

CHARTER TOWNSHIP OF FLUSHING

6524 N. SEYMOUR ROAD

FLUSHING, MICHIGAN 48433

SPECIAL BOARD OF TRUSTEES MINUTES

DATE: MARCH 31, 2009

TIME: 7:00 P.M.

PHONE: 810-659-0800

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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 of Allegiance to the American Flag.

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

MEMBERS ABSENT: Gardner

OTHER INDIVIDUALS PRESENT: 4 other interested individuals

SCHWIEMAN requested to amend the Agenda to include the Flushing Township Police Chief's Retirement Plan.

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

ROLL CALL VOTE:

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

NAYS: 0 **MOTION CARRIED.**

ABSENT: Gardner

NEW BUSINESS:

CLOSED SESSION:

7:05 P.M. ADJOURNED TO CLOSED SESSION:

PURKEY MOVED, seconded by Matzke to go into Closed Session for the purpose of reviewing the Police Chief's Retirement Contract and for reviewing the possible retirement contract of a Township Patrol Officer. The Board would be considering as a written opinion provided by **ATTORNEY MOULTON** to the Supervisor in December and a Supplemental Opinion regarding that issue and the Open Meetings Act allows a Closed Session to consider material exempt from discussion and disclosure by State and Federal Statute. The Michigan Courts have recognized the attorney/client privilege to discuss a written attorney opinion as one of the reasons for the Board to go into Closed Session.

ROLL CALL VOTE:

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

NAYS: 0 **MOTION CARRIED.**

ABSENT: Gardner

8:15 P.M. RECONVENED TO REGULAR SESSION:

1. Review and Possible Action Regarding Retirement Contract for Flushing Township Police Chief

PURKEY RECOMMENDED THAT ATTORNEY MOULTON MAKE THE MOTION ON HIS (Purkey) BEHALF

BACKGROUND:

As the Board knows that the Police Chief indicated that he would be willing to consider retirement and his current Employment Contract requires sixty (60) days notice. The Police Chief, his attorney, Attorney Moulton, and the Township Supervisor have put together a Statement of Benefits that would be provided to the current Police Chief upon retirement. That Statement is an extrapolation of the benefits that would be provided pursuant to the existing Employment Agreement of the Current Police Chief and the Township Board made in December 2007. That Agreement incorporates by reference the existing Command Contract.

The Statement had several revisions and was reviewed by Police Chief, his attorney, the Township Supervisor and **ATTORNEY MOULTON**.

ATTORNEY MOULTON, ON BEHALF OF MR PURKEY, MOVED, seconded by Matzke that the Township Board approve and ratify the Statements of Retirement Benefits to be Provided to the Police Chief with the understanding that once that is given to the Police Chief, he will provide notice to the Board no later than tomorrow to retire effective no later than May 31, 2009.

ROLL CALL VOTE:

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

NAYS: 0 **MOTION CARRIED.**

ABSENT: Gardner

2. Review and Possible Action Regarding Retirement Contract for Flushing Township Patrol Officer

MINAUDO MOVED, seconded by Noecker to table the item to the next scheduled board meeting for more information.

ROLL CALL VOTE:

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

NAYS: 0 **MOTION CARRIED.**

ABSENT: Gardner

PUBLIC COMMENTS:

8:17 P.M. OPEN FOR PUBLIC COMMENTS:

None

8:18 P.M. CLOSED FOR PUBLIC COMMENTS

THE NEXT BOARD OF TRUSTEES MEETING IS SCHEDULED FOR THURSDAY, APRIL 9, 2009 AT 7:00 P.M.

ADJOURNMENT: Due to lack of further business, **SCHWIEMAN** adjourned the meeting at 8:18 p.m.

JULIA A. MORFORD, Clerk

DONALD A SCHWIEMAN, Supervisor

APPROVED DATE: _____