road, through satellite pictures, could identify a head of cabbage in a garden.
- Building Inspector **JERRY FITCH (FITCH)** stated there were a lot of things that could be put on the imagery such as: FEMA; water lines; sewer lines, the Police Department could use the system, and other miscellaneous uses. **FITCH** understood **GARDNER’S** concern but he (Fitch) has never used the system for that purpose.

ROLL CALL VOTE:

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

NAYS: Gardner MOTION CARRIED.

ABSENT: Morford

**6. Approval to pay the Genesee County Road Commission for Ditching/Paving Road Projects**

**MATZKE MOVED**, seconded by Purkey to pay the Genesee County Road Commission for ditching and paving: 1) Invoice 17087 – Paving Deland Road, 2) Invoice 17088 – Paving Carpenter Road, 3) Invoice 17098 – Ditching Dunham Road North of Mt. Morris Road, 4) Invoice 17099 – Ditching Nichols Road South of Mt. Morris Road, 5) Invoice 17066 – Ditching Johnson Road Stanley and Coldwater Road, and 6) Invoice 702654 – second application of chloride

**DISCUSSION:**

- **SCHWIEMAN** praised Mr. Minaudo when he stood up for township residents in the past when there wasn’t any money to pave the roads. The shortage to pay the invoices is approximately \$26,000.
- The projects amount to \$61,351.69. – there is \$44,748 remaining in the Road Budget; negative of \$11,205 in the ditching.
- **PURKEY** wanted to know if it was approved to pay the invoices, where would the funds come from. **SCHWIEMAN** stated the budget would have to be amended.
- **ATTORNEY MOULTON** stated a motion would have to be made to amend the line item with regards to “Roads”; the “General Fund Balance” would have to be reduced.
- **SCHWIEMAN** stated the remaining “Fund Balance in Public Service” was \$179,313; an amount of \$16,608.69 would be needed in the “Public Service Fund” (Road Maintenance).
- **GARDNER** stated \$5,800 was remaining from the cell phone tower.
- **NOECKER** stated “Drains-at-Large” had \$20,000.

**AMENDED MOTION:**

**SCHWIEMAN MOVED**, seconded by Purkey to amend the motion to give \$16,603.69 from the “Drains-at-Large”; give a zero (0) balance to “Roads Maintenance”; and zero (0) balance to “Ditching Maintenance” in order to pay the invoices.

ROLL CALL VOTE:

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

NAYS: O MOTION CARRIED.

ABSENT: Morford

**7. Approval for the Board of Review Members to Attend Training at Frankenmuth MI on February 6, 2009**

**MINAUDO MOVED**, seconded by Matzke authorizing the payment of educational training costs for the Board of Review in Frankenmuth MI on February 6, 2009 at an early bird cost of \$70.00 per person and regular cost at \$85.00 per person.

ROLL CALL VOTE:

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

NAYS: O MOTION CARRIED.

ABSENT: Morford

**COMMITTEE REPORTS:**

**1. BIDS/BUILDING COMMITTEE:**

**SCHWIEMAN** recommended the Bids/Building Committee, consisting of Noecker, Purkey and Morford review bids received for New Health Care System and New Energy System for the Township Hall.

**2. POLICE COMMITTEE:**

The Police Committee, consisting of Purkey, Minaudo, Matzke, Glover, and Sommers needed to get in contact with **SCHWIEMAN** as soon as possible to review the path of the future Police business.

**3. TOWNSHIP ROADS COMMITTEE:**

The Townships Roads Committee, consisting of Schwieman, Staley, and Hammond need to meet as soon as possible to review the future path of the roads.

**4. FINANCE COMMITTEE:**

The Finance Committee, consisting of Gardner, Noecker and Shumate, will be discussing budgetary issues on the Police Department, Parks and Recreation Department, and Building Department.

**REPORTS:**

1. **Building Inspector's Report:** A Building Inspector's Report was unavailable at this time.

2. **Treasurer's Report:** All funds are insured under FDIC. Projected interest earnings for the coming year will be \$63,000. **NOECKER** stated he appreciated having more details in the printout of the checks for the Board Members each month. **GARDNER MOVED**, seconded by Minaudo to approve the Treasurer's Report.

ROLL CALL VOTE:

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

NAYS: O MOTION CARRIED.

ABSENT: Morford

**BOARD COMMENTS:**

- **GARDNER:** gave out his phone number for residents to phone him.
- **NOECKER:** wanted to address one of the "Public Comment" questions about the water bill; Detroit and Genesee County raised the water bills and then the cost was only passed on to Flushing Township residents, without Flushing Township raising the cost.
- **PURKEY:** was the question about the water bill explained well enough to the resident? No one is happy with the water rate increase.
- **NOECKER:** was there some type of litigation that could take place in regards to the water rate increase?
- **SCHWIEMAN:** after complaints from the audience regarding the water rate increase, he (Schwieman) informed the audience he would call Michigan

Townships Association (MTA) to see what options the Township has to deal with the increase.

- **GARDNER:** made out a schedule as to the percentage based on the water usage rate in inclements of 200 gallons; if anyone needed a copy, please contact him.
- **SCHWIEMAN:** thanked the Board for helping to get the order of the meeting in better shape. Flushing Township has always been a great place to live and his intention will be to keep it that way by doing his best. The previous board did a lot of good for the township and they (the former board) have certainly helped him.

**8:24 P.M. PUBLIC COMMENTS OPEN:**

Three (3) people gave their opinions.

**8:26 P.M. PUBLIC COMMENTS CLOSED**

**THE NEXT BOARD OF TRUSTEES MEETING IS SCHEDULED FOR THURSDAY, FEBRUARY 12, 2009 AT 7:00 P.M.**

**ADJOURNMENT:** Due to lack of further business, **SCHWIEMAN** adjourned the meeting at 8:33 p.m.

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

\_\_\_\_\_  
DONALD A SCHWIEMAN, Supervisor

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