

CHARTER TOWNSHIP OF FLUSHING

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

DATE: MAY 11, 2017

TIME: 7:00 P.M.

PHONE: 810-659-0800

FAX 810-659-4212

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

ADMINISTRATION:

SUPERVISOR: Frederick R. Thorsby
CLERK: Wendy D. Meinburg
TREASURER: Terry A. Peck

TRUSTEES:

Jenifer Almassy
Daniel McGrath
Linda Minarik
William L. Westenbarger

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 FREDERICK R. THORSBY** with Roll Call and the Pledge of Allegiance to the American Flag.
- II. ROLL CALL:** Linda Minarik, Fred Thorsby, Dan McGrath, Jenifer Almassy, Wendy Meinburg, William Westenbarger, and, Terry Peck. Attorney Steven Moulton was also present.

MEMBERS ABSENT: None

OTHER INDIVIDUALS PRESENT: Nine (9)

APPROVAL OF AGENDA FOR MAY 11, 2017:

TRUSTEE ALMASSY MOVED, supported by Trustee Westenbarger to adopt the agenda.

THE MOTION CARRIED UNANIMOUSLY

APPROVAL OF DRAFT MINUTES OF REGULAR BOARD MEETING OF APRIL 13, 2017 MEETING:

TREASURER PECK MOVED, supported by Trustee McGrath to approve the minutes of the April 13, 2017 Board Meeting with a correction to page two “ACTION ON THE AMENDED MOTION”, it should have read **THE MOTION FAILED**, instead of “CARRIED”.

THE MOTION CARRIED UNANIMOUSLY

APPROVAL OF PAYMENT OF BILLS:

CLERK MEINBURG MOVED, supported by Trustee Almassy to approve the payment of bills.

Trustee Westenbarger questioned the two expenditures to Tri-City Computers. Clerk Meinburg stated the laptop computers used for elections had to be certified before the election and two of them malfunctioned after the certification and Tri-City Computers had to come back and fix them.

THE MOTION CARRIED UNANIMOUSLY

III. PUBLIC COMMENTS:

OPEN FOR PUBLIC COMMENTS: 7:24 P.M.

One individual commented about the trees that have piled up in the river under the bridge at Mt. Morris and may become a danger to watercraft.

CLOSED FOR PUBLIC COMMENTS: 7:26 P.M.

PRESENTATION:

Kevin Keane of Consumers Energy gave a brief presentation regarding Item (4) under New Business: First Reading of Ordinance No. 17-1 authorizing a franchise agreement with Consumers Energy. Attorney Moulton stated this ordinance was a requirement of the State Constitution. This agreement comes up every 30 years and indemnifies the Township for damages by Consumers Energy.

IV: NEW BUSINESS

1. Motion to approve creation of a MERS defined contribution retirement plan for new police hires after April 1, 2017 per the collective bargaining agreement with the Police Officers Labor Council – Supervisor

TREASURER PECK MOVED, supported by Trustee Almassy to approve creation of a MERS defined contribution retirement plan for new police hires after April 1, 2017 per the collective bargaining agreement with the Police Officers Labor Council.

Chief Fairchild stated with a defined contribution retirement plan, when the person retires, they take their money and invest it or do whatever they want with it. The obligation to the township is over at that time. Chief Fairchild stated the Township is essentially closing the defined benefit

program. Attorney Moulton questioned whether MERS would allow the Township Police to go to a pure defined contribution plan as there had been discussions of a possible blended plan. The Chief stated by closing the defined benefit program and going to the defined contribution plan, the Township would be accelerating the cost to pay that off. He stated he had done the research and had them amortize out to 2028 when the millage expires and it doesn't raise it enough to affect his budget and will increase paying off that debt. Attorney Moulton asked the Chief if he had looked into the financial consequences of implementing the defined contribution retirement plan. Chief Fairchild stated he had and it was much cheaper.

ACTION ON THE MOTION

ROLL CALL VOTE:

THE MOTION CARRIED UNANIMOUSLY

2. Motion to approve creation of a MERS Health Care Savings Account for new police hires after April 1, 2017, per the collective bargaining agreement with the Police Officers Labor Council – Supervisor

TREASURER PECK MOVED, supported by Clerk Meinburg to approve creation of a MERS Health Care Savings Account for new police hires after April 1, 2017, per the collective bargaining agreement with the Police Officers Labor Council.

Chief Fairchild in trying to cut back on the Township's extended debt, a tax free health care savings account would be created which would eliminate the Township's obligation for retirement health care. He stated the Township would contribute \$150 per month to the health care savings account and the employee could also contribute up to the \$150 amount. If this was done, feasibly, by retirement, there could be approximately \$50,000 in the account. This money could then be used to help with medical expenses between retirement and when Medicare would start.

Trustee Westenbarger questioned if this would eliminate the Township's responsibility of retirement health care costs and Chief Fairchild stated it would for anyone hired after April 1, 2017. He further pointed out this was just for retirement health care and the government, at that time, would govern whether something was considered a health care item.

In answer to clarification questions by Trustee Minarik and Westenbarger, it was stated this was for new hires after April 1, 2017.

ACTION ON THE MOTION

ROLL CALL VOTE:

THE MOTION CARRIED UNANIMOUSLY

3. Resolution to allow police officers to purchase MERS Service Credits in order to reach their retirement minimum and paid for entirely by the employee – Supervisor

CLERK MEINBURG MOVED, supported by Treasurer Peck to allow police officers to purchase MERS Service Credits in order to reach their retirement minimum and paid for entirely by the employee.

Chief Fairchild stated one of the goals was to reduce the Township's long term debt and this resolution would do that. He further stated allowing an employee to purchase up to five years to retire would reduce the Township's obligation to pay FICA, raises and health care costs while employed. It doesn't change our cost to MERS because we still have to pay for the employee's time here at the Township stated the Chief.

Supervisor Thorsby stated this was targeted toward those employees who are on the defined benefit plan.

ACTION ON THE MOTION

ROLL CALL VOTE:

THE MOTION CARRIED UNANIMOUSLY

4. Motion to approve the First Reading of Ordinance No. 17-1 authorizing a franchise agreement with Consumers Energy – Supervisor

ORDINANCE NO. 17-1

CONSUMERS ENERGY COMPANY GAS AND/OR ELECTRIC FRANCHISE ORDINANCE

AN ORDINANCE, granting to CONSUMERS ENERGY COMPANY, its successors
And assigns, the right, power and authority to lay, maintain and operate gas mains,
Pipes and services, and to construct, maintain and commercially use electric lines
Consisting of towers, masts, poles, crossarms, guys, braces, feeders, transmission and
Distribution wires, transformers and other electrical appliances on, along, across and
Under the highways, streets, alleys, bridges, waterways, and other public places, and to
do a local gas and/or electric business in the CHARTER TOWNSHIP OF FLUSHING,
GENESEE COUNTY, MICHIGAN, for a period of thirty years.

THE CHARTER TOWNSHIP OF FLUSHING ORDAINS:

SECTION 1. GRANT, TERM. The CHARTER TOWNSHIP OF FLUSHING, GENESEE COUNTY, MICHIGAN, hereby grants to the Consumers Energy Company, a Michigan corporation, its successors and assigns, hereinafter called the "Grantee," the right, power and authority to lay, maintain and operate gas mains, pipes and services, and to construct, maintain and commercially use electric lines consisting of towers, masts, poles, crossarms, guys, braces, feeders, transmission and distribution wires, transformers, and other electrical appliances on, along, across and under the highways, streets, alleys, bridges, waterways, and other public places, and to do a local gas and/or electric business in the CHARTER TOWNSHIP OF FLUSHING, GENESEE COUNTY, MICHIGAN, for a period of thirty years.

SECTION 2. CONSIDERATION. In consideration of the rights, power and authority hereby granted, said Grantee shall faithfully perform all things required by the terms hereof.

SECTION 3. CONDITIONS. No street, alley, bridge, highway, waterways, or other public place used by said Grantee shall be obstructed longer than necessary during the work of construction or repair, and shall be restored to the same order and condition as when said work was commenced. All of Grantee's structures and equipment shall be so placed on either side of the highways as not to unnecessarily interfere with the use thereof for highway purposes. All of Grantee's wires carrying electricity shall be securely fastened so as not to endanger or injure persons or property in said highways. The Grantee shall have the right to trim trees if necessary in the conducting of such business, subject, however, to the supervision of the highway authorities.

SECTION 4. HOLD HARMLESS. Said Grantee shall at all times keep and save the Charter Township free and harmless from all loss, costs and expense to which it may be subject by reason of the negligent construction and maintenance of the structures and equipment hereby authorized. In case any action is commenced against the Charter Township on account of the permission herein granted, said Grantee shall, upon notice, defend the Charter Township and save it free and harmless from all loss, cost and damage arising out of such negligent construction and maintenance.

SECTION 5. FRANCHISE NOT EXCLUSIVE. The rights, power and authority herein granted are not exclusive. The right to do a gas business and the right to do an electric business hereunder are several, and such rights may be separately exercised, owned and transferred. Either manufactured or natural gas may be furnished hereunder.

SECTION 6. EXTENSIONS. Said Grantee shall from time to time extend its gas and electric systems to and within said Charter Township, and shall furnish gas or electricity to applicants residing therein in accordance with applicable laws, rules and regulations.

SECTION. RATES. The Grantee shall be entitled to charge the inhabitants of said Charter Township for gas and/or electricity furnished therein, the rates as approved by the Michigan Public Service Commission, to which Commission or its successors authority and jurisdiction to fix and regulate gas and electric rates and rules regulating such service in said Charter Township, are hereby granted. Such rates and rules shall be subject to review and change at any time upon petition therefore being made by either said Charter Township acting by its Charter Township Board, or by said Grantee.

SECTION 8. REVOCATION. The franchise granted by this Ordinance is subject to revocation upon sixty (60) days written notice by the party desiring such revocation.

SECTION 9. MICHIGAN PUBLIC SERVICE COMMISSION, JURISDICTION. Said Grantee shall, as to all other conditions and elements of service, both gas and electric, not herein fixed, be and remain subject to reasonable rules and regulations of the Michigan Public Service Commission or its successors, applicable to gas or electric service in said Charter Township.

SECTION 10. REPEALER. This ordinance, when accepted and published as herein provided, shall repeal and supersede the provisions of a gas and/or electric ordinance adopted by the Charter Township Board on June 11, 1987 entitled:

AN ORDINANCE, granting to CONSUMERS POWER COMPANY, its successors and Assigns, the right, power and authority to lay, maintain and operate gas mains, pipes and services, and to construct, maintain and commercially use electric lines consisting of towers, masts, poles, crossarms, guys, braces, feeders, transmission and distribution wires, transformers and other electrical appliances on, along, across and under the highways, streets, alleys, bridges and other public places, and to do a local gas and/or electric business in the TOWNSHIP OF FLUSHING, GENESEE COUNTY, MICHIGAN for a period of thirty years.

And amendments, if any, to such ordinance whereby a gas and/or electric franchise was granted to Consumers Energy Company.

SECTION 11. EFFECTIVE DATE. This ordinance shall take effect upon the day after the date of publication thereof, provided, it shall cease and be of no effect after thirty days from its adoption unless within said period the Frantee shall accept the same in writing filed with the Charter Township Clerk. Upon acceptance and publication hereof, this ordinance shall constitute a contract between said Charter Township and said Grantee.

We certify that the foregoing ordinance was duly enacted by the Charter Township Board of CHARTER TOWNSHIP OF FLUSHING, GENESEE COUNTY, MICHIGAN, on the ____day of _____, 2017.

Fredrick Thorsby, Charter Township Supervisor

Attest:

Wendy Meinburg, Charter Township Clerk

TRUSTEE WESTENBARGER MOVED, supported by Clerk Meinburg to approve the First Reading of Ordinance No. 17-1 authorizing a franchise agreement with Consumers Energy.

ACTION ON THE MOTION

ROLL CALL VOTE:

THE MOTION CARRIED UNANIMOUSLY

- 5. Motion to approve the price from the county for the Calcium Chloride for the 2017 Dust Control Program – Supervisor

Supervisor Thorsby pointed out the cost of the Dust Control Program was essentially a 50-50 split with the County and was included in the budget.

TREASURER PECK MOVED, supported by Clerk Meinburg to approve the price from the county for the Calcium Chloride for the 2017 Dust Control Program.

ACTION ON THE MOTION

ROLL CALL VOTE:

THE MOTION CARRIED UNANIMOUSLY

6. Motion to approve a contract with Rowe Professional Services Company to provide "As Needed Planning Services" to Flushing Township – Supervisor

CLERK MEINBURG MOVED, supported by Treasurer Peck to approve a contract with Rowe Professional Services Company to provide "As Needed Planning Services" to Flushing Township.

Supervisor Thorsby stated Rowe Engineering has done work with the Township for many years and their help would be used mostly on commercial site plans.

Trustee McGrath, who is the Board representative on the Planning Commission, stated the Planning Commission had discussed this at their last meeting and he would recommend tabling this item to give the Supervisor time to speak with the Planning Commission.

Discussion ensued and it was pointed out that other engineering firms could also be used and the cost would be covered by the fees to the owners through the Planning Commission fees for Site Plan Review, etc. Attorney Moulton pointed out the Township formerly employed a Building Inspector which made this process easier.

TRUSTEE MCGRATH MOVED, supported by Trustee Almassy to table this item until the Planning Commission could discuss this item with Supervisor Thorsby at their next meeting.

THE MOTION CARRIED WITH TRUSTEE WESTENBARGER DISSENTING.

7. Motion to approve a Code Enforcement Plan – Supervisor

Supervisor Thorsby briefly reviewed the four (4) options for code enforcement to the Board.

Trustee McGrath stated this was another item the Planning Commission had discussed at their meeting and would like to meet with the Supervisor.

Chief Fairchild gave a brief review of how the Township Police Department currently handles Code Enforcement.

Trustee Westenbarger stated out of the four (4) options only item one would not cost the Township.

Trustee Almassy asked if records were kept and the Chief stated they were.

TREASURER PECK MOVED, supported by Trustee Westenbarger to continue with the Police Department addressing issues as time permits (Item #1) and keep records of what they are facing and revisit this item later in the year.

THE MOTION CARRIED UNANIMOUSLY.

8. Motion to appoint the Township Supervisor as Zoning Administrator and the Township Assessor as the Assistant Zoning Administrator – Supervisor

Supervisor Thorsby stated the Supervisor previously was the Zoning Administrator and this motion would reinstate that.

CLERK MEINBURG MOVED, supported by Trustee McGrath to appoint the Township Supervisor as Zoning Administrator and the Township Assessor as the Assistant Zoning Administrator.

THE MOTION CARRIED UNANIMOUSLY.

9. Motion to approve the appointment of Timothy Lloyd to the Zoning Board of Appeals – Clerk

Trustee Minarik asked for some background information on Mr. Lloyd and Supervisor Thorsby stated Mr. Lloyd was an insurance agent and had expressed an interest of serving the Township.

CLERK MEINBURG MOVED, supported by Treasurer Peck to approve the appointment of Timothy Lloyd to the Zoning Board of Appeals.

THE MOTION CARRIED UNANIMOUSLY.

10. Motion to approve the purchase of a sign for the Flushing Township Office Complex – Supervisor

TRUSTEE ALMASSY MOVED, supported by Trustee Westenbarger to approve the purchase of a sign for the Flushing Township Office Complex from Flatlander Signs because the business was in Flushing and it was a clean, crisp design.

ACTION ON THE MOTION

ROLL CALL VOTE:

AYES: Thorsby, Meinburg, McGrath, Westenbarger and Almassy

NAYS: Peck and Minarik

THE MOTION CARRIED

11. Motion to approve Weed Control Services – Treasurer

TREASURER PECK MOVED, supported by Trustee McGrath to go with Elite Lawn Services for Weed Control Services.

THE MOTION CARRIED UNANIMOUSLY.

The Board discussed the roofing issue of the Township Building with the Board asking Trustee Westenbarger to put the bid specification together and email to Clerk Meinburg.

TRUSTEE ALMASSY MOVED, supported by Clerk Meinburg to have Trustee Westenbarger put together a bid specification sheet outlining what we want the contractors to bid on and email to the board members and if everyone agrees, the Clerk can then publish it and mail to contractors that might be interested in bidding. Unless otherwise directed by the Board, all bids are to be in writing, submitted to the Clerk and received prior to closing date and time.

THE MOTION CARRIED UNANIMOUSLY.

V. REPORTS

1. Supervisor's Report – given by Supervisor Thorsby

Still working on getting the ordinances in order. Also, worked with an oversight committee that has been formed to deal with the situation at the middle school that resulted in the death of a young female student. A Citizens Task Force is going to be formed to help deal with the traffic conditions at the Middle School. Compliments to Clerk Meinburg on a successful first election.

2. Clerk's Report – given by Clerk Meinburg

Gave a brief report on the election. Also, stated the Township has been reimbursed for the expenses incurred during the last election because of the problems with the ballots.

3. Treasurer's Report – given by Treasurer Peck

Purchased additional CD's with some of excess money in checking account. Trustee Minarik had a question regarding the negative numbers on page six of the budget and Treasurer Peck said he would check.

4. Police Report – given by Chief Fairchild

The Chief reviewed the report with the Board. He also informed the Board of a donation of an AED (Automated External Defibrillator) from a new Cardiologist who just moved in on Pierson Road. Also, the physician plans to donate more AED's in the future. He also spoke briefly on the accident middle school. Trustee Almassy thanked the chief for his help regarding the accident. The Chief also clarified an item for Trustee Westenbarger.

5. Fire Department Report – given by Supervisor Thorsby

VI. PUBLIC COMMENTS:

OPEN FOR COMMENTS: 8:55 P.M.

One individual gave comments

CLOSED FOR COMMENTS: 8:57 P.M.

VII. BOARD COMMENTS:

Trustees Westenbarger, Almassy and Peck gave brief comments.

VIII. ADJOURNMENT:

TRUSTEE WESTENBARGER MOVED, supported by Trustee Minarik to adjourn the meeting at 9:00 P.M.

THE MOTION CARRIED UNANIMOUSLY.

WENDY D. MEINBURG, Clerk

FREDERICK R. THORSBY, Supervisor

APPROVED DATE _____

RECORDING SECRETARY: Joyce A. Wilson, Deputy Clerk

05/11/2017 Regular Min