

CHARTER TOWNSHIP OF FLUSHING

6524 N. SEYMOUR ROAD

FLUSHING, MICHIGAN 48433

SPECIAL BOARD OF TRUSTEES MEETING

DATE: DECEMBER 15, 2008

TIME: 7:00 P.M.

PHONE: 810-659-0800

FAX 810-659-4212

WEB PAGE: <http://www.flushingtowship.com>

ADMINISTRATION MEMBERS

SUPERVISOR: Donald A. Schwieman

CLERK: Julia A. Morford

TREASURER: William J. Noecker

TRUSTEES

Michael S. Gardner

Scott R. Matzke

Scott P. Minaudo

Mark H. Purkey

TOWNSHIP ATTORNEY:

STEVEN MOULTON

Cooley Moulton & Smith LLP

727 S. Grand Traverse Street

Flint, Michigan 48502

MEETING CALLED TO ORDER at 7:00 p.m. by **SUPERVISOR DONALD A. SCHWIEMAN (SCHWIEMAN)** with Roll Call and the Pledge to the American Flag.

ROLL CALL: Schwieman, Morford, Noecker, Matzke, Minaudo, and Attorney Steve Moulton

MEMBERS ABSENT: Gardner and Purkey

OTHER INDIVIDUALS PRESENT: 15 other interested residents

SCHWIEMAN stated the Meetings would follow Roberts Rules of Order. **ATTORNEY MOULTON** stated *Roberts Rules of Order* was adopted was to make meetings for all types of bodies, including and legislative and municipal bodies to function in a smooth and orderly fashion to see that business gets accomplished in a business like manner and still provide everyone with an opportunity to express their opinions.

Roberts Rules of Order is part of the mechanism for the operation of this Boards Meeting; as the new Board learns the ways and means of doing things, it will help to lubricate the system and move things along.

ATTORNEY MOULTON stated items that required Board action where someone has to make a motion for the action to do something, needs to be listed on the Agenda, generally under "Unfinished Business" or "New Business". Most times that will set the scope for the Board Meeting. If someone wishes to amend the agenda, there is a process to do that but that should be a very infrequent occurrence. The reason for having items listed on the Agenda is because the Agenda has to be posted ahead of time and gives the public notice as to what is going to be considered at the meeting and if it looks like there is nothing of interest to the individual, the individual could rely on the Agenda and not attend the meeting. There should not be the situation where something of importance or someone in public occurred at a meeting and the individual was not in attendance because the item was not on the Agenda. Things do arise unexpectedly but there is a process to amend the Agenda.

ATTORNEY MOULTON stated that he receives the Agenda ahead of time and if there is something which he (Attorney Moulton) could not address, it would give the attorney the opportunity to research the law that would apply to the issue.

The Board activity should almost always be limited to those items posted on the Agenda either under "New Business" or "Unfinished Business".

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

DISCUSSION:

- **MINAUDO** thought the only items that would be on the Agenda were the Treasurer’s Banking Issue and the Review of Water and Sewer Rate Increase.
- **SCHWIEMAN** stated his intention was to bring the Appointments and Commission Appointments to the next meeting. The only thing that was not mentioned was the Genesee County Neighborhood Stabilization Grant for Purchase of Properties.
- **ATTORNEY MOULTON** stated the law was clear, if an item is posted as part of the Agenda for a Special Meeting within the time frame as required, it is considered clear. The two (2) items under “Unfinished Business” were discussed and motions made with a tie vote.
- **NOECKER** stated he thought there would only be two (2) items discussed at the meeting: 1) Review New Water and Sewer Rate Increase Presentation by Mr. Rowe and 2) Approval of Financial Institutions which the Treasurer had requested to do business.
- **SCHWIEMAN** stated the Board Appointments and Committee Appointments was to accommodate every member of the Board and others in the community.
- **MATZKE** stated he thought the Water and Sewer Presentation would be coming up first and the Financial Institutions. SCHWIEMAN had called and said there would be changes made; but he (Matzke) did not know if the issues would be voted on or not.
- **MORFORD** stated she knew the Board and Committee Appointments were going to be on the Agenda. There are people on the Planning and Zoning Commission that need to be informed. There has already been a Planning Commission Meeting. The only thing she did not know would be on the Agenda was the Genesee County Neighborhood Stabilization Grant for Purchase of Properties.

ACTION OF THE MOTION:

Amendment to the motion on the floor.

MORFORD MOVED, seconded by Matzke to amend the original motion to delete the Genesee County Neighborhood Stabilization Grant for Purchase of Properties. The only thing remaining would be the Board Appointments, Committee Appointments, Approval of Financial Institutions, and Review of Water and Sewer Rate Increases.

ROLL CALL VOTE:

AYES: Matzke, Morford, Schwieman,
 NAYS: Minaudo and Noecker MOTION CARRIED.
 ABSENT: Purkey and Gardner

MATZKE MOVED, seconded by Morford to adopt the Agenda.

ROLL CALL VOTE:

AYES: Matzke, Morford, Schwieman,
 NAYS: Minaudo and Noecker MOTION CARRIED.
 ABSENT: Purkey and Gardner

7:21P.M. – OPEN FOR PUBLIC COMMENTS:

Three (3) interested people gave their opinions.

7:31 P.M. – CLOSED TO PUBLIC COMMENTS

UNFINISHED BUSINESS FOR CONSIDERATION:

1. Approval of Board Appointments (Board of Trustees; Planning; Zoning Board of Appeals; Parks and Recreation; and Water

SCHWIEMAN stated he was impressed with the number of people from the community that wanted to help the Township. There are rules which the Board has to abide by such as:

1. There can only be one (1) Flushing Township Board Member on the Planning Commission.
2. From the minutes of the November 13, 2008 Board of Trustees Meeting, there was an amendment to the Flushing Township Nature Park Committee that Mr. Fitch, and Mr. Swanson to serve through 2009; Ms. Drozdowski and Mr. Wheatley are to serve through 2010.

BREAKDOWN OF APPOINTMENTS:

1. Supervisor is on nine (9) committees
2. Clerk is on five (5) committees
3. Treasurer is on five (5) committees
4. Trustee Gardner is on four (4) committees
5. Trustee Matzke is on four (4) committees
6. Trustee Minaudo is on four (4) committees
7. Trustee Purkey is on four (4) committees

Total of 35 Board Appointments; 29 Additional Appointments are experienced township residents. **SCHWIEMAN'S** suggestion would be not to change too much too soon.

ZONING BOARD OF APPEALS consists of: Edward Henneke, Eric Swanson, James Sarka, Richard Vaughn, and Scott Minaudo.

PLANNING COMMISSION consists of: Mark Newman, Jerry Doyle, Eric Swanson, Richard Buell, Ron Flowers, David Gibbs, and Mark Purkey.

BOARD OF REVIEW consists of: Robert Myers, William Mills, and Lyle Eavy.

ATTORNEY MOULTON stated that because of their experience, both Mr. Henneke and Mr. Newman are able to get business accomplished in an orderly fashion before the participants and their rights of both our ordinances and State Law and minimize the township's exposure to lawsuits.

MORFORD MOVED, seconded by Matzke to approve the appointments for 2009 for the Zoning Board of Appeals, Planning Commission and the Board of Review.

DISCUSSION:

- **NOECKER** felt there needed to be new blood and fresh ideas on the Boards; it would not be a great idea to put three (3) new people on the Board of Review, but perhaps two (2) new people. **NOECKER** would like to recommend John Cuddeback to be on the Board of Review.

ACTION OF THE MOTION:

ROLL CALL VOTE:

AYES: Morford, Schwieman, Matzke

NAYS: Minaudo and Noecker

ABSENT: Purkey and Gardner

MOTION CARRIED.

2. Approval of Committee Appointments

9-1-1 COMMITTEE: Donald Schwieman, Scott Matzke, and Scott Minaudo

BUILDING/GROUNDS/AND BIDS COMMITTEE: Julia Morford, William Noecker and Mark Purkey

- CIVIL DEFENSE LIAISON OFFICER:** Donald Schwieman and Chief Kennedy
- CONDEMNED STRUCTURES:** Jerry Fitch
- COMMUNITY DEVELOPMENT:** Donald Schwieman, Donald Liske, and Michael Gardner
- CONTRACT NEGOTIATING COMMITTEE:** Donald Schwieman, Michel Gardner, Terry Peck, and Mark Purkey
- FINANCE COMMITTEE:** William Noecker, Michael Gardner, and Ken Shumate
- FLUSHING TOWNSHIP ROADS:** Donald Schwieman, Tom Staley, Ronald Hammond
- FREEDOM OF INFORMATION COORDINATOR:** Julia Morford
- GENESEE COUNTY PARKS AND RECREATION:** Thomas Enright
- GENESEE COUNTY ROADS AND BRIDGES:** Donald Schwieman, John Cuddeback, and Ronald Hammond
- GENESEE COUNTY WATER AND WASTE:** William Noecker, Michael Gardner, and Scott Matzke
- METROPOLITAN PLANNING ALLIANCE:** Donald Schwieman and Dan Adamson
- MTA GENESEE COUNTY CHAPTER:** Julia Morford and Scott Minaudo
- PARKS AND RECREATION COMMITTEE:** William Noecker, Robert DeWolley, Jack Wheatley, Jeff Swanson, Pat Drozdowski, Scott McPherson, and Jerry Fitch
- POLICE COMMISSIONER:** Donald Schwieman
- POLICE COMMITTEE:** Mark Purkey, Scott Minaudo, Scott Matzke, Mike Glover, and Gordon Sommers
- SENIOR CENTER COMMITTEE:** Ronald Flowers, Dan Adamson, and Donald Schwieman
- TOWNSHIP ELECTION COMMITTEE:** Julia Morford, Scott Minaudo, and Shirley Gage
- TOWNSHIP PERSONNEL COMMITTEE:** Donald Schwieman, Julia Morford, and William Noecker
- TOWNSHIP SEWER/WATER COMMITTEE:** Donald Schwieman, Nigel Fox, and Scott Matzke

NOECKER MOVED, seconded by Morford to approve the 2009 Committee Appointments.

DISCUSSION:

- **MINAUDO** only mentioned two (2) places that he wanted to be on, but he wasn't placed on either committee.
- **NOECKER** glad to serve on any committees. Felt that in the future, Board Members should have more time to negotiate.
- **SCHWIEMAN** will take into consideration the positions for next year.

ACTION OF THE MOTION:

ROLL CALL VOTE:

AYES: Morford, Noecker, Schwieman, Matzke

NAYS: Minaudo – felt the issue should be on the next Agenda

MOTION CARRIED.

ABSENT: Purkey and Gardner

NEW BUSINESS

1. Approval of Financial Institution

NOECKER stated he needed three (3) more institutions to place the Flushing Township money into so that all the funds were insured under FDIC. The best deals that **NOECKER** has found and is about to be withdrawn is the State Bank of Davison, State Bank of Fenton and the Western Michigan State Bank. All the banks are sister banks but are separate entities. The institutions would give the township twelve (12) months and would expire prior to the FDIC deadline for \$250,000.00 insurance in each individual institution which would expire on December 31, 2009. **NOECKER** has contacted all nine (9) institutions in the Charter Township of Flushing Administration Policies and

Procedures Manual. **NOECKER** is offering a second chance to two (2) local banks, which he would prefer to deal with.

NOECKER MOVED, second by Morford that the Board approve the Treasurer's authorization to add the State Bank of Fenton, the Davison State Bank, and Western Michigan State Bank to the list of approved institutions as found on page 26 of the Charter Township of Flushing Administration Policies and Procedures Manual which also complies with the Michigan Public Act 20 as stated of page 24 of said Manual.

ROLL CALL VOTE:

AYES: Morford, Noecker, Schwieman, Matzke, and Minaudo

NAYS: 0 MOTION CARRIED.

ABSENT: Purkey and Gardner

2. Review of Water Rates for Flushing Township – Presentation by Dave Rowe of Inland Seas Engineering

DAVE ROWE (ROWE) of Inland Seas Engineering was present to give a Review of Water Rates for Flushing Township.

PAST HISTORY:

- In 2007, hired by the Flushing Township Board to review the water and sewer rate changes contemplated by Genesee County Water and Waste Division.
- Genesee County buys the water from Detroit.
- In July 2007, presented a study which the Board of Trustees adopted the rates necessary at the time.
- Two (2) Fees for Water Service:
 - a. Readiness to Serve Fee – basically to serve
 - b. Commodity Fee – usage
 - c. When someone pays a water bill to Flushing Township, they are paying for “Ready to Serve fee” and for the amount of water the household actually uses.
 - d. Everyone pays the “Ready to Serve” fee.
 - e. The commodity fee is paid according to the usage.
- Most households are in the 1,200 cubic feet per bi-monthly base.
- All rates are bi-monthly (bills are sent out every other month).
- Two Rates for Sewer Service:
 - a. Genesee County bills the township for sewer per meter basis which is a fixed fee for everyone and varies on the size of the meter.
 - b. Most people have the 5/8” or 3/4” meter; commercial has a larger line.
- Current value of the water system in the ground in Flushing Township is about \$18,000,000.00
- Current value of the sewer system in Flushing Township is about \$4,000,000.
- The infrastructure is relatively new compared to other areas.
- The first water main was put in 1968 in response to people having bad wells.
- Residents got together and requested Flushing Township sell bonds to build water systems.
- Areas in the township that are financially feasible has water.
- There are 12” mains running on sectional line roads (main roads) such as McKinley
- Smaller mains usually 6” to 8” diameter run through the subdivisions.
- Sewers were built south of the River from Elms Road to Seymour Road.
- Sanitary Sewers are county maintained and the township has no responsibility to do maintenance.
- There is a need to build more sewers in the next few years but very expensive.
- Sewer rates were raised last year due to the sewage treatment charge.
 - a. The fee for treating sewage is based on the amount of water that is used through the water meter.
 - b. In 2008, a few residents that are low water users received a benefit of a new structure and paid a smaller fee.

- October 2008, it was necessary to review the sewer and water rates. Readiness to Serve fee was raised one hundred twelve (112%) percent. At the same time the usage rate was changed to \$2.41 per 100 cubic feet.

THREE SCHEDULES WERE COMPARED:

- **Schedule A** – “pass through” the rates but kept the dollar figure that was being used prior for township administration the same. Only takes care of the County Fee.
- **Schedule B** – use the same “Readiness to Serve” fee which the County dictated and raised the commodity fee by the same percentage as before.
- **Schedule C** – used the County rate for “Readiness to Serve” fee and added three (3%) percent for inflation figure on top of the previous share of the “Readiness to Serve” fee which would be four (4) cents per 100 cubic feet.
- Commodity Usage same as Schedule A with the County’s increase with the township’s mark up with the same dollar figure.

OTHER MISCELLANEOUS FACTS:

- There is \$22,000,000.00 worth of systems in Flushing Township. The Township is very fortunate that the former board put the township in a good financial position on water and sewer.
- **SCHWIEMAN** stated there was an Agreement for all 494 hydrants that must be inspected at least once a year; the hydrants must be flushed and winterized once every year; paint as needed.
- The township is required every seven (7) years to clean a length of sewer and run a video through it to make sure there are no leaks in the system. (CMOMS).
- Most vulnerable system is the Mt. Morris Road bridge as the sewer line runs under the river going to the mobile home park.
- Flushing Township uses the premium material for the systems.

RECOMMENDATION: to accept Schedule B of the Water and Sewer Rate Increase.

- **NOECKER** felt since the Agenda mentioned “Review” it was suggested the Board would only hear Mr. Rowe’s presentation. **SCHWIEMAN** stated the issue was on the Agenda because the township would be loosing two (2) months at \$7,000.00 per month if the Board doesn’t vote on increased rate change.
- **MINAUDO** stated that Mr. Rowe had stated the issue should be “digested”.
- **ATTORNEY MOULTON** stated the Board could authorize the “pass through” only at the current time and then review the issue later.

MORFORD MOVED, seconded by Minaudo to pass through both the water and sewer rate increase to the Township from the County at the point; the issue will be discussed at the next regularly scheduled meeting.

ROLL CALL VOTE:

AYES: Schwieman, Noecker, Matzke, Minaudo, and Morford

NAYS: 0 MOTION CARRIED.

ABSENT: Purkey and Gardner

SCHWIEMAN will bring further information for the Neighborhood Grant to the next regularly scheduled Board Meeting.

9:05 P.M. OPEN FOR PUBLIC COMMENTS:

One (1) interested individual gave his opinion

9:05 P.M. CLOSED FOR PUBLIC COMMENTS

THE NEXT REGULAR SCHEDULED BOARD OF TRUSTEES MEETING IS THURSDAY, JANUARY 8, 2009 AT 7:00 P.M.

ADJOURNMENT: Due to lack of further business, **SCHWIEMAN** adjourned the meeting at 9:10 p.m.

JULIA A. MORFORD, Clerk

DONALD A. SCHWIEMAN, Supervisor

APPROVED DATE: _____

12/15/08 Regular S