

CHARTER TOWNSHIP OF FLUSHING

6524 N. SEYMOUR ROAD

FLUSHING, MICHIGAN 48433

BOARD OF TRUSTEES MINUTES

DATE: MARCH 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, Michael S. Gardner, Scott R. Matzke, Scott P. Minaudo, Mark H. Purkey, and Attorney Steve Moulton

MEMBERS ABSENT: None

OTHER INDIVIDUALS PRESENT: Thirty-one (31) other individuals

APPROVAL OF THE AGENDA: MINAUDO MOVED, seconded by Gardner to amend the Agenda by placing under "New Business", letter 1, *Discussion of Attorney Bills*.

ACTION OF THE MOTION

AYES: 7

NAYS: 0

Motion Carried.

APPROVAL OF PREVIOUS MINUTES: PURKEY MOVED, seconded by Gardner to approve the Minutes of February 10, 2011 as presented.

ACTION OF THE MOTION

AYES: 7

NAYS: 0

Motion Carried.

APPROVAL OF PAYMENT OF BILLS: MINAUDO MOVED, seconded by Purkey to pay the bills as submitted.

ACTION OF THE MOTION:

AYES: 7

NAYS: 0

Motion Carried

UNFINISHED BUSINESS:

1. Update to the Policies and Procedures Manual

Attorney Steve Moulton (Attorney Moulton) has been updating a variety of issues for the *Policies and Procedures Manual*; the Personnel Committee has reviewed the

updates but wanted to make further changes before the updates were brought before the Board. The issue will be placed on the Agenda at a future date.

2. Sale of Duffield Road Property received from the Genesee County Land Bank

The Genesee County Land Bank (Land Bank) has deeded the proposed Duffield Road property over to Flushing Township. Although there was some confusion, at the last Board Meeting, as to the exact acreage, the Deed stated, but in different words, the same description that was used to describe Parcels D & E on the survey that was prepared back in 2005 at the request of Mr. Todd Esterdahl. The County combined the two (2) descriptions into one (1) description but used different words to describe the same parcel of property which was then conveyed to the Township.

Attorney Moulton took the description and prepared a proposed Deed. The property is also accompanied by an ingress and egress easement off Duffield Road. The property is not land locked. Attorney Moulton stated the property was just over six (6) acres in size and is now in the position to be sold.

There was a question as to whether Mr. Esterdahl still owned the large parcel to the East; Mr. Esterdahl does not own the property to the East. The property is definitely a six (6) acre parcel and not four (4) acres as initially mentioned.

A neighbor who farms the surrounding area has offered to rent the property or purchase the property for \$2,000 per acre; this was when it was thought to be four (4) acres. It was mentioned to start at a selling price of \$15,000 for the proposed six (6) acre property. There is a possibility that a farmer might want to rent the property for one hundred (\$100) dollars per acre but it is not a parcel of land that a farmer, from a long distance, would want to bring all his machinery to farm the property. It was recommended that \$75 per acre would be a fair price.

It would be more profitable to sell the property rather than rent the property because the proposed owner would have to wait until after the crops were gathered to use the land.

It was recommended the Township put the property up for bids and see what kind of bids came in as to what would be was acceptable. Attorney Moulton could take care of the paperwork. If there are no bids received within the next thirty (30) to sixty (60) days, a price could be set. The language would include "the Township has the right to reject any bids".

PURKEY MOVED, seconded by Minaudo to sell property located on Duffield Road described as below and to sell by bid process and reserve the right to reject any bid.

"A parcel of land beginning North 1283.97 feet and South 89 58'25" West 590 feet from the East ¼ corner of Section 18; thence South 89 58'25" West 470 feet; thence South 560.47 feet; thence North 89 58'25" East 470 feet; thence North 560.47 feet to point of beginning, Section 18, Township 8 North, Range 5 East, formerly Parcel Nos. 08-18-200-006 and 08-18-200-007, consisting of 6.05 acres more or less. Now identified as permanent Parcel ID No. 08-18-200-016

ALSO together with a 33 foot ingress and egress easement to and from Duffield Road (33 ft half width), which centerline is described as: Commencing at the East ¼ corner of said Section 18; thence along the East section line, North 00 00'00" East, 983.00 feet to the POINT OF BEGINNING; thence South 89 58'25" West, 590.00 feet to the POINT OF ENDING."

ACTION OF THE MOTION:

ROLL CALL VOTE:

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

NAYS: 0

Motion Carried

3. Approval to Obtain Bids for Cleaning/Waxing Board, Kitchen, and Foyer Floors

PURKEY MOVED, seconded by Minaudo to give the Clerk the authority to spend up to \$600 for the cleaning and waxing of the Board Room floor, Kitchen floor, and Foyer floor.

ACTION OF THE MOTION:

ROLL CALL VOTE:

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

NAYS: 0

Motion Carried

4. Status on Sale of 2006 Ford Crown Victoria

GARDNER MOVED, seconded by Minaudo to place the 2006 Ford Crown Victoria at the Freeway Auto Auction at a price that will net the Township \$3,000.00. (Per the Treasurer, the selling price would be \$3,110).

DISCUSSION:

One (1) sealed bid of \$2,007 was received from Chicago Motors Inc (Chicago IL); the township reserved the right of refusal of the bid. Other options to sell the Ford were: 1) Freeway Auto Auction, 2) Western Road Auto Auction, 3) Advertise in the newspaper, and 4) place the Ford out by Seymour Road.

ACTION OF THE MOTION:

ROLL CALL VOTE:

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

NAYS: 0

Motion Carried

NEW BUSINESS:

1-a. Attorney Michael Edmunds - Lawsuit

Attorney Michael Edmunds (Attorney Edmunds) was hired by EMC Insurance Company to represent Flushing Township in the lawsuit of William Baughman vs Flushing Township. Attorney Edmunds addressed the audience on behalf of the Board in order to update the residents regarding the lawsuit.

There are two (2) sides to the case: Officer Baughman was laid off and a lawsuit was filed based on discrimination. The Township's position was that they were sorry to have to lay off, whether it was right or wrong, but had to do what was in the best interest of the citizens. There have never been any allegations by the township that Officer Baughman was a bad police officer. If the township had the money, they would hire him back today. During the course of the lawsuit, everyone could see the layoff was done for economic reasons and not to punish Officer Baughman.

Per Attorney Edmunds, layoffs are done through collective bargaining and the union was the one that designated that Officer Baughman was the person to be laid off. The Insurance Company (EMC) offered \$15,000 which Officer Baughman accepted and the issue has been settled. The insurance company will be paying the bill, not the township.

Per Attorney Edmunds, Officer Baughman is a gentleman, very honest, told the truth about what he knew and didn't know, and at the end of the day he lost his job and went to a lawyer to help him.

There have been a lot of rumors and discontent in the community. In our society, a balance has to be drawn and it is very hard to draw that balance. On one hand, there is the First Amendment to the Constitution with the right to free speech and the ability to criticize. Elected Officials have to be able to take criticism if they run for any office. That issue has to be balanced with the destruction of an individual's reputation when it gets out of hand. The Courts, Jury, and the neighborhood struggle with the issue. You

have the right to express your opinion but you don't have the right to make representations of fact; when you don't know if it is true or not there has to be good reason to state the issue. If you think that you are anonymous, you are not. No matter how many names you have on the web, you can always be found. Exercise your First Amendment but don't go out and say mean things about people. Sooner or later the informat will be found out.

Officer Baughman graciously negotiated a Release Agreement in which he acknowledged that the Township had not expressly denied any liability in which he fully released to the Township and all its Board Members, which means that he (Officer Baughman) cannot come back and sue the Township or its Board Members for anything that he could have sued originally, anything that he did sue over, or anything that arose in the past. If something new happens, it would not affect the matter. The Township doesn't have any liability for the date of release which was a couple of weeks ago.

An opinion is something which cannot be proved or disproved, which is the reason there isn't any liability. You should always say "In my opinion". If stating a fact, there is a reason for the issue to be true; it is all right to be wrong. Defamatory means false, hurtful, and not based on fact. If a person knows something that isn't true and can explain why something was said, the individual doesn't have to feel guilty.

There were questions and answers from the audience following the status of the lawsuit.

1-b. Revision of Treasurer's Report – Water Fund

GARDNER MOVED, seconded by Minaudo that while not required by current budgetary laws nor by past practice, given the current fund balance and cash flow deficit situation of the Police Department, we direct the Treasurer, on a (as needed) monthly basis to administer short term loans from the Water Fund to Police Fund to cover current expenses and deter negative balances, until such time the Police receives winter tax revenues. We further direct the Treasurer to assign a current rate of interest on the advance to be paid back to the Water Fund. The Treasurer will track such loans on the monthly Treasurer's Report.

DISCUSSION:

The proposed motion will follow the same procedure that has taken place in the past. When the General Fund has been low, the money has come out of the Water Fund. The money will be easier to track and the public will be able to check the monthly Treasurer's Report. The Water Fund has a lot of money but can only be used for water or sewer; it is easier to borrow from the Water Fund than go to the banks.

ACTION OF THE MOTION:

ROLL CALL VOTE:

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

NAYS: 0

Motion Carried

1-c. Approval of 2011 Federal Poverty Guidelines

GARDNER MOVED, seconded by Purkey to approve the 2011 Federal Poverty Guidelines.

ACTION OF THE MOTION:

AYES: 7

NAYS: 0

Motion Carried

1-d. G.A.I.N.

PURKEY MOVED, seconded by Matzke to join the G.A.I.N. at a cost of \$1,000 for the time frame of October 1, 2010 through September 30, 2011.

DISCUSSION:

G.A.I.N. is funded by the different municipalities and deals with automobile theft. The dues are \$1,000 for the time frame of October 1, 2010 through September 30, 2011. Recently a Flushing Township resident had a motorcycle stolen that was found on Craig's List. G.A.I.N. was involved and the individual was arrested and tried for the crime.

ACTION OF THE MOTION:

ROLL CALL VOTE

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

NAYS: 0

Motion Carried.

1-e. Approval of Resolution for Receiving Board for Elections

MATZKE MOVED, seconded by Minaudo to approve the Resolution for the Receiving Board for Elections.

ACTION OF THE MOTION:

AYES: 7

NAYS: 0

Motion Carried

1-f. Pay Increase for Police Department Secretary

MINAUDO MOVED, seconded by Noecker to approve a \$1.00 pay wage increase for the Police Department Secretary retroactive to December 22, 2010.

ACTION OF THE MOTION:

ROLL CALL VOTE

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

NAYS: 0

Motion Carried.

1-g. Approval of Temporary Summer Help at the Flushing Township Nature Park

MORFORD MOVED, seconded by Noecker to approve Bruce Klipa for the Summer Help at the Flushing Township Nature Park and James Sarka as the backup at a rate of pay of no more than \$10.00 per hour for both employees.

DISCUSSION:

The advertisement mentioned the maximum hours would be eighteen (18) hours but it would only be five (5) to eight (8) hours per week. In the summer and fall months, there would be more hours in order to get ready for summer and winter. The main issue in the summer months is cleaning the restrooms.

ACTION OF THE MOTION:

ROLL CALL VOTE

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

NAYS: 0

Motion Carried.

1-h. Approval to Obtain Bids for Summer Mowing Services at Township Office

PURKEY MOVED, seconded by Gardner to obtain bids for summer mowing services at the Township Office.

DISCUSSION:

The motion would mean the Township would be getting bids for the summer mowing services.

ACTION OF THE MOTION:

AYES: 7

NAYS: 0

Motion Carried

1-i. Genesee County Household Hazardous Waste Contributions

No Action was taken.

1-j. Rummage Sale at Flushing Township Nature Park

There will be a rummage sale at the Flushing Township Nature Park in early summer. As soon as a date is determined, it will be published.

1-k. Policies and Procedures Change Concerning Investment Approvals

NOECKER MOVED, seconded by Gardner that given banks change ownership frequently throughout the year, I request the Board to approve that the Treasurer be able to invest Township Funds into any Michigan Financial Institution that has FDIC Insurance or any Michigan Credit Union that has NCUA Insurance and is believed to be financially sound and fiscally responsible. All investments will be in accordance with Flushing Township’s Investment Policy which also complies with Michigan Public Act 20.

ACTION OF THE MOTION:

ROLL CALL VOTE

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

NAYS: 0

Motion Carried.

1-l. Discussion of Attorney Bills

After a brief discussion as to which department pays for attorney fees especially during negotiations, etc, it was decided that the Supervisor and Treasurer will contact Michigan Township Association (MTA) and Plante and Moran regarding the legality of charging the different departments. The issue will be brought back to the Board.

COMMITTEE REPORTS:

- 1. Canoe Committee: The Walleye Festival is this coming weekend. The proceeds from the Festival go toward the *River Improvement Projects* along the Flint River. The Walleye Committee also helps the Canoe Committee. The Supervisor recommended the Canoe Committee get together and then review the status of the Canoe Launch at the next Board Meeting.

REPORTS:

- 1. **Treasurer’s Report: MOVED and** seconded by to accept the Treasurers Report as presented.

ACTION OF THE MOTION:

AYES: 7

NAYS: 0

Motion Carried

7:50 P.M. – OPEN FOR PUBLIC COMMENTS

One (1) individual gave his comments.

7:53P.M. CLOSED FOR PUBLIC COMMENTS

BOARD COMMENTS:

1. **PURKEY** stated that people have been calling the Township Office complaining about their roads; complaints that deal with roads, have to go to the Genesee County Road Commission; please don't complain to the Office Personnel.
2. **NOECKER** stated that Ron Lattimer, Foreman of the Montrose Garage of the Genesee County Road Commission bends over backwards, but he will not grade a gravel road until the frost has gone out of the roads.
3. **MINAUDO** stated the Township paid for the roads, but don't own the roads.
4. **MORFORD** stated several things have come across her desk:
 - a. **Minutes for Board Meetings** – the Clerk has eight (8) business days to get the minutes out, this excludes Saturdays and Sundays; the Clerk wants the minutes to be correct before they are given out; please contact the Clerk if you would like to have a copy of the minutes.
 - b. **Freedom of Information Prices** – the documents in the “green book” on the counter in the Office has the Freedom of Information charges in it; the cost for the items that are easy to get to, whether you get one (1) page or five (5) pages, is \$1.00.
 - c. **MERS Payment** – three (3) pages of the budget are attached to the Minutes from February 10, 2011. Please refer to those budget pages to see which fund the payment comes from
 - d. **Flushing Township Nature Park** – Flushing Township resident Mr. Rian Birchmeier recommended that the “Welcome House” at the Flushing Township Nature Park (Nature Park) be used to sell coffee, pop, sweat shirts, etc. when there is an event held such as Cross Country, etc.
5. **SUPERVISOR'S COMMENTS:**
 - a. **Special Board Meeting** – There will be a Special Board Meeting held on Thursday, March 31, 2011 at 7:00 p.m. to discuss the budget.
 - b. **April Board of Trustees Meeting** – Mr. Tim Stein, Superintendent of Flushing Community Schools and Mr. Jim Wood will be present to discuss the upcoming Flushing Community School Millage to be held on May 3, 2011.
 - c. **Canoe Launch** – if a canoe launch is started to allow cars, some ordinances need to be changed. Attorney Moulton will review.
 - d. **Road Repairs** – the township has been overloaded with complaints about roads, driveways, and ditches; the Supervisor will take the complaints and contact the Genesee County Road Commission or the Genesee County Drain Commission and try to resolve the complaints.
 - e. **Road Committee** – the Road Committee met and drove the entire township trying to lay out a plan as to what had to be done and what the township could afford to do for 2011; if money is borrowed for roads from the Water Fund, it has to be paid back; Example: road pavement is \$110,000 a mile; Potter Road and Frances Road would cost \$55,000 a mile (Flushing Township) since the bordering township would also be paying \$55,000 a mile; if the township could borrow \$500,000 from the Water Fund and pay the Water Fund back at a rate of one (1%) percent for five (5) years the amount per year would be \$105,000 per year and would give five (5) miles of road that could be paved. Other projects: Carpenter Road; Stanley Road between Nichols Road and Duffield Road; Coldwater Road between Seymour Road and M-13. The issue will be investigated.
 - f. **DITCHES** – 50/50 money will be spent on the ditching, same as last year.
 - g. **Road Commission** – will be work ing on Elms Road; there will be a chip and seal project on McKinley Road between Carpenter Road and Mt. Morris Road; and Frances Road at the end of summer.

THE NEXT REGULAR SCHEDULED BOARD OF TRUSTEES MEETING WILL BE THURSDAY, APRIL 14, AT 7:00 P.M. AT THE FLUSHING TOWNSHIP HALL.

ADJOURNMENT: MOTION AND SECONDED to adjourn the meeting at 8:10 p.m.

JULIA A. MORFORD, Clerk

TERRY A. PECK , Supervisor

APPROVED DATE: _____

03 10 2011 Regular Min