

CHARTER TOWNSHIP OF FLUSHING

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

DATE: JULY 9, 2015

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 P. Minaudo, and Attorney Steve Moulton
MEMBERS ABSENT: Scott Matzke

OTHER INDIVIDUALS PRESENT: Thirty Five (35) other individuals present.

ADOPTION OF THE AGENDA FOR JULY 9, 2015:

TRUSTEE MARTINSON MOVED, supported by Supervisor Birchmeier to adopt the agenda of the Board of Trustees Meeting of July 9, 2015 as presented.

Supervisor Birchmeier moved the approval of minutes and payment of bills to the end of the business section of the agenda.

Trustee Martinson said she had an amendment to unfinished business number one, G for heating and cooling maintenance contract in the township offices in the amount of \$2,400 (Clerk Morford stated the amount was \$2,200)

TREASURER LEE MOVED, supported by Clerk Morford to remove Item H from New Business.

ACTION ON THE MOTION
ROLL CALL VOTE:
MOTION CARRIED UNANIMOUSLY

TREASURER LEE MOVED, supported by Clerk Morford to add to the closed session discussion of pending grievances filed on behalf of the teamsters with regard to a settlement or how to proceed with that matter. The basis for that exemption is MCL 15.268 (a & e).

ACTION ON THE MOTION
ROLL CALL VOTE:
AYES: Gage, Lee, Minaudo and Morford
NAYS: Martinson and Birchmeier
MOTION CARRIED

SUPERVISOR BIRCHMEIER MOVED to approve the agenda with all the amendments made.

ACTION ON THE MOTION
MOTION FAILED DUE TO LACK OF SUPPORT

TRUSTEE GAGE MOVED, supported by Treasurer Lee to approve the agenda with all the amendments made.

ACTION ON THE MOTION
ROLL CALL VOTE:
AYES: Minaudo, Morford, Lee and Gage
NAYS: Birchmeier and Martinson
MOTION CARRIED

III. PUBLIC COMMENTS

7:10 P.M. OPEN FOR PUBLIC COMMENTS
Five people gave comments
7:18 P.M. CLOSED FOR PUBLIC COMMENTS

IV. UNFINISHED BUSINESS

1. Closed Session

TREASURER LEE MOVED, supported by Trustee Gage to go into closed session at 7:20 PM to discuss pending grievances filed on behalf of the teamsters with regard to a settlement or how to proceed with that matter and the basis for that exemption is MCL 15.268 (a & e).

Trustee Martinson asked that the record reflect that she really hated to go in empty handed not knowing what these grievances were about.

Supervisor Birchmeier did not go into the closed session.

ACTION ON THE MOTION

ROLL CALL VOTE:

AYES: Gage, Lee, Minaudo and Morford

NAYS: Martinson and Birchmeier

MOTION CARRIED

RETURN FROM CLOSED SESSION AT 7:53 PM

TRUSTEE MINAUDO MOVED, supported by Trustee Gage due to the grievances, the Supervisor has until July 15, 2015 at 5:00 PM to respond to the allegations on whether or not he responds by that time or not the Personnel committee will reconvene and make sure everybody is aware of the date and time so the Supervisor, his attorney and our attorney and anyone else involved in that will be in attendance.

ACTION ON THE MOTION

ROLL CALL VOTE:

AYES: Minaudo, Martinson, Gage, Lee and Morford

NAYS: Birchmeier

MOTION CARRIED

A. Discussion on following items:

1. Fire Hydrant Markers – Supervisor Birchmeier

SUPERVISOR BIRCHMEIER MOVED, supported by Trustee Martinson to approve the purchase of Product Number SP OO1506, which is a Steel Flag Hydrant Marker priced at \$12.56 each which will be a total of 300 markers @ \$12.56 for a total of \$3,768 and that amount to come out of the water fund.

ACTION ON THE MOTION

ROLL CALL VOTE:

MOTION CARRIED UNANIMOUSLY

2. Main Office Generator and Furnace – Supervisor Birchmeier

SUPERVISOR BIRCHMEIER MOVED, supported by Trustee Martinson that the Building, Grounds and Bid Committee to retrieve bids for the purpose of purchasing a furnace for the main office to replace the existing boiler and also retrieve bids for the purpose of purchasing a generator for the main office.

ACTION ON THE MOTION
ROLL CALL VOTE:
MOTION CARRIED UNANIMOUSLY

3. Township Truck – Supervisor Birchmeier

SUPERVISOR BIRCHMEIER MOVED, supported by Trustee Martinson to require the Township Maintenance person to use the township truck while on duty for township business with the exception, if the township truck isn't available because of any mechanical issues or repairs.

ACTION ON THE MOTION
ROLL CALL VOTE:
AYES: Martinson and Birchmeier
NAYS: Gage, Minaudo, Lee and Morford
MOTION FAILED

4. Employee Payroll Sheet – Supervisor Birchmeier

SUPERVISOR BIRCHMEIER MOVED, supported by Trustee Martinson to direct the Personnel Director to email a report to the Supervisor all directives by the Clerk and Treasurer given to the part time maintenance person.

ACTION ON THE MOTION
ROLL CALL VOTE:
AYES: Birchmeier and Martinson
NAYS: Morford, Lee, Gage and Minaudo
MOTION FAILED

5. Flushing Township Nature Park Brochure – Supervisor Birchmeier

SUPERVISOR BIRCHMEIER MOVED, supported by Trustee Martinson to amend the Flushing Township Park Brochure Map to include, incorporating in the map legend, the location of the fishing pier and the canoe launch.

TRUSTEE MARTINSON MOVED TO AMEND THE MOTION, supported by Supervisor Birchmeier the next time the brochures are to be reprinted that the full Board has the opportunity to offer suggestions.

ACTION ON THE AMENDED MOTION
ROLL CALL VOTE:
MOTION CARRIED UNANIMOUSLY

6. Township Records – Supervisor Birchmeier

SUPERVISOR BIRCHMEIER MOVED, supported by Trustee Martinson to have the Building, Grounds and Bids Committee look into what the cost would be to clean up and organize all records from the Clerk's Office and take back to the fire proof room.

ACTION ON THE MOTION

ROLL CALL VOTE:

AYES: Martinson, Birchmeier, and Minaudo

NAYS: Gage, Lee and Morford

MOTION FAILED

7. Communications Committee – Supervisor Birchmeier

SUPERVISOR BIRCHMEIER MOVED, supported by Trustee Minaudo to appoint Trustee Martinson to the Communications Committee.

ACTION ON THE MOTION

ROLL CALL VOTE:

AYES: Martinson, Birchmeier and Minaudo

NAYS: Gage, Lee and Morford

MOTION FAILED

8. Minutes Publication of Proceeding Policy – Supervisor Birchmeier

SUPERVISOR BIRCHMEIER MOVED, supported by Trustee Martinson to go ahead and amend the Publication Policy to include in our minutes the resolutions approved by the Board, the hearing notices and reading of ordinances.

Attorney Moulton clarified the motion by stating “in between the last sentence, insert ”resolutions approved by the Board, ordinances read at that meeting and hearing notices”...retain the last sentence and no other information.

ACTION ON THE MOTION

ROLL CALL VOTE:

AYES: Martinson, Minaudo, Birchmeier and Morford

NAYS: Gage and Lee

MOTION CARRIED

- B. Approval of the following pages that include policies and procedures that were adopted at our regularly scheduled Board Meeting on March 12, 2015.

Motion to approve the following pages that include policies and procedures that were adopted at our regularly scheduled Board Meeting on March 12, 2015 and shared with you at the Board Meeting on June 11, 2015: page 8, page 9, page 11, page 12, page 25, page 31, and page 45.” Documentation was share with you at our last meeting”...please study/compare with our March 12, 2015 Board minutes for accuracy. – Trustee Martinson

TRUSTEE MARTINSON MOVED, supported by Trustee Minaudo to accept all the pages I have shared with you except on page 12 and 13 under Items on the Agenda, those two for next month.

ACTION ON THE MOTION

ROLL CALL VOTE:

AYES: Martinson, Minaudo and Birchmeier

NAYS: Morford, Gage and Lee

MOTION FAILED

- C. Board appointment of Trustee Bonnie Jean Martinson to keep Policies and Procedures Manual updated:

Motion to have the Board appoint me, Trustee Martinson, to be responsible for keeping the Policies and Procedures Manual updated (with the assistance of Attorney Moulton's paralegal Lorraine Nemecek) and for giving each Board Member copies of updated/revised/new pages to keep their individual manual current" – Trustee Martinson

TRUSTEE MARTINSON MOVED, supported by Trustee Minaudo to drop letter C from the agenda.

ACTION ON THE MOTION

ROLL CALL VOTE:

AYES: Minaudo, Martinson, Gage, Lee and Morford

NAYS: Birchmeier

MOTION CARRIED

- D. Motion to approve the Flushing Township Office Maintenance Plan proposed by Goyette Mechanical – Clerk Morford

CLERK MORFORD MOVED, supported by Trustee Minaudo that we go with Goyette Mechanical, at the present time, for the Flushing Township Office Maintenance Plan.

CLERK MORFORD MOVED TO AMEND THE MOTION, supported by Trustee Minaudo to approve the Flushing Township Office Maintenance Plan proposed by Goyette Mechanical.

ACTION ON THE AMENDED MOTION

ROLL CALL VOTE:

MOTION CARRIED UNANIMOUSLY

V. NEW BUSINESS

- A. Motion to approve the Fiscal Year end Quarter Budget for March 31, 2015 – Treasurer Lee

TREASURER LEE MOVED, supported by Trustee Gage, approval of the 4th Quarter Fiscal Year End Budget.

ACTION ON THE MOTION

ROLL CALL VOTE:

AYES: Lee, Gage and Morford

NAYS: Martinson, Birchmeier and Minaudo

MOTION FAILED

- B. Motion to approve Genesee County Water and Waste Services rate increase effective October 2015 billing cycle. The new rate will be an increase of .38 cents per 100 cubic feet. The Township's new rate due to the pass through of the increase from the County will be \$5.56 per 100 cubic feet. The Township is not receiving any additional income due to the increase – Treasurer Lee

TREASURER LEE MOVED, supported by Trustee Gage, to approve Genesee County Water and Waste Services rate increase effective October 2015 billing cycle. The new rate will be an increase of .38 cents per 100 cubic feet. The Township's new rate due to the pass through of the increase from the County will be \$5.56 per 100 cubic feet. The Township is not receiving any additional income due to the increase

ACTION ON THE MOTION

ROLL CALL VOTE:

AYES: Gage, Lee, Minaudo, Morford and Martinson

NAYS: Birchmeier

MOTION CARRIED

- C. Addition of New Policy to Policies and Procedures Manual
Motion to add the following policy to our *Policies and Procedures Manual* to be placed on page 8 – **BOARDS, COMMISSIONS, AND COMMITTEES** – between Board of Trustees and Planning Commission: “A Member of a Flushing Township Board, Commission, or Committee (such as **Planning Commission, Zoning Board of Appeals, Board of Review, and Flushing Township Nature Park Committee**), must be a resident in good standing of the Township of Flushing and vacant positions shall be open to ALL residents of Flushing Township ONLY – Trustee Martinson

TRUSTEE MARTINSON MOVED, supported by Supervisor Birchmeier, to add the following policy to our Policies and Procedures Manual to be placed on page 8 – **BOARDS, COMMISSIONS, AND COMMITTEES** – between Board of Trustees and Planning Commission: “A member of a Flushing Township Board, Commission, or Committee (such as **Planning Commission, Zoning Board of Appeals, Board of Review, and Flushing Township Advisory Committee**), must be a resident in good standing of the Township of Flushing and vacant positions shall be open to ALL residents of Flushing Township ONLY.

TRUSTEE MARTINSON AMENDED THE MOTION, supported by Supervisor Birchmeier to state: Must be a resident in good standing of Flushing Township and vacant positions should first be open to all residents of Flushing Township.

ACTION ON THE AMENDED MOTION

ROLL CALL VOTE:

AYES: Birchmeier and Martinson

NAYS: Lee, Minaudo, Gage and Morford

MOTION FAILED

ACTION ON ORIGINAL MOTION

ROLL CALL VOTE:

AYES: Martinson and Birchmeier

NAYS: Minaudo, Gage, Lee and Morford

MOTION FAILED

D. Elimination of two directives

Motion to eliminate the two directives that specifically took away the many duties and responsibilities of the Supervisor and that were brought to the Board for approval by Treasurer Lee and Clerk Morford. This action would be the first step in trying to reduce the hostile work environment in the office AND reduce the hostility that becomes apparent at our Board Meetings – Trustee Martinson

TRUSTEE MARTINSON MOVED, supported by Supervisor Birchmeier to eliminate the two directives that specifically took away the many duties and responsibilities of the Supervisor and that were brought to the Board for approval by Treasurer Lee and Clerk Morford. This action would be the first step in trying to reduce the hostile work environment in the office AND reduce the hostility that becomes apparent at our Board Meetings

ACTION ON THE MOTION

ROLL CALL VOTE:

AYES: Birchmeier and Martinson

NAYS: Morford, Lee, Gage and Minaudo

E. Discussion on:

1. Flushing Township Road Improvement Plan for the Local Road System 2016-2018 – Supervisor Birchmeier

SUPERVISOR BIRCHMEIER MOVED, supported by Trustee Martinson to approve the Flushing Township Road Improvement Plan for the Local Road System 2016-2018.

ACTION ON THE MOTION
ROLL CALL VOTE:
MOTION CARRIED UNANIMOUSLY

2. MTA Class “Hot Topics in Planning and Zoning” – Supervisor Birchmeier

SUPERVISOR BIRCHMEIER MOVED, supported by Trustee Minaudo to approve attendance at the MTA Class “Hot Topics in Planning and Zoning” for whoever would like to attend. The regular rate is \$101.00 after July 28, 2015 and the discounted rate of \$81.00 before July 28, 2015.

TRUSTEE MINAUDO MOVED TO AMEND THE MOTION, supported by Trustee Gage to Approve attendance at the MTA Class “Hot Topics in Planning and Zoning” in Frankenmuth for whoever would like to attend. The cost is \$101.00 after July 28, 2015 and \$81.00 before July 28, 2015. If you don’t attend or leave early after registering for the conference, you will be responsible for reimbursing the Township.

ACTION ON THE AMENDED MOTION
ROLL CALL VOTE:
MOTION CARRIED UNANIMOUSLY

3. *Policies and Procedures Manual* – Supervisor Birchmeier / Trustee Martinson

SUPERVISOR BIRCHMEIER MOVED, supported by Trustee Martinson to drop Item 3 from the agenda.

ACTION ON THE MOTION
ROLL CALL VOTE:
MOTION CARRIED UNANIMOUSLY

4. Building, Grounds and Bids Committee/Contract Negotiating and Grievances Committee/Personnel Committee – Supervisor Birchmeier

SUPERVISOR BIRCHMEIER MOVED, supported by Trustee Martinson to appoint Trustee Martinson to the Building, Grounds and Bids Committee/Contract Negotiating and Grievances Committee/Personnel Committee.

ACTION ON THE MOTION
ROLL CALL VOTE:
AYES: Birchmeier and Martinson
NAYS: Minaudo, Gage, Lee and Morford
MOTION FAILED

5. Parks and Recreation Committee – Supervisor Birchmeier

SUPERVISOR BIRCHMEIER MOVED, supported by Trustee Martinson to hold the Parks and Recreation Committee Meetings at the main office only, located at 6524 N. Seymour Road.

ACTION ON THE MOTION

ROLL CALL VOTE:

AYES: Minaudo, Martinson and Birchmeier

NAYS: Lee, Morford and Gage

MOTION FAILED

6. Main Office Mailbox/Township Mailbox – Supervisor Birchmeier

Concern of mail being left in mailbox over weekend was discussed and it was found that mail was held Friday and Saturday then delivered on Monday.

7. Freedom of Information Act (FOIA) Coordinator – Supervisor Birchmeier

SUPERVISOR BIRCHMEIER MOVED, supported by Trustee Martinson to appoint the Treasurer as the Freedom of Information Act Coordinator.

ACTION ON THE MOTION

ROLL CALL VOTE:

AYES: Birchmeier

NAYS: Martinson, Gage, Lee, Morford and Minaudo

MOTION FAILED

8. Violation of the “Ethics Policy for Elected Officials” by Treasurer, Maryion Lee, for her behavior unbecoming of a public official toward Supervisor Birchmeier – Supervisor Birchmeier

SUPERVISOR BIRCHMEIER MOVED, supported by Trustee Martinson, that Maryion Lee violated Sections 1,4, 5, 6, 8, and 9 of the Ethics Policies for an elected official.

ACTION ON THE MOTION

ROLL CALL VOTE:

AYES: Birchmeier

NAYS: Morford, Lee, Gage, Martinson and Minaudo

MOTION FAILED

9. Violation of the “Ethics Policy for Elected Officials” by Clerk, Julie Morford, for her behavior unbecoming of a public official toward Supervisor Birchmeier

SUPERVISOR BIRCHMEIER MOVED, supported by Trustee Martinson, that Julie Morford violated Sections 1, 4, 5, 6, 8, and 9 of the Ethics Policies for an elected official.

ACTION ON THE MOTION

ROLL CALL VOTE:

AYES: Birchmeier

NAYS: Minaudo, Martinson, Gage, Lee and Morford

MOTION FAILED

10. "Use of Township Equipment, Labor, Attorney and Premises Policy" – Supervisor Birchmeier

A brief discussion ensued regarding emails sent from the Attorney to Board Members.

- F. Motion to pay Michigan Townships Association \$5,384.38 for the Dues Invoice dated May 12, 2015 for the Annual Dues Covering 7/1/2015 through 6/30/2016 – Clerk Morford

CLERK MORFORD MOVED, supported by Trustee Gage to approve paying the Michigan Townships Association \$5,384.38 for the Dues Invoice dated May 12, 2015 for the Annual Dues Covering 7/1/2015 through 6/30/2016.

ACTION ON THE MOTION

ROLL CALL VOTE:

MOTION CARRIED UNANIMOUSLY

- G. Motion to approve the Treasurer appointing a working Deputy Treasurer, to work as needed, at \$10 per hour but not to exceed \$2,250, this fiscal year 2015-2016 – Treasurer Lee

TREASURER LEE MOVED, supported by Clerk Morford to appoint a working Deputy Treasurer, to work as needed, at \$10 per hour but not to exceed \$300, this fiscal year 2015-2016.

ACTION ON THE MOTION

ROLL CALL VOTE:

AYES: Gage, Lee, Martinson and Morford

NAYS: Minaudo and Birchmeier

MOTION CARRIED

VI. REPORTS

1. Flushing Township Police Department – Chief Fairchild
2. Flushing Fire Department – Supervisor Birchmeier
3. Flushing Area Senior Center – Clerk Morford
4. Financial Report – No Report

VII. COMMITTEE REPORTS:

1. Roads, Bridges, and Ditches – Supervisor Birchmeier

2. Sewer and Water – Supervisor Birchmeier

VIII. PUBLIC COMMENTS:

10:25 PM – OPEN FOR PUBLIC COMMENTS
Six persons gave comments
10:40 PM – CLOSED FOR PUBLIC COMMENTS

IX. BOARD COMMENTS:

Seven Board Members gave comments

APPROVAL OF JUNE 11, 2015 MINUTES

TRUSTEE MARTINSON MOVED, supported by Supervisor Birchmeier to add to the June 11, 2015 minutes, the time which Trustee Matzke left the meeting which was 7:56 P.M.

ACTION ON THE MOTION
ROLL CALL VOTE:
AYES: Morford, Birchmeier, Minaudo, and Martinson
NAYS: Lee and Gage
MOTION CARRIED

TRUSTEE MINAUDO MOVED, supported by Treasurer Lee to approve the June 11, 2015 minutes as amended.

ACTION ON THE MOTION
ROLL CALL VOTE:
AYES: Birchmeier, Minaudo, Martinson, Lee and Morford
NAYS: Gage
MOTION CARRIED

PAYMENT OF BILLS

TRUSTEE MINAUDO MOVED, supported by Trustee Gage to approve the payment of bills with correction noted by Trustee Martinson on page 3 for Karen Hopkins and Sue Thomas. It should have read 24 @ \$10 and 23 @ \$10 respectively.

ACTION ON THE MOTION
ROLL CALL VOTE:
MOTION CARRIED UNANIMOUSLY

X. NEXT REGULAR MEETING: THURSDAY, AUGUST 13, 2015 at 7:00 P.M.

XI. ADJOURNMENT: Meeting adjourned at 11:10 PM

JOYCE A. WILSON, Deputy Clerk

RIAN R. BIRCHMEIER, Supervisor

APPROVED DATE _____

07/09/2015 Regular Min