

# CHARTER TOWNSHIP OF FLUSHING

6524 N. SEYMOUR ROAD

FLUSHING, MICHIGAN 48433

SPECIAL BOARD OF TRUSTEES MINUTES

DATE: FEBRUARY 25, 2013

TIME: 7:00 P.M.

PHONE: 810-659-0800

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

## ADMINISTRATION MEMBERS

SUPERVISOR: Rian R. Birchmeier

CLERK: Julia A. Morford

TREASURER: Maryion T. Lee

## TRUSTEES

Shirley D. Gage

Bonnie Jean Martinson

Scott R. Matzke

Scott P. Minaudo

## TOWNSHIP ATTORNEY:

STEVEN W. MOULTON, PLLC

6258 W. Pierson Road

Flushing MI 48433

**MEETING CALLED TO ORDER** at 7:10 p.m. by **SUPERVISOR RIAN R. BIRCHMEIER** with Roll Call and the Pledge of Allegiance to the American Flag.

**ROLL CALL:** Rian R. Birchmeier, Maryion T. Lee, Shirley D. Gage, Bonnie Jean Martinson, Scott R. Matzke, Scott P. Minaudo, and Attorney Steve Moulton

**MEMBERS ABSENT:** Julia A. Morford

**OTHER INDIVIDUALS PRESENT:** Sixteen (16) other individuals

**APPROVAL FOR AMENDMENT TO THE AGENDA: MATZKE MOVED**, seconded by Lee to add under "New Business", letter a, "*Change the Name of the former Supervisor to the Current Supervisor Rian Birchmeier, as the Representative for the Genesee County Surface and Water Advisory Committee.*" Letter b, would be "Closed Session".

## ACTION OF THE MOTION

AYES: 6

NAYS: 0

ABSENT: Morford

Motion Carried.

**APPROVAL OF THE AGENDA: MATZKE MOVED**, seconded by Gage to approve the Agenda for February 25, 2013.

## ACTION OF THE MOTION

AYES: 6

NAYS: 0

ABSENT: Morford

Motion Carried.

**7:04 P.M. – OPEN FOR PUBLIC COMMENTS FOR NON AGENDA ITEMS:**

None

**7: 05 P.M. – CLOSED FOR PUBLIC COMMENTS FOR NON AGENDA ITEMS**

## NEW BUSINESS:

- 1-b. Closed Session – To Consult with its Attorney Regarding Appeal or Settlement Strategy Regarding the January 23, 2013 Arbitration Award and the Two (2) Pending Lawsuits Brought Against the Township per MCL 15.268(e)

**7:06 P.M. - ADJOURN TO CLOSED SESSION:**

**MATZKE MOVED**, seconded by Gage that the Board meet in Closed Session pursuant to MCL 15.268(e) to consult with its attorney regarding appeal or settlement strategy regarding the January 23, 2013 arbitration award and the two (2) pending lawsuits brought against the Township.

**ACTION OF THE MOTION**

**ROLL CALL VOTE:**

AYES: Minaudo, Matzke, Martinson, Gage, Lee, and Birchmeier

NAYS: 0

ABSENT: Morford

Motion Carried.

**9:05 P.M. - RECONVENED TO REGULAR SESSION:**

**MINAUDO MOVED**, seconded by Lee to reconvene back to regular session.

**ACTION OF THE MOTION**

**ROLL CALL VOTE:**

AYES: Matzke, Martinson, Gage, Lee, Birchmeier, and Minaudo

NAYS: 0

ABSENT: Morford

Motion Carried.

**THERE ARE TWO (2) MOTIONS IN THE PARTICULAR MATTER:**

- 1) **LEE MOVED**, seconded by Matzke that the Board not seek to Appeal the Arbitrators decision of January 23, 2013 at this time.

**ACTION OF THE MOTION**

AYES: Martinson, Gage, Lee, Birchmeier, Minaudo, and Matzke

NAYS: 0

ABSENT: Morford

Motion Carried.

- 2) **MATZKE MOVED**, seconded by Martinson that pursuant to the request of Attorney Michael Edmonds defending the Township and several named defendants in two (2) pending lawsuits that Supervisor Rian Birchmeier be authorized to communicate to Attorney Edmonds that he has the Board's authority to proceed with facilitation in both of those cases, which has been Court ordered in one (1) and he strongly recommends proceeding with facilitation in the other case.

**ACTION OF THE MOTION**

**ROLL CALL VOTE:**

AYES: Gage, Lee, Birchmeier, Minaudo, Matzke, and Martinson

NAYS: 0

ABSENT: Morford

Motion Carried.

**1-a. Change the Name of the former Supervisor to the Current Supervisor Rian Birchmeier, as the Representative for the Genesee County Surface and Water Advisory Committee.**

**MINAUDO MOVED**, seconded by Martinson to change the name of the former Supervisor to the current Supervisor Rian Birchmeier, as the Representative for the Genesee County Surface and Water Advisory Committee.

**ACTION OF THE MOTION**

AYES: 6  
NAYS: 0  
ABSENT: Morford  
Motion Carried.

**RESOLUTION  
CHARTER TOWNSHIP OF FLUSHING  
GENESEE COUNTY SURFACE AND  
WATER ADVISORY COMMITTEE**

**WHEREAS**, the Genesee County Surface and Water Advisory Committee has requested one (1) Representative from the Charter Township of Flushing sit on the Advisory Board; and

**WHEREAS**, Rian Birchmeier is a qualified representative for this Advisory Board.

**NOW THEREFORE BE IT RESOLVED**, that the Charter Township of Flushing Board of Trustees names Rian Birchmeier as the Primary Representative to sit on the Genesee County Surface Water Advisory Committee.

Adopted by the Charter Township of Flushing Board of Trustees during a Special Meeting held on Monday, February 25, 2013.

Dated: February 25, 2013

\_\_\_\_\_  
JULIA A. MORFORD, Clerk  
Charter Township of Flushing

**BOARD COMMENTS:**

1. **MARTINSON** – thanked everyone for coming out to the Meetings and wishes more people were present.
2. **LEE** – thanked everyone for coming out; realizes there was a long wait for what seems like, not much, but it is a very difficult situation and we are making every effort to do the best we can by the Township; thanks for being patient.

**9:08 P.M. OPEN FOR PUBLIC COMMENTS**

None

**9:09 P.M. - CLOSED FOR PUBLIC COMMENTS**

**THE NEXT REGULAR SCHEDULED BOARD OF TRUSTEES MEETING WILL BE THURSDAY, MARCH 14, 2013 AT 7:00 P.M. AT THE FLUSHING TOWNSHIP HALL.**

**ADJOURNMENT:** Due to lack of business issues, **SUPERVISOR BIRCHMEIER** adjourned the meeting at 9:10 p.m.

\_\_\_\_\_  
JENNIFER FORTHER in the Absence of  
JULIA A. MORFORD, Clerk

\_\_\_\_\_  
RIAN R. BIRCHMEIER, Supervisor

APPROVED DATE: \_\_\_\_\_  
02/25/2013 Regular Min Spec