

**CHARTER TOWNSHIP OF FLUSHING  
6524 N. SEYMOUR ROAD  
BOARD OF TRUSTEES**

**DATE: MARCH 9, 2006**

**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 of

Cooley Moulton & Smith

Attorneys at Law

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

**MEMBERS ABSENT:** None

**OTHERS PRESENT:** 23 interested individuals

**MEETING CALLED TO ORDER** at 7:00 by **SUPERVISOR TROTOGOT** with Roll Call and the Pledge to the American Flag.

**TROTOGOT** would like to add two (2) items to the Agenda to be listed under "New Business": Number 7, Presentation of Wireless Genesee by Jimmy King and Number 8, 2006 Law Day Proclamation.

**ADOPTION OF THE AGENDA: FOTENAKES MOVED**, seconded by Pratt to adopt the Agenda with the two (2) additional items being listed under "New Business": Number 7, Presentation of Wireless Genesee by Jimmy King and Number 8, 2006 Law Day Proclamation. **MOTION CARRIED.**

**APPROVAL OF MINUTES OF FEBRUARY 9, 2006: REED MOVED**, seconded by Fotenakes to approve the Minutes of January 12, 2006 as presented.

**DISCUSSION:** Minaudo would like the wording listed under VIII. "Board Comments", Number 2 to read as follows:

"**MINAUDO** wanted to know if there was a change in procedure for placing an item on the Agenda. There had been certain items that he had ask to have placed on the Agenda, but the items were not placed on the Agenda. **TROTOGOT** ask which items - **MINAUDO** advised two (2) items referencing the Code Enforcement Officer.

**REED** explained that if a person wanted an item on the Agenda, he/she should put the requested agenda item wording in writing as to what he/she wanted on the Agenda. It would also be valuable to put documentation with the request so that if another Board Member had a question, they could research the subject and obtain more information to go along with the subject, before the Board Meeting.

**FOTENAKES** stated the previous procedure had never actually put the request in writing, only by a telephone call. **REED** suggested the procedure should be changed. **MINAUDO** has requested items be on the Agenda; if the proposed items were in writing there would be proof, with everyone including the Supervisor, than an item and the reason had been requested to be on the Agenda. **LIEPMANN** stated the Policy Manual addressed the matter. **LIEPMANN** stated sometimes last minute items have come up without enough time to get the documentation to all the Board Members before the

meeting. It was determined the Policy Manual would be reviewed; if the matter was not spelled out, a motion would be made to change the Policy Manual.

**PRATT** stated the last minute agenda items would not allow the Board Member to have the information; **FOTENAKES** stated last minute items could always be added to the Agenda at the time of the meeting.

**ACTION OF THE MOTION:**

**REED MOVED**, seconded by Fotenakes to accept the Minutes of February 9, 2006 with the changes. MOTION CARRIED.

**APPROVAL OF BILLS: FOTENAKES MOVED**, seconded by Minaudo to pay the bills as listed. Items of concern: The Flint Journal statement of \$765.60 for publications; Check No. 15501 to Lynn Peavey Company for super glue; Check No. 15496 to the Genesee County Register of Deeds for \$38.00; Check No. 15499 to Goyette Mechanical Company for \$1,144.50; Check No. 15516 to Crystal Printing and Check No. 15517 to the Flushing Postmaster.

ROLL CALL VOTE:

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

NAYS: 0 MOTION CARRIED.

**PUBLIC HEARING**

**7:10 P.M. OPENED – Purpose of Establishing the Assessment Roll for the Stanley Road Waterline District No. 2006-1 (Stanley Road extending 3,991 feet East from Johnson Road toward Elms Road).**

**LIEPMANN** stated a Notice of Public Hearing was published in the Flushing Observer on February 26, 2006 and March 5, 2006 which stated:

“A Public Hearing will be held at the Charter Township of Flushing, 6524 N. Seymour Road, Flushing, Michigan on Thursday, March 9, 2006 at 7:00 p.m. for the purpose of establishing the Assessment Roll for the Stanley Road Waterline District #2006-1. The thirty-four (34) parcels are located on Stanley Road extending 3,991 feet East from Johnson Road toward Elms Road. All parties within the approved district are notified that they must attend this hearing and give written notice if they wish to protest their inclusion in the Waterline Assessment Roll.”

A Notice of Public Hearing of Special Assessment Roll was mailed to everyone in the Stanley Road Assessment District.

**LIEPMANN** stated there was very limited means of being relieved from inclusion in the Assessment Roll – the main reason, an individual would not benefit from the water line. (Benefit= the water is not available to you).

**QUESTIONS FROM THE AUDIENCE:**

1. **Spencer Ballard, 7321 Stanley Road, Flushing** – “would not benefit from the waterline; he has one hundred sixty (160) feet of frontage on Stanley Road; his house was built back from the road and faces Bowman Drain; going West and parallel to Bowman Drain is a seventy-two (72) inch sewer line; his frontage of property is non-buildable; the distance for the direction that he would have to take, would make it cost prohibitive to have the waterline; he has previously obtained an estimate from Consumers Energy to run natural gas back to his home and it was over \$9,000; in a straight line there would be approximately five hundred twenty-five (525) feet to the house. **LIEPMANN** stated normally the township approved anyone that lived more than seven hundred fifty (750) feet would not have to connect to the water. **LIEPMANN** suggested having the Flushing Township Water Committee review the issue and make a determination to come to the Board of Trustees with the issue. **LIEPMANN** thought the Assessment Roll

could be set with one pending parcel. **LIEPMANN** will review the matter with Water and Waste and the contractor and determine where the waterline would be in relation to the house and the engineered plans as to where the waterline would be in relation to the Bowman Drain.

2. **Jim Porn, 7292 Stanley Road, Flushing** – “the Bowman Drain runs through his front yard so where would the water line come from to connect to.” **LIEPMANN** stated the Genesee County Drain Commission (Drain Commission) would bore under the drain.
3. **Darlin Singleton, 7306 Stanley Road, Flushing** – “they own more than one parcel.” **LIEPMANN** stated if there were two (2) parcels, there would be two (2) assessments. No one is required to connect to the waterline, but if there was a parcel without a house, the assessment would be benefiting the parcel. **LIEPMANN** stated the parcel owner would save \$1,000 (CCIF fee) during the first year to connect to the waterline; the date period would be from the date the waterline is ready to connect to (completed) and the date the Township sends a letter to the parcel owner stating “the waterline is eligible to connect to”. **SINGLETON** felt the residents were being “nickel and dimed” since everything is being done one project at a time. **LIEPMANN** stated presently, the only thing of concern was the waterline. When the construction has been completed, there will be a new road and waterline.

**LIEPMANN MOVED**, seconded by Fotenakes to approve the Assessment Roll as written with the possible exception of 7321 Stanley Road, Flushing, which will be reviewed by the Water Committee and a determination made at a later date. **MOTION CARRIED.**

#### **7:25 P.M. – PUBLIC HEARING CLOSED**

#### **UNFINISHED BUSINESS:**

None

#### **NEW BUSINESS:**

1. **Second Reading of Ordinance to Amend Sections 12-62, 12-63, and 12-67 of the Code of Ordinances to Define “Junk” “Recreational Vehicles” “Recreational Items” and “Properly Stored”; To Require the Proper Storage of Junk, Recreational Vehicles, and Recreational Items; and to make Violation of Sections 12-61 through 12-66 a Misdemeanor**

**FOTENAKES MOVED**, seconded by Minaudo to approve the Second Reading of an Ordinance to Amend Sections 12-62, 12-63, and 12-67 of the Code of Ordinances to Define “Junk” “Recreational Vehicles” “Recreational Items” and “Properly Stored”; To Require the Proper Storage of Junk.

#### **DISCUSSION:**

1. **MINAUDO** stated he thought the Board had discussed having recreational vehicles on the side of the house; it was not mentioned in the proposed ordinance. **ATTORNEY STEVE MOULTON (ATTORNEY MOULTON)** stated the amendment had occurred on page 2, paragraph 3, indicating it would be appropriate to “keep in the rear lot of the parcel or on the driveway of the premises for a period of appropriate seasonal use not to exceed ninety (90) days.” **MINAUDO** thought the Board had agreed it would be appropriate to keep a vehicle on the side of the house also. **LIEPMANN** thought the ninety (90) days had been the only issue. **FOTENAKES** felt if a pad was on the side of the house, nothing would be done anyway. **PRATT** felt the issue referred to another paragraph in the proposed ordinance. **MINAUDO** felt the issue should be placed in the ordinance because a lot of residents have pads and store items on the side of the house. **FOTENAKES** thought the easiest way would be to have the item(s) kept in the rear or side yard of the parcel or the driveway but not to exceed ninety (90) days. **MINAUDO** wanted to know if the side would be past ninety (90) days? **LIEPMANN** stated the rear or the side lot did not require the ninety (90) days time frame. **ATTORNEY MOULTON** stated the proposed ordinance could be amended and would

be published in the present form with the amendments. **MINAUDO MOVED**, seconded by Fotenakes to change the wording of page 2, paragraph 3 to read:

“ No owner, occupant, or possessor of land within the Township shall keep or permit to be kept at any time on such parcel, any recreational vehicle unless the recreational vehicle is properly stored, kept in the rear **or side lot** of the parcel or on the driveway of the premises for a period of appropriate seasonal use not to exceed ninety (90) days.” **LIEPMANN** stated the ninety (90) days applied only to the driveway. The Ordinance shall become effective upon publication.

MOTION CARRIED.

**2. Administrative Web Applications for Local Government (iCompass)**

**FOTENAKES** stated when she was at the 2006 Michigan Township Association Educational Conference, in January, 2006, she had talked with a vendor that had government administrative software. **FOTENAKES** stated that within the software there was a program which she liked called the “E-agenda” where agendas could be sent to anyone who had computers. There were also “action task managers” that had the ability to automatically bring up an item for a future agenda. **MORFORD** would like to have more information and will put the matter on the Agenda for next month.

**3. Approval for Attendance at the 2006 Capitol Conference – April 26, 2006, Lansing, Michigan.**

**TROTOGOT** stated the Michigan Townships Association (MTA) Capitol Conference is scheduled for Wednesday, April 26, 2006 at the Radisson Hotel in Lansing, Michigan at an early bird registration fee of \$75.00 per person if registered before March 26, 2006. **LIEPMANN MOVED**, seconded by Fotenakes that anyone on the Board that would like to attend the MTA Capitol Conference be allowed to go at a rate of \$75.

ROLL CALL VOTE:

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

NAYS: 0 MOTION CARRIED.

**4. Request on behalf of the Planning Commission, for Approval for Special Meetings for Budget Year April 1, 2006 through March 31, 2007**

**PRATT** requested approval, on behalf of the Planning Commission, for up to twelve (12) special meetings for the next budget year. In 2005, there was funding for twelve (12) Special Meetings but only eight (8) were used. **LIEPMANN** stated funds were available in the budget for the Planning Commission for the next fiscal year for April 1, 2006 and ends March 31, 2007.

Up and coming proposed amendments to ordinances such as density sprawl, lot size, lighting ordinances, joint meetings with City of Flushing, Montrose Township, etc, special planned uses in farm districts, sign locations and lighting, and staked surveys are listed for future special meetings.

**LIEPMANN** recommended approving ten (10) meetings and if additional meetings were needed, **PRATT** could return to the Board of Trustees with the request for additional Special Meetings. **PRATT MOVED**, seconded by Fotenakes that the Planning Commission be approved for funding for ten (10) Special Meetings for the next budget year beginning April 1, 2006 through March 31, 2007. MOTION CARRIED.

**LIEPMANN MOVED**, seconded by Fotenakes to amend the budget under Township Board for *Planning Commission*, to increase from \$10,000 to \$14,000, for the additional Special Meetings.

ROLL CALL VOTE:

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

NAYS: 0 MOTION CARRIED.

## 5. Railroad Management Contract

**ATTORNEY MOULTON** gave a detailed background on the Railroad Management Contract:

- In 1986 Flushing Township entered into a contract with Grand Trunk Western Railroad whereby the Railroad gave the Township a license to run a waterline underneath the Railroad right-of-way.
- The contract was drawn up.
- A form document, with a Notice Date of December 1, 2005 and a Fax date of January 18, 2006, was provided by the Railroad which stated (paragraph 8) that either party could terminate the licensing agreement on a sixty (60) days written notice.
- Paragraph 10 states: For the privilege herein contained the licensee (Township) agrees to pay the licensor (Railroad) in advance for the first – ten (10) year period or fraction thereof the sum of \$300 and thereafter in advance the sum of \$100 (*per annual* being crossed out) and the wording *for each additional ten-year period or fraction thereof* being typed in.
- Per **LIEPMANN**, a bill from the Railroad has only been received by the Township every ten years – only one (1) bill has been received.
- **ATTORNEY MOULTON** stated the first – ten (10) year period ended in 1996; the second – ten year period is about to end.
- A communication was received from Railroad Management Company, LLC which presumably has some relationship to Grand Trunk Western Railroad Company (the party contracted with for the license) indicating they now want \$345 which would be an annual fee to continue the license.
- **ATTORNEY MOULTON** reviewed the situation and questioned whether:
  1. the Railroad Management could legitimately increase the amount to be paid from \$100 every ten (10) years to \$345 every year?
  2. If the Railroad could, and the Township decided they did not want to pay, what would be the consequences? Would there be an enforceable contract?

The Agreement stated that either party could terminate the Agreement within sixty (60) days. If the township should decide they did not want to pay, the Railroad would state “here is your sixty (60) days written notice and we will be terminating the Agreement.” If the Agreement should be terminated, the Railroad would have the authority to demand the township remove the waterline from the railroad right-of-way; if the waterline was not removed within twenty (20) days, under the Agreement, the Railroad could remove the waterline and require the township to pay whatever cost to have the line removed. This is the wording of the contract; but in all practicality will this happen?

**LIEPMANN** stated the Township is not opposed to paying the Township’s Contracted Agreement of \$100. The explanation from Mr. Mat Lennon, of Railroad Management Company, LLC, was the increase in funds was to take care of the paper work on the particular issue. **ATTORNEY MOULTON**, who also called Mr. Lennon and gave the statics that every municipality in Michigan is being hit hard, revenue sources are drying up, and the Township had to voluntarily go from \$100 every ten (10) years to \$345 every year! **ATTORNEY MOULTON** wanted to know the rational for the increase, which Mr. Lennon stated was the “administrative minimum and cost for the railroad” to monitor the situation. He (Mr. Lennon) stated there was no compromise, but informed **ATTORNEY MOULTON** the township could propose a recommendation and he (Mr. Lennon) would take the proposal back to the management group and, in turn, get back with **ATTORNEY MOULTON**. The other alternative would be to take fifty (50) times the existing rental, and, if the amount could be paid in a lump sum up front, the railroad would cover the matter for twenty (20) years which would equal \$5,000.

**LIEPMANN** recommended Flushing Township send a cover letter from **ATTORNEY MOULTON** along with a Flushing Township check for \$100 and pay the agreement as originally written; a termination notice has not been received by the Township.

**FOTENAKES MOVED**, seconded by Minaudo to pay the railroad \$100, as per the Agreement for the next ten (10) years, accompanied by a cover letter from the township attorney.

ROLL CALL VOTE:

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

NAYS: 0 MOTION CARRIED.

**6. Result of the Flushing Township Road Surveys**

**TROTOGOT** stated *Flushing Township Road Surveys* had been sent to all the residents in the Flushing Community; 466 cards were returned.

Genesee County Road Commission, Montrose Maintenance Foreman **RON LATIMER (LATIMER)** was present and gave some very interesting points concerning the roads in Flushing Township

- there are three (3) townships to service: Flushing, Montrose, and Vienna.
- there are eight (8) people with two (2) graders to do all his areas work.
- in charge of maintenance on I-75 from Coldwater Road to Birch Run, which consists of four (4) lanes of traffic in both directions.
- weather decides all year long what work would be done on the roads.
- could not put a grader on the road now because the road is saturated, plus there is frost in the road.
- extremely bad on the roads with the rain, thaw, freeze, rain, thaw, freeze, etc.; it is killing the roads.
- answers ten (10) to fifteen (15) complaints every day on the same issues for all three townships.
- there are ten (10) snow routes with eight (8) people.

**LIEPMANN** reviewed the results and comments of the recent Flushing Township Road Survey were 2,680 letters with post cards were sent out:

<b>Questions</b>	<b>Yes</b>	<b>No</b>
1. Should the township consider bonding in the amount of \$11 million to asphalt and repair our paved and gravel roads?	84	382
2. Would you support a 5 mill tax increase to pay the bonds over a ten (10) year period (5 mills on a taxable value of \$100,000 equals \$500)? The cost of interest on a ten (10) year bond would be \$3.1 million.	42	424
3. Would you support a 3.3 mill tax increase to pay back the bonds over a twenty (20) year period (3.3 mills on a taxable value of \$100,000 equals \$330)? The cost of interest on a twenty (20) year bond would be \$6.5 million.	45	420
4. Would you support a 3 mill tax increase dedicated to road repair and replacing gravel roads with asphalt to be accomplished on a rate of 2 miles per year over the next ten (10) years? This method would be interest free.	110	356
<b>TOTAL</b>	<b>466 VOTING</b>	

**LIEPMANN** stated since money is not available in the budget to repair the roads, the only thing left to do would be to put pressure on the Road Commission. **LATIMER** is doing the best that he can with what he has to work with.

**LATIMER** stated he has three (3) crews out patching the road every day; if they are not out removing the snow, they are patching the roads. Residents are always wanting to know why the City of Flushing has their roads clean, plowed and in excellent shape: the City of Flushing collects 6 ½ mills more per parcel than the township; there are thirty-eight (38) miles of roads in the City and sixty-three (63) miles of roads in the Township. the township has 63 miles of roads – it is a matter of economics.

**QUESTIONS FROM THE AUDIENCE:**

1. **James Porn, 7292 Stanley Road, Flushing** – “the company that is putting the drain line on Stanley Road has the road tore up.”
2. **Jim Butler, 4512 Cedardale Lane, Flushing** – “has lived behind the Flushing County Park for fifty (50) years; when the pumping station was built thirty-five (35) years ago, down by the river, the road was torn up then with heavy equipment - was promised Carpenter Road would be resurfaced – it has been patched here and there; in the past two (2) years the pumping station and the Flushing Walking Path through the back of the County Park has been constructed; recommended having the Waste and Water Committee and the County Park people fix Carpenter Road.”

**TROTOGOT** stated there was no enforcement to make the heavy equipment pay for the roads. **LIEPMANN** stated Carpenter Road was one of the primary roads that needed to be fixed but due to lack of funds, money was not available.

3. **Robert Beatenhead, 10118 Stanley Road, Flushing** – “he never received a road survey, recommended a bulletin board be located by Seymour Road to show the different events taking place at the Township Hall.

**LIEPMANN** stated the labels for each parcel in the township were printed like they have always been in the past; the labels were picked up by the printer. Later in the week, during a discussion in the office, some of the people mentioned they had not received the survey. A “dummy” run was made of the labels and it was determined that 2,680 surveys were mailed out; there are approximately 3,500 parcels in the township. Due to the time frame, there was not enough time to go back and determine what parcels had been missed and re-mail the surveys. To make sure that everyone in the township knew of the survey, an article was placed in the Flint Journal and a survey could be picked up in the Flushing Township Office. The survey was to give the township residents an opportunity for their input into the road repair. The Board of Trustees was trying to circumvent the cost of going to an election if no one was interested in doing anything to the roads.

4. **Bob Strand, 9406 W. Carpenter Road, Flushing** – “was one of the first people to sign the petition in 1960 to pave and curb Carpenter Road across the street from the County Park; there have been tandem loads in front of his house during the summer trying to make a ninety (90) degree turn into a driveway with the front tire curl up the pavement; Waste Management was called and come out and replaced the mail box, promised to patch the road which they did; once again the road was messed up when the walkway was installed.

**PRATT** inquired from **ATTORNEY MOULTON** if there were any legal basis for a remedy to the road situation. **ATTORNEY MOULTON** stated you could go to court and requesting an injunctive order but the matter would be thrown out of court.

**MINAUDO** and **TROTOGOT** had previously discussed the possibility of having a Weighmaster in Flushing Township. The Genesee County Sheriff’s Department has two (2) weighmasters. Mundy Township currently has an Agreement with the Sheriff’s Department whereby the Sheriff’s Department enforces the law and the matter is written under the local ordinance; Mundy Township would then get money back from the State/Courts – the township would get money back also.

**TROTOGOT** stated the garbage trucks, equipment trucks, etc. that went in front of Strand’s house were never weighed. **ATTORNEY MOULTON** stated there was no legal basis to make a claim to the Genesee County Park because the walking path was not part of the Genesee County Parks; the walking path involved the City of Flushing Parks and Recreation Committee. **LIEPMANN** stated there was no legal basis for the Genesee County Water and Waste. **TROTOGOT** stated he would check the matter out and see if there was something that could be done.

5. **Kevin Spnygada, 9308 Potter Road, Flushing** – “we created a lot of the problems on Carpenter Road; we wanted a walkway – the reifications were never considered although the Committee knew the trucks would be involved; he pays taxes just like everyone else; would rather pay one (1%) percent of his income instead of \$500 or \$1,000; works in Bay City – drains never cleaned out for years and now having to do all the repairs; by law the departments have to make a profit, they cannot deficit spend; Government is the largest consumer of goods and services in the Country; can complain all day – we have dug our own hole.”
6. “there is pending Legislation to get rid of the Road Commission, will it positively affect the money coming into the township to take care of the roads.” **LIEPMANN** stated currently there are three (3) members of the Road Commission who are appointed by the Board of Commissioners. Since the members are not elected, they have carte blanc to do whatever they would like. The new legislation would change so the members would be elected and would consist of three (3) Township Supervisors and two (2) County Commissioners. The theory being that if they were not doing the job the way it should be done, they could be recalled or not re-elected.

The theory being if a mile of road was going to be “capped” why would there need to be \$30,000 to \$40,000 of engineering work; everyone would know where the road was located, and how much asphalt the project would take – why not just cap the project and get on with the project.

The Township has no authority so the only thing that could be done would be to beg, plead, or bargain to get the road taken care of. **LATIMER** can only do so much with what he has to deal with. **LIEPMANN** stated the pending legislative would be better than what is currently in place.

7. “is there a need for the three (3) member panel to allocate money to the different townships; why couldn’t a percentage, based on population, go directly to the township and eliminate the road commission board.” **LIEPMANN** stated the taxes, which are paid on the property tax statement, have anything to do with the roads. The funds for roads comes from taxes that are paid for fuel and oil; allocation to the various road commissions is based on population for the whole State of Michigan.
8. “does the Road Commission allocated money for trucks to work on the roads.” **LIEPMANN** stated the Road Commission is responsible for maintaining its own things – hiring the personnel to work, doing the maintenance, and supporting their own trucks.

**LIEPMANN** stated the only thing any Township in Genesee County could do would be to allocate funds to the Road Commission, for a request, to repair a certain designated road. There are twelve (12) days of ditching allocated by the Road Commission – Flushing Township Road Committee Members **TROTOGOT** and **MINAUDO**, would have to sit down and review the worst roads then get back with **LATIMER**. The Township would have to pay for any work over the twelve (12) days and would be considered overtime.

**TROTOGOT** indicated in the past the Township had been able to save for a couple of years to get money ahead; the township now is now limited due to a reduction in state shared revenue.

**LIEPMANN** stated the township was only billing one-half (1/2) mill for general operating (the amount comes from the property taxes). State Shared Revenue comes from the sales tax that everyone pays; a portion of the fund is allocated by the Legislature to townships and cities based on population. Up until about five (5) years ago, State Shared Revenue had enough money after all the budgeted items were paid to have approximately \$450,000 to allocate to roads. The Procedure for reviewing the budget:

1. Start with the Budget
2. Work through the Budget
3. Once all the cost centers are budgeted
4. Everything left over goes into roads (which is where the \$450,000 was allocated).

**LIEPMANN** stated there are certain areas where assessments could be placed for things such as water lines, sewer lines, etc; some areas would not be beneficial to have an assessment placed on the parcel. There are some areas that would not be beneficial to have an assessment.

9. **Gordon Cookingham, 3016 Dillon Road, Flushing** – “has anyone ever checked the garbage trucks for being overweight?” **MINAUDO** stated the garbage trucks were being checked all the time. The trucks have damaging the township roads, but the money does not come back to the township; tickets are written under State law. If the ticket was written under local ordinance, the money would come back to the township. The township would get seventy (70%) percent.

**REED** recently had a local resident that would like to see the one (1) mill millage reinstated which would raise some revenue.

#### 7. **Presentation of Wireless Genesee – Jimmy King**

**JIMMY KING (KING)** Project Manager of Wireless Genesee, Flint, Michigan stated the Wireless Genesee was a new concept proposal that is trying to be put through as a community and county wide project rather than locally. The concept would be similar to the model that Oakland County has followed. It has taken five (5) years to develop the material; everything would be handed to Genesee County. If “arms” were placed around the project as a County, and brought into being as a County, with everyone cooperating and partnering as a County, then perhaps everything could happen County wide.

Wireless Broadband is going to happen in the County whether we want it to happen or not. A digital divide would be present which would include everything south of I-69 ending up getting broadband wireless and everything north of I-69 would never see anything at all because most of the northern part is rural and the rural areas do not have that many people so the people would not be there to pay for the wireless. If everyone corporates and everything is done at once, then the internet could be countywide. The idea had come out of Oakland County to Genesee County – the Board of Commissioners, the Genesee Regional Chamber of Commerce, the Economic Development got in contact with the project. Businesses coming to Genesee County to create a new business want to know if Genesee County has broadband wireless. If the answer is “No” the businesses go someplace else, which had been one of the primary reasons for wanting the broadband wireless.

With a grant from the Mott Foundation to make the project happen, the broadband would move forward. If all the local governments in the County participated with all the school buildings, then locations would be created County wide for all the antennas. A vendor would then be chosen and all the locations would be in place and the antennas could be installed. A vendor would be paying for everything; tax payers would not be paying for anything. The vendor would be building the installations but the antenna locations would all be on government buildings, government facilities, anything fifteen (15) feet or higher.

Wireless Genesee would have input to make the project happen; building the pilot communities would begin. If the outside communities were taken care of, then the inside communities would be taken care of over time.

**KING** requested to have the local governments write a letter of support for the activity and pass a Resolution, which would not tie the community down or commit the community to anything, but just stating “they are willing to go along and have their facilities used for the project.”

**KING** described the broadband system as a huge band of signals at different levels. The bottom band would be four (4) times the speed of dialing (similar to a dial-up speed). Every student in the County would have access to the system and every person in the County would have access to broadband wireless internet. The digital division (South of I-69 – having broadband and North of I-69 – not having broadband) would be eliminated.

**LIEPMANN** wanted to know if the companies made their money off the higher bands. Since the companies are putting in all the antennas and the equipment, they have to make money. **KING** stated that one company would not have the money to do the whole project. In Oakland County, vendors had to partner with all the other small operations that already existed in the County to make the broadband work. The technology is known as "Y-FI" which is a wireless broadband signal that will go from 120 to 500 feet. The next technology step is the "Y-Max" which will go up to 5,000 feet and enhances itself in signals to if it has to go around things to get to where it is going.

Pilot Community = a designated area that would be identified and built up with all the antennas so the activity could take place.

**FOTENAKES** inquired if the township would loose the franchise fees from Comcast when they change from Comcast to broadband wireless. **KING** stated that as technology ranchets up and it gets faster at the top, he would like to bottom to catch up with the top to approximately 300 to 350. Phase II in Oakland County would be to place a laptop in the hands of all the students in the County; Genesee County could not do that but the foundations in Genesee County placing stacks of laptops in every library in the County. The antennas needed are small.

**PRATT** inquired about the web page address which is [www.wirelessgenesee.org](http://www.wirelessgenesee.org) **KING** would like for the township to review the Resolution which had been given out at a previous meeting.

#### **8. Proclamation of Law Day**

**TROTOGOT** stated he had received a Proclamation from the Genesee County Bar Association requesting Flushing Township to support May 1 as Law Day.

**FOTENAKES MOVED**, seconded by Liepmann to accept the 2006 Law Day Proclamation for May 1<sup>st</sup>. MOTION CARRIED.

### **V. COMMITTEE REPORTS:**

#### **1. Michigan Townships Association Genesee County Chapter Monthly Meeting**

**TROTOGOT** mentioned the Michigan Townships Association (MTA) Genesee County Chapter would be holding their March Monthly Meeting at Flushing Township on Thursday, March 16, at 7:00 p.m. The speakers for the meeting will be newly elected Probate Court Judge Jennie Barkey and Family Court Judge Michael Theiele.

#### **2. Weighmaster Partnership Between Genesee County Sheriff's Department and Flushing Township**

**TROTOGOT** stated that **MINAUDO** has been talking with Chief Doug Kennedy (Chief Kennedy) and himself (Trotoгот) regarding the possibility of a partnerships between Genesee County Sheriff Department and Flushing Township regarding checking the heavy trucks that come into the township. **TROTOGOT** would like permission from the Board of Trustees to allow **MINAUDO**, **TROTOGOT**, and **CHIEF KENNEDY** to get together with the County and review the situation and then return with the information to the Flushing Board of Trustees. **LIEPMANN MOVED**, seconded by Pratt to allow **MINAUDO**, **TROTOGOT** and **CHIEF KENNEDY** to get together with the County and then come back with the information to the Flushing Board of Trustees. MOTION CARRIED.

#### **3. Genesee County Emergency Management Seminar**

**REED** stated she had attended an Emergency Management Seminar recently at the MTA (Mass Transportation Authority) Building in Flint, Michigan. The one thing that really impressed her (Reed) was the Reverse 9-1-1, which is a communication solution that uses a patented combination of data base and GIS mapping technologies to deliver out bound notifications such as a disaster; in a normal situation, the residents would call 9-1-1. The Reverse 9-1-1 calling would be done automatically by the three (3) 9-1-1 Centers to residents in a certain area with notifications of a disaster, tornado, etc. by using a GIS

Data Base System. Every year a new data base is received for all telephone land lines. It would be a great program to have in case of an emergency.

**TROTOGOT** stated that in the case of a disaster in the township, the order of notification would begin with Flushing Fire Chief Ron Downing, who would notify Chief Kennedy, who would then notify **TROTOGOT**, who would then call the Genesee County Emergency Management Director Grace Ranger.

**MORFORD** stated she had also attended the seminar and could understand why there were problems with Katrina due to lack of communication.

#### **4. Water and Waste Committee**

**LIEPMANN** stated the Water and Waste Committee had met previous to the regular Board of Trustees Meeting. A problem has occurred at the pumping station on Gillette Road behind the Flushing Estates Park. The Park paid to have the sewer brought across the river to the pumping station to serve the residents of the Park. The township owns the pumping station and the sewer line. The pump needs to be replaced; Mid Michigan Manufacturing Maintenance when doing the last maintenance check (last week) found that between the items that had been flushed and the amount of sand that has been generated in the water, the pump has had it – there is a back up pump running but it is not designed to be a primary pump. The original pump needs to be replaced.

Two (2) prices have been received: 1) one price is for the same type of pump that is presently being used, which is \$8,622.20 for installation plus an addition of \$572 for an impeller and 2) \$11,888 plus \$572 for the impeller.

The recommendation of the maintenance company is to go with the higher price pump because it is designed to handle the sand problem; the other pump would be similar to the current pump and would not be as efficient. The recommendation from the Water and Waste Committee and **LIEPMANN MOVED**, seconded by Fotenakes to purchase the pump which would be a Fairbanks Morse 5435 – 4” sewage pump, 30 hp at a cost of \$11,888 plus \$572 for the impellor casing.

#### **DISCUSSION:**

1. **MINAUDO** stated that we just sold a pump to Fenton Township. **LIEPMANN** stated two pumps had been sold to Fenton Township. The Maintenance Company stated the two pumps were 8 hp pumps and would not handle the pumping station. **LIEPMANN** stated that \$8,000 was received from the generator and \$4,500 for the two pumps. The money from the sale will be used to purchase the new pump and will come out of the Water and Waste Fund.

#### **ACTION OF THE MOTION:**

ROLL CALL VOTE:

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

NAYS: 0 MOTION CARRIED.

#### **5. Parks and Recreation Committee**

**LIEPMANN** stated the Parks and Recreation Committee met last night – still working on the grant from the State of Michigan to put in the Boardwalk down by the Flint River and the fishing piers.

**LIEPMANN** stated Flushing Nature Park Manager Tom Enright has put a rain garden in the Nature Park. He (Enright) has made a recommendation to the Township that two (2) rain gardens be put at the township office. The purpose of rain gardens is to take care of overflow of water and not designed to be a pond. It is designed to restrict the water from flowing rapidly from an area coming off from the roof or a down spout and native plants and grasses are planted as they don't entail a lot of upkeep. One of the rain gardens would be located outside the front door to the right where the downspout is and the other one would be located past the Police Department where the overflow from the parking lot

goes under the sidewalk (there is a culvert) where a small ditch flows to the Road Commission ditch at Stanley Road.

**ENRIGHT** has applied for a \$500 mini grant from “*Keep Genesee County Beautiful*”. The cost for both ponds would be \$2,660. The total cost to the township above the \$500 grant, would be \$150. The rest of the work would be volunteer labor and in-kind donations. The only action would be a motion to apply for the grant.

**FOTENAKES MOVED**, seconded by Minaudo to apply for the “*Keep Genesee County Beautiful*” mini grant for the rain garden.

**DISCUSSION:**

1. **PRATT** wanted to know if there would be a cost in the future for maintenance. **LIEPMANN** stated the upkeep and care of the rain gardens would fall under the Nature Park Staff.

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

**6. Weighmasters**

**MINAUDO** stated that since the Township has already adopted the Motor Vehicle Code Ordinance in its entirety, so basically the Sheriff Department has two (2) Motor Carrier Officers who go out and do the weighmaster work. The Motor Carrier Officers would be under the local Township Ordinance. When the case goes to Court, the Company would have to pay the money to the Court and then seventy (70%) percent would come back to the Township. The Township would have to have an Agreement with the Sheriff’s Department as to what the Sheriff’s Department is paid. The township already has the local ordinance since the Motor Vehicle Code Ordinance has been adopted by the township. **ATTORNEY MOULTON** could be the attorney or arrangements could be made with Prosecutor David Leyton’s Office to handle the situation. If the matter would be charged under the local ordinance, **ATTORNEY MOULTON** would handle the case through the District Court.

1. “could the township purchase a set of portable scales.” **MINAUDO** stated the scales are very expensive but grants are available for such items.

**TROTOGOT** stated that Mundy Township already has the program in force. Vienna and Atlas Townships also have the program. **TROTOGOT** will review the situation with the Sheriff’s Department, Mundy Township, etc and return to the Board of Trustees with the results.

2. “would the money go back into the general fund of the township or would it go into the Police Department.” **MINAUDO** stated hopefully it would go toward training one of the Flushing Township Police Officers.

**TROTOGOT** stated that by having the weighmasters, the heavy trucks could be eliminated from the road and per **MINAUDO** protect some of the roads in the township.

**VI. REPORTS:**

1. **Building Inspector’s Report: FOTENAKES MOVED**, seconded by Pratt to accept the Building Inspector’s Report. **MOTION CARRIED.**

**BUILDING PERMITS ISSUED:**

NEW HOMES	4
ACCESSORY BUILDINGS	1
DECKS	0
REMODELING	2
ADDITIONS	2

GARAGES	0
FENCE PERMITS	0
ROOF REPAIR	0
POOL	0
COMMERCIAL	0
SIGN	0
<b>TOTAL PERMITS ISSUED</b>	<b>9</b>
PERMIT VALUATION FOR FEBRUARY 2005	\$ 1,076,020
PERMIT VALUATION FOR FEBRUARY 2006	850,015
<b>PERMIT FEES COLLECTED FOR FEBRUARY 2006</b>	<b>\$ 4,271</b>
TRAILER INSPECTIONS	0
TRASH AND RECYCLING CHARGES	0
SPECIAL USE PERMIT	0
HOME OCCUPATION PERMIT	0
EARTH REMOVAL PERMIT	0
VARIANCE REQUEST	0
REZONING REQUEST	0
CODE BOOKS	0
<b>FOR A TOTAL OF</b>	<b>\$ 4,271</b>
CONSTRUCTION TO DATE FEBRUARY 2005	1,112,880
CONSTRUCTION TO DATE FEBRUARY 2006	1,094,385
<b>FOR A DECREASE OF</b>	<b>\$ 18,495</b>

#### VII. PUBLIC COMMENTS:

##### OPENED AT 9:05 P.M.

1. “lives around the corner from Stanley Road, and his house is 89’ off the Road (Elms); when hook up to City Water, you are not supposed to abandon the well, take it out; his prices are \$9,300; asked to hook up to city water 34 years ago on Elms Road – he was denied and was told he had to put a well down; wanted to know where the \$4,000 goes that is a tap in fee.”
2. “why would the gentleman have to have his well dug up.”
3. “the railroad was sold to Lake States.”
4. “very upsetting as a Christian to see what is happening at the funerals; do the people have the right to speak on private property (church); showing on television is very upsetting.”
5. **ATTORNEY MOULTON** stated someone was proposing an ordinance where the people had to be a certain distance from the ceremony or the funeral possession itself.
6. “everyone emotions are very high at a funeral; under the system, there is still freedom of speech.”
7. “expecting trouble, but nothing can be done as long as on the sidewalk or road.”

#### VIII. BOARD COMMENTS:

None

**THE NEXT BOARD OF TRUSTEES MEETING IS SCHEDULED FOR  
THURSDAY, APRIL 13, 2006 AT 7:00 P.M.**

**ADJOURNMENT:** There being no further business matters, Supervisor Trogotogot adjourned the meeting at 9:15 p.m.

\_\_\_\_\_  
Julia A. Morford, Clerk

\_\_\_\_\_  
Andrew Trogotogot, Supervisor

APPROVED DATE: \_\_\_\_\_  
03/09/06 Regular