

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

DATE: JUNE 25, 2009 **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 of Allegiance to the American Flag. The Board Meeting was held at the Flushing High School Auditorium.

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

MEMBERS ABSENT: None

OTHER INDIVIDUALS PRESENT: Eighty (80) individuals were in attendance.

APPROVAL OF THE AGENDA: GARDNER MOVED, seconded by Purkey to approve the Agenda for June 25, 2009 with the change of item A to be moved to the end of the Agenda. **MOTION CARRIED.**

APPROVAL OF MINUTES OF MAY 14, 2009: PURKEY MOVED, seconded by Noecker to approve the Minutes of May 14, 2009 with the following changes: **Page 2**, Number 9, was questioned regarding the amount of money involved; **Page 10:** "Board Comments", Number 6 "SCHWIEMAN stated. . . Treasurer and Clerk" changed to "SCHWIEMAN stated the issue with the former Police Chief had been discussed with the Treasurer and Clerk; Number 5 of the Police Chief's contract stated the money had to be paid back on or after April 2, 2009." **MOTION CARRIED.**

APPROVAL OF BILLS: GARDNER MOVED, seconded by Minaudo to pay the bills as submitted.

DISCUSSION:

There was discussion regarding the procedure for approving the monthly bills per the Auditors; also discussed was the monthly statements from Goyette, Flushing Community Schools, Police Department Petty Cash Fund; two (2) legal bills from Attorney Dean Yeotis concerning the former Chief Doug Kennedy regarding a one-time Employment Contract which had been entered into in 2007 which had only been an administrative issue. **PURKEY** would like to postpone the legal bills for former Police Chief Doug Kennedy and take up the issue in another two (2) weeks.

GARDNER MOVED, seconded by Minaudo to pay the bills excluding the \$700.00 bill of Attorney Dean Yeotis for further consideration. **MOTION CARRIED.**

DISCUSSION:

There was a brief discussion regarding a letter that all Board of Trustees received from Mr. Jim McCarthy regarding a 2003 Genesee County Circuit Court lawsuit. **ATTORNEY MOULTON** stated the case has been closed, but he (Attorney Moulton) will review the situation. There wasn't a judgment against Flushing Township.

The Treasurer inquired as to the procedure for receiving a check which had been received from a local resident for the mowing of her lawn. Currently, the Township doesn't have a procedure for lawn mowing.

ACTION OF THE MOTION:

ROLL CALL VOTE:

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

NAYS: 0 MOTION CARRIED.

A Representative from Municipal Employees Retirement System (MERS) will be in attendance at the Regular Board of Trustees Meeting on Thursday, July 9, 2009.

SCHWIEMAN appointed Flushing Township Residents: John Cuddeback, Bill Westenbarger, Larry Birchmeier, and Don Liske to bring a question to the Township Hall on Wednesday regarding the pension program. Each Board Member should also have a question to ask the MERS representative.

7:50 P.M. PUBLIC COMMENTS OPEN:

Seven (7) individuals gave their Opinions

8:10 P.M. PUBLIC COMMENTS CLOSED

UNFINISHED BUSINESS:

1. Flushing Township Building Department

MORFORD MOVED, seconded by Purkey to postpone the Flushing Township Building Department issue to the July 9th Board of Trustees Meeting and move the Roads issue to the end of the Agenda. MOTION CARRIED.

NEW BUSINESS:

1. Bids Committee:

1-c-1 Sale of Nature Park Home

Suggestions have been received as to how to sell the Nature Park Home: 1) A gentleman who is working with Kettering University wanted to use the home as a fifty (50) student charter environmental school; 2) Proposals have been coming in from real estate agents in the area; 3) it was mentioned to explore the possibility of an auction; and 4) raffle. It was recommended by the Board to wait another two (2) weeks to see if further details came back from the individual that was interested in the home for a charter school and then proceed with a real estate agent.

GARDNER MOVED, seconded by Purkey that the Bids Committee have prepared for the Thursday, July 9th meeting a recommendation of a real estate company who will sell the Nature Park home with an exclusion in the contract to allow the Township to sell the home directly to any interested parties that have already expressed an interest.

ACTION OF THE MOTION:

ROLL CALL VOTE:

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

NAYS: 0 MOTION CARRIED.

1-c-2 Discussion of Flushing Township Police Chief Regarding

MINAUDO MOVED, seconded by Purkey to approve the Police Chief’s Job Description and to change the last sentence to read “The Flushing Township Office.’

DISCUSSION:

There were two (2) issues involved: 1) the Police Chief Job Description Publication and 2) Ad Hoc Police Chief Search Committee.

ATTORNEY MOULTON clarified the situation: Under the existing *Policies and Procedures Manual* it was the responsibility of the Township Supervisor to develop the job description with recommendations and comments from others. The job description would then be published. The applications and resumes would then be reviewed by the Supervisor, who as the Personnel Officer, would make recommendations as to the most qualified candidate to the Personnel Committee. The Personnel Committee would then do the interviews and select the person to be the most qualified applicant and present the applicant to the Board who would be considered as a new hire, or as in this case the Police Chief.

It was recommended to get the Police Chief Job Description published as soon as possible.

It was felt since the Police Chief was such an important issue, that all seven (7) members should be involved in the selection of the Police Chief. Since the Chief position was a non-union position, how would it affect the union contracts.

ACTION OF THE MOTION:

ROLL CALL VOTE:

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

NAYS: 0 **MOTION CARRIED.**

1-c-3 Lawn and Snow Amendments to Park Coordinator Position

It was discussed as to whether there would be a cost savings if some of the Nature Park equipment could be sold and then have an outside company do the lawn mowing and snow plowing. A vehicle has to be available for the park coordinator and the township assessor.

The motion that was made on June 11, 2009 concerning the Park Coordinator was only for hours and wages only, not the job description.

The publication for the lawn mowing and snow plowing bids will be published soon.

The lawn mowing and snow plowing issue was a combination of Number 3 and Number 5 on the current Agenda.

1-d-5 Establishment of Ad Hoc “Police Chief Search Committee”

GARDNER MOVED, seconded by Purkey to amend the *Charter Township of Flushing Policies and Procedures Manual* to establish an “Ad Hoc Police Chief Search Committee.” Once the fourteen (14) day notice has expired and has been given to all three (3) Unions, the “Ad Hoc Committee” would be in existence. The Committee would be dissolved once the Police Chief has been hired.

DISCUSSION:

It was recommended to have a one-time only Committee where all seven (7) Board Members would receive a copy of the resumes for all the candidates. There was a

question as to how the interviews would be completed. The township attorney recommended the interviews could be held in open session or the candidate could request a closed session. It would be more candid and forthright if the candidates knew their comments would not be repeated. With the initial interviews, it could be by a committee of three (3) (whether the Personnel Committee or Ad Hoc Committee) and instead of making one recommendation the Committee could come back to the Board with whatever number of recommendations the Board would choose. The whole Board could review all the applications.

The new police chief would be non-union. The Unions would have to be notifying of any changes.

ACTION OF THE MOTION:

ROLL CALL VOTE:

AYES: Minaudo, Purkey, Noecker, and Gardner

NAYS: Matzke, Morford, and Schwieman

MOTION CARRIED.

1-d-6 Flushing Township Police Department Staffing

GARDNER MOVED, seconded by Purkey to lay off one full-time police officer pursuant to Union Contract.

DISCUSSION:

To make a change in the *Policies and Procedures Manual*, the Board has to go by the rules to change the rules. All three (3) Unions have to be notified of change to the Manual. Pursuant to the Union Contract, there would be three (3) part time officers and one (1) full time officer laid off with a total of four (4) officers. Would the recent scheduling contracts be violated if there were lay offs? There was a concern about 24/7 coverage, but there could be 24/7 coverage if overtime was paid.

It was recommended to eliminate the 2-A shift which would leave eight (8) hours with the Acting Chief, Sergeant, or overtime used to fill in the vacancies. There was a proposal of having nine (9) people working 360 hours per week; there is only 168 hours in a week. How much money would the township save?

It was determined the lowest seniority police officer would also be the Flushing Community Schools Resource Officer. Superintendent Barbara Goebel had stated the School Resource Officer had not been determined.

The Sergeant gave a breakdown as to the scheduling of the Police Department:

- 1) It would cost over \$27,000 to lay off one officer;
- 2) what happens when someone doesn't put in for scheduling and becomes sick – overtime would have to be paid;
- 3) there would not be a guarantee of 24/7 coverage;
- 4) the Sergeant needed a direction from the Board as to how to handle overtime or leave the shift uncovered.

It was mentioned that the pension issue was the most serious problem for the township at the time. It was recommended to see what MERS had to say at the July 9, 2009 Board of Trustees Meeting.

It was suggested the Negotiating Committee could sit down with the Command Officers and Unions and see what could be done per the scheduling of the officers. A comparison between Flushing Township and Fenton Township was made regarding number of road miles and number of police officers.

AMENDED MOTION:

GARDNER MOVED, seconded by Purkey to instruct the management of the Flushing Township Police Department, if necessary, to pay time and a half to keep 24/7 coverage and to look for solutions of using management such as the interim chief and the sergeant and if people were voluntarily willing to shift their schedules.

AMENDED MOTION:

ACTION OF THE MOTION:

ROLL CALL VOTE:

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

NAYS: 0 MOTION CARRIED

ORIGINAL MOTION:

GARDNER MOVED, seconded by Purkey to lay off one full-time police officer pursuant to Union Contract to instruct the management of the Flushing Township Police Department if necessary to pay time and a half to keep 24/7 coverage and to look for solutions of using management such as the interim chief and the sergeant and if people were voluntarily willing to shift their schedules.

ACTION OF THE MOTION:

ROLL CALL VOTE:

AYES: Noecker, Gardner, Minaudo, Purkey,

NAYS: Schwieman, Matzke, and Morford MOTION CARRIED

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THE BOARD RECESSED FOR FIVE (5) MINUTES.

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1-d-7 Separate Checking Account for Police Department

The Police Department is a line item in the General Fund. Plante & Moran (Auditors) have stated the General Account is fine as it is; having a separate account would not solve any problems. The Police Millage money is received each December. It was recommended to separate the accounts to have a clearer view of how much money was received into the Police Department Fund even if the township had to borrow from another account. It could then be projected that the Police Department was spending more than what was being paid into the fund. It would then be a stand-alone account. It was recommended the Finance Committee sit down with some of the Board Members and review the situation.

1-e Update of Policy and Procedures Manual

GARDNER MOVED, seconded by Matzke to amend the *Policies and Procedures Manual* to have Public Comment prior to “Unfinished Business” and as well as Public Comment after “Committee Reports”. MOTION CARRIED.

DISCUSSION:

It was recommended to review the format of the Board Meetings; should there be one (1) or two (2) Public Comment Sessions. If there should be two (2) Public Comment Session, the *Policies and Procedures Manual* would have to be amended (Page 11). It was felt the Public should have a voice before and after the meetings. There will be discussions regarding amendments to the *Policies and Procedures Manual* in the future.

1-f Future Location of Township Board Meetings

Due to a large turnout at the July 9, 2009 Board of Trustees Meeting due to a presentation by MERS, it was decided to return to the Flushing School Tunnick Auditorium and at the next (August) meeting return to Flushing Township. The time limit would be at the discretion of the Board Members. It was suggested to go to the Flushing High School Auditorium for special meetings.

ISSUES POSTPONED UNTIL THE NEXT REGULAR SCHEDULED MEETING:

- 1. Discussion and Possible Action Regarding Road Repair Contracts
- 2. Board Communication with Flushing School Superintendent
- 3. Creation of Grievance Committee
- 4. Legal Fees – Authorization/Consultation Procedure

COMMITTEE REPORTS:

None

REPORTS:

- 1. **Treasurer’s Report:** None

10:40 P.M. PUBLIC COMMENTS OPEN:

Nine (9) people gave their Opinions

10:55 P.M. PUBLIC COMMENTS CLOSED

BOARD COMMENTS:

- 1. **GARDNER** gave out his cell phone number.
- 2. **NOECKER** made reference to a \$60 check for a badge for the former Flushing Township Police Chief’s.
- 3. **PURKEY** stated there wasn’t any good short fix for the problems concerning the Pension Funding and Police Department. Everyone can’t think the same all the time; it will take a while to resolve the issues.
- 4. **SCHWIEMAN** felt the Board had done a better job of getting along and should keep their eyes on what is taking place with issues such as MERS and the Police Department.

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

ADJOURNMENT: SCHWIEMAN adjourned the meeting at 11:00 p.m.

JULIA A. MORFORD, Clerk

DONALD A. SCHWIEMAN, Supervisor

APPROVED DATE: _____

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