

# CHARTER TOWNSHIP OF FLUSHING

6524 N. SEYMOUR ROAD

FLUSHING, MICHIGAN 48433

REGULAR BOARD OF TRUSTEES MINUTES

DATE: JANUARY 14, 2010

TIME: 7:00 P.M.

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## 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:** Fifty-four (54) other individuals were present.

**APPROVAL OF THE AGENDA: PURKEY MOVED**, seconded by Minaudo to amend the Agenda with the removal of number 5 "Police Department Budget Review Correction" under *Unfinished Business* and letter B "Park Committee Appointments" under *New Business* and add "Mass Mailing" under *New Business* and "Letters to Attorneys" under *Unfinished Business*.

**GARDNER MOVED**, seconded by Minaudo to amend Trustee Purkey's motion to add "Committee Appointment Corrections" and "Letters to Attorneys" under *Unfinished Business*.

## ACTION OF THE AMENDED MOTION:

ROLL CALL VOTE:

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

NAYS: Matzke MOTION CARRIED.

## DISCUSSION:

There was a question as to why the deletion of the police budget was taken off the agenda and the rules regarding mass mailings.

## ACTION OF THE ORIGINAL MOTION:

ROLL CALL VOTE:

AYES: Minaudo, Purkey, Noecker, and Gardner,

NAYS: Matzke, Morford, and Schwieman MOTION CARRIED.

**APPROVAL OF PREVIOUS MINUTES:** The minutes of December 10 and December 17, 2009 will be postponed until the January 14, 2010 regular scheduled Board of Trustees Meeting.

**APPROVAL OF PAYMENT OF BILLS: PURKEY MOVED**, seconded by Minaudo to approve the bills as presented.

**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 Interviews:**

Three (3) Police Chief Candidates were interviewed with each board member asking one (1) question and then extra questions as time allowed:

1. Mr. Dale Stevenson
2. Mr. Scott Sutter
3. Mr. Kraig Brueck

It was decided to have a Special Board of Trustees Meeting on Wednesday, January 20, 2010 at 7:00 p.m. to choose a police chief. A background check and a decision establishing the Municipal Employees Retirement System (MERS) Plan has to be made before any decision is made regarding the Chief. The background check will only be conducted on the candidate who is selected as chief. The Police Chief cannot be an independent contractor. It was also discussed whether to have a Police Chief or a Public Safety Officer. The Negotiating Committee consists of Terry Peck, Scott Minaudo, Mike Gardner, and Alternate Mark Purkey will start gathering information.

**RECESSED FOR A FIVE (5) MINUTE BREAK**

**2. Bids for Attorneys**

Bids were received from: 1) Harris of Goyette and Winterfield, 2) Rick Fanning of Keller Thoma, 3) David and Lyndon Lattie, 4) F. Jack Belzer, 5) Steve Moulton of Cooley Moulton & Smith, 6) James Dillard of Flint

The Bids Committee will review the attorney bids and the information will be brought back to the next Regular Scheduled Meeting.

**ACTION OF THE MOTION:**

MOTION CARRIED.

**3. G.A.I.N.**

It was determined to turn the information over to the new Police Chief who would have better knowledge of the issue.

**4. Snowplowing**

Discussion was held regarding what had and what had not been done in order to proceed with the snowplowing issue for Flushing Township. Grievances have been filed by the Teamsters Union as to who should plow. A contract will be signed to allow Beck's Lawn Service do the snowplowing; and a letter will be going to the Teamsters.

**5. Letters to Attorneys:**

**PURKEY MOVED**, seconded by Morford to table the issue until a further board meeting.

**ACTION OF THE MOTION:**

ROLL CALL VOTE

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

NAYS: 0 MOTION CARRIED.

**NEW BUSINESS:**

**1-a. 2010 Board of Review Training:**

**PURKEY MOVED**, seconded by Noecker to allow the three (3) Board of Review members to attend a Board of Review Training Session at Frankenmuth, Michigan on February 4, 2010 at an early-bird price of \$70 per person.

**ACTION OF THE MOTION:**

ROLL CALL VOTE:

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

NAYS: 0 MOTION CARRIED.

**1-b. Insulation for Township Building**

It was recommended to have the Bids Committee obtain bids for the insulation and then bring back to the Board of Trustees.

**1-c. Resolution for Mobile Home Park Sewer Use**

**NOECKER MOVED**, seconded by Purkey to adopt the resolution for the method of billing Mobile Home Park (MHP) Operators for sanitary sewer services.

**DISCUSSION:**

The billing system would be for sanitary sewer services for Flushing Estates and Meadowbrook Mobile Home Park.

**ACTION OF THE MOTION:**

ROLL CALL VOTE:

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

NAYS: 0 MOTION CARRIED

**1-d. Federal Poverty Guidelines**

**GARDNER MOVED**, seconded by Minaudo to accept the Federal Poverty Guidelines as presented for 2010.

**ACTION OF THE MOTION:**

ROLL CALL VOTE:

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

NAYS: 0 MOTION CARRIED

**1-e. Park and Recreation Committee**

Correction to the Parks and Recreation Committee: Mike Gardner will be the Chair and William Noecker will be the Co Chair. The original Chair was Larry Birchmeier.

**ACTION OF THE MOTION:**

MOTION CARRIED.

**1-f. Mass Mailing**

**GARDNER MOVED**, seconded by Noecker to amend the Flushing Township Road Committee effective today to remove Don Schwieman as chairperson and replace with Scott Minaudo.

**DISCUSSION:**

There was discussion regarding getting permission from the whole board regarding mass mailings. It was recommended to review the Flushing Township Policies and Procedures Manual and put language in the manual to correct similar issues in the future. The issue of mass mailings will be brought back to the next regular board meeting.

In some larger townships the supervisor, clerk, and treasurer have their own letterhead which would tell the public the information was coming from the specific position and not imputed to the whole board.

**ACTION OF THE MOTION:**

ROLL CALL VOTE:

AYES: Gardner, Minaudo, Purkey, and Noecker

NAYS: Matzke, Morford, and Schwieman

MOTION CARRIED.

**COMMITTEE REPORTS:**

**1. Zoning Board of Appeals:**

The Zoning Board of Appeals (ZBA) has changed their Tuesday, May 4, 2010 regular scheduled meeting date to Tuesday, May 11, 2010 due to a Special Election scheduled for May 4, 2010. The time of the meeting has been changed back to 7:30 p.m.

**2. Parks and Recreation Committee:**

**GARDNER MOVED**, seconded by Noecker to accept the recommendation of the Parks and Recreation Committee to purchase mulch.

**DISCUSSION:**

The park is required to have mulch similar to the schools which meets the minimum as being soft mulch.

**ACTION OF THE MOTION:**

ROLL CALL VOTE:

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

NAYS: 0

MOTION CARRIED.

**3. Budget Committee:**

There will be budget adjustments in the next few months.

**4. Roads Committee:**

An informal roads meeting will be conducted by the Genesee County Road Commission on Wednesday, January 20, 2010, at the Flushing Middle School, Carpenter Road, Flushing.

**REPORTS:**

**1. Treasurer's Report**

**a. Waste Management Report:**

The contract for Waste Management will expire at the end of 2010. Leaf pickup was discussed as to whether to have two (2) or three (3) pickups as the timing of the leaf pickups has been a very important issue due to piles of leaves on the roads during the Halloween season. In 2009, there were only two (2) leaf pickups; prior

to 2009, there were three (3) leaf pickups. The Bids Committee will review the issue with Waste Management and bring the issue back to the Board.

**b. Genesee County Water Department:**

A bill for \$1,900.00 has been received from the Genesee County Water Department regarding the estimated gallons of water used for flushing out the water hydrants. The bill has to be paid. It was asked how the calculation was determined for the waste water.

**c. Acquisition from Land Bank:**

Flushing Township has acquired a home at 8315 Frances Road (Flushing) through the Land Bank. A Quit Claim Deed will be given to Flushing Township. Questions were asked as to the procedure on how to sell the property as the township is required to get as much as possible for the property. Per the township attorney, once the Quit Claim Deed has been received, a broker's opinion, from someone that is familiar with property values, should be checked out; if the price is not close then the home should be put on the market. The surrounding property owners might be the only people interested in the property.

**d. Flushing Fire Department Fire Runs**

A meeting will be held at Flushing City Hall on Monday, January 25, 2010 at 3:30 p.m. to discuss a bill for outdoor burn fire runs for the period of 2004 through 2009. Representatives and attorneys from Flushing Township and the City of Flushing will be present.

**e. GASB 45**

A contract has been signed with Nyhart (a/k/a Alliance Benefit Group) from Indianapolis, Indiana for \$1,400 for the GASB 45 program. The township will be in compliance.

**f. Revenue Sharing**

Flushing Township recently received a Revenue Sharing check for \$105,281 which is derived from State sales tax. The figure is a decrease of \$24,699 from last year.

**9:30 P.M. – OPEN FOR PUBLIC COMMENTS**

Fourteen (14) people gave their opinions/comments.

**10:15 P.M. – CLOSED FOR PUBLIC COMMENTS**

**BOARD COMMENTS:**

1. **MINAUDO** stated it had been stated at the December 17, 2009 meeting that the Genesee County Prosecutor's Office was involved and a determination had been made that no "misappropriation of funds" had occurred; the Genesee County Sheriff's Department and Michigan State Police had also been contacted. Minaudo has letters from the Genesee County Prosecutor's Office and the Genesee County Sheriff's Department stating no investigation had been done. Minaudo stated he believed someone on the Board has a letter from the Michigan State Police stating there hasn't been an investigation done. Minaudo stated he did not contact the Flushing Township Police Department regarding an investigation because he believed it would be a conflict of interest. He (Minaudo) wanted to know if documents had been provided, who provided the documents, who did the investigation, and what documents were provided. How could someone be cleared of an investigation for "misappropriation of funds" when an investigation had never been done. Minaudo contacted the Township Bookkeeper to find out if she had been involved in the investigation by the Genesee County Sheriff's Department and the Michigan State Police and her response was "No". The treasurer and others on the Board had been contacted and his response also was "no". If an investigation was done why wasn't everyone involved. Was there any Board member aware of the investigation. There is a lot of missing information. How can someone be cleared of an investigation when there wasn't

an investigation done. that the investigations had not been done on the misappropriations of funds.

2. **GARDNER** was interested in the misappropriation investigation; issues needed to be prioritized.
3. **PURKEY** stated a lot of things have to be done with the money received by Flushing Township; there isn't enough money to have the County fix all the roads that need to be fixed. Michigan has always been a "donor" state.
4. **NOECKER** has concerns, but wanted to keep things clean; wanted to avoid confrontation; wanted to get a mile or two (2) of road paved this year.
5. **MORFORD** stated that if anyone had any questions concerning the Clerk's office, please come to her office.
6. **SCHWIEMAN** stated his intention for running for office was to do the best he could; there was enough money to do Carpenter, Deland, and Johnson roads.

**THE NEXT REGULAR SCHEDULED BOARD OF TRUSTEES MEETING IS THURSDAY, FEBRUARY 11, 2010 AT 7:00 P.M. AT THE FLUSHING TOWNSHIP HALL.**

**ADJOURNMENT:** Due to no further business items, the meeting was adjourned at 10:25 p.m.

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JULIA A. MORFORD, Clerk

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DONALD A SCHWIEMAN, Supervisor

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