

CHARTER TOWNSHIP OF FLUSHING

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

DATE: OCTOBER 8, 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: Sixty-six (66) other individuals were present.

SCHWIEMAN stated that Richard Bysko of the Genesee County Water and Waste Services wanted to get with the Bids Committee regarding the Miss Dig issue.

NOECKER requested to add two (2) items to the Agenda: 1) the Board go into Closed Session regarding the Flushing Township Nature Park Home listed under "Unfinished Business" as Number 4 and 2) the snow plowing from Beck's Lawn Services. Beck's Lawn Service was interested in bidding the snow plowing for the winter months, the removal of twenty-nine (29) ash trees, two (2) pine trees, and some stump grinding. It was decided to postpone the snowplowing issue until the next meeting.

APPROVAL OF THE AGENDA: PURKEY MOVED, seconded by Morford to approve the agenda with the addition of a Closed Session for the purpose to discuss the Flushing Township Nature Park Home to be listed as number 4 under "Unfinished 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: PURKEY MOVED, seconded by Noecker to approve the Minutes of September 10, 2009 with the following corrections: **Page 3**, 2nd line from the bottom of page, "The budget...March 2010" **changed to** "The budget starts April 2010"; **Page 4**, addition of bullet six from top of page "Some Board Members felt it was too immature to approve the budget at the particular time."

ACTION OF THE MOTION:

ROLL CALL VOTE:

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

NAYS: 0 MOTION CARRIED.

APPROVAL PAYMENT OF BILLS LISTED: PURKEY MOVED, seconded by Matzke to approve the bills as listed including the two (2) additional bills of: 1) Northwest Tire Service for tires for the Flushing Township Pick-Up Truck and 2) Michael Walling for a 24” culvert for the Flushing Township Nature Park and tire repair on trailer.

ACTION OF THE MOTION:

ROLL CALL VOTE:

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

NAYS: 0 MOTION CARRIED.

UNFINISHED BUSINESS:

1. Police Chief Employment Resumes

GARDNER MOVED, seconded by Minaudo that all Board Members submit their top ten (10) list of applicants to the clerk no later than Noon on Tuesday, October 13; the clerk will then compile the list of seven board members and note multiple selections on individual people and give the list back to the board members.

DISCUSSION:

It was decided that everyone would turn their list of applicants in to the Clerk by the end of the meeting. The Board could start making phone calls to the applicants starting with the applicant with the most votes down to the applicant with the least votes.

ACTION OF THE MOTION:

ROLL CALL VOTE:

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

NAYS: 0 MOTION CARRIED.

2. Second Reading of AN ORDINANCE TO ADDRESS FLOODPLAIN MANAGEMENT PROVISIONS OF THE STATE CONSTRUCTION CODE

MINAUDO MOVED, seconded by Purkey to approve the second reading of the ordinance to address floodplain management provisions of the State Construction Code.

DISCUSSION:

The State will be the agency for the township in order to implement the FEMA Floodplain designation pursuant to FEMA maps and all regulations that are part of the State Construction Code with regards to floodplains.

ACTION OF THE MOTION:

ROLL CALL VOTE:

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

NAYS: 0 MOTION CARRIED.

3. Review of Fire Contract

It was discussed as to the legality of paying for wild fires and fires without permits from July 1, 2004 through June 30, 2009. The prior board had adopted a Contract at a regularly noticed meeting and the contract was binding. The township did accept the benefits of fire protection for five (5) years. The contract was prepared by the City of Flushing and was in charge of the language of the contract. It was mentioned that if the City didn't bill the Township on a regular basis, there was a practical problem. The township did have a valid reason for not paying the bill, but on the other hand the Township did want to have a good relationship with the City. If there had been "old" issues, they should have been resolved when negotiating the new contract. It had been mentioned by the City to place the cost on the tax roll but there were a number of practical reasons not to place on the tax roll.

A new Fire Contract had been executed between the City of Flushing and Flushing Township for five (5) years in July 2009. It was recommended that the Bids Committee contact the City to review and try to resolve the fire runs issue.

7:26 P.M. CONVENED TO CLOSED SESSION:

- 4. **GARDNER MOVED**, seconded Purkey to go into Closed Session for the express purpose of discussing the proposed sale of the Flushing Township Park House, pursuant to the Open Meetings Act, Section 8(d).

ACTION OF THE MOTION:

ROLL CALL VOTE:

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

NAYS: 0 MOTION CARRIED.

7:44 P.M. – RECONVENED TO REGULAR SESSION

SCHWIEMAN MOVED, seconded by Purkey to reconvene to regular session.

ACTION OF THE MOTION:

ROLL CALL VOTE:

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

NAYS: 0 MOTION CARRIED.

GARDNER MOVED, seconded by Purkey to accept the offer of \$85,000 for the sale of the Park House.

ACTION OF THE MOTION:

ROLL CALL VOTE:

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

NAYS: 0 MOTION CARRIED.

NEW BUSINESS:

1-a. Approval of Krystal Creek Ditching

NOECKER MOVED, seconded by Purkey to approve \$3,200 (\$2,500 for machines and labor and \$800 for materials) for four (4) pieces of work: 1) Bending Brook – storm drain; 2) Misty Morning and Bending Brook – easement; 3) Apple Blossom – storm drain; 4) Turner and Stanley Road – drain.

DISCUSSION:

- 1. The Road Committee has received bids from Michael Walling, Tim Donaldson, and Superior Poured Walls (Mike Chapman) to do the four (4) pieces of work:
 - 1) a storm drain is located at the end of Bending Brook which is the township’s responsibility and would cost \$600 to repair; 2) at Misty Morning and Bending Brook, a Genesee County Drain runs most of the way but the township has an easement that goes through the City to the River. Just over two hundred (200) feet has to be ditched; signatures have been obtained from seven (7) residents to go through their properties; 3) on Apple Blossom there is a pond with a storm sewer situation, which is the township’s responsibility, for which two (2) pieces of pipe have to be put back together, dirt replaced and seeded; 4) a drain has to be repaired at the intersection of Turner and Stanley Road.

ACTION OF THE MOTION:

ROLL CALL VOTE:

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

NAYS: 0 MOTION CARRIED.

1-b. Supervisor's Notes

1. Road repairs for all township roads should be completed by November 15, 2009; ditching completed by November 1, 2009; more work on roads and ditches will take place after May 1, 2010 such as the County's recommendations of paving Deland Road from Coldwater to Stanley Road and Carpenter from Deland to just past the Flushing Middle School; different monies are being reviewed for Carpenter Road at the Flushing County Park and Johnson Road.
2. Police Department saved \$54 in September due to layoffs; spent \$8,500 from June 1, 2009 to current for overtime pay; received a \$2,902 Bullet Proof Vest Award Grant due to the vests having to be replaced every few years.
3. The Nature Park received a \$2,700 reimbursement from the Department of Agriculture for the work recently completed.
4. G.A.I.N. – If the township paid \$1,750 per year, G.A.I.N. would investigate all stolen vehicles after the Flushing Township Police Department was finished with their investigation.
5. F.A.N.G. and Sheriff's Posse – Flushing Township needed to keep an eye out for the future. Flushing Township has been a member of F.A.N.G. in the past.
6. Budget Update:
 - a. Police Department is within budget; recommended by a board member to look into a different methodology of figuring overtime; in October, Flushing Schools will pay for a police officer; a deletion will come when liability insurance has to be paid.
 - b. Flushing Township has had a lot of legal fees.
 - c. Freedom of Information Requests – the supervisor has been doing emailing to save money.
 - d. Energy Program:
 1. A township resident has bid the light project; he has monies available through Consumer's Energy to do more work than what was bid at a price of \$3,800; the original cost was \$6,800.
 - e. 7-Step Program – Everything coming along great.
 - f. Flushing Township received an award from the Michigan Municipality League (MML), liability insurance company, due to zero claims in the township.

COMMITTEE REPORTS:**1. Compensation Committee**

The Committee name and term consists of: 1) Terry Bigelow for 5 years; 2) Annette Marsh for 4 years; 3) Mike Glover for 3 years; 2) Terry Peck for 2 years; and 1) Gary Whitmire for 1 year. The Committee will meet on Tuesday, October 13, 2009 for organizational purposes; the Committee only meets in odd numbered years.

2. Finance Committee

Kelly Davis, representative with Municipal Employees Retirement System (MERS), is working with the Treasurer regarding the Government Accounting Standards Board Statement Number 45 (GASB 45) which the township has to be in compliance with by March 31, 2010.

REPORTS:

1. The new system of paying the bills is working out great: the Clerk is dating and signing the statement; the Accountant is then dating and signing; and then the Treasurer is dating and signing and sending out the bill.
2. The treasurer did some investigation and found that the Genesee County Water and Waste charges a fee to the township for billing, meter reading, cut-off, etc.
3. The township funds are invested in a varied of banks, not just one (1) or two (2) banks. Very little property tax money stays within the township.

8:20 P.M. - PUBLIC COMMENTS OPEN:

Thirteen (13) people gave their Opinions

9:20 P.M. - PUBLIC COMMENTS CLOSED

BOARD COMMENTS:

1. **GARDNER** gave out his cell phone number of 810-577-2483 and his concerns of government.
2. **MATZKE** recommended that all the Board Members help set up and tear down for meetings.
3. **MORFORD** reminded everyone about the upcoming Informational Genesee County Road Commission Meeting on October 22, 2009 regarding the temporary closing of Elms Road between Potter Road and Flushing Road due to repair of the bridge and paving jobs. The Clerk stated she had received phone calls from residents who were told their absentee ballots did not count in an Election; the Clerk assured everyone that their Absentee Ballots were counted.
4. **NOECKER** gave out his home phone number of 810-659-3669.
5. **SCHWIEMAN** stated there would be a statement within a short time from him.

THE NEXT REGULAR SCHEDULED BOARD OF TRUSTEES MEETING IS THURSDAY, NOVEMBER 12, 2009 AT 7:00 P.M. AT THE FLUSHING TOWNSHIP HALL.

ADJOURNMENT: Due to no further business items, the meeting was adjourned at 9:22 p.m.

JULIA A. MORFORD, Clerk

DONALD A SCHWIEMAN, Supervisor

APPROVED DATE: _____