

CHARTER TOWNSHIP OF FLUSHING

6524 N. SEYMOUR ROAD

FLUSHING, MICHIGAN 48433

BOARD OF TRUSTEES MINUTES

DATE: FEBRUARY 10, 2011

TIME: 7:00 P.M.

PHONE: 810-659-0800

FAX 810-659-4212

WEB PAGE: <http://www.flushingtowship.com>

ADMINISTRATION MEMBERS

SUPERVISOR: Terry A. Peck

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 TERRY A. PECK** with Roll Call and the Pledge of Allegiance to the American Flag.

ROLL CALL: Terry A. Peck, Julia A. Morford, William J. Noecker, Scott R. Matzke, Scott P. Minaudo, and Attorney Steve Moulton

MEMBERS ABSENT: Michael S. Gardner and Mark H. Purkey

OTHER INDIVIDUALS PRESENT: Twenty-two (22) other individuals

APPROVAL OF THE AGENDA: MINAUDO MOVED, seconded by Matzke to approve the Agenda as presented.

ACTION OF THE MOTION

AYES: 7

NAYS: 0

ABSENT: Gardner and Purkey

Motion Carried.

APPROVAL OF PREVIOUS MINUTES: NOECKER MOVED, seconded by Matzke to approve the Minutes of January 13, 2011 with the following amendments: **Page 3**, "Zoning Board of Review" **changed to** "Zoning Board of Appeals"; **Page 4**, 1-a, line 3, "SUPERVISOR PEEK. . .for 50/50 money" **changed to** "SUPERVISOR PECK stated Flushing Township would be receiving \$21,340.00 from the Genesee County Road Commission (Road Commission) for 50/50 money"; **Page 6**, REPORTS, Treasurer's Report, 1-a, "Late Fees for Delinquent Taxes" **changed to** "Late Fees for Delinquent Water Bills"; REPORTS, Treasurer's Report, 1-a, line 2 "on late fees for delinquent taxes" **changed to** "on late fees for delinquent water bills".

ACTION OF THE MOTION

AYES: 5

NAYS: 0

ABSENT: Gardner and Purkey

Motion Carried.

APPROVAL OF PAYMENT OF BILLS: MATZKE MOVED, seconded by Morford to pay the bills as presented.

DISCUSSION:

The question was asked by a Trustee what the \$100,000.00 check payable to the Flushing Township Water concerned. The Treasurer stated the money was borrowed

from the Water Fund to pay the Police Department. Now that tax money is coming in, the township is replenishing the money from the General Fund to the Water Fund. It was mentioned the transfer of repayments has occurred for years. The Police Department will be using their own money starting the first of March but currently in the process of repayment of funds.

ACTION OF THE MOTION:

ROLL CALL VOTE

AYES: Minaudo, Matzke, Peck, Noecker, and Morford

NAYS: 0

ABSENT: Gardner and Purkey

Motion Carried

UNFINISHED BUSINESS:

None

NEW BUSINESS:

1-a. Applications for Summer Maintenance

NOECKER MOVED, seconded by Minaudo to place the following notice in the newspaper for publication on Sunday, February 20 and Sunday, February 27, 2011:

“The Charter Township of Flushing will be accepting applications for a part-time employee to work eighteen (18) hours per week at the Flushing Township Nature Park at a rate of \$10.00 per hour. Experience needed: small engine repair, mowing/trimming, tree trimming, general labor as needed.

Send applications to the attention of Supervisor Terry Peck, Charter Township of Flushing, 6524 N. Seymour Road, Flushing, MI 48433 or hand deliver to the Township between the business hours of 8:00 a.m. to 6:00 p.m. Monday through Thursday. Deadline for submitting applications is Monday, February 28, 2011 at 6:00 p.m.”

DISCUSSION:

The individual will work primarily at the Flushing Township Nature Park (Nature Park) but will be able to work at the Township Hall if needed.

ACTION OF THE MOTION:

AYES: 5

NAYS: 0

ABSENT: Gardner and Purkey

Motion Carried

1-b. Update of Policy and Procedures Manual

The Update of the *Policy and Procedures Manual* will be postponed until the March 10, 2011 Board of Trustees Meeting as updates are still being reviewed by the Attorney.

1-c. Municipal Credit Card Payments

MINAUDO MOVED, seconded by Morford to go with Municipal Payments L.L.C. for the payment of taxes with a credit card.

DISCUSSION:

There will not be any charges to the township for the use of the credit card other than a one-time set up fee of \$179.00; residents will be able to pay their taxes on line with a credit card. If the system worked well for taxes, water payments could also be made on line in the future. The on-line process would start with the July 2011 tax season.

The Supervisor discussed the computer procedure and the different steps the resident would make while initiating his payment such as name, address, parcel number, etc and would print out the information which the resident had put into the computer. There will be a three (3%) percent charge to the resident when the service is being performed. There will be two (2) entries on the credit card holders statement: the first

entry would be the price of the taxes (such as \$1,000.00) and the second entry would be the three (3%) percent charge for using the on-line service. The system is very secure.

The township will be able to do a daily report, based on the payments made, which will show the amount of the deposit made to the bank.

Flushing Township uses BS&A software for all their general, accounting, payroll, and assessing funds. Other companies have tried the on-line service but have failed; BS&A, along with Municipal Payments L.L.C, has gotten all the “bugs” out of the system so there wouldn’t be any problems. It was reported that thirty (30%) percent of the people across the state use on-line services for making payments.

The township will review the credit card issue at the October 2011 Board Meeting as to the status of the program.

ACTION OF THE MOTION:

AYES: 5

NAYS: 0

ABSENT: Gardner and Purkey

Motion Carried

1-d. Genesee County Community Development Block Grant Authorized Signature Card Update

NOECKER MOVED, seconded by Matzke to have the Supervisor and Clerk’s signature on the Genesee County Community Development Block Grant Authorization Signature Card.

ACTION OF THE MOTION:

AYES: 5

NAYS: 0

ABSENT: Gardner and Purkey

Motion Carried

1-e. 2011 Michigan Assessor’s Association Membership Dues

1-f. 2011 Tri-County Assessor’s Association Dues

MINAUDO MOVED, seconded by Matzke to approve paying the 2011 Michigan Assessor’s Association Membership Dues and the 2011 Tri-County Assessor’s Association Dues for the Assessing Department for a total of \$20.00.

ACTION OF THE MOTION:

ROLL CALL VOTE:

AYES: Matzke, Minaudo, Peck, Morford, and Noecker

NAYS: 0

ABSENT: Gardner and Purkey

Motion Carried

1-g. Non-Sufficient Fund (NSF) Charges

After reviewing the current Non-Sufficient Fund (NSF) Policy that was put into affect February 1, 2006, the Treasurer deemed there didn’t need to be any changes made at this time. The Treasurer felt since there is a clause in the current policy that states “the Treasurer shall have the authority to forgive the charge in cases where circumstances warrant” there will not be no action by the Board of Trustees at this time.

1-h. Hiring of Consultant for Union Negotiations

NOECKER MOVED, seconded by Minaudo to hire William Rye of Personnel Management Consultant, to work with the Township through the upcoming labor negotiations not to exceed \$2,000.00.

DISCUSSION

The hiring of the consultant was requested by the Township's Labor Attorney Steve Schultz (Attorney Schultz). The cost would not exceed \$2,000.00 for fact findings and comparisons. If the issue should go to arbitration the fee would be an additional \$110.00 per hour for expert testimony. The cost of the consultant would be less than having Attorney Schultz do the negotiations.

ACTION OF THE MOTION:

ROLL CALL VOTE

AYES: Minaudo, Morford, Noecker, Peck, and Matzke

NAYS: 0

ABSENT: Gardner and Purkey

Motion Carried.

1-i. MERS Payment

NOECKER MOVED, seconded by Minaudo to approve the Budget Amendments as presented to Board Members to allow for lump sum payments of \$50,000.00 for Non-Union, \$25,000.00 for Command, and \$5,000.00 for Patrol over and above contractual percentages that are due.

DISCUSSION:

The MERS pensions are "defined benefit" which means they are guaranteed even if the stock market goes down. It was discussed as to when payments are due, how to make larger lump sum payments with the economy as it is; the township has been making minimum monthly payments but nothing has been paid on the principal. A lump sum payment hasn't been paid in the last couple years; the Treasurer stated there had only been one (1) lump sum payment made. Currently, the township is paying \$475,000.00 annually for Police Pensions with another Police Officer scheduled to retire later this year. Lump sum payments have to be made. The Supervisor recommended making lump payments every year; the Treasurer recommended making an additional lump sum payment of \$50,000.00 for the Police and \$50,000.00 for Non-Union over and above the monthly payment commitment.

ACTION OF THE MOTION:

ROLL CALL VOTE

AYES: Morford, Noecker, Peck, Matzke, and Minaudo

NAYS: 0

ABSENT: Gardner and Purkey

Motion Carried.

1-j. Plante & Moran Engagement Letter

NOECKER MOVED, seconded by Morford to accept Plante and Moran's bid to provide auditing services for Fiscal Year 2010.

DISCUSSION:

Plante & Moran Auditing Services has always been available when there were questions from the township. The price for the audit will be \$17,150.00. Bids may be go out for the auditing services for next year.

ACTION OF THE MOTION:

ROLL CALL VOTE:

AYES: Matzke, Minaudo, Morford, Noecker, and Peck

NAYS: 0

ABSENT: Gardner and Purkey

Motion Carried.

1-k. Pricing for Three (3) Land Parcels for Sale

NOECKER MOVED, seconded by (None) to proceed to sell the Adelle and Marsha property for \$1,000.00

DISCUSSION:

Flushing Township has received three (3) parcels of land from the Genesee County Land Bank (Land Bank). They consist of: 1) a sliver of land at the corner of Adelle Court and Marsha Lane (off Elms Road); 2) a 100' x 100' piece of property on Frances Road; and (3) a six (6) acre plus parcel located on Duffield Road.

1. Adelle Court and Marsha Lane:

Facts:

- there are two (2) residents that border the Adelle Court and Marsha Lane property; one (1) resident is interested in the property
- since the property is of no use to the township, a price of \$1,000.00 would be a great price to get for the property
- it was mentioned by the Township Attorney that the property could possibly be an outlot for the subdivision. If a developer wanted to extend the outlot to the West, there could be some value to the property.
- it was recommended to “sit” on the property and wait.
- the issue will be postponed until a later date.

2. Frances Road:

Facts:

- the property is a 100' x 100' parcel
- the property is unbuildable and will not perk.
- the original property belonged to the grandparents of the last owner and then eventually to the township.
- an individual offered \$1,500.00 to the township.

MINAUDO MOVED, seconded by Morford to leave it up to the Treasurer to sell.

ACTION OF THE MOTION:

ROLL CALL VOTE:

AYES: Matzke, Minaudo, Morford, Noecker, and Peck

NAYS: 0

ABSENT: Gardner and Purkey

Motion Carried.

3. Duffield Road Property:

Facts:

- the Duffield Road property doesn't have any road frontage but does have a thirty-three (33) foot easement.
- the property has two (2) - three (3) acre lots
- a former resident who is also a developer has purchased the back fifty-three (53) acres
- there has been ten (10) splits on the property
- there is a discrepancy as to the actual number of acres; the resident/developer would like to purchase the property but stated there was four (4) acres; the original split was a hurried up split.
- Flushing Township Treasurer received a legal description from the Genesee County Register of Deeds and it is six and ½ acres (6.5) acres.
- The Treasurer has contacted three (3) real estate companies and their suggested price range is between \$9,500.00 and \$15,000.00 since the property is considered farm property. The Treasurer recommended the selling price be \$12,000.00.
- The property is high, dry, and tillable.

- The Township Attorney knows a real estate person that deals strictly with farm property and will get the phone number for the Treasurer to contact as to selling price of farm land.
- There was a question regarding the right to use the easement and a few other issues that needed to be resolved before the property can be sold.

NOECKER MOVED, seconded by Morford that the Board authorize the Treasurer to ask \$15,000.00 for Parcel No. 200-016, approximately six (6) acres on Duffield Road pending a legal easement is provided with the approval of Attorney Steve Moulton.

DISCUSSION:

It was discussed if a three (3) week hold could be placed on the property so that maybe someone else would give a higher price. If a reasonable price was not received, the township would sit on the issue. If the property does not sell, the Treasurer felt the property could be leased to farmers. The issue will come before the March Board of Trustees Meeting.

ACTION OF THE MOTION:

ROLL CALL VOTE:

AYES: Peck, Morford, and Noecker

NAYS: Matzke and Minaudo (It was felt more money could be received for the property)

ABSENT: Gardner and Purkey

Motion Carried.

1-1. Pricing for Freedom of Information Documents

NOECKER MOVED, seconded by Matzke to accept the Freedom of Information Policy as presented by the Clerk and Supervisor.

DISCUSSION:

If there are previous charges that are not paid, they will be determined on their own circumstance. Payment should be made at the particular time the request was made. One particular style of letter will be available for all Freedom of Information (FOIA) Requests. The Supervisor wanted to make sure that all the information given out is concise and correct and done the correct way.

1. **Copies of pre-existing information = No Charge**
(This includes the documents placed in the foyer outside the Board Room the day of Board Meetings)
2. **Copies of material easily obtained (1 to 5 copies) = \$1.00**
3. **Copies of CD's (Labor \$6.00 + copies \$1.00) = \$7.00**
4. **Copies of Bills/Statements:** research by Accountant (Labor \$5.60 + 1-5 copies) OR Clerk (Labor \$7.00 + 1-5 copies)
5. **General Copies (Labor \$3.80 + 1-5 copies)**

ACTION OF THE MOTION:

ROLL CALL VOTE:

AYES: Noecker, Peck, Matzke, Minaudo, and Morford

NAYS: 0

ABSENT: Gardner and Purkey

Motion Carried.

COMMITTEE REPORTS:

None

REPORTS:

1. Treasurer's Report:

- a. Trends Report: a report of Trends was passed out by the Treasurer and the Board should watch these issues.

- b. Fund Balance: There was a negative balance of \$108,292.00. The taxes are coming in now so by next month there will be a positive number by the end of February; the Police Department will receive all their money by the end of February and will be able to operate March and all of April.

MINAUDO MOVED, seconded by Matzke to accept the Treasurer's Report as presented.

ACTION OF THE MOTION:

AYES: 5

NAYS: 0

ABSENT: Gardner and Purkey

Motion Carried

8:15 P.M. – OPEN FOR PUBLIC COMMENTS

Two (2) individuals gave their comments.

8:25 P.M. CLOSED FOR PUBLIC COMMENTS

BOARD COMMENTS:

1. **MINAUDO** stated the consultant (William Rye) would be at a lower cost to the township; the prices will be needed at a later date.
2. **NOECKER** stated that Attorney Schultz of Fahey, Schultz, charges \$190.00 per hour and represents a firm that specializes in labor law; the law firm also teaches classes for the Michigan Township Association (MTA) Seminars. Precautions have to be taken that makes sure everything is legal. The consultant (William Rye) charges \$110.00 per hour and will be supplying services that will save the Township money.
The township will not benefit from the three (3%) percent charge from the Credit Card – it is only a convenience. There are several townships that will be offering the credit card service for the payment of bills.
MERS is in the process of doing away with the Defined Benefit Plan which Flushing Township has.
3. **MORFORD** reminded the Board of the Michigan Township Association (MTA) Genesee County Chapter Meeting scheduled for Thursday, February 17, 2011 at 7:00 p.m. at Richfield Township.
4. **SUPERVISOR'S COMMENTS:**
 - a. Credit Card Charges: 2.6% of the 3% goes to the credit card company and .4 percent goes to the company that administers the services for the township.
 - b. Parks and Recreation Committee Meeting: There will be a Parks and Recreation Committee Meeting on February 21, 2011 at 2:00 p.m. at the Flushing Township Office.
 - c. MERS: a lot of discussion has taken place this past month regarding MERS because something has to be done soon; there are eleven (11) people that work in the Main Office and Police Department and those eleven (11) pay \$215,573.00 a year for their retirement; two (2) in the Police Department pay \$144,603.00 a year; another Officer will retire in November; MERS base has to be raised; if something happens to MERS, the township is obligated to make the pension payment.
 - d. Genesee County Water and Waste Services: there will be a water rate increase next year between fifteen (15) to eighteen (18%) percent; Flushing Township will not be adding any extra charge to the increase; the increase is based on the price from the Detroit Water Department.
 - e. Summer Youth Initiative (SYI): Flushing Township will not be applying for summer youth help at the Flushing Township Nature Park (Nature Park) this summer.
 - f. Cleaning/Waxing Floors: the approval to have the Board Room, Kitchen, and Foyer cleaned and waxed will be placed on the March Agenda.
 - g. Salary Increase for Police Secretary: the salary of the Police Secretary will be reviewed at the March Board Meeting; the matter should have been reviewed in December.

- h. Police Grievance: the Police grievance will be going to Arbitration; the Township pays their attorney and one-half (½) of the arbitrator and the Police Department pays for their attorney and one-half (½) of the arbitrator. Another grievance is on hold.
- i. Police Negotiations: negotiations will begin on Tuesday, February 22, 2011 and hopefully will make the way to a final settlement quickly.

THE NEXT REGULAR SCHEDULED BOARD OF TRUSTEES MEETING WILL BE THURSDAY, MARCH 10, 2011 AT 7:00 P.M. AT THE FLUSHING TOWNSHIP HALL.

ADJOURNMENT: MOTION AND SECONDED to adjourn the meeting at 8:50 p.m.

JULIA A. MORFORD, Clerk

TERRY A. PECK , Supervisor

APPROVED DATE: _____

02 10 2011 Regular Min