

CHARTER TOWNSHIP OF FLUSHING

6524 N. SEYMOUR ROAD

FLUSHING, MICHIGAN 48433

SPECIAL BOARD OF TRUSTEES MINUTES

DATE: MARCH 12, 2009

TIME: 200 P.M.

PHONE: 810-659-0800

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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 2:05 p.m. by **SUPERVISOR DONALD A. SCHWIEMAN (SCHWIEMAN)** with Roll Call and the Pledge of Allegiance to the American Flag.

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

MEMBERS ABSENT: Gardner and Minaudo

OTHER INDIVIDUALS PRESENT: 6 other interested individuals

SCHWIEMAN requested to amend the Agenda to include the Flushing Township Police Chief's Retirement Plan.

APPROVAL OF THE AGENDA: MATZKE MOVED, seconded by Purkey to approve the Agenda to include the Flushing Township Police Chief's Retirement Plan.

MOTION CARRIED.

NEW BUSINESS:

CLOSED SESSION:

2:15 P.M. ADJOURNED TO CLOSED SESSION:

PURKEY MOVED, seconded by Matzke to go into Closed Session to consider information that is being provided by Municipal Employees Retirement System (MERS) Representatives with respect to the retirement benefits provided to a union contracted employee and the Police Chief pursuant to his specific Employment Agreement.

ROLL CALL VOTE:

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

NAYS: 0 **MOTION CARRIED.**

ABSENT: Gardner and Minaudo

3:30 P.M. RECONVENED TO REGULAR SESSION:

PER ATTORNEY MOULTON, the reason for going into Closed Session was triggered as a result of the Patrol Officer's Union Contract that was subject of the immediate past Board Meeting as to issues regarding what was negotiated in the Contract. MERS felt the Board should take a second look at the Contract and, per the Open Meetings Act, a Special Meeting was called.

ATTORNEY MOULTON stated there had been a concern over a provision that was recently adopted, a collectively bargaining agreement that applied with respect to the Township Patrol Officers'. There were two (2) provisions in the Contract:

1. With the Defined Benefit Plan, employer's contribution would be capped at fifteen (15%) percent.
2. Subject to MERS approval, any new hires in the Police Department, instead of participating in the Defined Benefit Plan, would participate in the Defined Contribution Plan.

Per the Closed Session with MERS Representatives, the employer could not cap the employer's contribution to the Defined Benefit Plan and, in essence, close the group with new hires in the Defined Contribution Plan. The labor attorney representing the Township structured a letter agreement such that the enactment of the Defined Contribution aspect of the collective bargaining plan was subject to its allowance by MERS as rules has indicated there could not be a Defined Contribution Plan in the employment retirement system. The system would not be used as part of the collective bargaining agreement. The agreement was valid in its present form and it would not require any change. The Township was in conformance with the Agreement.

PUBLIC COMMENTS:

3:30 P.M. OPEN FOR PUBLIC COMMENTS:

None

3:30 P.M. CLOSED FOR PUBLIC COMMENTS

THE NEXT BOARD OF TRUSTEES MEETING IS SCHEDULED FOR THURSDAY, APRIL 9, 2009 AT 7:00 P.M.

ADJOURNMENT: Due to lack of further business, **SCHWIEMAN** adjourned the meeting at 3:30 p.m.

JULIA A. MORFORD, Clerk

DONALD A SCHWIEMAN, Supervisor

APPROVED DATE: _____