

CHARTER TOWNSHIP OF FLUSHING

6524 N. SEYMOUR ROAD

FLUSHING, MICHIGAN 48433

BOARD OF TRUSTEES MINUTES

DATE: APRIL 10, 2014

TIME: 7:00 P.M.

PHONE: 810-659-0800

FAX 810-659-4212

WEB PAGE: <http://flushingtownship.com>

ADMINISTRATION:

SUPERVISOR: Rian R. Birchmeier

CLERK: Julia A. Morford

TREASURER: Maryion T. Lee

TRUSTEES:

Shirley D. Gage

Bonnie Jean Martinson

Scott R. Matzke

Scott P. Minaudo

TOWNSHIP ATTORNEY:

STEVEN W. MOULTON PLLC

6258 W. Pierson Road

Flushing MI 48433

810-407-7658

I. MEETING CALLED TO ORDER at 7:00 p.m. by **SUPERVISOR RIAN BIRCHMEIER** with Roll Call and the Pledge of Allegiance to the American Flag.

II. ROLL CALL: Rian R. Birchmeier, Julia A. Morford, Maryion T. Lee, Shirley D. Gage, Bonnie Jean Martinson, Scott R. Matzke, Scott P. Minaudo, and Attorney Steve Moulton
MEMBERS ABSENT: None

OTHER INDIVIDUALS PRESENT: Seventeen (17) other interested individuals

ADOPT THE AGENDA: MATZKE MOVED, seconded by Morford, to adopt the Agenda as presented.

MORFORD MOVED, seconded by Matzke to remove from the Agenda "New Business," letter g, number 5, "*Web Committee Report*," because of insufficient information.

Closed Session will be known as letter m, located at the end of "New Business."

ACTION OF THE MOTION

ROLL CALL VOTE:

AYES: Minaudo, Matzke, Martinson, Gage, Lee, Morford, and Birchmeier

NAYS: 0

MOTION CARRIED.

MORFORD MOVED, seconded by Matzke to amend the motion to include the minutes from March 13, 2014 at 6:00 p.m., March 13, 2014 at 7:00 p.m., March 25, 2014, the Special Regular Meeting, which was a public hearing, and March 26, 2014, which was a Special Meeting.

ACTION OF THE MOTION

ROLL CALL VOTE:

AYES: Matzke, Martinson, Gage, Lee, Morford, Birchmeier, and Minaudo

NAYS: 0

MOTION CARRIED.

APPROVAL OF DRAFT MINUTES:

- a. March 13, 2014 at 6:00 p.m.: **LEE MOVED**, seconded by Gage, to approve the Minutes from March 13, 2014 at 6:00 p.m. with corrections.

Corrections: Page 5, "Board Comment" number 4, should be "confirmed" instead of "conferred."

Page 6, number 5, after the last sentence it should state “she stated (Treasurer) that it was too late to answer any questions.” (It was recommended to review the tape).

ACTION OF THE MOTION

ROLL CALL VOTE:

AYES: Gage, Lee, Morford, and Matzke

NAYS: Martinson, Birchmeier, and Minaudo

MOTION CARRIED.

b. March 13, 2014 at 7:00 p.m.:

MATZKE MOVED, seconded by Lee, to approve the Minutes from March 13, 2014 at 7:00 p.m. with corrections.

Corrections: Page 4, first “Call the Question” – who called the question?

second “Call the Question” – who made the motion?

Page 5, half way down the page, “Call for the Vote” – who made the motion?

ACTION OF THE MOTION

ROLL CALL VOTE:

AYES: Gage, Lee, Morford, Birchmeier, and Matzke

NAYS: Minaudo and Martinson

MOTION CARRIED.

c. March 25, 2014 at 6:00 p.m.:

MATZKE MOVED, seconded by Lee, to approve the Minutes of March 25, 2014 at 6:00 p.m.

Corrections: Page 4, “Board Comments” – an issue regarding “gabbing” the water fund.

MINAUDO MOVED, seconded by Birchmeier, to amend the motion to postpone the approval of the Minutes from March 25, 2014 at 6:00 p.m. until the next meeting in order to review further information.

ACTION OF THE MOTION

ROLL CALL VOTE:

AYES: Martinson, Birchmeier, and Minaudo

NAYS: Lee, Gage, Matzke, and Morford

MOTION FAILED.

LEE MOVED, seconded by Matzke, to strike everything up to 6:21 p.m.

LEE MOVED, seconded by Morford, to amend the motion that everything be removed from the Minutes up to 6:21 p.m. which will be the starting point. An Addendum will be added to the official minutes of Attorney Moulton’s statements and an Addendum provided by Trustee Scott Minaudo will be added as an Addendum to the minutes.

ACTION OF THE MOTION

ROLL CALL VOTE:

AYES: Birchmeier, Minaudo, Matzke, Martinson, Gage, Lee, and Morford

NAYS: 0

MOTION CARRIED.

d. March 26, 2014 at 8:00 p.m.:

MATZKE MOVED, seconded by Lee, to approve the Minutes from March 26, 2014 at 8:00 p.m.

Correction: Page 3, number 11, should read “Ayes.”

ACTION OF THE MOTION

ROLL CALL VOTE:

AYES: Matzke, Gage, Lee, and Morford
NAYS: Minaudo, Martinson, and Birchmeier
MOTION CARRIED.

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

ACTION OF THE MOTION

ROLL CALL VOTE:

AYES: Matzke, Martinson, Gage, Lee, Morford, Birchmeier, and Minaudo
NAYS: 0
MOTION CARRIED.

III. 7:49 P.M. – OPEN FOR PUBLIC COMMENTS

One (1) individual gave a comment.

7:50 P.M. – CLOSED FOR PUBLIC COMMENTS

IV. UNFINISHED BUSINESS:

1-a. Approval of Corrected Agenda for March 13,2014

MARTINSON MOVED, seconded by Morford, to adopt the Amended Agenda that was given to the Board by Clerk Morford for March 13, 2014, for 7:00 p.m.

ACTION OF THE MOTION

ROLL CALL VOTE:

AYES: Martinson, Gage, Morford, Minaudo, and Matzke
NAYS: Lee and Birchmeier
MOTION CARRIED.

1-b. AT & T Lease Optimization Program

MINAUDO MOVED, seconded by Birchmeier, that the Board approve the lease modification to incorporate the two (2) specific provisions: \$800.00 per month/year, commencing April 1, 2014 and Extension of Lease through March 31, 2044, and with the understanding that your (AT & T) proposal is with the reduction in the rent from \$1,000 to \$800 per month for the next forty-eight (48) months and with the understanding that you (AT & T) will extend the right-to-renew to 2044 and that if terminated within the first forty-eight (48) months going forward, the rent termination penalty will be \$38,400 not the formula provided in the Agreement.

ACTION OF THE MOTION

ROLL CALL VOTE:

AYES: Birchmeier, Minaudo, Gage, Martinson, Matzke, Morford, and Lee
NAYS: 0
MOTION CARRIED.

V. NEW BUSINESS:

1-a. Budget Amendment to Road Maintenance and

1-b. Road Improvement Plan Amendments for 2014

BIRCHMEIER MOVED, seconded by Minaudo to amend the *Road Maintenance*, “Public Service,” to add another \$50,000, which will be taken from the General Fund Balance, for a total of \$200,000.

ACTION OF THE MOTION

ROLL CALL VOTE:

AYES: Minaudo, Matzke, Martinson, Gage, Lee, Morford, and Birchmeier

NAYS: 0

MOTION CARRIED.

1-c. Mutual Agreement with Clayton Township for Warning Siren and Possible Budget Amendment to Public Service

BIRCHMEIER MOVED, seconded by Minaudo, to approve the expenditure of \$3,916.75 for the purpose to purchase the Warning Siren which will come out of “Public Service.”

ACTION OF THE MOTION

ROLL CALL VOTE:

AYES: Matzke, Martinson, Gage, Lee, Morford, Birchmeier, and Minaudo

NAYS: 0

MOTION CARRIED.

1-d. Basic Disaster Plan

BIRCHMEIER MOVED, seconded by Minaudo, to accept the *Basic Disaster Plan for the Charter Township of Flushing* as presented.

ACTION OF THE MOTION

ROLL CALL VOTE:

AYES: Martinson, Gage, Lee, Morford, Birchmeier, Minaudo, and Matzke

NAYS: 0

MOTION CARRIED.

1-e. Public Hearing for Hydraulic Fracturing “Fracking” Discussion

LEE MOVED, seconded by Morford, to table the issue.

ACTION OF THE MOTION

ROLL CALL VOTE:

AYES: Gage, Lee, Morford, and Matzke

NAYS: Birchmeier, Minaudo, and Martinson

MOTION CARRIED.

1-f. 2014 Dust Control Program

BIRCHMEIER MOVED, seconded by Minaudo, to approve a second calcium chloride application paid for by Flushing Township at the cost of \$12,068.40; the first application will be free and the third application will be optional.

ACTION OF THE MOTION

ROLL CALL VOTE:

AYES: Lee, Gage, Martinson, Matzke, Minaudo, Birchmeier, and Morford

NAYS: 0

MOTION CARRIED.

* * * * *

MARTINSON MOVED, seconded by Birchmeier, to take a five (5) minute break.

ACTION OF THE MOTION

ROLL CALL VOTE:

AYES: Birchmeier, Minaudo, Matzke, Martinson, Gage, Lee, and Morford

NAYS: 0

MOTION CARRIED.

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1-g(i) Dennis Judson – Zoning Administrator

LEE MOVED, seconded by Morford, that Dennis Judson be appointed the Zoning Administrator and assume all responsibilities for Flushing Township.

ACTION OF THE MOTION

ROLL CALL VOTE:

AYES: Matzke, Gage, Lee, and Morford

NAYS: Minaudo, Martinson, and Birchmeier

MOTION CARRIED.

1-g(ii) FEMA Coordinator

MORFORD MOVED, seconded by Lee, to appoint Dennis Judson as the FEMA Coordinator.

ACTION OF THE MOTION

ROLL CALL VOTE:

AYES: Matzke, Gage, Lee, and Morford,

NAYS: Martinson, Birchmeier, and Minaudo

MOTION CARRIED.

1-g(iii). Deputy Clerk

MORFORD MOVED, seconded by Lee, to appoint Joyce Wilson as the Deputy Clerk at a rate of \$10 per hour; currently, there is \$600 in the budget. When the money is gone, the budget will have to be amended.

ACTION OF THE MOTION

ROLL CALL VOTE:

AYES: Gage, Lee, Morford, and Matzke

NAYS: Martinson, Birchmeier, and Minaudo

MOTION CARRIED.

1-g(iv). Directives Concerning Staff Direction and Office Operations - #4

LEE MOVED, seconded by Gage, to amend Number 4 of the *Personnel Committee Directives* concerning staff directions and office operation:

“All mail, faxes, and deliveries to the Township offices shall be received by a staff member designated by the Treasurer/Clerk. The designated staff member shall be authorized to sign on behalf of the Township. All receipts are acknowledgment of delivery. The designated staff member shall distribute the mail and faxes to the appropriate Township Employees or Officials. When no specific individual is designated as recipient and if the information contained any mail, faxes, or delivery should be available to more than one (1) employee or official, the designated staff member shall provide copies of the mailing, fax, or delivery to each such employee or official. An official when out of the office for four (4) consecutive business days, to provide for the continuity of the Township business, should designate a specific individual to open the Official’s mail. The Official could exempt any mail which is expressly designated personal and/or confidential. All checks cashed or other payments received by mail delivery shall be accounted for in accordance with Township Policies.”

ACTION OF THE MOTION

ROLL CALL VOTE:

AYES: Morford, Lee, Gage, and Matzke

NAYS: Birchmeier, Minaudo, and Martinson

MOTION CARRIED.

1-h(i). Roof Bids

LEE MOVED, seconded by Minaudo, that the Building/Grounds/and Bids Committee will draw up specifications. The three (3) builders will be invited back to re-submit bids according to the specifications. The sealed bids will be open at a Board Meeting.

LEE MOVED, seconded by Gage, to amend the motion and that the Board have a meeting just to accept the bids and make a decision with that being the only thing on the Agenda in order to avoid having such a lengthy meeting.

THE AMENDED MOTION WAS RECINDED.

THE INDIVIDUAL THAT TURNED HIS BID IN LATER WILL ALSO BE CONTACTED TO RE-SUBMIT A BID.

ACTION OF THE MOTION

ROLL CALL VOTE:

AYES: Minaudo, Matzke, Martinson, Gage, Lee, Morford, and Birchmeier

NAYS: 0

MOTION CARRIED.

1-i(i). May 1, 2014 – MTA’s Legislative Advocacy Day

1-i(ii). May 9, 2014 – Various Workshops

MORFORD MOVED, seconded by Minaudo, that the Board approve the attendance at the May 1, 2014, Free *MTA Legislative Advocacy Day* in Lansing and also May 9, 2014 for three (3) classes (*Various Workshops*) in Frankenmuth at an early bird price of \$79 for each class. If you plan to attend, please let the Clerk know before April 22, 2014. If you state that you are going to attend any class, the Township will pay for the class; if the official doesn’t attend, they will reimburse the Township for the cost.

ACTION OF THE MOTION

ROLL CALL VOTE:

AYES: Matzke, Martinson, Gage, Lee, Morford, Birchmeier, and Minaudo

NAYS: 0

MOTION CARRIED.

1-j. Restoration of supervisory duties/responsibilities back to Supervisor Birchmeier

MARTINSON MOVED, seconded by Birchmeier, to restore the responsibilities and duties of the Supervisor, back to the Supervisor, those responsibilities and duties as stipulated in the *Policy Manual, MTA Guidelines, MCL, etc.*

ACTION OF THE MOTION

ROLL CALL VOTE:

AYES: Martinson, Minaudo, and Birchmeier

NAYS: Matzke, Gage, Lee, and Morford

MOTION FAILED.

1-k. Possible changes in contract for Videographer

- (i) Who cancels service for special meetings?
- (ii) Who communicates with the Videographer?

A policy needs to be adopted. The Web Site Committee will review the issue and then bring the information back to the Board.

“The Board intends the videographer to attend and record all meetings including special meetings unless the Board decides otherwise as to a specific meeting. It shall be the responsibility of the Clerk to notify the videographer by email and telephone of special meetings as far in advance as possible, or the Boards decision not to require a recording in which the videographer would otherwise attend.

The videographer would be at every meeting.”

MARTINSON MOVED, seconded by Birchmeier, to have the Web Site Committee, at their next meeting, determine who cancels the service for a special meeting, who communicates with the videographer, and any other questions that pertain to the videographer.

ACTION OF THE MOTION

ROLL CALL VOTE:

AYES: Gage, Lee, Morford, Birchmeier, Minaudo, Matzke, and Martinson

NAYS: 0

MOTION CARRIED.

1-l. Presence of Person(s) in inner-office and township official’s office when officials is/is not present.

There were concerns with individuals working in the Clerk’s office when the Clerk was absent. In the absence of the Clerk, the Treasurer is authorized to supervise the situation.

1-m. Closed Session

11:30 P.M. – ADJOURNED TO CLOSED SESSION:

MINAUDO MOVED, seconded by Gage, to go into Closed Session for the purpose of discussing with the Attorney the status and strategy of the two (2) pending lawsuits one (1) filed by Joseph Wisniewski and the second (2nd) filed by Joseph Martin; that meeting to be permitted by Section 8(e) of the Open Meetings Act.

ACTION OF THE MOTION

ROLL CALL VOTE:

AYES: Lee, Gage, Martinson, Matzke, Minaudo, Birchmeier, and Morford

NAYS: 0

MOTION CARRIED.

12:00 P.M. (MIDNIGHT):

MINAUDO MOVED, seconded by Gage, to reconvene to Regular Session.

ACTION OF THE MOTION

ROLL CALL VOTE:

AYES: Birchmeier, Minaudo, Matzke, Martinson, Gage, Lee, and Morford

NAYS: 0

MOTION CARRIED.

VI. REPORTS:

None

VII. COMMITTEE REPORTS WERE GIVEN BY THE FOLLOWING:

1. Flushing Township Police Department: Detective Mark Bolin gave the Report for March 2014.
2. Flushing Fire Department:
3. Flushing Parks and Recreation Committee:
4. Flushing Area Senior Center:

VIII. FINANCIAL REPORT:

Accepted as presented.

IX. BOARD COMMENTS:

There were comments from Trustee Martinson, Clerk Morford, Treasurer Lee, Trustee Gage, Trustee Minaudo, and Supervisor Birchmeier who announced that his new Deputy Supervisor would be Larry Birchmeier.

X. 12:10 A.M. OPEN FOR PUBLIC COMMENTS

One (1) individual gave a comment.

12:12 A.M. - CLOSED FOR PUBLIC COMMENTS

XI. THE NEXT REGULAR SCHEDULED BOARD OF TRUSTEES MEETING WILL BE THURSDAY, MAY 8, 2014 AT 7:00 P.M. AT THE FLUSHING TOWNSHIP HALL.

XII. ADJOURNMENT: Due to lack of further business issues, **SUPERVISOR BIRCHMEIER** adjourned the meeting at 12:15 a.m.

JULIA A. MORFORD, Clerk

RIAN R. BIRCHMEIER, Supervisor

APPROVED DATE: _____

04 10 2014 Regular Min