

CHARTER TOWNSHIP OF FLUSHING

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

DATE: AUGUST 14, 2014

TIME: 7:00 P.M.

PHONE: 810-659-0800

FAX 810-659-4212

WEB PAGE: <http://flushingtowship.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 7:01 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: Eighteen (18) other interested individuals

ADOPT THE AGENDA: **MATZKE MOVED**, seconded by Minaudo, to adopt the Agenda for August 14, 2014 as presented.

PROPOSED AMENDMENTS TO THE AGENDA:

- **MARTINSON:** page 2, "Unfinished Business," number 10, letter D – there are a few pages that have mistakes and need to be corrected before being placed in the *Policy and Procedures Manual*.
- **GAGE:** page 3, "Reports," number 5, letter A, *Planning Commission* – will be changed from Trustee Gage to Trustee Martinson due to Trustee Gage not knowing she would be placed on the Agenda.

MARTINSON MOVED, seconded by Minaudo, that under IV, Reports, number 5, letter A, *Planning Commission* – Trustee Gage will be changed to Trustee Martinson.

ACTION OF THE MOTION

ROLL CALL VOTE:

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

NAYS: 0

MOTION CARRIED.

PROPOSED AMENDMENT TO THE AGENDA:

- **ATTORNEY MOULTON:** page 2, V, “New Business,” number 1, letter G, *Closed Session*, add number 3 “Update on the Status of the Patrol Officers’ Lawsuit.”

LEE MOVED, seconded by Birchmeier, to add one additional item to page 2, V, “New Business,” number 1, letter G, *Closed Session*, for the ”Update on the Status of the Patrol Officers’ Lawsuit.”

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, to accept the Agenda with all the changes.

ACTION OF THE MOTION

ROLL CALL VOTE:

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

NAYS: 0

MOTION CARRIED.

APPROVAL OF MINUTES:

a. CORRECTED MINUTES FROM JUNE 12, 2014: MATZKE MOVED, seconded by Lee, to approve the minutes from June 12, 2014 as presented.

DECLARED APPROVED.

b. PROPOSED MINUTES FROM JULY 10, 2014: MATZKE MOVED, seconded by Lee, to approve the proposed Minutes of July 10, 2014 as presented.

PROPOSED CORRECTIONS TO THE MINUTES:

- **BIRCHMEIER:** page 1, II, “Roll Call,” – everyone was present except for Maryion T. Lee and Shirley D. Gage.
- **BIRCHMEIER:** page 1, “Adopt the Agenda,” Action of the Motion – Remove “Trustee Gage was out of the room”; page 2, top of page, Action of the Motion – Remove “Trustee Gage was out of the room”; page 2, “Approval of Minutes,” Birchmeier Moved. . . . – Action of the Motion – Remove “Trustee Gage was out of the room”; page 2, “Approval of Minutes,” Lee Moved. . . . – Action of the Motion – Remove “Trustee Gage was out

of the room”; page 2, letter b, Draft Minutes from May 8, 2014, Action of the Motion – Remove “Trustee Gage was out of the room.”

BIRCHMEIER MOVED, seconded by Martinson, to correct II, Roll Call, to exclude Maryion T. Lee and Shirley D. Gage; and to remove on page 1 where it states that “Trustee Gage was out of the room.”

ACTION OF THE MOTION

ROLL CALL VOTE:

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

NAYS: 0

MOTION CARRIED.

c. PROPOSED MINUTES FROM JULY 25, 2014: LEE MOVED, seconded by Matzke, to approve the proposed Minutes from July 25, 2014 as presented.

PROPOSED CORRECTIONS TO THE MINUTES:

- **MARTINSON:** page 2, IV, “New Business,” 1-a,”Trustee Martinson would love. . . the policies” **changed to** “Trustee Martinson would be willing to take on the responsibilities of taking care of the policies.”

MARTINSON MOVED, seconded by Birchmeier, to change the second sentence under IV, “New Business,” 1-a, to “Trustee Martinson would be willing to take on the responsibilities of taking care of the policies.”

ACTION OF THE MOTION

ROLL CALL VOTE:

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

NAYS: 0

MOTION CARRIED.

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

ACTION OF THE MOTION

ROLL CALL VOTE:

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

NAYS: Minaudo and Martinson

MOTION CARRIED.

III. 7:29 P.M. – OPEN FOR PUBLIC COMMENTS

Five (5) individuals gave comments.

7:47 P.M. – CLOSED FOR PUBLIC COMMENTS

IV. UNFINISHED BUSINESS:

1-a-1. Request for Supervisor to look into implementing Staff Time Clock

BIRCHMEIER MOVED, seconded by Martinson, to have the Supervisor look into the cost of installing a time clock for all main office staff, all other part time and full time employees, and excluding the Police Department personnel.

ACTION OF THE MOTIO

ROLL CALL VOTE:

AYES: Birchmeier, Martinson, and Minaudo

NAYS: Morford, Lee, Gage, and Matzke

MOTION FAILED.

1-a-2. Request for Clerk to be authorized to replace or re-key door for Authorized Staff/Personnel

BIRCHMEIER MOVED, seconded by Minaudo, to request that the Clerk be authorized to replace or re-key door for authorized staff/personnel. There will be a physical key made for the door.

ACTION OF THE MOTIO

ROLL CALL VOTE:

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

NAYS: 0

MOTION CARRIED.

1-a-3. Request to have Policy Committee look into the matter of Township Truck Use

BIRCHMEIER MOVED, seconded by (None) to have the Policy Committee look into the matter of the Township Truck Use.

GAGE MOVED, seconded by Matzke, to have a substitution amendment to replace the Policy Committee with the Building/Grounds/Bid Committee.

ACTION OF THE MOTION FOR THE AMENDED MOTION

ROLL CALL VOTE:

AYES: Gage, Lee, Morford, and Matzke

NAYS: Martinson, Birchmeier, and Minaudo

MOTION CARRIED.

1-a-4. Request for the Supervisor to have key to Flushing Township Nature Park Pole Barn

BIRCHMEIER MOVED, seconded by Martinson, for the Supervisor to have a key to the Flushing Township Nature Park Pole Barn.

ACTION OF THE MOTION

ROLL CALL VOTE:

AYES: Birchmeier, Martinson, and Minaudo

NAYS: Morford, Gage, Lee, and Matzke

MOTION FAILED.

THE SUPERVISOR GAVE REPORTS ON THE FOLLOWING:

1-a-5. Flushing Fire Department Report for June and July

1-a-6. Roads, Bridges, and Ditches Report for June and July

1-a-7. Water and Drain Report for June and July

1-a-8. Township Emergency Manager Report for June and July

1-a-9. Water Fund Payment to General Fund

MARTINSON MOVED, seconded by Birchmeier, to change the line item that reads “Reimbursement – Water Fund Expenses” from \$140,000 to the amount of \$100,000.

ACTION OF THE MOTION

ROLL CALL VOTE:

AYES: Birchmeier, Martinson, and Minaudo

NAYS: Morford, Lee, Gage, and Matzke

MOTION CARRIED.

1-a-10. Policies and Procedures – Manual Update

The updates are as follows:

pages 10 and 11: Format of the Agenda - 1) letter E, “Corrected Minutes” will be eliminated; 2) sub-categories under V. “Reports” will be eliminated; 3) “Other Reports” will be eliminated; the “Financial Report” will be given under “Reports.” “Public Comments” will be listed before “Board Comments.” The “Amended Agenda” will be stapled to the proposed Minutes and approved at the same time.

page 15: should start with number 3.

page 17: number 2, line 2, “to defend the lawsuit” . . . **should state** “if it is determined the lawsuit claim requires legal defense”; number 4, line 4, “the press or other third parties **shall** be directed to the chairperson”

The format for the Agenda is a general guideline for the future.

page 18: “Matters of Litigation” was removed.

page 38: “Expenditures” consisting of three (3) components: Expenditure Authorization, Administration Expenditures, and Emergency Expenditures are without change at this time.

page 47: “The Nature Park Pavilion. . .” There is a detailed ordinance that governs the Nature Park and does not prohibit allowing group use of the park space. A policy needs to be put into effect for the use of the park and could be addressed at a later meeting. The policy would give the Board the ability to set a fee for the use of the Nature Park.

page 54: V. Clerk’s Duties: letter A - the Board should be able to put their hands on all documents; letter G – “Prepares minutes for Board, annual meeting; Charter Townships

do not have annual meetings. Letter G was changed to “Prepares minutes for all Board Meetings.” It was recommended to return to the original policy and not deal with a large number of policies at one time. The policies have to be tailored to the number of employees.

page 55: VI. Treasurer’s Duties: because of the investment climate, some of the issues cannot be accomplished; letter L is almost impossible for a small township. The township is required to invest in certain secured investments which are part of the Financial Policy. Suggested Recommendations: The Treasurer would like to go back to the original duties of the Treasurer and work forward. It was recommended to take letter L and have it read “Prepares Quarterly Investment Report.” Letters M through S were already in the *Policy and Procedures Manual*. It was recommended to place “VI. Treasurer’s Duties” on the September Agenda. Letter L will be removed. Per Attorney Moulton, letters A through I were the original Treasurer’s Duties; letters J through S are new duties. **FINAL DECISION:** the Treasurer’s Duties will be put on the next Agenda under “Unfinished Business” and if there isn’t time to discuss, it will be brought up at a later time.

(SUMMARY PER ATTORNEY MOULTON - Everything under *Authorities, Duties, Limitations* will be as in Draft 2, except with respect to the “Treasurer’s Duties,” in which case, items A through J will be included with letters K through S will not be included and can be taken up at a later date.

page 55: VII. Trustee’s Duties: there are no changes to this section.

MARTINSON MOVED, seconded by Minaudo, that the Board delegate to Trustee Martinson and Lorraine Nemecek, under the watchful eye of Attorney Moulton, the authority to edit Part 1 of our *Policy and Procedure Manual* without bringing the editorial corrections back to the Board for approval.

ACTION OF THE MOTION

ROLL CALL VOTE:

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

NAYS: 0

MOTION CARRIED.

MARTINSON MOVED, seconded by Birchmeier, that with tonight’s corrections and any editorial corrections done tomorrow morning, I moved to have Draft 2 accepted and approved tonight as our “final” copy of our *Policy and Procedure Manual* – Part 1 (the exceptions will be stated).

ACTION OF THE MOTION

ROLL CALL VOTE:

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

NAYS: 0

MOTION CARRIED.

MARTINSON MOVED, seconded by Minaudo, to eliminate Part 2 of the *Policy and Procedure Manual*, which deals with the Teamsters Contract, thus only having Part 1 and the

Appendix which will be very easy, at a future date, to go through. (Per Attorney Moulton - Part 2 will not be eliminated but taken out of the General Policies of the *Policy and Procedure Manual*. Rather than refer to the two (2) Personnel Manuals for the Police Department and two (2) separate Collective Bargaining Agreements as “Appendixes,” it was recommended by Attorney Moulton to set up as separate Manuals.

ACTION OF THE MOTION

ROLL CALL VOTE:

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

NAYS: 0

MOTION CARRIED.

E. “What do we do next!” Trustee Martinson recommended throwing away all copies; the Township Attorney has copies of all changes. It was recommended to wait until the changes for the Treasurer’s Duties were approved before making copies of the Manual. Once the *Policy and Procedure Manual* was updated this far, the changes will be from this date forward.

1-a-11. Approval of the MISS DIG Agreement and Agency Designation

MINAUDO MOVED, seconded by Birchmeier, to authorize the Township Supervisor to sign the proposed agreements with MISS DIG, forward them to MISS DIG, follow up with Bruce Campbell and his employees to implement the contract, set up the payment arrangements for the monthly fee going forward, and to authorize the Supervisor to get with John O’Brien at the Genesee County Drain Commissioners Office to put in place the Agency Agreement.

ACTION OF THE MOTION

ROLL CALL VOTE:

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

NAYS: 0

MOTION CARRIED.

1-a-12. Flushing Township Nature Park Governance Proposed Amendment

LEE MOVED, seconded by Gage, that the Township Board adopts the policy for the Flushing Township Nature Park Governance Policy as amended and expanded.

ACTION OF THE MOTION

ROLL CALL VOTE:

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

NAYS: Martinson and Birchmeier

MOTION CARRIED.

1-a-13. Selection of Applicants to Serve on the Flushing Township Nature Park Advisory Committee

LEE MOVED, seconded by Gage, to table the issue until the next time the Board meets and will be anticipating input from the Flushing Township Nature Park and Recreation Committee.

ACTION OF THE MOTION

ROLL CALL VOTE:

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

NAYS: Birchmeier

MOTION CARRIED.

1-a-14. Decision regarding the Flushing Township Nature Park Pole Barn Roof

LEE MOVED, seconded by Morford, that the Building/Grounds/Bid Committee recommends Landmark Lifetime Dimensional Shingles (Manufacturer's Warranty – Thirty Years) be used for the Park Pole Barn. The Building/Grounds/Bid Committee recommends that Flushing Township contract with B & B Construction to do the Park Pole Barn roof for \$3,900 which includes the ridge vent and power washing the fascia and gutters.

ACTION OF THE MOTION

ROLL CALL VOTE:

AYES: Gage, Lee, Matzke, and Morford

NAYS: Martinson, Birchmeier, and Minaudo

MOTION CARRIED.

1-a-15. Building/Grounds/Bid Committee – Search for Township Concurrent Insurance Coverage

The Treasurer is waiting for another quote to come in; a Poll will be taken at that time to see what day, within the next two (2) weeks, would be convenient, to have a Special Meeting where a representative from the Insurance Company will do a presentation to the Board.

1-a-16. Consideration of Quotes from Professional Architect for Bid Specification Development for Flushing Township Nature Park Boardwalk Repairs

LEE MOVED, seconded by Morford, to waive the Policy Requirement of three (3) quotes in order to review the specifications, make a decision, and move ahead.

ACTION OF THE MOTION

ROLL CALL VOTE:

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

NAYS: Birchmeier and Minaudo

MOTION CARRIED.

LEE MOVED, seconded by Matzke, to approve Rowe Professional Services for \$6,400.

ACTION OF THE MOTION

ROLL CALL VOTE:

AYES: Matzke, Gage, Lee, and Morford

NAYS: Minaudo, Martinson, and Birchmeier

MOTION CARRIED.

V. NEW BUSINESS:

1-A. Approval of Fiscal Quarterly Budget

LEE MOVED, seconded by Gage, to accept the *Fiscal Quarterly Budget* as presented.

ACTION OF THE MOTION

ROLL CALL VOTE:

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

NAYS: Martinson and Minaudo

MOTION CARRIED.

1-B. Consideration/Discussion to fill in center of Potter Road and Stanley Road

BIRCHMEIER MOVED, seconded by Martinson, to accept the paving of 1.25 miles for a 10 foot width at 80#/syd at \$26,000, and also to include Traffic Control at \$100 for a total of \$26,100, for Stanley Road between Johnson Road and McKinley Road. The funds would be coming out of "Road Improvements."

ACTION OF THE MOTION

ROLL CALL VOTE:

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

NAYS: 0

MOTION CARRIED.

BIRCHMEIER MOVED, seconded by Martinson, to pave 2.5 miles of 10 foot paving @ 80#/syd, with the Township paying \$21,048.83, contingent upon Clayton Township paying an equal amount for the Potter Road project.

ACTION OF THE MOTION

ROLL CALL VOTE:

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

NAYS: 0

MOTION CARRIED.

1-C. Appointment for Planning Commission

BIRCHMEIER MOVED, seconded by Minaudo to accept Bill Mills as the replacement of a Planning Commission Member.

ACTION OF THE MOTION

ROLL CALL VOTE:

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

NAYS: 0

MOTION CARRIED.

1-D. Approval of Resolution for the “Bikes on the Bricks”

MORFORD MOVED, seconded by Gage, to approve the “Bikes on the Bricks” traveling on Elms Road on September 13, 2014 between the hours of 11:00 a.m. and 2:00 p.m.

ACTION OF THE MOTION

ROLL CALL VOTE:

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

NAYS: 0

MOTION CARRIED.

1-E. Approval of Norton Internet Security for the Server

MORFORD MOVED, seconded by Gage, to approve the Norton Internet Security for 2014 for the two (2) issues with the Server and the Workstations at a cost of \$227. 64.

ACTION OF THE MOTION

ROLL CALL VOTE:

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

NAYS: 0

MOTION CARRIED.

1-F. Approval of Election Source of Grand Rapids to do Test Decks for Elections

MORFORD MOVED, seconded by Matzke, to approve Election Source of Grand Rapids MI to do the Test Deck Testing for Elections for Flushing Township at a cost of \$565.00 per Election for the M-100’s and the AutoMarks.

ACTION OF THE MOTION

ROLL CALL VOTE:

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

NAYS: 0

MOTION CARRIED.

1-G. Closed Session: 1) Unit Clarification with MERC Regarding Police Department Secretary; 2) Dynamite Video Productions Invoice No. 40319; and Update on Lawsuit

11:20 P.M. Adjourned to Closed Session:

MINAUDO MOVED, seconded by Matzke, that the Board go into Closed Session per MCL 15.268(c)(h)(e) to review the items listed under 1-G of the Agenda.

ACTION OF THE MOTION

ROLL CALL VOTE:

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

NAYS: 0

MOTION CARRIED.

11:50 P.M. Reconvened to Regular Session:

MINAUDO MOVED, seconded by Birchmeier, to re-convene to Regular Session.

ACTION OF THE MOTION

ROLL CALL VOTE:

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

NAYS: 0

MOTION CARRIED.

* * * * *

RETURN TO ITEM 1-B – V. NEW BUSINESS:

RESOLUTION

AUTHORIZING THE EXPENDITURE OF \$26,100 for the paving of the center portion of Stanley Road from Johnson Road to McKinley Road.

RESOLUTION

AUTHORIZING THE EXPENDITURE OF \$21,048.83 for the paving of the center portion of Potter Road between Elms Road and Seymour Road contingent upon Clayton Township agreeing to pay an equal share for the paving of the center portion of Potter Road.

* * * * *

VI. REPORTS:

- 1. Flushing Township Police Department - Detective Mark Bolin
- 2. Flushing Fire Department Report from Chief Michaels – Supervisor Birchmeier
- 3. Flushing Township Park and Recreation Committee – Treasurer Lee
- 4. Flushing Area Senior Center – Clerk Morford
- 5. Commissions:
 - A. Planning Commission – Trustee Martinson

VII. COMMITTEE REPORTS:

1. Roads, Bridges, and Ditches – Supervisor Birchmeier
2. Sewer and Water – Supervisor Birchmeier
3. Township Emergency Manager – Supervisor Birchmeier

VIII. FINANCIAL REPORT: Read and accepted.

IX. BOARD COMMENTS:

Comments were given by Trustee Martinson, Treasurer Lee, and Supervisor Birchmeier

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

Five (5) individuals gave their comments.

12:24 A.M. - CLOSED PUBLIC COMMENTS

XI. THE NEXT REGULAR SCHEDULED BOARD OF TRUSTEES MEETING WILL BE THURSDAY, SEPTEMBER 14, 2014 AT 7:00 P.M. AT THE FLUSHING TOWNSHIP HALL.

XII. ADJOURNMENT: Supervisor Birchmeier adjourned the meeting at 12:25 a.m.

JULIA A. MORFORD, Clerk

RIAN R. BIRCHMEIER, Supervisor

APPROVED DATE: _____

08 14 2014 Regular Min