

CHARTER TOWNSHIP OF FLUSHING

6524 N. SEYMOUR ROAD

FLUSHING, MICHIGAN 48433

BOARD OF TRUSTEES MINUTES

DATE: JUNE 14, 2012

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 7:05 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

OTHER INDIVIDUALS PRESENT: Forty-one (41) other individuals

APPROVAL OF THE AGENDA:

ACTION OF THE MOTION

AYES:

NAYS:

ABSENT: Gardner

Motion Carried.

APPROVAL OF PREVIOUS MINUTES: MINAUDO MOVED, seconded by Purkey to approve the Minutes of May 10, 2012 with amendments: **Page 1, bottom of page:** "There was discussion. . .regarding the Clerk's Note" **changed to** "There was discussion regarding the last paragraph on page 1 regarding the Clerk's Note. The Clerk attempted to add information to the minutes that were not discussed in an Open Meeting." Page 4, 1-d, Resolution for "2012-2013 General Appropriations Act", line 5, "The Resolution is mandatory...for fiscal year 2012-2013; the fiscal year started April 2, 2012" **changed to** "The Resolution is mandatory and has to be passed and attached to the minutes for fiscal year 2012-2013; the fiscal year started April 2, 2012."

DISCUSSION:

Trustee Minaudo suggested that since "draft" is not indicated for the minutes on the web, he would like the minutes removed and only the approved minutes placed on the web.

ACTION OF THE MOTION

AYES: 6

NAYS: 0

ABSENT: Gardner

Motion Carried.

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

DISCUSSION:

The Supervisor asked if Trustee Matzke received the information which he requested at the May Board of Trustees Meeting regarding the legal statements.

ACTION OF THE MOTION

ROLL CALL VOTE:

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

NAYS: 0

ABSENT: Gardner

Motion Carried.

UNFINISHED BUSINESS:

None

NEW BUSINESS:

1-a. Presentation by Karen Popovits, Flushing Senior Center Director, Mike Stanton, President of the Flushing Senior Center, and Greg Mason, Architect/Engineer of CHMP

Flushing Senior Center Director Karen Popovits gave a very detailed presentation regarding the proposed plans for the Flushing Senior Wellness Center (FASC).

1. Use to be younger population but now it is reversed
2. Two kinds of senior center: 1) use to be where one went to play bingo, play cards and have a social life; 2) Currently, Flushing Senior Center has been recognized nationally as a cutting edge senior center due to the programs that are offered.
3. Future is focused toward a senior wellness center.
 - a. The Senior Center is the focal point in the community; Flushing Senior Center averages 50 to 75 phone calls a day.
4. The Center is all about building relationships; number 1 Focus is "You and the Community and people that we serve."
5. Flushing has social worker interns from Mott College.
6. Programs and services begin for age 50 and continue to serve the very frail and elderly people.
7. Healthy Exercising Programs include: belly dancing, zumba, tai chi, etc. because people are health focused.
8. Healthy lifestyles and education is key but a lot of people still do not get included.
9. Building Community Relationships: 1) people retire from a business and then come to the center to help educate others, 2) people are on programs but aren't of age to get special help, 3) have other services to help the Community.
10. Statistics:
 - a. June 2011 to June 2012 there were 210,762 swipes for people that came to the Senior Center. (There are 2 rooms and the computer lab available for people that come to the center. Phone calls and outside help for individuals are not included).
 - b. Flushing MI has the largest per capita population per in the entire Midwest USA.
 - c. 2010 Census: Bulk of the population in both communities is between the age of 45 to 64
City of Flushing: 4,204 Flushing Township: 5,027
11. On the National level, per the Center for Disease Control, the Centers need to enhance the ability of states and communities to identify and implement effective strategies and programs to promote and protect the health of older adults.

12. Issue is what would keep the residents here in the community and create businesses; personal community ownership.
13. Issues to look at: 1) what is being done for wellness; committed to bring the very best to the Flushing Community.

Chairman of the Flushing Senior Center Mike Stanton:

1. Member of the Board of Directors for the Flushing Senior Center and also Chairs the Strategic Planning Committee where since September 2010 have been examining the needs and future needs of the senior citizens.
2. Currently asking the governments, both the City of Flushing and Flushing Township to give the citizens of the Community an opportunity to invest in the infrastructure of our community by erecting a new senior center that will be able to provide expanded activities, expanded programs, and needed services for our residents, our families, neighbors, our friends as well as ourselves, not for just now but for decades in generations to come. In order to meet the needs, the following proposal is being offered:
 - a. A 21,000 square foot state of the art facility.
 - b. Located on a five (5) acre parcel of land belonging to the City of Flushing behind and East of the former V.F.W. Hall which was donated first by the V.F.W. and then to the City of Flushing for the purpose of a Senior Center.
 - c. Hope to use local contractors as much as possible for the construction of the project.
 - d. A corporate partner, McLaren Health Care Corporation, is prepared to invest nearly \$1,000,000 in lease payments to provide needed medical services to the Flushing residents at the center. The lease receipts will exceed the cost of building and financing the McLaren component. McLaren has agreed to purchase and furnish thousands of dollars worth of physical fitness equipment that will be shared by McLaren and their center programs. After the first ten (10) years and the lease has expired, the facility will be paid for, all of the lease receipts after will be pure profit that will come back to the Township and City indefinitely.
 - e. The \$200,000 grant from Genesee County has been applied for and every indication is that the grant will soon be consummated.. Other sources of grant funds are being sought out by the Director of the Center.
 - f. The architectural firm estimates that the facility can be built for \$1.65 per square foot. The total cost of the facility, including the McLaren component, will be \$3,916,000, with the millage rate being just under 1 mil, which would be an average of .8 of a mill for the ten (10) years, about \$40 per year or \$3.33 cents per month of property market valued at \$100,000.
 - g. A proposed Resolution will soon be sent to the Flushing Township Board and the City of Flushing Council that the Flushing Senior Center is asking both boards to consider at their July Meetings. The Resolution would place the millage proposal on the November 6, 2012 ballot. If the Township and the City mutually agreed to move forward, an Interlocal Agreement would have to be established between the two (2) municipalities. If and when the issue would come to pass, it was suggested that a Board Committee be established from the Township to meet with the Committee from the City to discuss the elements of such an Agreement.
 - h. The very best and finest residential communities across the country are communities which invest in their communities for their families by creating modern facilities and services for the needs of their residents. Example: The interstate highway system proposed by President Dwight Eisenhower; the William Tunnick Auditorium at Flushing

High School Auditorium; the same would be true with the new Flushing Senior Wellness Center.

- i. Not asking individuals to endorse the issue but give the residents of Flushing the opportunity to make the investment that will serve the community and its people for decades to come. Allow the people to have their voice on November 6, 2012.

Architectural Firm CHMP – Gregg Mason

1. The site consists of 5.3 acres located at the far North end of the City of Flushing.
2. The property is being donated by the City and has full utilities, gas, water, sewer, storm, electric, and has a small drain that runs through the site.
3. The existing V.F.W. building is also owned by the City.
4. There are some very nice trees on the site so will be trying to save and salvage the trees.
5. The proposed concept site plan consists of:
 - a. The entryway will be off McKinley Road across from the Genesee County Park which is a great feature point for the site.
 - b. Hoping to utilize the parking lot of the V.F.W. Hall since the hall is on a one (1) year lease; to save dollars, hoping to share the parking lot.
 - c. Space for 200 cars to park with three (3) barrier free spaces close to the proposed entrance is more than code allows for senior centers.
 - d. Cover drop off (at the entrance) for convenience for users of the facility.
 - e. On the entrance drive coming in to the facility here are three (3) lanes: left turn out, right turn out, right turn in which will make it convenient for the users.
 - f. There will be a pavilion in the back of the facility for picnics and also a patio area.
 - g. FUTURE: Phase II: a gymnasium and a fitness pool.
 - h. Inside the Proposed Wellness Center:
 1. Central lounge area that interconnects all the areas to: 1) promote sense of community and 2) to minimize wasted circulation of hallways.
 2. The wellness center portion will be to the left once you enter the facility which will be occupied by McLaren Health Care. The fitness center will be shared by both McLaren and the occupants and members of the Flushing Area Senior Center.
 3. There will be a blood draw lab.
 4. There will be a physical and occupational therapy area.
 5. McLaren's own patients will also be able to come to the facility.
 6. The activity rooms will consist of: a card room, arts and crafts room, game room, a computer lab, a dining facility that will be multi functional and can be divided into three (3) separate spaces and when completely open can seat three hundred (300) people for an event.
 7. There will be a commercial kitchen to the right of the entrance with a table and chairs storage area.
 8. There will be support service areas: 1) garage for the Flushing Area Senior Center bus, 2) storage for mechanical and electrical supplies, 3) large toilet facilities which are fully assessable – each stall has grab bars and raised seats to accommodate seniors, 4) vending area, coffee station, and coat station, 5) a conference center to be used for various instructional practices, and 6) a nurse's station for visiting nurses that come in to provide free services to the community.
 9. Administrative Areas: the reception area will be up front to monitor people that come and go, the entrance way is fully accessible with automatic doors.

10. The whole concept is to promote the sense of community and sense of welcomeness.

Conclusion by Director Karen Popovits:

1. All the walls of the proposed Wellness Center will be glass so you can see who is in the building.
2. There were 5,500 separate individual seniors sixty (60) years of age and older were served last year. (Statics have to be kept for age 60 and over – the Center keeps track of the residents of Flushing City and Flushing Township)
3. Of the 210,762 swipes, if an individual came in for lunch, it would be one (1) swipe, and then two (2) other times that particular day, it would be a total of three (3) swipes for that particular individual. The Director mentioned that it would be similar to Bueches.
4. A lot of background information has been obtained by the Director and Committee by sitting down with the universities and CEO's of hospitals and asking what was needed and what wasn't needed. The important things were physical therapy, occupational therapy, blood draw, and the majority of the people using the Center are senior citizens and they want the convenience of the facility being close to their home. There will also be educational components. The physical and occupational therapy will be billable items.
5. There will be a ten (10) year lease. The Center has been working with the attorneys to prevent a bankruptcy/early pull out. The only thing that McLaren will be leasing is the Clinical Services area which is approximately twenty-five (25%) percent or 5,500 square feet of the facility. Clinical Services have to be done behind closed doors. McLaren has committed to ten (10) years of leasing at \$15 per square foot which is very fair.
6. A traffic flow study of McKinley Road has been discussed with City Manager Dennis Bow and the City Planner but at this time, they aren't concerned; the issue is at an early site development stage. The issue has only been presented to the City of Flushing Council but not to the City Planning Commission.
7. The wisdom of everyone has to come together because it is a community project.
8. Phase II is a future project and will consist of 13,600 square feet which consists of locker rooms, a gymnasium, and a fitness pool area; the price is not included in the proposed price.
9. The Genesee County Senior Millage can only be used for operations; a system will be put together to make sure the building sustains itself.
10. There will be an extra fee to use the fitness center (similar to the "Y") but will be a fair rate and the revenue will be for operations.
11. The Dining Room will be able to be rented out which will help to support the facility for operational cost.
12. Operational expenses will not come out of the taxpayers pocket.
13. Hurley Hospital is concentrating on what is happening in Genesee County but is focusing on the infrastructure of their existing site; Genesys Hospital has additional acres already in place and will be concentrating on "aging issues" (apartments, centers).
14. The lease is only for ten (10) years and only for the building; the Senior Center has been very frugal because we don't need a "Cadillac" but just want to meet the needs of the residents.
15. MSU just received a \$3,000,000 grant; the College of Human Medicine met with the Center Director; MSU was very enthusiastic about how much MSU needed to shadow the area and do research in the area and better the lives of the residents. The same situation applies with interns from Mott, Baker, U of M Flint. High School students could have the hands on component of the medical field; the schedule will be left up to the school.
16. There will not be any changes in the staffing of the proposed Center and there will be a hold on the salaries.
17. The Board will be controlled locally by Flushing people.

18. There will be informational meetings in the future.
19. The total cost of the facility will be \$3,916,000; the lease receipts from McLaren will be \$945,000 over the ten (10) years and will cover the cost of constructing McLaren's component. After the ten (10) years and the facility is paid for, the citizens will own the facility and will be collecting rent on the facility forever.
20. Karen Popovits gave her email address in case there were other questions/comments. (cendirector@flushingseniorcenter.com)

1-b. Review of the 2012 Flushing Township Patrolman Contract

Report Given by Attorney Helen Mills
 Fahey Schultz Burzych Rhodes PLC
 Attorneys at Law

CHARTER TOWNSHIP OF FLUSHING
Report on Outcome of Contract Negotiations with POLC

Negotiations with the Police Officers Labor Council, which represented the Township's former police officers, were initially driven by deep concerns about efficient management of the Department and the significant financial concerns about the Department facing the Township. For years, the provisions of the collective bargaining agreement had significantly limited the ability of the Department's Chief and command officers to provide effective, efficient services to the Township and its residents.

Even though the Township has eliminated its Department and contracted with the Genesee County Sheriff for police services, before that happened, a State-appointed arbitrator was appointed to resolve contract issues not resolved during negotiations between the Township and the POLC. His appointment was the last step in the state law mandated negotiation process between the parties, which began in January of 2011. The Arbitrator held hearings on a few remaining issues related to the police contract after the POLC conceded the Township's position on numerous others that had originally been brought to the Arbitrator. The Arbitrator continued this process, just in case the Township reconsidered its decision to eliminate its Department, so there would be a contract in place to govern the parties' relationship.

Thus, between the agreements reached in negotiation, concessions made by the police officers' union, and the decision of the State-appointed Arbitrator, the Township's bargaining team has completed a new contract that will apply should the Township reconstitute its Department. The new contract contains a number of changes, a few of which are described below:

- *Wages:* Wages were frozen for the life of the contract.
- *Layoff language:* The contract definition of layoff is changed so as not to tie the Township up in litigation or disputes over whether the contract requirements for layoff are satisfied. The Township now has the clear management right to determine whether to lay off employees where it deems necessary.
- *Part-Time Officers:* The Township now has the ability and flexibility to utilize part time officers to meet Township needs.
- *Shift Picks and Trades:* Significant operational benefits were obtained by allowing management to establish shifts on a quarterly basis, limiting the ability of officers to trade or pick shifts without Department approval, which had been the past practice, and requiring the Chief's approval for any trades. The new contract ensures that officers are responsible for knowing that their shift is covered and that Department needs are met.
- *Scheduling:* New language clearly authorizes the Chief to set the schedule on a quarterly basis and, where necessary, resolve scheduling conflicts or make changes to shifts, such as the time, date, and length of the shift. The previous contract did not allow this basic management right.

- *Improved Discharge and Discipline Language:* The Township negotiated for simplified discharge or discipline language to remove unnecessary prerequisite language. Previous language included traps for the unwary and procedural hurdles that increased the Township's costs.
- *Compensatory Time:* Under the new contract, accumulation and use of compensatory time will be granted only at the Chief's discretion and will not be included for purposes of calculating overtime. The old contract required only notice to (not approval from) the Chief before an officer took compensatory time. Thus, officers could, and did, simply declare that they were taking time off.
- *Personal Leave:* The previous contract permitted officers to take personal leave with only a 24-hour "notification" to the Chief, regardless of Department scheduling needs or the nature of the request. The new contract requires that *requests* for time off must not only be made at least 48 hours in advance, but must also be approved by the Chief.
- *Vacation:* Under the previous contract, officers could force the Township to accept a vacation day off with only three days *notice* to the Chief, regardless of Department scheduling needs. Under the new contract, vacation requests must be approved by the Chief. The Township also negotiated changes to selection of vacation time, so that the lowest seniority officer does not always have the last pick for his or her vacation.
- *Grievance Procedure:* The grievance procedure was modified and simplified and a less costly method for arbitration of grievances is adopted that eliminates the involvement of an outside agency to administer the arbitration.
- *Sick Leave Cap:* A substantial reduction in the Township's liability for payout of unused sick leave was obtained due to the reduction in the amount of sick leave that an officer could accumulate from 600 to 240 hours.
- *Holidays:* The new contract eliminates two of the officers' **13** paid holidays and eliminates additional holiday pay for the School Liaison Officer and Community Policing Officer—who had received essentially double pay for holidays under the old contract.
- *Outside employment:* The previous contract permitted officers to work for other employers (for up to 24 hours a week), regardless of any impact it may have had on their ability to perform duties for the Township. The new contract requires that outside employment is allowed only with the Chief's permission.

Per Attorney Mills, the new contract will be effective as of yesterday, June 13, 2012. It was recommended to attach a copy of the Contract to the official Board Minutes.

1-c. **First Reading of an ORDINANCE TO AMEND AND RESTATE SECTIONS 17-1 THROUGH 17-5 OF THE CODE OF ORDINANCES REGARDING THE IMPOUNDMENT OF VEHICLES AND THE PROCEDURES FOR THE RELEASE OF SAME**

MINAUDO MOVED, seconded by Purkey to approve the first reading of an **ORDINANCE TO AMEND AND RESTATE SECTIONS 17-1 THROUGH 17-5 OF THE CODE OF ORDINANCES REGARDING THE IMPOUNDMENT OF VEHICLES AND THE PROCEDURES FOR THE RELEASE OF SAME.**

DISCUSSION:

It was explained by Attorney Steve Moulton (Attorney Moulton) that the amendment of the ordinance would be

ACTION OF THE MOTION:

ROLL CALL VOTE

AYES: 6

NAYS: 0

ABSENT: Gardner

Motion Carried

1-d. Amendments to Other Ordinances

There are other ordinances that need to be updated by taking out the charge for the service and placed on the Master User Fee List so if in the future the fees are increased the ordinances won't have to continually be changed. .

1-e. Michigan Townships Association – June Workshop “Land Use: Defining Your Township’s Future (Planning Commission)”

1-f. Michigan Townships Association 2012-2013 Annual Dues

MINAUDO MOVED, seconded by Purkey

ACTION OF THE MOTION:

ROLLCALL VOTE:

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

NAYS: 0

ABSENT: Gardner

Motion Carried

1-g. Genesee County Water Rate Increase Effective After September 2, 2012

PURKEY MOVED, seconded by Morford

ACTION OF THE MOTION:

ROLLCALL VOTE:

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

NAYS: 0

ABSENT: Gardner

Motion Carried

1-h. Approval for Ditching

PURKEY MOVED, seconded by Matzke

ACTION OF THE MOTION:

ROLLCALL VOTE:

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

NAYS: 0

ABSENT: Gardner

Motion Carried

1-i. Repair of Frances Road: Elms Road to McKinley Road east of the Flint River and Seymour Road to Nichols Road west of

the Flint River

The issue is postponed until the July 2012 Board of Trustees Meeting.

1-j. Approval of Expenses Related to Lawsuits

COMMITTEE REPORTS:

None

REPORTS:

- 1. **Treasurer’s Report: :**
- 2.

9:02 P.M. – OPEN FOR PUBLIC COMMENTS

Three (3) individuals gave their comments

9:06 P.M. - CLOSED FOR PUBLIC COMMENTS

BOARD COMMENTS:

- 1. **PURKEY**
- 2.
- 3. **NOECKER**
- 4.
- 5. **GARDNER**
- 6.
- 7. **SUPERVISOR PECK’S COMMENTS:**
 - a.

THE NEXT REGULAR SCHEDULED BOARD OF TRUSTEES MEETING WILL BE THURSDAY, JULY 12, 2012 AT 7:00 P.M. AT THE FLUSHING TOWNSHIP HALL.

ADJOURNMENT:

JULIA A. MORFORD, Clerk

TERRY A. PECK , Supervisor

APPROVED DATE: _____