

CHARTER TOWNSHIP OF FLUSHING

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

DATE: AUGUST 13, 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 7:15 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-one (81) other individuals were present.

SCHWIEMAN requested to add to the Agenda listed under “New Business”, Number 4, *Police Department Issues consisting of 1) Sell backs, 2) September 8, 2009 Overtime, and 3) Police Department Preliminary Budget*; **MINAUDO** requested to add the issue of *Police Chief Search*.

APPROVAL OF THE AGENDA: PURKEY MOVED, seconded by Morford to amend the Agenda by adding Police Department Issues to be listed under “New Business”, Number 4, *Police Department Issues*.

ACTION OF THE MOTION:

ROLL CALL VOTE:

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

NAYS: 0 MOTION CARRIED.

APPROVAL OF MINUTES:

- 1) **APPROVAL OF MINUTES OF JUNE 11, 2009: PURKEY MOVED**, seconded by Matzke to approve the Minutes of June 11, 2009 as submitted.

ACTION OF THE MOTION:

ROLL CALL VOTE:

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

NAYS: 0 MOTION CARRIED.

- 2) **APPROVAL OF MINUTES OF JUNE 25, 2009: PURKEY MOVED**, seconded by Matzke to approve the Minutes of June 25, 2009 with the following amendments: **Page 3**, 1-c-2 Discussion of Flushing Township Police Chief, paragraph 3, line 5, “The applications and resumes. . .candidate to the Personnel Committee” **changed to** “The applications and resumes would then be reviewed

by the Supervisor, who as the Personnel Officer, would make recommendations as to the most qualified candidate to the Personnel Committee.”

ACTION OF THE MOTION:

ROLL CALL VOTE:

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

NAYS: 0 MOTION CARRIED.

- 3) **APPROVAL OF MINUTES OF JULY 9, 2009: PURKEY MOVED**, seconded by Noecker to approve the Minutes of July 9, 2009 with the following amendments: **Page 1**, Approval of Agenda, line 2, “NOECKER MOVED, seconded by Purkey . . . listed under “New Business” **changed to** “NOECKER MOVED, seconded by Purkey to amend the Agenda with the deletion of letter J “*Update of Policy and Procedures Manual*” listed under “New Business” and add letter A, “*Health Care Services for Hurley Medical Center*”, listed under “New Business”; **Page 1**, Discussion, last paragraph, “A procedure is now. . .for the service on the property tax bill” **changed to** “A procedure has already been in effect to send a certified letter to the mortgage company or registered home owner giving them ten (10) days to mow the lawn or the township will mow the lawn and place the dollar amount for the service on the property tax bill.” **Page 2**, Presentation by Municipal Employees’ Retirement System (MERS), No.4, “MERS is cost effective” **changed to** “Her presentation stated that MERS was cost effective.” **Page 4**, last paragraph on the page, “NOECKER MOVED, seconded by _____ to list . . . at a commission rate of six percent” **changed to** “NOECKER MOVED, seconded by (no one) to list the home at 8293 N. McKinley Road to sell for the asking price of \$79,900 with the Lucy Ham Group for a period of six (6) months at a commission rate of six (6%) percent”; **Discussion: Page 4**, 1-E-1, Sale of Nature Park Home, paragraph 2, line 1, “It was recommended to give Mr. Scott sixty (60) days to obtain more information and then return back to the Board of Trustees with the decision as to the purchasing of the home” and **Page 5**, paragraph 1, “CONCLUSION: The purchase of the Nature Home issue would be postponed until the August 13, 2009 meeting which would be the deadline to wait.” (The issue is on the current agenda). **Page 5**, 1-G, line 3, “The procedure would not . . . much better flow of communication” **changed to** “The procedure would not exclude any Board Member but it was felt there would be a much better flow of communication.”

ACTION OF THE MOTION:

ROLL CALL VOTE:

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

NAYS: 0 MOTION CARRIED.

APPROVAL OF BILLS: GARDNER MOVED, seconded by Minaudo to pay the bills as submitted.

ACTION OF THE MOTION:

ROLL CALL VOTE:

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

NAYS: 0 MOTION CARRIED.

7:29 P.M. PUBLIC COMMENTS OPEN:

Seventeen (17) people from the audience gave their opinions.

8:20 P.M. PUBLIC COMMENTS CLOSED

UNFINISHED BUSINESS:

None

DETERMINATION OF “POINT OF ORDER”: After reviewing the brief synopsis of “Roberts Rules of Order”, it was determined by Attorney Moulton that the propriety of the conduct of the meeting is within the purview of the members of the board. A “Point of Order” is made by a member of the Board addressed to the Chair who then responds and determines the proper procedure going forward.

NEW BUSINESS:

1-A Water Rate Increase

NOECKER MOVED, seconded by Matzke to approve the 9.5% pass through to the Flushing Township residents.

DISCUSSION:

The increase would be strictly for the commodity charge and not the readiness-to-serve-fee. The average fee would increase from \$2.82 per hundred cubic feet to \$2.95 per hundred cubic feet and would strictly be a pass through only charge, not an increase.

The 9.5% increase originated from the City of Detroit who made the initial raise to the City of Flint; the City of Flint then passed the 9.5% increase on to Genesee County; Genesee County is now passing the 9.5% increase on to the townships. Flushing Township would simply be passing through the 9.5% water rate increase

The Genesee County Water and Waste Advisory Board and other departments have approved proceeding with the new proposed Port Huron Waterline from Port Huron, Michigan to Genesee County.

ACTION OF THE MOTION:

ROLL CALL VOTE:

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

NAYS: 0 MOTION CARRIED.

1-B Payment of Legal Fees for Former Chief Kennedy

PURKEY MOVED, seconded by Morford to pay the bill amounting to \$700.00

DISCUSSION:

Through the process of the former Police Chief’s retirement, \$700 had accumulated for legal fees from the Chief’s personal attorney. The legal fees had accumulated during an *Exit Statement* for the former Chief, to the Chief’s personal attorney, due to a longer time frame which had involved issues disagreed upon by the Attorneys, Supervisor, and Police Chief. The original draft of the Police Chief’s contract had included a legal fee clause but it was later removed.

What the Chief was entitled to was included in the Police Chief’s Contract that allowed the Police Chief to retire two (2) years early. The Supervisor could not approve paying the legal fee.

ACTION OF THE MOTION:

ROLL CALL VOTE:

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

NAYS: Gardner and Minaudo MOTION CARRIED.

1-C Bids for Bridge and Limestone for the Nature Park

PURKEY MOVED, seconded by Minaudo to use volunteers to provide the labor with whatever materials would be needed to make the repairs with a limit of \$250.00

DISCUSSION:

There is a cracked culvert by the bridge on the boardwalk down by the river, at the Flushing Township Nature Park, that needs limestone and other minor repairs. It had

been suggested at a previous Parks and Recreation Committee meeting to use alternative methods such as boulders, etc. to correct the culvert situation.

The supervisor volunteered himself and his son to go to the park and check out the situation and see what could be done to correct the situation. The park has the equipment and limestone to repair a few other minor problems; the limestone is used to help the mold and fill in corrosion areas.

The supervisor will be meeting with the Teamsters Local Representative on Monday and will discuss the issue of him (supervisor) doing the repair work; he (supervisor) will bring the details back to the September Board Meeting. The Bids Committee will also get professional bids for an alternative way to fix the problem.

Closure of the boardwalk area was discussed but it was determined there wouldn't be an alternative route to get around the park.

It was discussed as to whether there would be a risk with Supervisor Schwieman's son helping with the repair work. The township attorney informed the Board that as long as a parent or guardian was present, there wouldn't be a liability problem with the son helping on the job site as long as a parent/guardian gave their permission.

ACTION OF THE MOTION:

ROLL CALL VOTE:

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

NAYS: 0 MOTION CARRIED

1-D Local Road Agreement – Granrich Estates No. 1 & 2

The Genesee County Road Commission has presented a Project Agreement for Granrich Estates No. 1 & 2 which consists of Tahquamenon Trail, Shoshone Trail, Chickasaw Trail, and Navajo Trail at a cost of \$67,000. The procedure would consist of the County placing a six (6) inch drain line along the road in back of the curb. The residents would be required to hook their sump pumps into the six (6) inch line, which would then flow to the storm sewer and then to the river.

An Opinion had been received from the Township Attorney whether the township should take the \$67,000 and have the residents pay a portion of the cost for storm sewer repair. Tahquamenon Trail has been the major problem which has caused the driveways to cave in.

The Supervisor will bring more details back to the September Board of Trustees Meeting.

1-E Bikes on the Bricks 1st Annual Ride

No action was taken because permission has already been obtained from the Genesee County Road Commission.

1-F Nature Park Home

MOTION FROM JUNE 25, 2009 REGARDING THE NATURE PARK HOME:

“GARDNER MOVED, seconded by Purkey that the Bids Committee have prepared for the Thursday, July 9th meeting a recommendation of a real estate company who will sell the Nature Park home with an exclusion in the contract to allow the Township to sell the home directly to any interested parties that have already expressed an interest.”

ACTION OF THE MOTION:

ROLL CALL VOTE:

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

NAYS: 0 MOTION CARRIED.

The purchase of the Park Home is in a conceptual stage for a chartered environmental school; the interested party is still trying to obtain funds from Central Michigan University (CMU) and Michigan State University (MSU).

The Interested Party attended an August 2009 Planning Commission Meeting where it was suggested by the Planning Commission to get a site plan and other details pertaining to the chartered school since it was a great concept. The Interested Party is in the process of obtaining all the details regarding the school from the State.

It was mentioned that forty-five (45) days had been the time frame for having all the details in place to place the Nature Park Home on the market; the Bids Committee will proceed with the sale of the home. The Interested Party will also have the opportunity to purchase the home as a private individual.

RECOMMENDATION FROM THE PARKS AND RECREATION COMMITTEE MEETING:

“Mr. Schwieman made a motion to recommend to the Board that all of the proceeds from the sale of the house be put in a trust fund for future maintenance and operations of the park. Drozdowski seconded. Motion Carried.”

Some of the Board of Trustee members were opposed to the motion made at the Parks and Recreation Meeting. The issue concerning the funds from the sale of the Nature Park Home will be placed on a future Agenda. It was recommended to review the June 25, 2009 Motion and go 45 days from that date.

1--G Park Committee Change

NOECKER MOVED, seconded by Minaudo that he (Noecker) hereby resigns from the Parks and Recreation Committee and would like to be replaced by Mr. Larry Birchmeier.

ACTION OF THE MOTION:

ROLL CALL VOTE:

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

NAYS: 0 MOTION CARRIED

1-H Zoning Administrator Status

GARDNER MOVED, seconded by Purkey that Don Schwieman become the Zoning Administrator.

DISCUSSION:

There are several projects planned by the Planning Commission and the Zoning Board of Appeals and there has to be corporation between the zoning administrator and the different zoning committees.

ACTION OF THE MOTION:

ROLL CALL VOTE:

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

NAYS: 0 MOTION CARRIED

1-I Policies and Procedures Manual Update:

1-I-1 Spending Limits – Policies and Procedures Manual, Page 31, Expenditure Control: “The township supervisor is authorized, in an emergency, to order expenditures of up to \$1,000. The administration is authorized to order expenditures of up to \$500. A report of any expenditure ordered by these officials shall be placed on the treasurer’s report for the month the order was placed.”

IT WAS RECOMMENDED TO CHANGE TO:

“The township supervisor is authorized, in an emergency, to order expenditures of up to \$1,000. ANY administration is authorized to order expenditures of up to \$500. A report of any expenditure ordered by these officials shall be placed on the treasurer’s report for the month the order was placed.”

The amount issue will be brought back to the September Board of Trustees Meeting.

1-I-2 Police Commissioner/Liaison

NOECKER MOVED, seconded by Purkey to replace Supervisor Schwieman as the Police Commissioner and, appoint according to State Law, Mr. Scott Minaudo to be the new Police Commissioner for the time being.

DISCUSSION:

The Police Commissioner would only be a liaison but the Supervisor would remain the contact person even if there was a third person involved for such issues as emergencies, grievances, etc. Per the township attorney, the township has to abide by the Union contracts as far as grievances are handled and controls how the township deals with the issue.

The question was brought up as to the procedure to change state law concerning the Police Commissioner. The Police Commissioner was appointed on January 1, 2009 and would be bound to collective bargaining. Since the Board is in the process of hiring a new Police Chief, the issues and feelings are running strong. The township attorney stated the Police Commissioner was only a liaison without any supervisory authority. By contract the township has created a procedure for grievances and those collective bargaining agreements cannot be unilaterally changed.

**ACTION OF THE MOTION:
MOTION WITHDRAWN**

1-I-3 Personal Office Door Locks –

NOECKER MOVED, seconded by Purkey to let anyone in the office including the Supervisor, Clerk, and Treasurer be able to have their personal office locks rekeyed.

**ACTION OF THE MOTION:
ROLL CALL VOTE:**

AYES: Purkey, Morford, Noecker, Schwieman, Gardner, Matzke, and Minaudo
NAYS: 0 MOTION CARRIED

1-I-4 Police Department Issues:

- a. Sell Backs: Would the laid off patrol officer be paid for his sell back time or would it have to go before the Board? (The treasurer stated there wouldn't be a problem).
- b. Overtime: On September 8, there will be a problem covering the shifts due to the School Resource Officer going back into the Flushing Community Schools. There will be nineteen (19) days in August where overtime will have to be paid. The Part Timers had worked the weekends before they were let go.
- c. Police Department Preliminary Budget: The Police Budget is being prepared for September 1, 2009. There have been a lot of changes due to retirement, layoffs, etc.
A letter had been received from Auditors Plante and Moran regarding interest borrowed from another account for the Police Department. The supervisor said there was more money in the Police Department than what was originally determined. Every year the Police Department borrows from the water department until the taxes come in. The treasurer stated that due to the small amount of interest being paid, he had no problem not collecting interest from the police department. Next year's budget will be available at the September 10, 2009 Regular Board Meeting.
The Police Department will not be getting their \$1,000 signing of the Contract as promised at the signing of the last contract.
It was ask if the Board decided there would be a Police Fund that was stand along would there be enough money to run the Police

Department? The answer was “no”. Per the Treasurer the General Fund borrows from the Water Fund at the end of the year.

It had been recommended by the former board that if the Police Millage didn’t pass, there would have to be layoffs in the Police Department.

MATZKE MOVED, seconded by Morford to reinstate Officer Baughman and the part-time employees.

DISCUSSION:

There is money in the fund and costing the township overtime by laying off employees and paying unemployment. There were inquiries as to whether the Police Department could be a stand along Fund. The township has a cash flow problem and has to get straightened out. There also has to be a larger amount of money put into MERS; everything doesn’t have to be done today. At what point do we focus on money instead of Police Protection. There is \$1,005,000 which comes from the Police Millage, \$56,000 from the school for the School Resource Officer, overtime from the school, and other miscellaneous items. The township has money to run the Police Department. The supervisor stated the township is gaining \$10,000 per month. The supervisor mentioned that if an outside chief was hired, two (2) other officers would have to be laid off. The cash flow problem can’t be solved overnight.

ACTION OF THE MOTION:

ROLL CALL VOTE:

AYES: Matzke, Schwieman, and Morford

NAYS: Minaudo, Purkey, Noecker, and Gardner MOTION FAILED

- d. Police Chief Search: The publication will be published in the Michigan Association of Police Chiefs (MACP) and resubmitted in the Flint Journal and posted on the Web.

MINAUDO MOVED, seconded by Purkey to re-submit the publications in the appropriate trade journal, the Flint Journal, and the web as soon as possible to give a three (3) or four (4) week time frame so there will be more applications. The time frame would be extended to 5:00 p.m. on Thursday, September 10, 2009 and all the applications should be submitted at that time; copies can be made for the board to review; and then come back in another week or so and go from there including the interviews.

DISCUSSION:

It was discussed as to there being a legal problem with making copies of the resumes for distribution to the board members. The township attorney recommended the easiest way for the board to review the resumes would be to scan the information into one of the township computers and give each board member a password to get into the computer. The information would not get into the hands of a third party and would be more secure.

ACTION OF THE MOTION:

ROLL CALL VOTE:

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

NAYS: 0 MOTION CARRIED

COMMITTEE REPORTS:

None

REPORTS:

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

ACTION OF THE MOTION:

ROLL CALL VOTE:

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

NAYS: Schwieman MOTION CARRIED

10:40 P.M. PUBLIC COMMENTS OPEN:

Nine (9) people gave their Opinions

11: 00 P.M. PUBLIC COMMENTS CLOSED

BOARD COMMENTS:

1. **MINAUDO** stated it wasn't easy to sit and listen to the residents because sometimes there weren't simple answers to simple questions. It was mentioned that MINAUDO should recues himself; he (Minaudo) doesn't receive any financial gain if the Sheriff's Department patrols Flushing Township.
2. **GARDNER** gave out his cell number if anyone would like to communicate with him: 810-577-2483. If **MINAUDO** had to recues himself, then **MATZKE** should also recues himself.
3. **NOECKER** felt the four (4) board members up for recall have done what they said they would do when they were campaigning; there has been more than just turning to the other cheek. There were four (4) elections held in 2008 and there will be another election soon, so let the silent majority have a fifth (5th) vote in Flushing Township. He has every intention to fix the Flushing Township Police Department without any intentions whatsoever to go with the Genesee County Sheriff's Department. A check was written on October 6, 2008 from the Flushing Township Crime Watch to Trustee Matzke so he (Noecker) can see the support of Matzke for the Police Department.
4. **PURKEY** in defense of both police officers, has a responsibility to vote and should vote. The only time to recues one's self is when money is involved. The nonsense has to end. Those that want to recall him (Purkey), go ahead, but don't tell a bunch of lies when the statements are true.
5. **MATZKE** stated he would not stoop to anyone's level.
6. **MINAUDO** wanted to know if there would be a meeting in two (2) weeks.

THE NEXT BOARD OF TRUSTEES MEETING IS SCHEDULED FOR THURSDAY, SEPTEMBER 10, 2009 AT 7:00 P.M.

ADJOURNMENT: Due to no further business, the meeting was adjourned at 11:15 p.m. by Supervisor Schwieman.

JULIA A. MORFORD, Clerk

DONALD A SCHWIEMAN, Supervisor

APPROVED DATE: _____