

# CHARTER TOWNSHIP OF FLUSHING

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

DATE: SEPTEMBER 11, 2008 TIME: 7:00 P.M.

PHONE: 810-659-0800 FAX 810-659-4212

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

**ADMINISTRATION MEMBERS**

SUPERVISOR: Andrew Trotogot  
CLERK: Julia A. Morford  
TREASURER: Carl G. Liepmann

**TRUSTEES**

Ann L. Fotenakes  
Scott Minaudo  
Barry Pratt  
Ida M. Reed

**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 ANDREW TROTOGOT (TROTOGOT)** with Roll Call and the Pledge to the American Flag.

**ROLL CALL:** Trotogot, Morford, Liepmann, Fotenakes, Minaudo, Pratt, Reed, and Attorney Steve Moulton

**MEMBERS ABSENT:** None

**OTHER INDIVIDUALS PRESENT:** 27 other interested residents

**APPROVAL OF THE AGENDA: FOTENAKES MOVED,** seconded by Pratt to adopt the Agenda as presented. MOTION CARRIED.

**APPROVAL OF MINUTES OF AUGUST 14, 2008: REED MOVED,** seconded by Liepmann to approve the Minutes of August 14, 2008 as printed. MOTION CARRIED.

**APPROVAL OF BILLS: FOTENAKES MOVED,** seconded by Minaudo to pay the bills as listed. Questions: Check No. 32057 and 32058 to Municipal Employees Retirement System

**ROLL CALL VOTE:**

AYES: Fotenakes, Minaudo, Pratt, Reed, Morford, Liepmann, and Trotogot

NAYS: 0 MOTION CARRIED.

**7:04 P.M. - PUBLIC HEARING: TRUTH IN TAXATION AND BUDGETING**

**LIEPMANN** stated the Township is required, by law, to hold a Public Hearing on the Truth in Taxation and Budgeting; three (3) years ago the Township was allowed, by law, to combine the Truth and Taxation and Budgeting hearing. The following was published in the Flushing Observer according to State Statute:

**TRUTH IN BUDGETING NOTICE  
CHARTER TOWNSHIP OF FLUSHING  
GENESEE COUNTY**

The Charter Township of Flushing Board of Trustees will hold a Public Hearing on the proposed township budget for fiscal year 2009 at Flushing Township Hall, 6524 N. Seymour Road, Flushing,

Michigan 48433 on Thursday, September 11, 2008 at 7:00 p.m. **\*THE PROPERTY TAX**

**MILLAGE RATE PROPOSED TO BE LEVIED TO SUPPORT THE PROPOSED**

**BUDGET WILL BE A SUBJECT OF THIS HEARING.** A copy of the budget and the tax calculations will be available for public inspection at the above location during normal business hours.

This notice complies with state statutes MCL 141.436 and MCL 211.24E.

Carl G. Liepmann  
Treasurer

**LIEPMANN MOVED**, seconded by Pratt to approve the Truth and Budgeting Notice as published in the newspaper.

**DISCUSSION:**

- **FOTENAKES** wanted the material clarified so the public could understand the issue: Was the millage being raised?
- **LIEPMANN** stated the millage was the same as it had been since the Headlee Amendment came into affect. The proposed millage would be the same as the year before.

**ACTION OF THE MOTION:**

ROLL CALL VOTE:

AYES: Minaudo, Pratt, Reed, Morford, Liepmann, Fotenakes, and Trogotog

NAYS: 0 MOTION CARRIED.

**REVIEW OF 2008/2009 BUDGET:**

<b>REVENUES:</b>	<b><u>From</u></b>	<b><u>To</u></b>
Reimbursement – Water Fund Expense	122,000	118,000
Investment on Investments	26,000	18,000
<b>EXPENSES:</b>		
Clerical Cost Center Totals	44,300	21,000
(To be added) Unemployment Reimbursement		7,500
<b>Treasurer:</b>		
Clerical Wages	27,000	29,000
<b>Water Department – Clerical</b>	<b>23,000</b>	<b>26,500</b>
<b>Cemetery</b>	<b>8,000</b>	<b>20,000</b>
<b>PARK &amp; RECREATION FUND:</b>		
Waste Mgmt Designated Revenue	0	3,000
(Donated money to the Nature Park)		
Printing and Publications	100	2,500
Equipment Repairs & Maintenance	1,000	2,000

**MOTION #1:**

**LIEPMANN MOVED**, seconded by Reed that the Board of Trustees approve the Supervisor and Personnel Committee’s recommendation that the Township lay-off the Receptionist/Qualified Voter employee effective September 18, 2008; proper notification has been given to the employee.

**DISCUSSION:**

- **FOTENAKES:** thought the employee had given notification to leave so that she could go to school.
- **LIEPMANN:** the employee had given notice in June 2008, that she would be taking her clinicals (she is studying to be a nurse) which would start the first of January. In July 2008, the employee had notified the Supervisor that she would not be quitting because she was pregnant. There was a discussion regarding the already proposed lay-off and the date of September 18, 2008 was determined to be the lay-off date.

- **FOTENAKES:** could there be any litigations regarding laying off the employee?
- **LIEPMANN:** the employee was not contesting the lay-off. The lay-off would be a cost savings in the next two and one-half (2 ½) months of \$4,573; \$17,220 savings over the fiscal year; and a projected savings of \$36,700 for next year. Municipalities are considered reimbursing employers which would mean that dollar for dollar the municipal would only pay back to the State whatever the unemployment cost amounted to. The estimated unemployment cost would be \$7,155.
- **FOTENAKES:** how many weeks would the employee draw unemployment?
- **LIEPMANN:** the employee would draw for twenty-seven (27) weeks.
- **FOTENAKES:** is the twenty-seven (27) weeks automatic because the State has different extensions. **FOTENAKES** contacted the unemployment office and was told the extension was determined by the verdict of the State as to whether the employee was attending school. **FOTENAKES** wanted to know if the unemployment was taken out of the employee’s wages. Was the issue kept as a line item on the budget because it could affect the Police Department if there should have to be lay-offs.
- **LIEPMANN:** the line item would be added to the budget entitled “Unemployment Reimbursement”. Currently, there is a line item of \$7,500 which would cover the lay-off of the current employee; the figure could be changed in the future.
- **MINAUDO:** does the Board know if there would be an extension?
- **LIEPMANN:** there aren’t any extensions at the present; the decision would be determined by the State.
- **LIEPMANN:** the new BS & A software has provided for the jobs to be done more efficient and quicker which has allowed for the lay-off.
- **FOTENAKES:** the concern was that the employee had intended to leave anyway; but the employee had notified Administration that she had decided to stay with the Township.

**ACTION OF THE MOTION:**

ROLL CALL VOTE:

AYES: Pratt, Reed, Morford, Liepmann, Minaudo, and Trogot

NAYS: Fotenakes MOTION CARRIED.

**CLERK’S NOTE:** **MORFORD** has chosen Karen Fras to replace her current Deputy Clerk Tracy Rosencrantz. Compensation will remain the same.

**MOTION #2:**

**LIEPMANN MOVED,** seconded by Minaudo to approve the changes to the 2008-2009 budget as presented including the payment of the Cost of Living Allowance (COLA), to be the first pay in November based on the Midwest or Detroit/Ann Arbor Consumer Price Index (CPI), which ever is less.

**DISCUSSION:**

- **FOTENAKES:** would the employee, that is being laid off, receive the COLA?
- **LIEPMANN:** the employee would receive the COLA through her date of lay off.

**ACTION OF MOTION:**

ROLL CALL VOTE:

AYES: Reed, Morford, Liepmann, Fotenakes, Minaudo, Pratt, and Trogot

NAYS: 0 MOTION CARRIED.

**1. 2009-2010 BUDGET (To take effect April 1, 2009).**

**LIEPMANN** stated with the requirements for publication of a budget, there would not be time for the new Board of Trustees to get the budget resolved. The new Board of Trustees has every right under the Charter Township Act to change the budget but every department head has to have a budget turned in one hundred fifty (150) days prior to the

start of the fiscal year. The Supervisor, or designate, has thirty (30) days to get the budget in order to present a final budget one hundred twenty (120) days before the end of the fiscal year. The budget is approved in September each year. The below listed are minor changes to the Budget:

<b>REVENUES:</b>	<u><b>From</b></u>	<u><b>To</b></u>
Reimbursement Water Fund	122,000	102,000
State Shared Revenues	740,000	745,000
Election Reimbursement	10,000	1,200

<b>EXPENDITURES:</b>	<u><b>From</b></u>	<u><b>To</b></u>
Clerical	44,300	0
All cost centers are basically the same As the previous budget and total Expenditures are \$3,200 less in the General Fund. There is an anticipated Fund Balance on 03/31/10 of <u>\$518,643.</u> All other General Fund Sub Funds are consistent with last year. The budgets are all positive Budgets.		

**POLICE FUND:**  
The Budget would have to be addressed following the November Election. This fund has a negative budget and therefore could not be approved by the Board.

<b>DRUG ENFORCEMENT FUND:</b>		
Revenues:	35	35
Ending Fund Balance	198	228

**LIETMANN MOVED**, seconded by Fotenakes to approve the 2009-2010 Budget as presented with the exception of the Police Budget which will be set aside until the December Board Meeting due to the fact that it is a negative budget at this time.

**DISCUSSION:**

- **LIETMANN:** the Financial Statements from Plante and Moran, Flushing Township Auditors, would be attached to the current minutes.
- **FOTENAKES:** the entire audit would be available on the State of Michigan web site; a copy could also be obtained at the Flushing Township Office.
- **LIETMANN:** the current meeting was a scheduled Public Hearing for purposes of approving the budget; a second Public Hearing would have to be published in December for the Police Budget.

**ACTION OF MOTION:**

ROLL CALL VOTE:

AYES: Morford, Liepmann, Fotenakes, Minaudo, Pratt, Reed, and Trogot

NAYS: 0 MOTION CARRIED.

**7:32 P.M. – PUBLIC HEARING CLOSED**

**UNFINISHED BUSINESS:**

None

## NEW BUSINESS

1. Recommendation from the Planning Commission for approval of AN ORDINANCE TO AMEND SECTION 20-200 OF THE ZONING ORDINANCE FOR THE TOWNSHIP OF FLUSHING TO INCLUDE THE STATUTORY DEFINITIONS FOR “CHILD CARE CENTER” “FAMILY DAY CARE HOME” AND “GROUP DAY CARE HOME” AND TO PROVIDE FOR THE ISSUANCE OF A SPECIAL USE PERMIT FOR A CHILD CARE CENTER, FAMILY DAY CARE HOME OR GROUP DAY CARE HOME ON THE CONDITIONS ESTABLISHED HEREIN.

**PRATT** stated a Public Hearing had been held to amend Section 20-200 of the Zoning Ordinance for the Township of Flushing was for the purpose to include the statutory definitions for “Child Care Center”, “Family Day Care Home”, and Group Day Care Home” and to provide for the issuance of a special use permit for a child care center, family day care home, or group day care home on the conditions established.

The current ordinance doesn’t clarify good definitions of child care centers, family day care homes, and group day care homes and there have been so many different qualifications for the different types of homes. Two (2) things could be done to clarify the status of the special use permit: 1) discretionary = where an individual would have to come before the Planning Commission or 2) non-discretionary = where the building inspector could automatically issue the permit.

The State of Michigan has their own list of requirements for child and day care centers which would supersede the Flushing Township Ordinance. If the day care homes met the State requirements, there would be nothing the Planning Commission could do and a special use permit would have to be issued since the Planning Commission could not place any conditions on the request. It was determined by the Planning Commission to let **JERRY FITCH**, Flushing Township Building Inspector, issue the special use permit as long as the individual had everything in line per the States requirements. The ordinance would amend the ordinance to be non-discretionary.

### DISCUSSION:

- **FOTENAKES:** what governed the State licensing board. There are some homes that are not licensed.
- **PRATT:** when the Building Inspector reviewed the paper work and saw that the home was licensed, he (Fitch) would know the home had already met the requirements and could proceed and issue the special use permit. If the home was not licensed, the applicant would not get the special use permit.

**PRATT MOVED**, seconded by Reed to adopt the amendment to the ordinance Section 20-200 concerning Child Care Centers, Group Day Care Homes, and Family Day Care Homes to be a non-discretionary special use permit. **MOTION CARRIED.**

### 2. Certification of Collective Bargaining Representation (Main Office)

**TROTOGOT** has received papers from the Michigan Department of Labor & Economic Growth Employment Relations Commission – Labor Relations Division (MERC) for Petition for Representation Proceedings regarding the request from the employees in the Main Office to join a bargaining unit. **LIEMANN MOVED**, seconded by Reed to recognize Teamsters Local 214 as the exclusive bargaining representative for all full-time and regular part-time non-supervisory employees, pursuant to election petition filed with MERC Case No. R08-H-107.

### DISCUSSION:

- **FOTENAKES:** was the request, by the employees, only for the purpose of the bargaining unit meet to answer questions.
- **LIEMANN:** there are two (2) choices that management has: 1) either approve the bargaining unit at the current meeting or 2) the bargaining unit could hold a

vote and the Board of Trustees would have to accept the decision. There are seven (7) employees involved and all are in favor of the union.

- **FOTENAKES:** what was the next step. **LIEPMANN:** the next step would be to go into negotiations.

**ACTION OF THE MOTION:**  
MOTION CARRIED.

**3. Approval of Michigan Townships Association (MTA) Evening Planning and Zoning Workshops at Frankenmuth, Michigan**

**PRATT MOVED**, seconded by Liepmann that anyone on the Planning Commission that would like to attend the “MTA Evening Planning and Zoning Practical Application of Michigan’s Enabling Act” Workshop be able to attend. It was also mentioned that any winning candidates from the August Primary be able to attend by paying their own way.

**DISCUSSION:**

- **FOTENAKES:** The early bird cost of \$70 would apply.
- **MORFORD:** if any candidate that won the August Election would like to attend the workshop, they be able to attend at an early-bird rate of \$70. The workshop will be held on October 14, 2008 at Frankenmuth, Michigan

**ACTION OF THE MOTION:**

ROLL CALL VOTE:

AYES: Liepmann, Fotenakes, Minaudo, Pratt, Reed, Morford, and Trotogot

NAYS: 0 MOTION CARRIED.

**4. Review and Discussion of Four (4) Day Work Schedule**

**TROTOGOT** stated the Main Office Personnel “loved the new schedule” and would like to keep the four day – ten hour work week.

**LIEPMANN MOVED**, seconded by Minaudo that *4.1, Standard Workday* of the *Charter Township of Flushing Policies and Procedures Manual* be changed to read as follows:

**4.1 Standard Workday:** The Charter Township of Flushing Administration Building is open 8:00 a.m. to 6:00 p.m. Monday through Thursday and closed on Friday. The Assessor and Building Inspector start work at 9:00 a.m. each day. The standard workweek for office employees is thirty-six (36) hours.

**DISCUSSION:**

- **FOTENAKES:** are there enough people coming into the office after 5:00 p.m. to merit being open until 6:00 p.m.
- **LIEPMANN:** a lot of people have been coming in between 5:00 p.m. to 6:00 p.m. which has worked out better than being open from 5:00 p.m. to 8:00 p.m. on Wednesday evening.
- **MINAUDO:** has it been determined the “new work schedule” has saved money or is it too soon to determine the cost factor.
- **LIEPMANN:** by being closed, the township has not been operating any computers; the cautionary lights are the only lights on in the office; and the employees are not driving to work on Fridays, etc.
- **FOTENAKES:** would like to hear the motion again regarding the \$2.00 wage increase for the two (2) office personnel.
- **MINAUDO:** why wouldn’t the new union negotiate the \$2.00 wage increase?
- **LIEPMANN:** the \$2.00 wage increase would take effect Monday, September 22, 2008.

**ACTION OF THE MOTION:**

MOTION CARRIED.

**LIEPMANN MOVED**, seconded by Reed to increase the Water Clerk and the Tax Clerk’s hourly rate by \$2.00 per hour to reflect the increase in duties they received by taking over from another employee.

**DISCUSSION:**

- **MINAUDO:** felt the reason the office employee was being laid off was because the computer system and the work wasn’t needed. He (Minaudo) felt the \$2.00 should have been part of the negotiations.
- **LIEPMANN:** stated the work could be handled by two (2) people; the two (2) employees’ workload would be increased and would be more restrictive as there would only be two (2) people out front. There would be a cost savings to the township.
- **FOTENAKES:** in a previous employment situation and was under the union, if the work load was increased, she did not get additional money added to her wages.

**ACTION OF THE MOTION:**

ROLL CALL VOTE:

AYES: Pratt, Reed, Morford, Liepmann, and Trotogot

NAYS: Fotenakes and Minaudo                    MOTION CARRIED.

**COMMITTEE REPORTS:**

**1. Parks and Recreation Committee**

Flushing Township Nature Park Manager Tom Enright stated he was inviting current and new candidates to a Luncheon on Friday, September 19, 2008 from 11:30 a.m. to 1:00 p.m. The purpose would be to show off the updates to the Flushing Township Nature Park.

**REPORTS:**

1. **Building Inspector’s Report: REED MOVED**, seconded by Fotenakes to accept the Building Inspector’s Report. MOTION CARRIED.
2. **Treasurer’s Report: REED MOVED**, seconded by Fotenakes to accept the Treasurer’s Report. MOTION CARRIED. **LIEPMANN** stated there was a new law that the Treasurer must report to the Board of Trustees no less than quarterly of the investment portfolio; the report comes monthly.

**BOARD COMMENTS:**

None

**7:56 P.M. PUBLIC COMMENTS OPEN:**

1. **Joseph Wisniewski, 8329 Apple Blossom Lane, Flushing** – “wanted to know the correct requirements for retirement because Liepmann had stated 50 years and 25 years of service; Appendix H of the Policies and Procedures Manual states 55 years and 15 years of service; does the Police Department have a Cost of Living (COLA). **LIEPMANN** stated the Police Department is 50 years of age for retirement. **FOTENAKES** stated the Police Department has their own contract and Policies and Procedures Manual which is different from the Main Office. The Township (Main Office) retirement requirement is age 55 years of age. **LIEPMANN** stated there wasn’t any increase at this time until the cost of living was figured. The Police Department does not receive a cost of living.
2. **David Ransom, 5094 Deland, Flushing** – “what is being done about junk cars.” **TROTOGOT** stated the Police Department is taking care of the situation. All

vehicles have to be licensed. **REED** stated the junk ordinance also states the vehicle has to be operatible.

**8:00 PUBLIC COMMENTS CLOSED**

**THE NEXT BOARD OF TRUSTEES MEETING IS SCHEDULED FOR THURSDAY, OCTOBER 9, 2008 AT 7:00 P.M.**

**ADJOURNMENT:** Due to lack of further business, **TROTOGOT** adjourned the meeting at 8:00 p.m.

---

JULIA A. MORFORD, Clerk

---

ANDY TROTOGOT, Supervisor

APPROVED DATE: \_\_\_\_\_

09/11/08 Regular