

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

DATE: APRIL 10, 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
412 S. Saginaw Street, Suite 300
Flint, Michigan 48502

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

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

OTHERS PRESENT: Robert DeWolley, John Fotenakes, Pat Drozdowski, John Cuddeback, Ted Breidenstein, Richard Lucius, Flint Journal Reporter Nikki Brand, Dave Pajtas, and Flushing Township Police Officer Mark Bolin

TROTOGOT requested to add two (2) items to the Agenda: Police Chief’s Contract to be listed as number 1 under *Unfinished Business* **AND** Resolution to Support the Police Millage to be listed as number 4 under *New Business*.

ADOPTION OF THE AGENDA: PRATT MOVED, seconded by Reed to adopt the Agenda with the changes presented. **MOTION CARRIED.**

APPROVAL OF MINUTES OF MARCH 13, 2008: REED MOVED, seconded by Pratt to approve the Minutes of March 13, 2008 with corrections: **REED** thought the idea of being able to view the minutes on the web was an excellent idea. **Page 4**, Board Comments, number 1, line 3: “Liepmann recommended. . .review the issue” **changed to** “Liepmann recommended the Personnel Committee get together with the Police Chief and review the issue.”

ACTION OF THE MOTION:
MOTION CARRIED.

APPROVAL OF BILLS: PRATT MOVED, seconded by Morford to pay the bills as listed. Questions: 1) Check Number 31606 for \$200.00; 2) Check Number 31618 for \$2,048.56; 3) Check Number 31645 for \$2,310.53; 4) Check Number 31651 \$3,802.33; 5) Check Number 31659 for \$130.24; 6) Check Number 31678 for \$26.50; 7) Signature Ford – Police Department.

ROLL CALL VOTE:
AYES: Fotenakes, Minaudo, Pratt, Reed, Morford, and Trotogot
NAYS: 0 **MOTION CARRIED.**
ABSENT: Liepmann

UNFINISHED BUSINESS:**1. Police Chief's Contract**

ATTORNEY STEVE MOULTON (ATTORNEY MOULTON) stated there had been an issue at the March 13, 2008 Board of Trustees Meeting concerning the Police Chief's Contract when four (4) pay sheets had been produced regarding the 2008 pay wages for the Chief. The question being why was the Police Chief being paid an annual salary plus additional time for holiday pay, as indicated on several of the time sheets.

ATTORNEY MOULTON reviewed sections of the Flushing Township Police Chief *Employment Agreement* for the Board. When annualizing the Police Chief's compensation for the Municipal Employees Retirement Systems (MERS), reference was made to an hourly rate previous to a salary. **LIEPMANN** had suggested to back out the amount of the compensation of the holiday pay so when converted to an hourly figure for the purpose of figuring what the Police Chief would be paid if he sold time back to the Township, the amount would be less.

ATTORNEY MOULTON stated all the facts had been explained in the Memo dated March 22, 2008 (from Attorney Moulton) which had been given to all the Board Members. An Addendum, to the *Employment Agreement*, specifically referenced in the Agreement, as part of the Agreement, so the two (2) document together read as a whole without any internal conflict, which included the base salary and if there was a holiday within that pay period, there would be an additional compensation paid to the Police Chief but that was all set forth in the *Employment Agreement*.

COMMENTS FROM THE BOARD:

1. "the interpretation (from Attorney Moulton) of Section 4 under Holidays stated that whether the Police Chief worked or did not work the holiday, the Chief would be paid for eight (8) hours for that pay period."
2. "the Board relies heavily on the Township Attorney."
3. "the figure should have included everything."
4. "thought there was a procedure to follow when there was a complaint."
5. "it would have been a lot simpler to have set the salary at one figure and then forgot about the vacations, etc. and then specify an amount that the Police Chief would sell his time back."
6. "the Board had discussed the Police Chief's salary and felt it should match what the Chief had made in the past but the practicality of how to approach the issue had been where the confusion had come in."
7. "glad the Police Chief's wages were being discussed in the open."
8. "communication is the best thing any Board could have."

After much discussion, it was determined there had been a misinterpretation of the salary for the Police Chief.

PRATT MOVED, seconded by (a second was never made) to have Attorney Moulton, according to what had been laid out in the Policies and Procedures Manual, re-write the language that could be voted on and inserted into the Polices and Procedures Manual.

DISCUSSION:

1. **FOTENAKES** stated MTA had a sample procedure to follow for complaints.
2. **MINAUDO** wanted to know exactly where the procedure was located in the Police Chief's Manual. (It is located in Addendum 4).
3. **ATTORNEY MOULTON** stated there were two (2) components to the *Employment Contract*, pages 1-3 and Addendum A which consisted of pages 1-5. In Addendum A, page 1, Section 4. "Holidays" state:
 "Employee shall be granted the following holidays off. Employee shall be paid eight (8) hours of straight time pay for each holiday whether he works the day or not. If Employee works a holiday, he may take another day off, but will not receive additional compensation for working the holiday."

4. **MINAUDO** wanted to know if a holiday fell in the middle of a week, would the Chief have to come in to work or not and would he be paid for staying home. Does the Chief get eight (8) hours above his regular compensation; Section 4 is not clear. **ATTORNEY MOULTON** stated there would not be any reason for putting the additional language in the Addendum if it wasn't above and beyond what was being paid as the base salary. **MINAUDO** felt maybe the issue should be taken up again as a Board.
5. **FOTENAKES** wanted to know if the language could be change to read "the Chief's salary is a certain amount, but if he sells back fourteen (14) of his days over the year, it would be at a different amount."
6. **ATTORNEY MOULTON** stated if two (2) people of reasonable minds could interpret the meaning differently, it would be considered ambiguous. **ATTORNEY MOULTON** and **MINAUDO** interpreted Section 4 differently. The easiest thing to do would be to put the language to what **MINAUDO** was suggesting, that clearly specified the Chief's pay would be over and beyond the base salary, which would be acceptable to everyone.
7. **MINAUDO** thought the Police Chief was supposed to get 7.24% above the highest base wage rate paid to any of the Township's command officers.
8. **TROTOGOT** recommended that **ATTORNEY MOULTON**, the Chief, and the Personnel Committee get together to review the issue.
9. **MORFORD** wanted to know if the language change to Section 4, mentioned by **ATTORNEY MOULTON**, would correct Section 6, "Compensation/Salary". Per **ATTORNEY MOULTON**, "yes", Section 6 would be corrected.
10. **MINAUDO** wanted to know when the Chief's contract would be up and if nothing but the base rate would be affected. **CHIEF KENNEDY** stated his Contract would not change until March 31, 2011. The contents of the Employment Agreement would not change; only the base rate would change.

PRATT RESCINDED HIS MOTION.

ATTORNEY MOULTON will put together an amendment to address the language in paragraph 4 (Section 4, "Holidays") of the Addendum and will bring the language back to the Board at the next meeting for their approval.

PRATT read *Section VIII, Problem Solving Procedure, page 75 (from the Policies and Procedures Manual), Procedure, Step One:*

"Employees wishing to discuss a problem must approach the township supervisor within five (5) working days."

PRATT stated the *Procedure* started out with "Employees" not "Trustees". There should be a section listed under *Administration*, in the Policies and Procedures Manual, so the Elected Officials would also know the procedure.

NEW BUSINESS

1. Update of Copier Lease for Main Office

Flushing Township will be printing their own 2008 Summer Tax Statements and due to the increase of other miscellaneous print jobs, the township has been in the market to lease another copier. Bids were received from Cannon, Sharpe, Kyocera, and Konica. After a review by the Supervisor and Clerk, and then brought back to the Board, the low bid of \$245 was received by Canon Copiers of Lansing and \$273 from CBI (Kyocera) of Flint. **TROTOGOT** would like to have the copier representatives come back to Flushing Township and give a more detailed description of the two (2) low bids. **FOTENAKES** was concerned about the buy-out of the current lease and wanted to know if the Township could purchase the machine and then sell to someone else.

FOTENAKES MOVED, seconded by Minaudo to go up to \$245 per month for a new fax, printer, and copier.

DISCUSSION:

1. **MORFORD** stated all the bids were compared the same with:
 - a. Printing both black/white and color
 - b. Fax
 - c. Stapler
 - d. All the computers in the office will be hooked up to one central server for both the printer and the fax
 - e. The price included the toner, maintenance, and warranty

ACTION OF THE MOTION:

ROLL CALL VOTE:

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

NAYS: 0 MOTION CARRIED.

ABSENT: Liepmann

2. Approval of Planning Commission to Attend MSU Seminar “New Michigan Planning Enabling Act” at Frankenmuth, Michigan on May 29, 2008

PRATT MOVED, seconded by Fotenakes to approve the payment for the Planning Commission that any of the members that would like to attend the *Michigan Planning Enabling Act & the Updated Michigan Zoning Enabling Act* Seminar on Thursday, May 29, 2008 be allowed to attend. If four (4) people would attend, the cost would be \$100 each.

ROLL CALL VOTE:

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

NAYS: 0 MOTION CARRIED.

ABSENT: Liepmann

3. Approval of Proclamation Arson Awareness Week 2008

FOTENAKES MOVED, seconded by Minaudo to approve the Arson Awareness Week 2008 Proclamation which states:

WHEREAS, Arson is a serious crime that affects all of us and can only be stopped when we realize the severe damage arson causes to our state and individual communities; and

WHEREAS, Arson kills innocent people and causes countless injuries; and

WHEREAS, these blazes erode the tax base and cause a severe loss to our cities, villages and neighborhoods, and can destroy property and the security of employment; and

WHEREAS, Arson can disrupt our educational system, destroy irreplaceable historical buildings and artifacts and render natural resources useless for long periods of time; and

WHEREAS, Direct cost of arson is estimated by the Michigan Arson Prevention Committee to be nearly \$200 million each year in Michigan alone and arson has a significant impact on insurance premiums and tax dollars that must be used to pay for extinguishing and investigating these maliciously set fires;

THEREFORE, I, Supervisor Andy Trotogot, do hereby declare May 4-10, 2008 as Arson Awareness Week in the Charter Township of Flushing, and urge all citizens to help support the efforts of the local police and fire departments in preventing arson.

Dated: April 10, 2008

Andy Trotogot, Supervisor

ACTION OF THE MOTION:

MOTION CARRIED.

4. Resolution to Support the Police Millage

TROTOGOT presented a Resolution to the Board of Trustees in Support of the upcoming Police Millage on May 6, 2008 which states:

WHEREAS, the township board understands the need for continued police protection for the properties and Citizens of the Charter Township of Flushing; and

WHEREAS, the citizens of our community have communicated their desire to continue police protection; and

WHEREAS, a millage renewal is a necessity to continue the operation of the township police department on a 24-hour basis;

NOW THEREFORE BE IT RESOLVED, that we, the members of the Charter Township of Flushing Board of Trustees, do hereby support the millage increase of 1 Mil and encourage the citizens of our township to cast an affirmative vote.

Dated: April 10, 2008

Andrew Trotogot, Supervisor
Julia A. Morford, Clerk

REED MOVED, seconded by Pratt to approve the wording of the millage request for the ballot.

QUESTIONS AND COMMENTS:

1. **FOTENAKES:** “the issue was not looked into because there are so many things that could have been done in order to not go to the people; supported the officers but with Michigan being in such a dire need of not having so many taxes.”
2. **TROTOGOT:** “when looked at the overall picture of where the police budget was, it was expected to last until 2012, but because of the added costs, it didn’t work out that way; the budget has been reviewed month by month by the Board and suddenly was hit; people need a chance to express their opinion.”
3. **PRATT:** “being a member of the Police Millage Committee, there were about forty (40) members and after several meetings, everyone picked the budget apart trying to find cost savings for the police department; buy outs and other ideas were proposed but nothing worked.”
4. **REED:** “the township did not have a lot to do with the raising price of hospitalization and gas prices; under the circumstances, would have to see what could be done to see if the people are willing to pay the extra amount to get police protection.”
5. **FOTENAKES:** “several months ago ideas such as HUD houses, issuing passports by the township and issuing dog licenses were brought before the Board - great revenue for the township; Board has to look at other alternatives; insurance co-pays could be reviewed.”
6. **REED:** “could not support the police department on the minimal amount of money from the three (3) ideas (HUD homes, passports, and dog licenses).”
7. **TROTOGOT:** “have to deal with the union to make the changes; the township couldn’t arbitrarily make the changes.”
8. **MINAUDO:** “the issue would be taken up during negotiation time; the negotiations could have been sooner.”
9. **PRATT:** “the millage is a valid issue and the public will be able to decide what they want; not opposed to forming committees once the millage issue was over.”
10. **MORFORD:** “difficult situation because of the economy; people can’t afford the extra millage but the township needed the patrol because of so much thief/larceny.”
11. **FOTENAKES:** “there are over 2,400 foreclosures in Genesee County; most foreclosures the result of people not being able to afford the taxes or house payments.”
12. **REED:** “the problem seems to be with the real estate where the home prices continue to get higher.”

- 13. **FOTENAKES:** “the problem was real estate in a whole because everyone from California to Florida was in a bubble, everyone kept seeing the rise, the appraisers kept raising the price, and the real estate kept depending on the appraisers; the government stepped in and gave one hundred twenty-five (125%) percent financing to everyone.”
- 14. **TROTOGOT:** “what about the Resolution?”
- 15. **MINAUDO:** “felt the Board should agree to disagree.”

ACTION OF THE MOTION:

All the Board Members are for the Flushing Township Police Department, but felt the issue should have been handled different but due to the language deadline for the May 6, 2008 Millage, there wasn’t sufficient time to obtain more information.

ATTORNEY MOULTON stated there was a majority of the Board Members that supported the Resolution so the Supervisor could sign the Resolution and the Clerk could certify the Resolution.

COMMENTS FROM THE AUDIENCE:

- 1. “felt the millage issue should go to the November Election; economy is going to be struggling for the next couple of year.”

COMMITTEE REPORTS:

None

REPORTS:

- 1. **Building Inspector’s Report: PRATT MOVED**, seconded by Fotenakes to accept the Building Inspector’s Report for February 2008. **MOTION CARRIED.**

BUILDING PERMITS ISSUED:

NEW HOMES	0
ACCESSORY BUILDINGS	1
DECKS	0
REMODELING	0
ADDITIONS	1
GARAGES	0
FENCE PERMITS	1
ROOF REPAIR	0
POOL	0
COMMERCIAL	0
SIGN	0
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TOTAL PERMITS ISSUED	3
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PERMIT VALUATION FOR MARCH 2007	\$ 407,980
PERMIT VALUATION FOR MARCH 2008	64,360
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PERMIT FEES COLLECTED FOR MARCH 2008	\$ 342
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TRAILER INSPECTIONS (2)	100
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
FOR A TOTAL OF	\$ 442
CONSTRUCTION TO DATE MARCH 2007	577,210
CONSTRUCTION TO DATE MARCH 2008	163,360
FOR A DECREASE OF	\$ 413,850

8:16 P.M. - OPEN FOR PUBLIC COMMENTS:

8:16 P.M. - CLOSED FOR PUBLIC COMMENTS

BOARD COMMENTS:

1. **TROTOGOT** stated the Township has a new coffee service; Thanks to the Supervisor, the township will not have to pay the cost and the employees have great coffee.
2. **FOTENAKES** stated she was having a real problem with the *Residential Homestead Exemption* interpretation as to the exemption and the law. (**FOTENAKES** referred to "Guidelines" that she had received.) She understood the law to say if you occupy property as of May 1, an individual was homesteaded. **FOTENAKES** sold one of her properties which was non-homesteaded and there had been a forty-five (45%) percent increase in the property taxes. There are people trying to purchase homes and, even in the township, the deed didn't transfer and it stated the Deed had to be transferred. EXAMPLE: if the Deed transferred December 2007, the individual could not change the status until May 1 then the Deed changed to non-homestead if no one was living in the home. **FOTENAKES** stated that what she was understanding was the Deed was immediately being changed in Flushing Township and all the other townships; was that the law?

TROTOGOT stated the reason for the change is that sometimes the Deeds do not arrive at Flushing Township for six (6) to nine (9) months after the fact.

TROTOGOT stated in the past, people who have purchased homes, have come into the office, and no one knew about the purchase until a year later.

ATTORNEY MOULTON recommended **FOTENAKES** discuss the issue with the Assessor. **FOTENAKES** stated she had caught some of the problems before the Board of Review and the problem had been changed.

ATTORNEY MOULTON explained the issue:

"when a home is homestead to "Joe Blow" and "Mary Blow" comes along to purchase the home, the taxes go up. Just because she is eligible to the homestead, as a free resident, her assessed and the taxable value are going to be exactly the same."

FOTENAKES stated the homestead was a deduction because of Proposal A. She has rental properties in all areas and those properties are non-homestead because there could be only one (1) homestead property. **FOTENAKES** pays approximately forty-five (45%) percent more than a homesteaded property would be. **ATTORNEY MOULTON** stated if an individual went out and purchased a home and homesteaded it, the taxable value and the homestead would be identical.

3. **MINAUDO** wanted to know how the EMS Ordinance Issue was proceeding. **TROTOGOT** stated the issue was in Court. **MINAUDO** stated according to the newspapers, nothing would be resolved until the lawsuit was settled.

THE NEXT BOARD OF TRUSTEES MEETING IS SCHEDULED FOR THURSDAY, MAY 8, 2008 AT 7:00 P.M.

ADJOURNMENT: Due to lack of further business, **TROTOGOT** adjourned the meeting at 8:25 p.m.

JULIA A. MORFORD, Clerk

ANDY TROTOGOT, Supervisor

APPROVED DATE: _____

04 /10/08 Regular