

CHARTER TOWNSHIP OF FLUSHING

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

DATE: FEBRUARY 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 led by Cub Scout Pack 42, Den 7, Weblos II, from Elms Elementary School (Flushing).

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

MEMBERS ABSENT: Purkey

OTHER INDIVIDUALS PRESENT: 60 other interested residents

MINAUDO requested that Number 9, "*Review of Property at 9060 Carpenter Road, Flushing*" listed under "New Business", be placed on the March 12, 2009 Board of Trustees Agenda.

APPROVAL OF THE AGENDA: GARDNER MOVED, seconded by Morford to approve the Agenda with the deletion of New Business, Number 9, "*Review of Property at 9060 Carpenter Road, Flushing*" be placed on the March 12, 2009 Board of Trustees Agenda under "Unfinished Business".

ROLL CALL VOTE:

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

NAYS: 0 MOTION CARRIED.

ABSENT: Purkey

APPROVAL OF MINUTES OF JANUARY 8, 2009: GARDNER MOVED, seconded by Minaudo to approve the Minutes of January 8, 2009 with the two (2) corrections: **Page 4**, second paragraph from the bottom, "Noecker Moved", Roll Call Vote, Nays, **delete** "Noecker"; **Page 7**, second bullet from the bottom, "Noecher" should be **changed** to "Noecker".

ROLL CALL VOTE:

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

NAYS: 0 MOTION CARRIED.

ABSENT: Purkey

APPROVAL OF BILLS: MORFORD MOVED, seconded by Matzke to approve the bills as presented. Questions: **GARDNER** would like to receive a copy of the Credit Card Statement each month.

ROLL CALL VOTE:

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

NAYS: 0 MOTION CARRIED.

ABSENT: Purkey

SCHWIEMAN stated since there were a lot of items on the Agenda, anyone that had any questions regarding the Flushing Township Nature Park should attend the regularly scheduled Park and Recreation Committee Meeting on Monday, February 23, 2009.

7:12 P.M. – OPEN FOR PUBLIC COMMENTS:

Twenty (20) individuals gave their opinion.

8:00 P.M. – CLOSED TO PUBLIC COMMENTS

UNFINISHED BUSINESS

None

NEW BUSINESS

1. Review and Possible Action Regarding Seven (7) Member Police Patrol Officers Contract

8:02 P.M. – RECESSED TO CLOSED SESSION

GARDNER MOVED, seconded by Morford to go into Closed Session for discussion of collective bargaining ratification for the Flushing Township Police Department.

ROLL CALL VOTE:

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

NAYS: 0 MOTION CARRIED.

ABSENT: Purkey

9:30 P.M. RECONVENED FROM CLOSED SESSION

GARDNER MOVED, seconded by Morford to approve the Tentative Agreement with the seven (7) member Flushing Township Police Patrol Officers' Union.

ROLL CALL VOTE:

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

NAYS: 0 MOTION CARRIED.

ABSENT: Purkey

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NOECKER requested to amend the Agenda to allow the individual, who was the high bidder for the 1992 Check Pick Up Truck with the Plow (\$2,552), be allowed to take care of the paper work and receive the title; the Clerk will sign the title on behalf of Flushing Township.

* * * * *

Continuation of Item Number 1, Review and Possible Action Regarding Seven (7) Member Police Patrol Officers Contract with the proposed changes:

1. There will be ten (10) hour work days
2. Vacation and sick days will still be on a forty (40) hour work week; the days off (holiday) will be paid as an eight (8) hour work day. The holidays are: New Year's Day, Martin Luther King's Birthday, President's Day, Good Friday, Easter, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, Friday after Thanksgiving, Christmas Eve, Christmas Day, and New Year's Eve.
3. There will be shift premiums for second (2nd) and third (3rd) shifts.

4. Currently, the officers are paying two (2%) percent into the MERS Retirement Plan. Per the Agreement, the officers will pay eight (8%) percent; the township's liability has been capped at fifteen (15%) percent. The multiplier will stay at three (3%) percent.
5. Per the LETTER OF AGREEMENT:
 "Employees hired after July 1, 2008 may, if allowed by MERS under the other terms of the parties' 2008-2011 Collective Bargaining Agreement, be placed into the following Defined Contribution Plan rather than the MERS Defined Benefit Plan set forth in the parties Tentative Agreement."
6. The officers will be going from Health Plus to Blue Care Network with comparable benefits.
7. There will be a pay wage freeze for the length of the contract (until March 31, 2011).
8. The officer's birthday will be given back to the township.
9. There will be a \$1,000 signing bonus which will be paid April 1, 2009.

The Board thanked the Patrol Officers for their effort in getting the Contract negotiated.

2. Amendment to the 2009 Committee Appointments

MORFORD MOVED, seconded by Noecker to approve the following additions/changes to the 2009 Township Committee Appointments: 1) *Parks and Recreation Committee*: add Donald Schwieman, Chairperson; 2) *Township Election Committee*: add Scott Matzke, Trustee; 3) *Finance Committee*: add Mike Gardner, Trustee; and 4) change the time frame for the *Parks and Recreation Committee* from 7:00 p.m. back to 5:00 p.m.
 MOTION CARRIED.

3. First Reading of an Ordinance to Create a Local Officials Compensation Commission Pursuant to the Authority of MCL 42.6A

ATTORNEY MOULTON stated there had been an interest, at the last board meeting, to re-establish the Compensation Committee; a statute authorizes the establishment. The statute required the implementation of the Commission be done by ordinance. There had been a question regarding a previous ordinance, but after checking his records, **ATTORNEY MOULTON** doesn't remember drafting an ordinance and could not find where an ordinance was in affect. The concern would be if there were two (2) ordinances and the possibility the members of the "old Compensation Commission" would then be in conflict with the members of the current Board as to certain functions. The terms from the former Compensation Commission would have expired.

To be safe, **ATTORNEY MOULTON** suggested placing the following language in the proposed ordinance: "Section 6 – any prior ordinances pertaining to the creation of a Compensation Commission is repealed." The ordinance would create an independent five (5) member board that would be appointed and those individuals would determine the compensation.

NOECKER MOVED, seconded by Minaudo to approve the First Reading of the proposed ordinance to establish a Compensation Commission.

- **MORFORD** wanted to know exactly what the Compensation Commission did? **ATTORNEY MOULTON** stated the compensation commission reviewed the compensation that was paid to elected officials within comparable size townships, compare the work load, and determine the compensation.
- **SCHWIEMAN** stated if the Board was going to take a stand to lower the benefits, what use would it be to have someone else come in and give the elected officials more money. He (Schwieman) doesn't think it would be bad to have the Compensation Commission for the next Board (term starting 2012).
- **MINAUDO** stated it was only a recommendation to the Board but the Board could reject the increase of pay and stay with the current wage.

- **ATTORNEY MOULTON** stated if the Board was not happy with a proposal of the Compensation Commission, the Board could have the Commission go back and rewrite language that would be acceptable to the Board.
- **SCHWIEMAN** inquired from **ATTORNEY MOULTON** as to the Compensation Commission being more or less a “watch dog” for the Board.
- **NOECKER** liked the idea of five (5) people on the Compensation Commission who would consist of a cross-section of people who would have a say as to the wages of the Elected Officials.
- **ATTORNEY MOULTON** stated the Compensation Commission Members would be appointed by the Supervisor subject to confirmation by a majority of the members elected and serving on the township board. The terms would be staggering for the following: one member serving one year; one member serving for two years; one member serving for three years; one member serving for four years; and one member serving for five years.
- **GARDNER** wanted to know if the appointments were by statute?
- **ATTORNEY MOULTON** stated the terms of office would be staggered.
- **MORFORD** stated if the proposed ordinance was approved, she would like to see a lady on the commission.
- **MINAUDO** stated the only thing that was transpiring at present was only to create a Commission.

ACTION OF THE MOTION:

ROLL CALL VOTE:

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

NAYS: 0 MOTION CARRIED.

ABSENT: Purkey

4. Signature Cards for Community Development Block Grant (CDBG) Funds

MORFORD MOVED, seconded by Noecker to authorize the Supervisor and Treasurer to sign the Community Development Block Grant vouchers.

DISCUSSION:

- **GARDNER**, just to be clear, wanted to make sure the two (2) individuals would only be signing the documents, not approval to sign for grants before they had come before the Board for approval.
- **ATTORNEY MOULTON** stated the Board would not be approving any action at this time, the County only wanted to have a signature card on file as to the designated contact person for Flushing Township.

ROLL CALL VOTE:

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

NAYS: 0 MOTION CARRIED.

ABSENT: Purkey

5. Approval of Supervisor Donald Schwieman to the Water & Waste Services Advisory Committee

NOECKER MOVED, seconded by Matzke to approve Schwieman being the representative to the Genesee County Water and Waste Services Advisory Committee.

DISCUSSION:

- **GARDNER** felt that “Approval was unanimous” on the Resolution should be eliminated.

ROLL CALL VOTE:

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

NAYS: 0 MOTION CARRIED.

ABSENT: Purkey

6. Approval of the 2009 Federal Poverty Guidelines

GARDNER MOVED, seconded by Minaudo to approve the 2009 Federal Poverty Guidelines.

ROLL CALL VOTE:

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

NAYS: 0 MOTION CARRIED.

ABSENT: Purkey

7. 2006-2014 Lateral Sewer System Operation and/or Maintenance Agreement

MORFORD stated the 2006-2014 Lateral Sewer System Operation and/or Maintenance Agreement “Verification of Member Information Newtin Mapping”. The information was from MISS DIG System Inc. and pertained to the placement of the “flags” when MISS DIG did construction.

SCHWIEMAN recommended postponing the issue to the regular scheduled March 12, 2009 Board of Trustees Meeting. **SCHWIEMAN** would be seeing Mr. Tim Davidek from the Engineering Department, within a few days, and would review the issue with him.

GARDNER MOVED, seconded by Minaudo to move the *2006-2014 Lateral Sewer System Operation and/or Maintenance Agreement* to the next scheduled meeting to be listed under “New Business”. MOTION CARRIED.

8. Amendments to the General Fund Budget

MATZKE MOVED, seconded by Morford to approve the Tax Budget Amendments for all departments including the additional shortages to reduce the Fund Balance which will correct the previous budget amendment motion of January 8, 2009 to designate the correct line items for the Genesee County Invoices for Ditching and Road Maintenance to allow all current bills to be paid.

DISCUSSION:

- **SCHWIEMAN** stated the General Fund including the Police Department, Parks Department, and the Water and Waste Department, would be involved. There have been a lot of residents inquire as to why the Board was trying to cut so much. The fact being: there isn't that much money coming in to the Township and the Township is losing money. The Elected Officials have a fiduciary responsibility to run the monies for the township; it doesn't mean everyone would be laid off or cut. Presently, the budget needed to be amended to get to the end of the fiscal year.
- **NOECKER** stated the township had received several large statements for ditching and paving which had occurred last year. The only thing would be to make cuts.
- **SCHWIEMAN** stated there were problems with the pension plan. The issue today was to amend the budget to correct items; the correction is a normal issue every year.
- **GARDNER** stated since the current budget update was given to the Board on a short notice, he (Gardner) recommended setting aside a meeting prior to the next regular board meeting to address the budget issue.
- **NOECKER** would like to have the budget postponed until the next regular scheduled Board of Trustees Meeting.
- **SCHWIEMAN** had no problem having the budget issue placed on the next regular scheduled Board of Trustees Meeting on March 12, 2009; copies of the revised budget would be handed out to the Board by March 5.

ALL MOTIONS WERE WITHDRAWN

GARDNER MOVED, seconded by Matzke to move the Amendments to the General Fund Budget to the next regularly scheduled Board Meeting to be listed under “New Business”.

ROLL CALL VOTE:

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

NAYS: 0 MOTION CARRIED.

ABSENT: Purkey

COMMITTEE REPORTS:

1. FINANCE REPORT:

(A) Building Department:

NOECKER stated the Building Department issue would be on the next regularly scheduled meeting to be held March 12. There are several building inspectors that are doing inspection for more than one municipality; the township would have to borrow money to fund the building department; Larry Birchmeier, a local resident, mentioned that a committee of three (Supervisor, Clerk, and Treasurer) of the Board Members try to sit down with Jerry and see what suggestions he would have.” Flushing Township Building Inspector **JERRY FITCH (FITCH)**, was a great person, who has been with the township for a lot of years; perhaps some type of contractual basis could be worked out. The lack of funds is the responsibility of no one.

GARDNER stated it was recommended by the Finance Committee that the Personnel Committee sit down with the Building Inspector and review the options for the Building Department. **SCHWIEMAN** stated there were options.

(B) Parks and Recreation:

GARDNER stated it was the recommendation of the Finance Committee that due to the resignation of the Flushing Township Nature Park Manager and the current economic condition of the Township, that the full-time position of park manager for the Flushing Township Nature Park not be filled at this time. **SCHWIEMAN** recommended the Board take a lot of effort before action would be taken on the seriousness of the matter.

(C) Road Committee:

SCHWIEMAN stated the Township Road Committee had met and recommended the following improvements: 1) **paving:** portions of Seymour Road, Coldwater Road to the Flushing City Limits, Flushing City Limits to Potter Road, River Road from the City Limits to Elms Road, the entire length of Elms Road that was in the Township; 2) both **bridges:** Mt. Morris Road at the Flint River and Elms Road at the Flint River; 3) **Rework:** Carpenter Road from the Flint River to McKinley Road, 4) **Stimulus Long Term Safety Plan** curb and gutters, turning lanes through the Flushing High School and Flushing Middle School to Elms Road, new paving, cross walks and side walks. The proposed plan is a three (3) year plan.

(D) Bids Report

NOECKER stated the minimum bid for the 1999 Ford Crown Victoria had been received but the bid was too low and had been rejected.

NOECKER MOVED, seconded by Minaudo for the Board’s approval in advance to sell the 1999 Ford Crown Victoria to the first \$1,500.00 that is presented to the Board in the form of a Cashiers Check so the Board doesn’t sell it and then tell the next person he would have to wait until the next meeting. MOTION CARRIED.

REPORTS:

- 1. **Treasurer’s Report:** **MORFORD MOVED**, seconded by Gardner to approve the Treasurer’s Report. MOTION CARRIED.

NOECKER stated while going through individual receipts for Petty Cash for the month, he found a lot of “little receipts.” **NOECKER** would like to start using a *Petty Cash* form for which has been used at another municipality; the form would be much easier for

everyone to understand. **SCHWIEMAN** recommended that everyone review the form and bring comments to the next regularly scheduled Board of Trustees Meeting on March 12, 2009.

2. **Building Department: GARDNER MOVED**, seconded by Matzke to approve the December 2008 and January 2009 Building Inspector's Reports. **MOTION CARRIED.**

(December 2008 Report):

BUILDING PERMITS ISSUED:

NEW HOMES	0
ACCESSORY BUILDINGS	1
DECKS	0
REMODELING	1
ADDITIONS	0
GARAGES	0
FENCE PERMITS	0
ROOF REPAIR	0
POOL	0
COMMERCIAL	0
SIGN	0
TOTAL PERMITS ISSUED	2
PERMIT VALUATION FOR DECEMBER 2007	\$ 28,600
PERMIT VALUATION FOR DECEMBER 2008	19,000
PERMIT FEES COLLECTED FOR DECEMBER 2008	\$ 110
TRAILER INSPECTIONS (2)	100
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	\$ 210
CONSTRUCTION TO DATE DECEMBER 2007	2,391,304
CONSTRUCTION TO DATE DECEMBER 2008	1,822,692
FOR A DECREASE OF	\$ 568,612

(January 2009 Report)

BUILDING PERMITS ISSUED:

NEW HOMES	0
ACCESSORY BUILDINGS	0
DECKS	0
REMODELING	0
ADDITIONS	0

GARAGES	0
FENCE PERMITS	0
ROOF REPAIR	0
POOL	0
COMMERCIAL	0
SIGN	0
TOTAL PERMITS ISSUED	0
PERMIT VALUATION FOR JANUARY 2008	\$ 29,000
PERMIT VALUATION FOR JANUARY 2009	-0-
PERMIT FEES COLLECTED FOR JANUARY 2009	\$ -0-
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	\$ 50
CONSTRUCTION TO DATE JANUARY 2008	29,000
CONSTRUCTION TO DATE JANUARY 2009	-0-
FOR A DECREASE OF	\$ 29,000

10:45 P.M. PUBLIC COMMENTS OPEN:

Five (5) people gave their opinions.

11:10 P.M. PUBLIC COMMENTS CLOSED**BOARD COMMENTS:**

1. **SCHWIEMAN** reminded everyone about the upcoming Meetings:
 - a. **March 12, 2009:** John Daly, Director of the Genesee County Road Commission will be in attendance at the Board of Trustees Meeting.
 - b. **February 23, 2009:** Parks and Recreation Committee Meeting will be held at 5:00 p.m. at the Flushing Township Hall.
2. **MINAUDO** felt that with so many items on the agenda for the next few months, maybe there should be two (2) Board Meetings per month.
3. **NOECKER** stated that **TOM ENRIGHT**, in his concern and diligence for the Flushing Township Nature Park was basically pleading with the Supervisor and the Treasurer to be sure to get a full time Park Manager. **NOECKER** stated that if the Board collectively decided to afford a full time manager for the park, it would be **ENRIGHT**, and the Board would not accept his resignation.
4. **MORFORD** stated an issue had come up at the January Board Meeting that had not been on the Agenda. She (Morford) felt the issue should have been postponed until all seven (7) board members were present due to the importance of individuals' pensions. She (Morford) had been on vacation at the time)

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

ADJOURNMENT: Due to lack of further business, **SCHWIEMAN** adjourned the meeting at 11:10 p.m.

JULIA A. MORFORD, Clerk

DONALD A SCHWIEMAN, Supervisor

APPROVED DATE: _____

02/11/09 Regular