

CHARTER TOWNSHIP OF FLUSHING

524 N. SEYMOUR ROAD

FLUSHING, MICHIGAN 48433

BOARD OF TRUSTEES MINUTES

DATE: SEPTEMBER 13, 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 7:00 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

OTHER INDIVIDUALS PRESENT: Twenty-one (21) other individuals

APPROVAL OF THE AMENDED AGENDA: PURKEY MOVED, seconded by Noecker to have "New Business" first and then "Unfinished Business"; eliminate "C" *Public Comments at the Beginning of the Meeting*, listed under New Business; and to add under "New Business" *Dues for the Assessor*.

ACTION OF THE MOTION

AYES: 6

NAYS: 0

ABSENT: Gardner

Motion Carried.

APPROVAL OF PREVIOUS MINUTES:

ATTORNEY STEVE MOULTON (Attorney Moulton) gave an extensive review of the **Open Meetings Act** since there had been extensive discussion regarding the process of approving and amending Board Minutes at the last two (2) Meetings.

The Open Meetings Act provides:

- a. It does not require the Board to approve the minutes of its own meetings. If a Board does nothing, the minutes are automatically approved at the next scheduled meeting.
- b. The strong recommendation from any attorney that represents a strong body including Michigan Townships Association (MTA) is that the Board affirmatively adopts or approves the minutes of its prior meeting.
- c. If at the following meeting, the Board approves corrections to the minutes, the minutes are required to show both the original entry and the corrected entry. In other words, it is not appropriate to move to amend the minutes to delete entirely what was contained in the minutes as originally prepared.. Someone looking at the minutes after the Board has approved the amended minutes will be able to see what the original entry was which needs to be lined out and somehow indicating it is being modified and the corrected entry then has to be

identified as such. The Board can then approve the amended minutes in that fashion in approving the minutes from a prior meeting, delete material and we can't add material that was in fact part of the original meeting.

- d. Flushing Township does not have a policy for minutes as to how extensive the Board would like for the minutes to be.
- e. The Clerk has control over the minutes; by statute it is the Clerk's responsibility to prepare the minutes.
- f. All that the Open Meetings Act requires is that the minutes contain is the date, time, place, members present, members absent, and any decisions made at the meeting. If a *Closed Session* was held, the minutes have to relate the purpose for the *Closed Session*. Nothing else has to be in the minutes.

- **MINAUDO** would like a copy of the minutes after they have been approved with the corrections showing the lined out items and inserts.
- It was recommended by Attorney Moulton to have someone sit down and detail out the policy with regard to what needs to be included in the minutes, with the Board to consider and then adopt the policy.
- Per Attorney Moulton, the original minutes have to be left in tact, if items need to be deleted, they need to be lined out and the corrected information inserted.
- Previously a motion had been made by the Board to not place the "draft" minutes on the Web which forced the Clerk to put a synopsis of the minutes in the newspaper.
- Previously, the "draft" minutes were placed on the Web, but **MINAUDO** does not feel the "draft" is fair to the public.

SUPERVISOR PECK POSTPONED THE ISSUE UNTIL AFTER "NEW BUSINESS".

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

ACTION OF THE MOTION

ROLL CALL VOTE:

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

NAYS: 0

ABSENT: Gardner

Motion Carried.

NEW BUSINESS:

1-a. Presentation by Plante Moran

Tadd Harburn CPA and Chrystal Simpson CPA from Plante Moran gave a very detailed "*Audit Presentation to the Board of Trustees for the Year Ending March 31, 2012*". (For a copy of the report, contact the Flushing Township Office at 810-659-0800).

1-b. Public Hearing: Truth in Budgeting

7:28 P.M. - PUBLIC HEARING – Truth in Budgeting

**TRUTH IN BUDGETING NOTICE
CHARTER TOWNSHIP OF FLUSHING
GENESEE COUNTY**

The Charter Township of Flushing Board of Trustees will hold a Public Hearing on the proposed Township budget for fiscal year 2013-2014 at the Flushing Township Hall, 6524 N. Seymour Road,

Flushing, Michigan 48433 on Thursday, September 13, 2012 at 7:00 p.m. ***THE PROPERTY TAX**

MILLAGE RATE PROPOSED TO BE LEVIED TO SUPPORT THE PROPOSED

BUDGET WILL BE A SUBJECT OF THIS HEARING. A copy of the budget and the tax

calculations will be available for public inspection at the above location during normal business hours.

This notice complies with state statutes MCL 141.412 and MCL 211.24e.

William J. Noecker
Treasurer

TRUTH IN BUDGETING TAX CALCULATIONS

THE CHARTER TOWNSHIP OF FLUSHING WILL HOLD A PUBLIC HEARING TO RETURN ITS GENERAL FUND OPERATING LEVY TO .5000 MILL FROM .5048 MILL, THE RATE ROLLED BY GENESEE COUNTY EQUALIZATION. THE DIFFERENCE IS .0048 MILLS AND RETURNS OUR AUTHORIZED MILL TO .5000 MILL. THE TOWNSHIP IS AUTHORIZED TO LEVY 1.0400 MILLS.

THE TOWNSHIP PROPOSES TO LEVY 3.4114 MILLS ON THE AUTHORIZED 3.4114 MILLS APPROVED FOR POLICE OPERATIONS. THE PRESENT RATE OF 3.4441 MILLS, AS ROLLED BY GENESEE COUNTY EQUALIZATION, IF RETURNED TO 3.4114 MILLS WILL REPRESENT A CHANGE OF .95%

THE TRUTH IN TAXATION HEARING WILL BE HELD AT THE REGULAR TOWNSHIP BOARD MEETING ON SEPTEMBER 13, 2012 AT 7:00 P.M. TO BE HELD AT THE FLUSHING TOWNSHIP HALL, LOCATED AT 6524 N SEYMOUR RD.

WILLIAM NOECKER, TREASURER

DENNIS A JUDSON, ASSESSOR

7:45 P.M. – PUBLIC HEARING CLOSED.

APPROVAL OF THE CHARTER TOWNSHIP OF FLUSHING RESOLUTION – Uniform Budgeting and Accounting Act, MCL 141.421 – “Flushing Township 2013-14 General Appropriations Act”.

MORFORD MOVED, seconded by Purkey to accept the “2013-13 General Appropriations Act” Resolution as set forth to levy and collect taxes.

ACTION OF THE MOTION:

ROLL CALL VOTE

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

NAYS: 0

ABSENT: Gardner

Motion Carried

1-c. M-100 Tabulator for Elections

PURKEY MOVED, seconded by Matzke to approve the transfer of an M-100 Election Tabulator from Genesee Township.

ACTION OF THE MOTION:

AYES: 6

NAYS: 0

ABSENT: Gardner

Motion Carried

1-d. Dues Request for the Assessor

MORFORD MOVED, seconded by Purkey to automatically approve the small fee (of approximately \$30) each year for Membership Dues for the Assessor to the Tri County Assessors Association and to attend the training for the Association each year.

ACTION OF THE MOTION:

ROLL CALL VOTE

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

NAYS: 0

ABSENT: Gardner

Motion Carried

V. UNFINISHED BUSINESS:

1. Continuation of Approval of Board Minutes:

- a. A question was ask if it would be appropriate to request that the minutes include a verbatim statement by a Board Member.
 - 1. There isn't a prohibition on the request. The Board Member felt that if there was something which they (Board Members) wanted read into the minutes, exactly as stated, the Board Member could request the action and if there was a Board Policy that the action could take place, "certainly", it could be done. If the Board Member requested something in the minutes and there wasn't a policy, and the Clerk said "no", not sure where that would end up.
- b. There is a need for a Policy on Minutes; the Personnel Committee will review the issue.
- c. A CD of the June 14, 2012 minutes will be given to **MINAUDO**; a copy will also be given to **ATTORNEY MOULTON** for his review.
- d. It was determined the only thing that **MINAUDO** wanted in the minutes was the exact language for the one (1) particular section of the Board Comments.
- e. Per **ATTORNEY MOULTON**, **MINAUDO** will be taking the minutes that were recorded at the June 14, 2012 meeting and extracting from those the specific portion to be typed into the minutes; the original minutes have to be left in their original form, what **MINAUDO** wants to have placed in the minutes will be inserted at some point. The Board is only looking to get the actual document in form as it was approved at the prior meeting.
- f. Statutorily the June and July Minutes are actually approved but the final format is now in front of the Board of Trustees for approval. **MINAUDO** will take from the tape the verbatim insertion as they were approved at the last meeting.

APPROVAL OF MINUTES:

- a. **JULY 12, 2012 MINUTES: PURKEY MOVED**, seconded by Minaudo to approve the Minutes of July 12, 2012 as presented.

ACTION OF THE MOTION:

AYES: 6

NAYS: 0

ABSENT: Gardner

Motion Carried

- b. **AUGUST 9, 2012 MINUTES: PURKEY MOVED**, seconded by Minaudo to approve the Minutes of August 9, 2012.

ACTION OF THE MOTION:

AYES: 6

NAYS: 0

ABSENT: Gardner

Motion Carried

- c. **PURKEY MOVED**, seconded by Minaudo to approve the Minutes of August 9, 2012 as amended (page 7, number 4).

ACTION OF THE MOTION:

AYES: 6
 NAYS: 0
 ABSENT: Gardner
 Motion Carried

It was recommended when approving the Minutes to first ask if there are any corrections or additions and then make a motion to approve the minutes as amended.

2. Conduct During Board Meetings (Disorderly Conduct)

ATTORNEY MOULTON stated the language in the *Policies and Procedures Manual* regarding Order/Conduct refers to *Roberts Rules of Order*. **ATTORNEY MOULTON** composed the following *Board Rules of Order/Conduct of Meetings*.

1. Except as amended by these Policies, all board meetings shall be conducted in accordance with *Roberts Rules of Order*.
2. The Supervisor shall chair all board meetings, unless another board member is selected to chair a specific meeting. It shall be the responsibility of the Chair to maintain the order of each meeting.
3. Once a meeting is called to order, all comments, whether originating from a board member or from the audience, shall be directed to the Chair.
4. A board member shall not ask questions of or seek comment from a member of the audience without the Chair's prior permission. A board member shall not respond to a question or comment presented by a member of the audience, without the Chair's prior permission.
5. In the event a member of the audience engages in any speech or conduct which disrupts the meeting, the chair shall immediately suspend the business at hand and inform the member or members of the audience that the speech or conduct is in violation of board policy and that the speech or conduct is to cease and not be repeated, advising if the speech or conduct is repeated the audience member(s) will be asked to leave the meeting and if the member(s) fails to do so he, she, or they will be removed from the meeting, including, if necessary by law enforcement personnel. Under appropriate circumstances the Chair may refer the incident to the Genesee County Sheriff's Department and/or the Township Attorney to consider issuing a warrant charging the disruptive member(s) with disorderly conduct.

PURKEY MOVED, seconded by Minaudo to place the proposed language in the Policies and Procedures Manual.

ACTION OF THE MOTION:

AYES: 6
 NAYS: 0
 ABSENT: Gardner
 Motion Carried

3. Compensation for Expert Witness

ATTORNEY MOULTON gave the proposed *Litigation Policy*:

Lawsuits or Claims Against the Township. In the event the Township is served or otherwise receives notice of a lawsuit or claim asserted against the Township or any employee of the Township - -

1. The summons and complaint or other document asserting claim against the Township or employee of the Township shall be immediately delivered to the Clerk who shall promptly forward copies to the Supervisor, the Township's insurance carrier and the Township attorney.
2. The Supervisor shall consult with the Township attorney and the Township insurance carrier regarding assignment of an attorney to defend the lawsuit or claim and, subject to board approval, the Supervisor shall determine whether a lawsuit or claim requires legal defense on behalf of the Township or Township employee and shall decide and retain an attorney or attorneys as may be appropriate.
3. Unless the board directs otherwise, the Supervisor, for each lawsuit or claim, shall designate a litigation committee, comprised of three (3) board members, one of whom shall be the Supervisor, who shall be the chairperson of the committee, unless the Supervisor designates another committee member as chairperson. The committee, through its chairperson, shall be responsible for all communication with the assigned attorney regarding all aspects of the lawsuit or claim. All communications by board members, Township employees or other persons with the assigned attorney shall be through the committee chairperson.
4. Board members and Township employees shall not discuss pending lawsuits or claims with third parties, including members of the public. All information disclosed to board members and Township employees, as may be necessary from time to time in the defense of pending lawsuits or claims, shall be kept confidential. Any questions or requests for information regarding pending lawsuits or claims brought by members of the public, the press or other third parties shall be directed to the chairperson of the committee designated for that specific lawsuit or claim.
5. In preparing responses to be filed on behalf of the Township or Township employee, the committee chairperson shall discuss with the assigned attorney all possible counterclaims, including the recovery of attorneys fees and expenses incurred by the Township in defense of the lawsuit or claim. Where the claim or lawsuit is frivolous or otherwise without merit, a request for sanctions shall be considered and asserted if the assigned attorney feels such is appropriate.
6. **Employees, former employees, (the witness) who appear for trial, hearing, deposition or otherwise, for purposes of giving testimony on behalf of the Township shall be compensated for the actual time required to provide testimony; reasonably time spent to review records or otherwise prepare to provide testimony; and, reasonable travel time to and from the witness' residence to the place where testimony is to be given. A witness traveling by his or her personal vehicle to or from the place where testimony is to be given shall be compensated for mileage at the rate then provided by the Internal Revenue Service, together with reasonable out-of-pocket expenses. The rate of compensation for the witness' time shall be the employee's hourly rate or, in the case of a former employee, the employee's hourly rate or hourly rate equivalent for the period last worked by the employee. Unless otherwise approved by the board, elected officials providing testimony shall not be compensated, except for mileage and out-of-pocket expenses.**
7. If the attorney assigned to a lawsuit or claim brought against the Township believes an expert should be retained to provide analysis, opinions, and/or testimony, the committee chairperson shall discuss the matter with the attorney and committee, including the fees to be charged by the expert. Unless the committee disagrees with the attorney's recommendation, the committee chairperson shall direct the attorney to retain the expert or experts, with the understanding the Township will pay the expert's fees as billed. If the committee

disagrees with the attorney's recommendation, the issue will be brought before the board for decision.

The Board only approved Number 6 because all of the Board members didn't receive a copy of the Proposed Policy.

NOECKER MOVED, seconded by Purkey to approve Number 6 of the proposed Litigation Policy which includes wages and out-of-pocket expenses.

ACTION OF THE MOTION:

ROLL CALL VOTE

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

NAYS: Matzke

ABSENT: Gardner

Motion Carried

1. PA System for the Auditorium

Andy Bogner of *Bogner Sound and Music* gave a presentation as to what his company could offer to Flushing Township to improve the sound system. The total cost would be \$3,775.00 which would include eight (8) microphones. The issues of using batteries, going wireless, where to place the Board Credenza, etc.

Supervisor Peck received a bid from Ralph at *Midwest Mobiletech* at a price of \$1,485.92 and included four (4) microphones.

The matter was postponed in order to give *Midwest Mobiletech* the opportunity to present his company.

2. Sale of Police Vehicles and Firearms

A. Firearms and Accessories Bids (highest to lowest):

1. Gander Mountain, Flint MI - \$5,200
2. Williams Gun Sight Co , Davison MI - \$4,946.50
3. Dick Williams Gun Shop Inc. of Saginaw MI - \$3,405

B. Vehicle Bids (highest to lowest):

1. Genesee County Parks and Recreation - \$17,000
2. Chicago Motors, Inc, Chicago IL - \$10,221
3. Bedell Sales, Flint MI - \$8,000

For:

1. 2002 Ford Expedition
2. 2005 Ford Crown Victoria (Unmarked)
3. 2007 Chevy Impala
4. 2008 Ford Crown Victoria

C. The Township will keep 1998 GMC Pickup Truck and the 2004 Ford Expedition

D. Items that were purchased with grants will be transferred to the County (or the Sheriff's Department) and will show who has ownership of the items.

E. There will be very few items remaining after the sale of the cars.

PURKEY MOVED, seconded by Noecker to sale the vehicles to the Genesee County Parks and Recreation as detailed in the sheets that were presented.

DISCUSSION:

It was felt that due to not receiving the materials in appropriate time to review, the issue be postponed until next month. Everything that is sold will be "as is". Genesee

County would like to have the equipment as soon as possible due to having the radios reprogrammed.

ATTORNEY MOULTON will take care of the paper work.

ACTION OF THE MOTION:

ROLL CALL VOTE

AYES: Purkey, Minaudo, Noecker, and Peck

NAYS: Matzke and Morford

ABSENT: Gardner

Motion Carried

PURKEY MOVED, seconded by Minaudo to go with the highest bidder for the firearms and accessories which is Gander Mountain for \$5,200.

ACTION OF THE MOTION:

ROLL CALL VOTE

AYES: Noecker, Peck Minaudo, and Purkey

NAYS: Matzke and Morford

ABSENT: Gardner

Motion Carried

COMMITTEE REPORTS:

None

REPORTS:

1. **Treasurer's Report: MINAUDO MOVED**, seconded by Purkey to approve the Treasurer's Report as submitted.

ACTION OF THE MOTION:

AYES: 6

NAYS: 0

ABSENT: Gardner

Motion Carried

8:58 P.M. – OPEN FOR PUBLIC COMMENTS

None

8:59 P.M. - CLOSED FOR PUBLIC COMMENTS

BOARD COMMENTS:

1. **MORFORD:** (questions that came up during the August 2012 Primary Election) - per Lansing, the only way that copies of ballots will be given out for future elections, will be if "SAMPLE" is written across the front of the ballot; the ballots for the November Election will be 19" long on two (2) pages (front and back); highly recommends voting Absentee.
2. **SUPERVISOR PECK'S COMMENTS:**
 - a. Recreational Passport Grant – improvements will be happening within the next few weeks from the Recreational Passport Grant: one of the trails that goes out to the prairie will be widened and once it gets to the prairie the road will turn right; there will be improvements on the hill, and the parking area on the lower level.
 - b. Community Development Block Grants – the bid opening for the concrete work for the handicap barrier parking project will be on September 26, 2012 and includes the parking area ramps in front of the township office, the police department, and the pavement markings at the Flushing Nature Park (Nature Park); the bids for the inside work will take place later since the palm buttons that will be placed on the front doors of the township office, the police department and at the restrooms at the Nature Park can be completed later in the year.

- c. Ditches – a lot of ditch work has been done on Stanley Road, Nichols Road, and Elms Road; more improvements are happening on Potter Road, and the Pierson Road/Duffield Road area; hoping to get a lot done before winter.
- d. Chip and Seal on Roads – all the roads have been chip and sealed; a lot of phone calls have been received but it was explained that the chip & seal was part of the bid and in order to have the Genesee County Road Commission doing future work, the chip and seal had to be done; the roads will last an additional five (5) years with the chip and seal.
- e. Three (3) Year Budget for the Township – the budget will be spread out over three (3) years in order to anticipate the township’s income; have been informed by Plante Moran that the income has leveled off.
- f. Three (3) Year Road Budget – there has to be a three (3) year road budget plan approved by the Township Board and the Road Commission Board before further work will be done.

THE NEXT REGULAR SCHEDULED BOARD OF TRUSTEES MEETING WILL BE THURSDAY, OCTOBER 11, 2012 AT 7:00 P.M. AT THE FLUSHING TOWNSHIP HALL.

ADJOURNMENT: PURKEY MOVED, seconded by Minaudo to adjourn at 9:05 p.m.

ACTION OF THE MOTION

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

JULIA A. MORFORD, Clerk

TERRY A. PECK , Supervisor

APPROVED DATE: _____