

CORRECTED
CHARTER TOWNSHIP OF FLUSHING

6524 N. SEYMOUR ROAD
FLUSHING, MICHIGAN 48433
BOARD OF TRUSTEES MINUTES

DATE: JUNE 12, 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, Maryion T. Lee, Julia A. Morford, 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 Minaudo, to accept the Agenda for June 12, 2014 as presented.

MARTINSON MOVED, seconded by Matzke, to amend the Motion, made by Trustee Matzke, to say that we will remove *Letters M and N*, on the second page of the Agenda, and place those items on the Agenda for July 10, 2014.

ACTION OF THE MOTION

ROLL CALL VOTE:

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

NAYS: 0

MOTION CARRIED.

MARTINSON MOVED, seconded by Minaudo, to remove *Letters K "MISS DIG Systems Inc. Membership Agreement" and L "CMOM Agreements for Operation and Maintenance"*, which is

above that, and make them *Letters A and B* under “New Business” so the gentlemen that are here to speak on those two (2) issues will be able to speak and not have to stay.

ACTION OF THE MOTION

ROLL CALL VOTE:

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

NAYS: 0

MOTION CARRIED.

MARTINSON MOVED, seconded by Birchmeier, to remove *Letter G*, “*Motion to replace the Nature Park Pole Barn Roof and approve the Building/Grounds/Bid Committee to Request Estimates on both Standard Roofing and Metal Roofing Materials.*”

ACTION OF THE MOTION

ROLL CALL VOTE:

AYES: Minaudo, Martinson, and Birchmeier

NAYS: Matzke, Gage, Lee, and Morford

MOTION FAILED.

MARTINSON MOVED, seconded by Lee, under “Unfinished Business”, *Letter D*, “*Approving Fracking Educational (Town Hall) Meeting,*” off the table.

ACTION OF THE MOTION

ROLL CALL VOTE:

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

NAYS: 0

MOTION CARRIED.

MARTINSON MOVED, seconded by Birchmeier, with the permission of Trustee Gage, to take *Letter C*, “*Exchange of Supervisor’s Office with the Finance Director,*” completely off the Agenda because it was discussed last month for a considerable amount of time and it is an inter-office matter.

ACTION OF THE MOTION

ROLL CALL VOTE:

AYES: Martinson and Birchmeier,

NAYS: Gage, Lee, Morford, Minaudo, and Matzke

MOTION FAILED.

MARTINSON MOVED, seconded by Birchmeier, to remove *Letter B*, “*Update on Flushing Township Nature Park Boardwalk Repairs.*”

ACTION OF THE MOTION

ROLL CALL VOTE:

AYES: Birchmeier, Minaudo, and Martinson

NAYS: Morford, Lee, Gage, and Matzke

MOTION FAILED.

LEE MOVED, seconded by Gage, to add as *Letter C*, under “New Business”, “*Approval of James Williamson to Build a Kiosk as his Eagle Scout Project*,” because this has to be approved before his eighteenth (18th) birthday in July.

ACTION OF THE MOTION

ROLL CALL VOTE:

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

NAYS: 0

MOTION CARRIED.

BIRCHMEIER MOVED, seconded by (None), to remove under “New Business”, *Item F*, “*Possible Funding Available for December 2013 Ice Storm Cleanup*,” because he didn’t ask to have the item placed on the Agenda.

BIRCHMEIER MOVED, seconded by Martinson, to strike Supervisor Birchmeier as the individual that will be speaking on *Item F*, “*Possible Funding Available for December 2013 Ice Storm Cleanup*,” under “New Business” and replace with the name of Treasurer Lee.

ACTION OF THE MOTION

ROLL CALL VOTE:

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

NAYS: 0

MOTION CARRIED.

BIRCHMEIER MOVED, seconded by Matzke, to approve the Agenda as presented with all the changes.

ACTION OF THE MOTION

ROLL CALL VOTE:

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

NAYS: 0

MOTION CARRIED.

APPROVAL OF MINUTES:

- a. **CORRECTED MINUTES FROM MARCH 25, 2014: MINAUDO MOVED**, seconded by Birchmeier, to approve the March 25, 2014 Minutes with the attachment.

ACTION OF THE MOTION

ROLL CALL VOTE:

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

NAYS: Martinson and Birchmeier

MOTION CARRIED.

- b. **DRAFT MINUTES FROM MAY 8, 2014: BIRCHMEIER MOVED**, seconded by Minaudo, to approve the Minutes of May 8, 2014 as presented.

- c. **GAGE MOVED**, seconded by Morford, to amend the motion to correct the amount of money that was on the document which Trustee Gage receives. Since there isn't a meeting every month, she only gets paid when she attends a meeting.

TRUSTEE GAGE WITHDREW HER MOTION.

MINAUDO MOVED, seconded by Lee, to postpone the approval of the Minutes of May 8, 2014 in order to review Trustee Martinson's corrections and then bring the matter back to the Board.

ACTION OF THE MOTION

ROLL CALL VOTE:

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

NAYS: 0

MOTION CARRIED.

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

MARTINSON MOVED, seconded by Minaudo, to amend the motion to state that the Board will approve the minutes with one (1) exception: to refund \$35 to Susan Buszed. (Check No. 334278 for \$50 for hall rental).

ACTION OF THE MOTION

ROLL CALL VOTE:

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

NAYS: 0

MOTION CARRIED.

MINAUDO MOVED, seconded by Gage, to approve the payment of the bills with all the changes as presented.

ACTION OF THE MOTION

ROLL CALL VOTE:

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

NAYS: 0

MOTION CARRIED.

III. 7:50 P.M. – OPEN FOR PUBLIC COMMENTS

Eight (8) individuals gave a comment.

8:15 P.M. – CLOSED FOR PUBLIC COMMENTS

IV. UNFINISHED BUSINESS:

1-a. Resolution from the Genesee County Road Commission for the paving/chip seal of Potter Road (Pavement Repair/Chip Seal), Frances Road (Limestone Resurfacing), and Stanley Road (Chip Seal/Pavement Repair)

Three (3) Separate Resolutions were presented:

RESOLUTION NO. 14-1 – POTTER ROAD
**(Joint between Clayton Township and Flushing Township
because Potter Road is a Boundary Road)**

MOVED AND SECONDED TO HAVE THE BOARD approve Resolution 14-1 authorizing the Township to contract with the Genesee County Road Commission and Clayton Township for the repair of Potter Road between Elms Road and Seymour Road at a total cost of \$126,350 with \$46,370 to be paid by Flushing Township. The project consists of Chip and Seal and Fog Seal.

ACTION OF THE MOTION

ROLL CALL VOTE:

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

NAYS: 0

MOTION CARRIED.

RESOLUTION NO. 14-2 – STANLEY ROAD

MOVED AND SECONDED TO HAVE THE BOARD approve Resolution 14-2 authorizing the Township to contract with the Genesee County Road Commission for the repair of Stanley Road at a total cost of \$73,000, with \$55,850 to be paid by the Township; the other portion of the contract cost will be born by the Genesee County Road Commission. The project consists of Chip and Seal on Stanley Road between Johnson and McKinley Roads.

ACTION OF THE MOTION

ROLL CALL VOTE:

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

NAYS: 0

MOTION CARRIED.

RESOLUTION NO. 14-3 – FRANCES ROAD

MOVED AND SECONDED TO HAVE THE BOARD approve Resolution 14-3 authorizing the Township to contract with the Genesee County Road Commission for the repair of Frances Road at a total cost of \$46,738.93 with \$5,160 of that amount to be paid using the Township's 50/50 Matching Funds and with the balance of \$41,578.73 to be paid by the Township.

ACTION OF THE MOTION

ROLL CALL VOTE:

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

NAYS: 0

MOTION CARRIED.

1-b. Update on Flushing Township Nature Park Boardwalk Repairs

LEE MOVED, seconded by Morford to approve contracting with a licensed professional, defined as a professional engineer, architect, or licensed residential builder, to have boardwalk repair professional specifications written in preparation of seeking proposals to repair the Flushing Township Nature Park Boardwalk; the cost not to exceed \$2,000.

ACTION OF THE MOTION

ROLL CALL VOTE:

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

NAYS: 0

MOTION CARRIED.

1-c. Exchange of Supervisor's Office with the Finance Director

GAGE inquired as to the date that the Supervisor would be changing his office since the issue has previously been discussed. The Supervisor stated the Board did agree that these items will not be discussed and brought up at the meeting, but will be discussed in the office. This is the Supervisor's Answer. **GAGE** wanted to know if she should make an appointment to come to the Supervisor's Office to discuss the issue. Per the Supervisor, Gage can do that if she would like. **GAGE** inquired if the Supervisor would talk to her in a civil manner if she came to his office? The Supervisor stated as he always does.

LEE MOVED, seconded by Morford, that the Board resolves that the Supervisor move his office location back to his former location which is the Finance Director's present office. This exchange of offices will return the Finance Director to her former optimum site where she can continue with her own work and provide assistance to the Tax Clerk and Water Clerk as required by her job description.

The Supervisor has refused to move his office.

V. NEW BUSINESS:

1-a. MISS DIG Systems Inc. Membership Agreement

MR. BRUCE CAMPBELL, CEO of MISS DIG Systems was requested to be present to answer any questions regarding the issue. Some facts:

1. Website: missdig.org
 - a. Information regarding the new law Public Act 174 of 2013, which covers MISS DIG System and the underground utility system.
 - b. Former law Public Act 53 of 1974 has been taken off the books and replaced with Public Act 174 of 2013.
 - c. **Facility Owner/Operator**, *Section 3(o)* = facility or underground facility means an underground or submerged conductor, pipe, or structure including but not limited to a conduit duct lined pipe, wire or other device and its accordances used

- to produce, store, transmit, or distribute a utility service including communications, data, cable television, electricity, heat natural or manufactured, gas or oil petroleum products, steam, sewage, water, and other sewage substances including environmental contaminants or hazardous waste.
- d. If the township has any facilities, in general storm sewer, sanitary sewer, water main, and in some cases traffic lighting or street lighting, some municipalities also have electrical providers, those facilities have to be protected by the MISS DIG Act and the municipality needs to be a member of the MISS DIG System.
 - e. *Section 4(4)*= facility owners and facility operators shall be members of and participate in the notification system and pay fees levied by the notification system under this section.
 - f. Currently, there are over three hundred (300) utility facility owners (Consumers, Detroit Edison) and over a thousand (1,000) municipality owners.
 - g. The law was signed in by Governor Snyder last November.
 - h. The former Act 53 it was a law where you had to be a member or participate so the participate was a little cloudy; in the past, some municipalities were covered by a ceiling. In this area, the Genesee County Drain Commission was a member and a lot of townships were adoptees underneath them. Under the new law, everyone has to be a member who has a facility. Genesee County has to be a member and also Flushing Township.
 - i. The due date to respond is April 1, 2014.
 - j. MPSC is the enforcement agency in the new law.
 - k. *Section 11 and 12* = The MISS DIG annual fee is based on the census and number of facilities which the township has.
 - l. The MISS DIG Board is made up of representatives of utility and facility owners; the representative for municipalities is Mark Horgan from Genesee County Waste Water Services.
 - m. MISS DIG is the only company sanctioned by the State of Michigan to perform the services; they are a not-for-profit run organization.
 - n. An Application has to be filled out before a quote can be supplied.
 - o. USIC could act as the Agent of Record for the Township.
 - p. Mr. Campbell can be contacted with questions or view the website.

Attorney Moulton will review the forms and proceed with the matter.

1-b. CMOM Agreements for Operation and Maintenance

MR. JOHN O'BRIEN, from the Genesee County Water and Waste Services presented an update on the CMOM Agreement. This agreement takes care of water meter reads, water leaks, water billing to the residents, etc.

LEE MOVED, seconded by Birchmeier, that the Flushing Township Board extend the contract for six (6) months with the County Agency CMOM for the current contract terms through December 31, 2014.

ACTION OF THE MOTION

ROLL CALL VOTE:

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

NAYS: 0

MOTION CARRIED.

1-c. Boy Scout Eagle Project

LEE MOVED, seconded by Birchmeier, to approve James Williamson, Troop 2006, St. Robert's, to do his Eagle Scout Project of building a kiosk for the canoe path for the Flushing Township Nature Park.

ACTION OF THE MOTION

ROLL CALL VOTE:

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

NAYS: 0

MOTION CARRIED.

1-d. Approval of Fiscal Quarterly Year End Budget

MORFORD MOVED, seconded by Gage, to approve the *Fiscal Quarterly Year End Budget for 2013/2014*.

ACTION OF THE MOTION

ROLL CALL VOTE:

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

NAYS: Minaudo and Martinson

MOTION CARRIED.

1-e. Fire Truck Purchase between the City of Flushing and the Charter Township of Flushing

As a courtesy to Flushing Township, (City of Flushing) Police Chief/Interim City Manager Mark Hoornstra has informed the Township that the City of Flushing will be purchasing a new fire truck for an estimated cost of \$387,000. Even though there will be an increase in the total cost for fire services, the cost may remain within the estimated annual amounts outlined in the contract. In recent years the total amount, for Flushing Township, has been much lower than the estimates provided.

Flushing Township does not have any proprietary interest in any of the assets of the City of Flushing; the administrative decisions are solely determined by the City of Flushing. Under the contract, Flushing Township allocates the cost of the fire contract between the Township and the City on a per run basis. Flushing Township has had a fire contract with the City of Flushing since the early 1990's.

No Action is required.

1-f. Update on the Crack/Sealing of Johnson Road

BIRCHMEIER MOVED, seconded by Lee, to accept the contract as proposed by the Genesee County Road Commission for the Local Road Crack Seal Agreement with Flushing Charter Township for Johnson Road between Mt. Morris Road and Stanley Road in the amount of \$6,300 at the cost of Flushing Township. (The funds will come out of the “Road Maintenance Fund”).

ACTION OF THE MOTION

ROLL CALL VOTE:

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

NAYS: Gage

MOTION CARRIED.

1-g. Community Development Block Grant Funds

LEE MOVED, seconded by Minaudo, that the Flushing Township Board notify the Genesee County Community Development Board that we wish to remain in the *Genesee County Community Development Block Grant Program for fiscal year 2015 to 2017*.

ACTION OF THE MOTION

ROLL CALL VOTE:

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

NAYS: 0

MOTION CARRIED.

1-h. Videographer

MATZKE MOVED, seconded by Lee, for the Charter Township of Flushing to give thirty (30) days notice to *Dynamite Video Productions* to terminate their agreement to video the township meetings. Also to authorize *Visual Reflection* to video the August and September meetings; these two (2) months will be considered a trial period to determine *Visual Reflections* video working capability with Municipal Web. At the end of the two (2) month period, the Building/Bids/Grounds Committee will make a recommendation to the Boar

ACTION OF THE MOTION

ROLL CALL VOTE:

AYES: Gage, Lee, Matzke, and Morford

NAYS: Minaudo, Martinson, and Birchmeier

MOTION CARRIED.

VI. THE NEXT REGULAR SCHEDULED BOARD OF TRUSTEES MEETING WILL BE THURSDAY, JULY 10, 2014 AT 7:00 P.M. AT THE FLUSHING TOWNSHIP HALL.

VII. ADJOURNMENT: MORFORD MOVED, seconded by Gage to adjourn the meeting at 9:45 p.m.

ACTION OF THE MOTION

ROLL CALL VOTE:

AYES: Matzke, Gage, Morford, and Lee

NAYS: Martinson, Minaudo, and Birchmeier

MOTION CARRIED.

JULIA A. MORFORD, Clerk

RIAN R. BIRCHMEIER, Supervisor

APPROVED DATE: _____

06 12 2014 Regular Min