

# CHARTER TOWNSHIP OF FLUSHING

6524 N. SEYMOUR ROAD

FLUSHING, MICHIGAN 48433

REGULAR BOARD OF TRUSTEES MINUTES

DATE: MARCH 11, 2010

TIME: 7:00 P.M.

PHONE: 810-659-0800

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

## ADMINISTRATION MEMBERS

SUPERVISOR: Terry A. Peck

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 7:03 p.m. by **SUPERVISOR TERRY A. PECK** with Roll Call and the Pledge of Allegiance to the American Flag.

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

**MEMBERS ABSENT:** None

**OTHER INDIVIDUALS PRESENT:** Fifty-four (54) other individuals.

**INTERIM CHIEF DONALD GANSEN (CHIEF GANSEN)** has been asked by Supervisor Peck to comment on the behavior of the audience for the last two (2) months.

Chief Gansen has not only met with Supervisor Peck but Trustee Purkey and Treasurer Noecker and all were on board with the letter. Everyone in the room, no matter which side of the fence/room you were are on, all the board members including Attorney Moulton has the right to run the meetings as a business meeting, not a town hall meeting, and has the right to run the meeting without any unruliness, outbursts, and excessive talking in the audience during the course of the meeting. Everyone has the right to speak their mind for two (2) minutes during the Public Comments Session.

During discussions with **PECK, NOECKER, AND PURKEY**, it was concluded at future meetings, if there were any unruliness, inappropriate outbursts, or excessive talking during the meetings, Supervisor Peck will make notice of the individual. There will be a couple verbal warnings and if there is a third (3<sup>rd</sup>) occurrence, and if an officer is present, or if not, 9-1-1 will be called and you will be asked to leave. If you refuse or give a difficult time, you will be escorted out and cited on the township ordinance of "Disorderly Conduct." Hopefully, in the future, the meetings will be conducted without such behavior and in a more professional manner.

**SUPERVISOR PECK** thanked Chief Gansen and Sgt Fairchild for the outstanding job they did during the interim period since the retirement of Former Chief Doug Kennedy and the appointment of a new chief.

**APPROVAL OF THE AGENDA: GARDNER MOVED**, seconded by Minaudo to approve the agenda with the removal of *New Business*, item "C" Police Department Budget; there will be a budget meeting in the future and the issue will be brought up at that time.

**ACTION OF THE AMENDED MOTION:**

ROLL CALL VOTE:

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

NAYS: 0 MOTION CARRIED.

**APPROVAL OF MINUTES OF MARCH 3, 2010: GARDNER MOVED**, seconded by Purkey to approve the previous minutes from March 3, 2010.

**ACTION OF THE MOTION:**

ROLL CALL VOTE

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

NAYS: 0 MOTION CARRIED.

**APPROVAL OF PAYMENT OF BILLS: MINAUDO MOVED**, seconded by Purkey to approve the bills as presented

**ACTION OF THE MOTION:**

ROLL CALL VOTE:

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

NAYS: 0 MOTION CARRIED.

**PUBLIC HEARING: Flushing Area Recreation Master Plan**

**Opened: 7:07 p.m.**

Several months ago, Flushing Township agreed to join in with the City of Flushing and Flushing Community Schools to be part of the Flushing Area Recreation Plan; the \$2,700.00, which is Flushing Township’s share has been paid; currently the Resolution needs to be signed and given to the Authority. **PURKEY MOVED**, seconded by Minaudo to sign the Resolution to be part of the Flushing Area Recreation Authority.

**DISCUSSION:** There were no comments from the audience.

**ACTION OF THE MOTION:**

ROLL CALL VOTE

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

NAYS: 0 MOTION CARRIED.

**Closed: 7:15 p.m.**

**UNFINISHED BUSINESS:**

**1. Road Contracts:**

**PECK** and **MINAUDO** recently attended a meeting with the Genesee County Road Commission and were informed the contracts were only good for thirty (30) days which became null and void in January. **PECK** stated a budget hearing will be held soon and before anything can be done, the Board has to determine the priorities. If there are any questions, **MINAUDO** could be contacted at 810- 444-2775. There is nothing at this time to deal with regarding the April 1, 2010 deadline.

**2. Mr. Rian Birchmeier (Contined from February 11, 2010)**

Mr. Rian Birchmeier (Mr. Birchmeier) and Trustee Gardner (Gardner) had questions regarding the Flushing Township Nature Park Committee, specifically the Nature Park, at the February 11, 2010 Board of Trustee Meeting. Since the issue of the roll of the Nature Park Committee and specifically the Nature Park, continues to come up in various contacts, Attorney Moulton researched the State Statute, and the Township Ordinance which created the Park Commission, which is more accurately described as a Park Committee.

There is a State Statute which allows the township to create a "Park Commission" which requires eight (8%) percent of the registered electors to bring a petition to the Township Board to create the "Commission". The procedure was never taken by Flushing Township but there is nothing that prevents the township from going through the procedure. If the Township went through the procedure to create a "Park Commission", the Commissioners are appointed by the Township Board and are elected every four (4) years on the same cycle as the Supervisor, Clerk, Treasurer, and Trustees. It is referred to in the Statute as a "Park Commission". It has statutory authority separate from the Board. Flushing Township never had petitions signed by the electors. In the ordinance, the "Flushing Township Nature Park Commission" is identified as the "Flushing Township Nature Park Committee" and solely exists as any other Committee created by the Board, selected by the Board, and has no authority other than through the Board. Membership of the "Flushing Township Nature Park Commission" is at the discretion of the Township Board and subject to the Policies and Procedures Manual.

**NEW BUSINESS:**

**1-a. Possible Selection of Police Chief**

**NOECKER MOVED**, seconded by Gardner to officially hire Dale Stevenson as the new Flushing Township Police Chief and would request a brief recess that we might sign the contract and have the Clerk swear him in.

**DISCUSSION:**

One Board Member never received the contract. The contract has been reviewed by Attorney Rick Fanning of Keller Thoma; Attorney Steve Moulton; and Municipal Employees Retirement System (MERS). There was concern as to whether there would continue to be 24/7 service with lay-offs, and where would the money come from to pay the chief.

**ACTION OF THE MOTION:**

ROLL CALL VOTE:

AYES: Noecker, Peck, Gardner, Minaudo, and Purkey

NAYS: Morford and Matzke

MOTION CARRIED

**THERE WAS A FIVE MINUTE RECESS SO THE CLERK COULD SWEAR IN DALE STEVENSON AS THE NEW FLUSHING TOWNSHIP POLICE CHIEF.**

**1-b. Update to Policies and Procedures Manual**

**GARDNER MOVED**, seconded by Minaudo to instruct Attorney Moulton to formalize the update to the Policies and Procedures Manual and any other recommendations he may have and bring to the next Board meeting for consideration.

**DISCUSSION:**

Per Attorney Moulton, there have been amendments over the years. Attorney Moulton will review the Policies and Procedures Manual (Manual) and put the amendments in the precise language. The Board will review, adopt as formal amendments, and designate as to where the Board will place the amendments in the Manual.

A procedure needs to be placed in the Manual where: 1) the general public could be placed on the Agenda; 2) mass mailings; 3) one (1) public comment session to two (2) sessions and then return back to one (1) public comment session; 4) Freedom of Information Act amendment; etc. (NOTE: Agenda items are for action to be taken).

**ACTION OF THE MOTION:**

ROLL CALL VOTE:

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

NAYS: 0 MOTION CARRIED

**1-c. Mr. Daniel Pricopio – Liberty National Insurance**

Mr. Daniel Pricopio (Mr. Pricopio) of Liberty National Insurance (LNI) gave a brief presentation on the features of the insurance company. LNI is the only insurance company in the United States that provides employees with a portable low-cost term life insurance on a pre-tax basis that covers up to age one hundred (100). Most term insurances are for twenty (20) years. The employer would pay nothing because the program is voluntary and saves because it is pre-tax insurance. The company has to have ten (10) full-time employees in a business; each employee has to be offered the insurance. An accidental insurance policy is also offered free for one (1) year. The insurance is portable so when an employee leaves the company, they can take the insurance with them at the same rate. Employees can purchase from \$5,000 to \$50,000 worth of insurance pre-taxed; additional insurance from \$50,000 to \$100,000 can be purchased but will not be pre-taxed. The same price would include the Police Department.

Flushing Township bids out items in conjunction with the employees/Unions.

**PURKEY MOVED**, seconded by Gardner to decline the offer at this time.

**DISCUSSION:**

Could individuals purchase the insurance separately? The insurance was strictly voluntary and has to be offered to everyone. Per IRS Section 125 there has to be ten (10) full-time employees on a pre-tax basis; there only needs to be seven (7) policies written. LNI is the only insurance that goes to age one hundred (100) but other firms provide the same features but only up to age seventy (70). Since some of Flushing Township employees purchase Aflac on their own, the proposed insurance could also be purchased separately. It was recommended by some board members to survey the township employees and revisit the issue in one (1) month.

**MINAUDO MOVED**, seconded by Matzke to table the issue for one (1) month.

**ACTION OF THE MOTION:**

ROLL CALL VOTE:

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

NAYS: 0 MOTION CARRIED

**1-d. Local Governing Body Resolution for Charitable Gaming Licenses**

**GARDNER MOVED**, seconded by Morford to approve the Resolution for Flushing Girls Lacrosse Club.

**DISCUSSION:**

The organization filled out all the documentation to incorporate a Michigan Not-for-Profit Corporation on November 2, 2009, which includes a specific provision that states if the entity should no longer exist the assets will be transferred to another 501C (3) organization or to a unit of government. The documents were submitted to the IRS and as of Feb 12, 2010, the Lacrosse Club is in fact a 501C (3) organization per the State. The purpose would be a lottery/gambling evening fundraiser which requires a license from the State Bureau of State Lottery to raise money for the Flushing Girls Lacrosse Club. To obtain the license, the application has to be accompanied by a Resolution from the local governing body (Flushing Township) that states that the entity qualifies as a local civic organization. The license is up to the State of Michigan. The organization is not funded by the Flushing Schools.

The Booster Organization at Flushing School has a gaming license. Do other municipalities have to approve the resolution.

**ACTION OF THE MOTION:**

ROLL CALL VOTE:

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

NAYS: 0 MOTION CARRIED

**1-e. Main Office Computer Update Quote**

**NOECKER MOVED**, seconded by Matzke to accept the bid of \$4,085 from J.B. Enterprise LLC to update the computers so the township is compatible with the BS & A Software.

**DISCUSSION:**

The BS & A computer software will be for the computers in the main office. In the next budget, something has to be put in place to update computers before the computers crash at one time.

**ACTION OF THE MOTION:**

ROLL CALL VOTE:

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

NAYS: 0 MOTION CARRIED

**1-f. Bids for 2010 Lawn Care Service**

**NOECKER MOVED**, seconded by Gardner that the Supervisor come up with a specification sheet and then the Bids Committee will put the matter out for bid.

**DISCUSSION:**

There needs to be specifications for the lawn care services so that everyone has the same information. Some local residents did not see the bid for lawn care service in the newspaper in 2009. The Beck's Lawn Care contract was for one (1) year only.

**ACTION OF THE MOTION:**

ROLL CALL VOTE:

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

NAYS: 0 MOTION CARRIED

**COMMITTEE REPORTS:**

None

**1. REPORTS:**

**1. Treasurer's Report:**

1. GASB 45 report is finalized and will be reviewed by Noecker and the Representative from Nyhart. It is a Federal Law that states the township has to put money into the retirees' health benefits. The report has to be turned in by March 31, 2010.
2. TAXES and property values. Total taxable value in Flushing Township is down over \$33,000,000; does not hurt the townships general fund too much; more severe impact on the Police Department. Most funding for the General Fund comes from the States Sales Tax; a State Shared Revenue check of \$114,000 was recently received.
3. DELINQUENT WATER BILLS (public water) have more than doubled in one (1) year; predicted by County, foreclosures will go off the chart for 2010.
4. Recommended to set up a Budget Meeting on Monday, March 29, 2010 to make the final adjustments which will end March 31, 2010.

**NOECKER MOVED**, seconded by Purkey to set up a meeting on Monday evening, 7:00 p.m., March 29, 2010 for a budget meeting.

**DISCUSSION:**

The intent will be to discuss the budget but there could be a few other issues on the agenda.

**ACTION OF THE MOTION:**

ROLL CALL VOTE:

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

NAYS: 0 MOTION CARRIED

- 5. The Quit Claim Deed for the Frances Road property was received from the County. A motion was previously made by the Township Board to list the property with Lucy Ham. The property needs to be sold.

**8:07 P.M. – OPEN FOR PUBLIC COMMENTS**

Seven (7) people gave their comments.

**8:15P.M. – CLOSED FOR PUBLIC COMMENTS**

**BOARD COMMENTS:**

- 1. **MINAUDO** felt the meeting went great and “Congratulations to the Chief”
- 2. **MORFORD** stated in the process of updating the Web; everything should be straightened out soon; “Congratulations to Mr. & Mrs. Stevenson
- 3. **NOECKER** stated he had received a bid from Richfield Disposal and the bid is compatible with Waste Management; 90% of the office is going “GREEN” – money well spent now have great lighting; there are used florescent lights, out of the township hall, that are free to the public.
- 4. **PURKEY** congratulated Mr. Stevenson and welcomed him to Flushing Township; Johnson Road residents, please call Commissioner Archie Bailey regarding the road; there are two (2) agencies that don’t want to take responsibility for the road problems.
- 5. **MATZKE** congratulated Mr. Stevenson.
- 6. **PECK** congratulated Mr. Stevenson; after the meeting is adjourned there will be coffee cake and refreshments.

**THE NEXT REGULAR SCHEDULED BOARD OF TRUSTEES MEETING IS THURSDAY, APRIL 8, 2010 AT 7:00 P.M. AT THE FLUSHING TOWNSHIP HALL.**

**ADJOURNMENT: NOECKER MOVED**, seconded by Minaudo to adjourn at 8:25 p.m.

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JULIA A. MORFORD, Clerk

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TERRY A. PECK , Supervisor

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