

CHARTER TOWNSHIP OF FLUSHING

6524 N. SEYMOUR ROAD

FLUSHING, MICHIGAN 48433

BOARD OF TRUSTEES MINUTES

DATE: APRIL 21, 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, Mark H. Purkey, and Attorney Steve Moulton

MEMBERS ABSENT: Michael S. Gardner (came in later after meeting started)

OTHER INDIVIDUALS PRESENT: Seventeen (17) other individuals

APPROVAL OF THE AGENDA: MINAUDO MOVED, seconded by Matzke to approve the Agenda for April 21, 2011.

MORFORD requested to have the Agenda amended by adding the below listed items under "New Business":

- l. Flushing Township Nature Park Grant
- m. Canoe Landing
- n. Boman Drain (South Johnson Road)
- o. Repair of Intersection of Apple Blossom and Apple Wood Drive
- p. Adopt Amended Budget
- q. Closed Session – Labor Issues

MATZKE MOVED, seconded by Minaudo to approve the amended Agenda as presented.

ACTION OF THE MOTION

AYES: 6

NAYS: 0

Motion Carried.

ABSENT: Gardner

ACTION ON THE MOTION AS A WHOLE:

ROLL CALL VOTE:

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

NAYS: 0

Motion Carried

ABSENT: Gardner

PER ATTORNEY STEVE MOULTON (ATTORNEY MOULTON) there was an item that was supposed to be on the Agenda for tonight but the item will be moved to the

May Board of Trustees Meeting as agreed between Attorney Moulton and Attorney Weir (Attorney for Larry Birchmeier).

APPROVAL OF PREVIOUS MINUTES:

- a. **MINUTES OF MARCH 10, 2011: PURKEY MOVED**, seconded by Matzke to approve the Minutes of March 10, 2011 as presented.

ACTION OF THE MOTION

AYES: 6
 NAYS: 0
 Motion Carried.
 ABSENT: Gardner

- b. **MINUTES OF MARCH 31, 2011: PURKEY MOVED**, seconded by Matzke to approve the Minutes of March 31, 2011 as presented.

ACTION OF THE MOTION

AYES: 6
 NAYS: 0
 Motion Carried.
 ABSENT: Gardner

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

ACTION OF THE MOTION

ROLL CALL VOTE:
 AYES: Purkey, Matzke, Minaudo, Peck, Morford, and Noecker
 NAYS: 0
 Motion Carried
 ABSENT: Gardner

UNFINISHED BUSINESS:

- 1. **Update to the Policies and Procedures Manual**
 Postponed until the May Board of Trustees Meeting.
- 2. **Update of Cleaning/Waxing of Township Hall Floors**

NOECKER MOVED, seconded by Minaudo to accept the low bid of \$600.00 for the cleaning/waxing of the Flushing Township Board Room, Kitchen, and Foyer. (Clerk's Note: the procedure will be completed in May before open houses, etc.).

ACTION OF THE MOTION

ROLL CALL VOTE:
 AYES: Minaudo, Purkey, Morford, Noecker, Peck, and Matzke
 NAYS: 0
 Motion Carried
 ABSENT: Gardner

- 3. **Legal Fees**

MINAUDO MOVED, seconded by Noecker that all legal fees shall, as of April 1, 2011, be billed to the department in which they originated.

DISCUSSION: A question was asked as to handle a situation where an official called the Attorney regarding an issue (example: Police Department) would the Police Department be billed for that call or what). It was determined the official would confer with the Supervisor and a determination would be made whether to call the Attorney. Attorney Moulton already has his monthly statements split between the Main Office and

the Police Department. The large legal bills have come out of the General Fund. Teamsters questions have to come out of the General Fund.

ACTION OF THE MOTION

AYES: 6
NAYS: 0
Motion Carried.
ABSENT: Gardner

NEW BUSINESS:

1-a. Mid-Michigan Manufacturing & Maintenance

NOECKER MOVED, seconded by Minaudo to approve the Mid-Michigan Manufacturing and Maintenance six (6) year contract for a total of \$98,208.00; the yearly fee will be \$16,368.00 for the maintenance (jet and videoing) of Flushing Townships sewer lines.

ACTION OF THE MOTION

ROLL CALL VOTE:
AYES: Purkey, Morford, Noecker, Peck, Matzke, and Minaudo
NAYS: 0
Motion Carried
ABSENT: Gardner

1-b. Approval of 2011 Law Day Proclamation

MINAUDO MOVED, seconded by Purkey to approve the 2011 Law Day Proclamation.

ACTION OF THE MOTION

AYES: 6
NAYS: 0
Motion Carried.
ABSENT: Gardner

1-c. Approval of Resolution for April 2011 Child Abuse Prevention Month

MORFORD MOVED, seconded by Purkey that the Board allow the Supervisor and Clerk to sign the April 2011 Child Abuse Prevention Month Revolution.

ACTION OF THE MOTION:

AYES: 6
NAYS: 0
Motion Carried
ABSENT: Gardner

1-d. Recommendation from the Planning Commission to consider AN ORDINANCE TO AMEND SECTIONS 20-200, 20-400, AND 20-1804 OF THE CHARTER TOWNSHIP OF FLUSHING ZONING ORDINANCE TO REVISE THE DEFINITION OF ACCESSORY BUILDING AND TO PROVIDE RULES FOR THE CONSTRUCTION, PLACEMENT, AND USE OF ACCESSORY STRUCTURES IN THE TOWNSHIP

PURKEY MOVED, seconded by Morford to approve AN ORDINANCE TO AMEND SECTIONS 20-200, 20-400, AND 20-1804 OF THE CHARTER TOWNSHIP OF FLUSHING ZONING ORDINANCE TO REVISE THE DEFINITION OF ACCESSORY BUYILDING AND TO PROVIDE RULES FOR THE CONSTRUCTION, PLACEMENT, AND USE OF ACCESSORY STRUCTURES IN THE TOWNSHIP.

ACTION OF THE MOTION:

AYES: 6
NAYS: 0
Motion Carried
ABSENT: Gardner

1-e. Ordinance for Driving in the Flushing Township Nature Park

The proposed ordinance will be postponed until May because the issue of “Committee and Commission” has to be addressed first. When the “Committee and Commission” issue is addressed, a section of the ordinance regarding driving in the Flushing Township Nature Park (Nature Park) can be addressed at the same time.

1-f. Genesee County 50/50 Money for Ditching

MINAUDO MOVED, seconded by Noecker to approve 1) the ditching of Coldwater Road between Seymour Road and Nichols Road and various other spots and 2) Stanley Road between Nichols Road and Duffield Road for a total cost to Flushing Township at \$21,071.01.

DISCUSSION:

The 50/50 money includes both ditching projects (Coldwater Road and Stanley Road).

ACTION OF THE MOTION:

ROLL CALL VOTE
AYES: Matzke, Minaudo, Purkey, Morford, Noecker, Peck, and Gardner
NAYS: 0
Motion Carried.
CLERK’S NOTE: Gardner arrived in time for the discussion of this (50/50 Ditching) issue

1-g. Rummage Sale at Flushing Township Nature Park

The Flushing Township Nature Park Rummage Sale will be held on Wednesday, June 1 and Thursday, June 2, 2011. The time to be determined later.

1-h. Paving of Carpenter Road

At a meeting in 2010 with the residents of the Carpenter Road area, the original bid received to pave Carpenter Road between McKinley Road and the clay pit to the West was approximately \$211,000.00.

The Genesee County Drain Commission (Drain Commission) has committed to ten (10%) percent of the cost. Commissioner Archie Bailey has conferred with both the Genesee County Road Commission (Road Commission) and the Drain Commission and the Road Commission’s portion has been increased. Currently, at least ten (10%) will come from the Drain Commission and perhaps closer to twenty (20%) percent; the Road Commission will cover all the engineering costs.

The Supervisor would like to get the cost down to \$185,000.00 for the paving of Carpenter Road; the rest of the cost would be paid for by the County. More road work could be done in other areas if there was money.

The Road Commission has to have a motion from the Township before they will commit their money.

It was felt the Township should have the exact figure before a decision was made. The issue was tabled until a special meeting could be scheduled.

The money will come from “Road Maintenance”.

1-i. Flushing Township Dust Control

The chloride application has to be done as soon as possible because the grading of the roads by the County is determined by getting the road spraying done.

A proposal was received from Curbo Company for applying brine to the roads. Oakland and Livingston Counties currently use almost all brine on their roads which is a cheaper method of taking care of the roads. The company (Curbo) has been working with Genesee County. Flushing Township was approved to use brine but it was found that brine generates problems with the environment so a hold has been placed on using brine.

1-j. Update of Police Vehicles

Police Chief Dale Stevenson (Chief Stevenson) gave the following updates on the Police Vehicle Fleet:

- a. Average miles on the police cruisers is 100,000 miles
- b. A new police vehicle hasn't been purchased since 2008
- c. Chief Stevenson is currently investigating purchasing a vehicle from the Michigan State University Campus Police Department, who sells their vehicles every three (3) years and purchases new vehicles
 1. Can purchase a 2-wheel Tahoe, fully equipped for less than ½ of a new vehicle
 2. When the Chief was at Caro, Michigan, could purchase a 4-wheel Tahoe for \$18,000
- d. Something has to be done with the patrol fleet because the fleet is always in need of repairs
- e. Currently trying to sell Car 6 – 2006 *Ford Crown Victoria* – the radios, etc is in the process of being removed in order to sell
- f. 2005 *Ford Crown Victoria* is being used for Court Dates, Meetings, etc.
- g. Car 4 – 2002 *Ford Expedition* and Car 5 – 2004 *Ford Expedition* are both 4-wheel drive vehicles.
- h. Car 5 belonged to the former Building Inspector and has 53,000 miles on it.
- i. Discussing whether to purchase a MSU Tahoe or Ford has come out with an Explorer that could be a possibility

DISCUSSION:

The 2004 Ford Expedition (former Building Inspector's vehicle) was purchased by the Main Office and then sold to the Police Department. The Police Department purchased the vehicle for \$12,000.00 plus \$3,500.00 to have outfitted for an approximate total of \$15,000.00. It was blue booked at \$12,500.00.

1-k. Share Lawyer Fees for Misteguay Creek Inter-County Drain Appeal

MINAUDO MOVED, seconded by Matzke to approve the Supervisor to spend up to \$1,000.00 for legal fees on the Misteguay Creek Intercounty Drain.

SUPERVISOR'S COMMENTS:

- A meeting was held between the Supervisors of Flushing Township, Clayton Township, Montrose Township, Montrose City, and Shiawassee Counties regarding the Inter-County Drain Appeal.
- The Misteguay Creek Inter-County Drain starts at Miller Road in Swartz Creek and empties into the Saginaw River (Saginaw County).
- In April 2010 a meeting was held to petition the County to clean out the drain.
- The drain has three (3) dams: 1) Coldwater Road and Stanley; 2) New Lothrop; and 3) on Gary Road three (3) miles North of M-57). The projected work is North of Gary Road. There were two (2) other projects.
- In the State, there are drains that aren't part of the county drains; anytime they aren't part, they have a defined area. Any time work is done in the defined area, any land owner that has land that drains into the creek will be assessed a percent of the cost that it takes to clean out the drain.

- In the past, the county where most of the work takes place, pays the largest portion of the cost. Shiawassee County has more acreage than Genesee County. Montrose Township has 5,500 acres; Montrose City has 100 acres; Flushing Township has 3,300; Clayton Township has almost 13,000 acres. Each county will be charged by the number of acres and then divided among the municipalities affected. If the same formula is followed, homeowners would pick up 62.5% of the cost; the townships 25% of the cost; and the county 12.5% of the cost.
- It has been determined there needed to be legal representation to make sure that the monies being paid from municipalities was legal and based on the number of acres because most of the work will be done in Albee Township.
- The Supervisor Peck requested approving up to \$1,000.00 for legal fees, to start, and then later have the Flushing Township Board revisit the issue to see what the possible liability would be down the road.
- The meeting on April 21, 2011 at Albee Township (Saginaw County) was so crowded the Saginaw County Sheriff's Department had the meeting adjourned. Another meeting will be scheduled in the very near future.

ACTION OF THE MOTION:

ROLL CALL VOTE

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

NAYS: 0

Motion Carried.

1-1. Flushing Township Nature Park Grant

PURKEY MOVED, seconded by Matzke to approve the grant application written by Jack Wheatley (Rowe Professional Services Company)

DISCUSSION:

The grant is funded by the DNR which receives monies from license plates for seasonal State Park Permits.

It was recommended to apply for \$24,000.00 with a 30% match; if approved, the grant will cost the township \$7,950.00 and the township will receive \$18,550.00. The engineering, etc, costs are included in the grant request. The grant will also help with the canoe landing. The township has the chance to get enough stone at one time at a very good price.

Per Jack Wheatley, the original intent of the Nature Park was to have river access because the DNR loves any access to the rivers. The grant fits into the five-year recreational parks plan. Only \$30,000 can be applied from the DNR and can only be used for parks, rivers, etc.

The Flushing Township Nature Park (Nature Park) needs gravel for steps, drives to the river, etc. A portion of the gravel will be used 1) behind the pole barn, 2) down the hill going to the river, and 3) gravel at the bottom of the lower level parking area. The road behind the pole barn would be one-fourth (1/4) of a mile long and ten (10) feet wide. There will only be gravel in the parking area at the bottom of the hill. People will park their vehicles in the parking area at the bottom of the hill and carry their canoes/kayaks fifty (50) to seventy-five (75) yards to the River; they will not be able to back their vehicles into the Flint River. The gravel in the parking area will last four (4) to five (5) years. The roads/trails are seasonal and won't be open for people to do drive on during the off season times.

If the grant is received, the budget will have to be amended. It was asked whether the rules and costs have been determined because the original request had been to review the issue and determine costs, etc. before the Board proceeded; some board members would hate to spend money to maintain a road behind the pole barn for only a few people.

The Township's portion for the Grant will come from the Fund Balance. The grant has to be sent in by May 1, 2011; a letter should be received sometime in June. The township could refuse the grant but it would not help for future grants.

ACTION OF THE MOTION:

ROLL CALL VOTE

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

NAYS: Gardner

Motion Carried.

1-m. Canoe Landing

PURKEY MOVED, seconded by Minaudo to allow the Flint River Water Coalition to use the gator to take their (Flint River Water Coalition) canoes down to the Flint River three (3) times this summer (2011). Bruce Klipa will use the gator to transport and will spend two (2) hours at each event. (Flint River Water Coalition has taken their canoes to the Flint River several times with former Park Coordinator Heather Griffin using the same process with the gator).

ACTION OF THE MOTION:

AYES: 7

NAYS: 0

Motion Carried

1-n. Boman Drain

PURKEY MOVED, seconded by Morford to approve paying the \$8,750.00 for the Boman Drain, located South of Coldwater Road on the West side of Johnson Road.

DISCUSSION:

The Boman Drain runs South of Coldwater Road on the West side of Johnson Road. The drain will be cleaned out and part of the ditch will be re-routed. The property of anyone that touches the drain will be accessed a percentage fee. The township's portion is \$8,750.00 but if paid now will save \$500.00 interest. The money will come from "Drains at Large".

ACTION OF THE MOTION:

ROLL CALL VOTE

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

NAYS: 0

Motion Carried.

1-o. Repair of Intersection of Apple Blossom Drive and Apple Wood Drive

NOECKER MOVED, seconded by Minaudo to approve doing a repair/repave project of fifty (50) to seventy-five (75) yards at the intersection of Apple Blossom and Apple Wood Drive at a cost of \$13,173.74; also to repair a drain at the same location at an approximate cost of \$2,800.00 to \$5,600.00 for a total cost of both projects to be \$20,000.00.

DISCUSSION:

The project is budgeting for under "Roads"

ACTION OF THE MOTION:

ROLL CALL VOTE

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

NAYS: 0

Motion Carried.

1-p. Adopt Amended Budget

NOECKER MOVED, seconded by Purkey to approve the budget as amended for fiscal year 03/31/2011.

DISCUSSION:

The approval to amend the budget will be on the Agenda for every month. The Supervisor has budgeted an additional \$50,000.00 for MERS for the Main Office. The administration payment went from a mandatory payment of 24% of wages to 50.8% on a monthly basis based on four (4) employees. The Clerk congratulated the Board on having an additional \$150,000.00 in the Fund Balance due to cuts that have been made.

ACTION OF THE MOTION:

ROLL CALL VOTE

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

NAYS: 0

Motion Carried.

1-q. Closed Session – Labor Issues

8:20 P.M. – ADJOURNED TO CLOSED SESSION

GARDNER MOVED, seconded by Minaudo that pursuant to FCL 50.268(c) the Board adjourn to go into Closed Session.

ACTION OF THE MOTION:

ROLL CALL VOTE

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

NAYS: 0

Motion Carried.

8:31 P.M. – RECONVENED TO REGULAR SESSION

MINAUDO MOVED, seconded by Matzke to reconvene to regular session.

ACTION OF THE MOTION:

ROLL CALL VOTE

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

NAYS: 0

Motion Carried.

COMMITTEE REPORTS:

None

REPORTS:

1. **Treasurer's Report:** As presented.

8:32 P.M. – OPEN FOR PUBLIC COMMENTS

Two (2) individuals gave their comments.

8:36 .M. CLOSED FOR PUBLIC COMMENTS

BOARD COMMENTS:

1. **MATZKE** wished everyone a Happy Easter.
2. **MINAUDO** referred to a comment from Flushing Township resident Mark Calvert when he stated, during Public Comments, was there a way the legal fees could be broken down on the Check Register so the township residents could see the breakdown of each transaction. **MINAUDO** stated that is why he wanted the breakdown for the legal fees so they would be more transparent.
3. **GARDNER** encouraged everyone to vote “No” on the Genesee District Library Millage.
4. **MORFORD** reminded everyone about the Household Hazardous Waste Day May 21, 2011; and the Michigan Townships Association (MTA) Genesee County Chapter Meeting on Thursday, April 28, 2011 at 7:00 p.m. to be held at Fenton Township with Speaker Genesee County Drain Commissioner Jeff Wright.

5. SUPERVISOR'S COMMENTS:

- a. Fire Bill:
There was a question regarding the fire runs bill for 2010, Flushing Township did receive a credit for less fire runs last year and it was shown on the statement.
- b. Seeding of the Nature Park:
The final seeding for the Nature Park has to be done on the lower half of the prairie. During May, or early spring, the area will have to be disked or someone will have to come in and see the area. A certain type of grass seed is required by the USDA.
- c. Web Page:
Bill Westenbarger will get the Web Committee together to review and then bring the information back to the Personnel Committee.
- d. Genesee County Road Commission:
In 2010, Mt. Morris Road and Seymour Road (Flushing Township) had a chip & seal procedure. During the month of May 2011, the company, which did the procedure, will redo eighty (80%) percent of the roads again at no cost to Flushing Township.
- e. Water Rates:
The water rates will be increased \$2.20 effective the first water statement after September 1, 2011 due to Detroit increasing their fees. The County and Township will not be increasing their fees to the residents.
- f. Speed Limit Signs:
The County will be putting up "25 mile per hour" speed limit signs at the entrance of each subdivision. Supervisor Peck will be contacting the proper person with the list of all subdivisions in Flushing Township.
- g. McKinley Road Culvert:
During the month of July 2011, McKinley Road will be closed from Mt. Morris Road south to Stanley Road. A culvert on McKinley Road will be cleaned/replaced and whatever else needs to be done; a State Inspector will be on hand.
- h. Lights on the Property:
A letter was received from Consumers stating that when the "old" mercury vapor lights burned out, they will not be replaced with the same type. Consumers will replace, at no cost, with a similar type light, which could result in a lower monthly charge for the location. Nothing has to be done by the Township.
- i. Long Range Transportation Plan (Genesee County Metropolitan Planning Commission):
The road system has predicted for the next twenty-five (25) years the population growth will be South and North especially along M-57 from Clio West toward the Wal-Mart area. The real push will be around Genesys Hospital; I-475 will be extended to Baldwin Road. Baldwin Road will be made into a four (4) lane boulevard from Saginaw Street to where it dead ends at Grand Blanc Road. Dort Highway will be four (4) lanes and extended to Baldwin Road. It is predicted there will be over 15,000 people in the area within the next twenty-five (25) years.
- j. Future Road Work:
 - 1. Shady Brook Lane – culvert problem
 - 2. Apple Blossom Lane
 - 3. Paving of:
 - a. Coldwater Road from M-13 to Seymour Road – estimated cost of \$327,000.00
 - b. Stanley Road between Nichols Road and Duffield Road - estimated cost of \$106,000.00

THE NEXT REGULAR SCHEDULED BOARD OF TRUSTEES MEETING WILL BE THURSDAY, MAY 12, 2011 AT 7:00 P.M. AT THE FLUSHING TOWNSHIP HALL.

ADJOURNMENT: Due to lack of further business issues, the Supervisor adjourned the meeting at 8:50 p.m.

JULIA A. MORFORD, Clerk

TERRY A. PECK , Supervisor

APPROVED DATE: _____

04 21 2011 Regular Min