

CHARTER TOWNSHIP OF FLUSHING

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

DATE: JULY 9, 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 William Tunnicliff Auditorium.

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

MEMBERS ABSENT: None

OTHER INDIVIDUALS PRESENT: Eighty-four (84) other individuals were present.

APPROVAL OF THE AGENDA: NOECKER MOVED, seconded by Purkey to amend the Agenda with the deletion of letter J, *Update of Policy and Procedures Manual* listed under "New Business" and add letter A, *Health Care Services for Hurley Medical Center*, listed under "New Business". **MOTION CARRIED.**

APPROVAL OF MINUTES: GARDNER MOVED, seconded by Minaudo to move the approval of the June 11, 2009 minutes to the next scheduled meeting.

ACTION OF THE MOTION:

ROLL CALL VOTE:

AYES: Gardner, Minaudo, Purkey, Noecker, Schwieman

NAYS: Matzke and Morford **MOTION CARRIED.**

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

DISCUSSION:

The Supervisor had been given a list of foreclosed homes and a service station that needed to be mowed by the Assessor. The Supervisor had contacted four (4) different lawn mowing services within the Flushing area to mow twelve (12) lawns. The lawn mowing services needed to be paid.

A procedure has already been in effect to send a certified letter to the mortgage company or registered home owner giving them ten (10) days to mow the lawn or the township will mow the lawn and place the dollar amount for the service on the property tax bill. Currently, Sgt. Brian Fairchild of the Flushing Township Police Department is in control of the posting for the lawn mowing service for foreclosed homes.

The Attorney will check further into the situation.

Currently, the Bids Committee is accepting bids for the lawn mowing/snow removal service for the township and the Nature Park; results should be forthcoming soon.

AMENDMENT TO THE MOTION:

PURKEY MOVED, seconded by Minaudo to amend the original motion to also include paying of the twelve (12) lawn mowing service bills.

ACTION OF THE MOTION:

ROLL CALL VOTE:

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

NAYS: 0 MOTION CARRIED.

PRESENTATION BY MUNICIPAL EMPLOYEES' RETIREMENT SYSTEM (MERS) - Lynda Pittman, Retirement Services Director

MS. LYNDA PITTMAN gave a very detailed presentation regarding the MERS Program for Flushing Township. Some Facts:

1. MERS is a statewide public employee retirement system that provides an array of quality employee benefit solutions.
2. MERS is a public, non-profit corporation, existing exclusively for the benefit administration of its membership.
3. MERS offers comprehensive employee benefit solutions to approximately 84,000 members in over 700 municipalities statewide.
4. Her presentation stated that MERS was cost effective.
5. MERS is over sixty (60) years of history.
6. MERS Defined Benefit Plan consists of the Benefit Multiplier times the Final Average Compensation times Service Credit equals the Annual Benefit of the employee.
7. Annual Valuations Help Achieve:
 - a. Develop required employer contribution rates that are designed to be level as a percentage of payroll
 - b. Finance benefits earned by present employees on a current basis
 - c. Accumulate assets to enhance members' benefit security
 - d. Produce investment earnings on accumulate assets to help meet future benefit costs
 - e. Make it possible to estimate the long-term cost of proposed new benefits
 - f. Assist in maintaining MERS long-term financial viability.
8. All retirement systems take a long term view of assets and liabilities and adopt a funding method accordingly.
9. Financing Program:
 - a. Two Thirds of MERS members contribute to their pension plan.
 - b. Average employee rate is 4.69%
 - c. Average employer rate is 12.24%
10. Overall goal is MERS is to deliver the benefits to retirees that the municipality promised at the time due consistent with state and federal law (Internal Revenue Code).

Five (5) people from the audience asked questions.

QUESTIONS FROM THE BOARD CONSISTED OF: 1) how to reduce the multiplier; 2) the overall employee contribution; 3) the shrinking payroll; 4) funding from the employees; 5) what percentage of MERS is invested in real estate.

Ms. Pittman stated she could be contacted at her office at 800-767-6377.

9:20 P.M. PUBLIC COMMENTS OPEN:

Five (5) people from the audience gave their opinions.

9:40 P.M. PUBLIC COMMENTS CLOSED

UNFINISHED BUSINESS:

None

NEW BUSINESS:

1-A Resolution to Join the City of Flushing in an Action to set aside an August 4, 2009 Election by Genesee County for a Millage to Provide for Health Care Services at Hurley Medical Center.

PURKEY MOVED, seconded by Noecker to support the Resolution and stipulate not to exceed \$500 in legal fees.

DISCUSSION:

The Resolution would be to assist with legal fees to help with the class-action lawsuit filed by the City of Flushing. Per a letter from the City of Flushing, due to time constraints of the Courts, there wouldn't be enough time to block the election; the lawsuit would be filed to challenge the validity of the millage. If there wasn't any statutory authority for the millage, the Court could overturn the millage after the election had been held. Nothing would go forth after August 4, 2009; the lawsuit would be all or nothing. It was recommended to contribute a limit of \$500 for legal fees.

ACTION OF THE MOTION:

ROLL CALL VOTE:

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

NAYS: 0 MOTION CARRIED.

1-B Assessor's Conference

MINAUDO MOVED, seconded by Matzke to send the Assessor to the Michigan Assessors' Association Conference on October 6 – 9, 2009 at a cost of \$89 for three (3) nights plus \$150 for registration of the Conference.

ACTION OF THE MOTION:

ROLL CALL VOTE:

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

NAYS: 0 MOTION CARRIED.

1-C Road Repair Contracts

SCHWIEMAN MOVED, seconded by Purkey to approve nine (9) catch basin repairs and one (1) resurfacing of Deland Road between Carpenter Road and Coldwater Road at a cost of \$100,041.

DISCUSSION:

It was discussed to fix the catch basins located at: 8170 Shadybrook; 9109 Pine Bluff; 5039 Chickasaw; 5211 Chickasaw; Shoshone/Chickasaw; 8379 Apple Blossom; 8299 Apple Blossom; 5041 Prestonwood; 5051 Prestonwood and the paving of Deland Road from Carpenter Road to Coldwater Road at a total cost of \$100,041 of the \$155,000 budget. The Deland Road cost would be \$60,886; it was recommended to get on the road repair list.

There was a concern about getting a long term road repair plan where money would be available to keep the roads feasible instead of having each board spend what was in their budget. Time and money would be wasted if a long term plan was not made available. Currently, a five year plan is being developed and should be available in September.

There is a ten (10) cent gasoline crease that has been proposed. Flushing Township does not need any more taxes; if the ten (10) cents was approved, Flushing

Township needed the money. Genesee County Road Commission Director John Daly has been selected to be one of five (5) road directors that would decide how the tax money is returned back to Genesee County.

ACTION OF THE MOTION:

ROLL CALL VOTE:

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

NAYS: 0 MOTION CARRIED.

1-D Flushing Township Building Department

Update of the Flushing Building Department: 1) Mr. Phillip Dadd of the State of Michigan has been doing the building inspections and issuing permits. 2) The house on Dunham Street had a foundation issue and was immediately condemned by the State Inspector; a local realtor has sold the Dunham Street house. 3) Remaining sell-back payment to Jerry Fitch, former Flushing Township Building Inspector, needs to be paid at a cost of \$3,323.22 for 97 hours.

PURKEY MOVED, seconded by Matzke to pay the bill to Mr. Fitch for \$3,323.22.

DISCUSSION:

Discussion was held to have a procedure in effect that would prevent similar sell-back issues in the future for future employees. Mr. Fitch did not have the opportunity to use the hours due to being laid off at the end of April 2009. The sell-back issue is referenced in the *Charter Township of Flushing Policies and Procedures Manual*; five (5) employees have retired from Flushing Township under the same sell-back principle. The attorney recommended, according to the *Policies and Procedures Manual*, the only change would be to make it clear that going forward every employee would be held to the time limits in term of the *Policies and Procedures Manual* and the Union Contracts.

ACTION OF THE MOTION:

ROLL CALL VOTE:

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

NAYS: 0 MOTION CARRIED.

1-E-1 Sale of Nature Park Home

MR. CURTIS SCOTT, currently of Charlotte Michigan, but who grew up in Flushing and lived at the Nature Park Home, has requested to change the Nature Park Home into a 50-student Charter Environmental School that would bring the college instructor to the student. Mr. Scott would be working with Kettering University, Michigan State University, and Baker College. The school would be in charge of the maintenance expenses for the Nature Park. The organization would own the home but Flushing Township would own the Nature Park. The organization would pay the wages of the Park Coordinator.

It was recommended to give Mr. Scott sixty (60) days to obtain more information and then return back to the Board of Trustees with the decision as to the purchasing of the home. It was recommended to have an exclusion in the Purchase Agreement so Mr. Scott would be able to purchase the home.

BIDS COMMITTEE:

There were five (5) different real estate bids received ranging from \$69,000 to \$124,000. The Bids Committee recommended Lucy Ham Group sell the home.

NOECKER MOVED, seconded by (no one) to list the home at 8293 N. McKinley Road to sell for the asking price of \$79,900 with the Lucy Ham Group for a period of six (6) months at a commission rate of six (6%) percent. Flushing Township would reserve the right to sell the property to Mr. Curtis Scott, Kettering University, or Michigan State University without commission for a period of sixty (60) days.

CONCLUSION: The purchase of the Nature Home issue would be postponed until the August 13, 2009 meeting which would be the deadline to wait.

1-E-2 Lawn Mowing and Snow Removal

PURKEY MOVED, seconded by Noecker to accept the bid from Becks Lawn Care for the lawn mowing of the township hall and the foreclosed homes.

DISCUSSION:

There were five (5) bids actually received for the lawn mowing/snow mowing. Some of the bids were for lawn mowing and some were for snow plowing. Beck’s Lawn Service was the low bidder on the lawn mowing/snow mowing and foreclosed home service; a Certificate of Insurance was also received from Beck’s. The Nature Park mowing will not be given out, per the Union. There was a question regarding the Nature Park Summer Employees doing the mowing; the issue will be reviewed by the Union and brought back to the Board. It was suggested by the Park Coordinator that the Bids Committee go out to the Nature Park and take a walk/ride through the Park.

ACTION OF THE MOTION:

ROLL CALL VOTE:

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

NAYS: 0 MOTION CARRIED.

1-F Future Location of Township Board Meetings and Time Limits

The future location of the Charter Township of Flushing Board Meetings will be held at the Flushing Township Hall.

1-G Board Communication with Flushing School Superintendent

Due to a recent conversation with the Flushing School Superintendent, it had been recommended there be a “point” person for communication between the Township and Flushing Community Schools. The procedure would not exclude any Board Member but it was felt there would be a much better flow of communication. Conclusion: the Supervisor will contact the Flushing Community Schools Superintendent to inform of a more “open” flow of communication where any Flushing Township Board Member could contact the Superintendent of Flushing Schools.

1-H Creation of Grievance Committee

GARDNER MOVED, seconded by Minaudo to create a *Grievance Committee* which would be made of the same members as the *Negotiating Committee* and would be in charge of reviewing any grievances that were filed with the Board Members and needed board action.

DISCUSSION:

There was discussion as to different grievances against board members and employees who would be subject to collective bargaining. The Union Contract states the grievance should go to the Supervisor, Personnel Committee and then the Board. Most grievances are against the Board as an entity not individually. The committee could be created but with limited circumstances; nothing to do with contractual grievances. The township attorney will review the circumstance and get back to the board

ACTION OF THE MOTION:

ROLL CALL VOTE:

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

NAYS: 0 MOTION CARRIED.

1-I Legal Fees – Authorization/Consultation Procedure

It was recommended in order to decrease the legal fees to start faxing, taping, or put in writing, requests for legal information. There was a comparison of legal fees between the former Board of Trustees and the first six (6) months of the new Board of Trustees; \$4,940 (former) – \$16,576.00 (new) a difference of \$11,636. The average monthly legal charge for the first six (6) months for the township attorney was \$1,862.00. It was determined the taping could lead to lawsuits and would not be a good idea.

All board members will work toward streamlining the legal fees with the township and labor attorney.

COMMITTEE REPORTS:

None

REPORTS:

1. **Treasurer’s Report:**

- a) **RED FLAG POLICY** – The Federal Trade Commission (FTC) has promulgated a number of rules. The FTC has mandated that all municipalities have in place effective August 1, 2009 a “Red Flag” policy. Flushing Township will have minimum involvement in the policy because larger financial institutions and large cities with large billing department will have more input. The rules are the same for all municipalities and has to be adopted per the FTC. The policy will define “Red Flag” issues such as identification that has been forged. Appropriate action must then be taken to stop someone from using another person’s identification. It was recommended by the Township Attorney for each Board Member to do further research on the issue.

NOECKER MOVED, seconded by Purkey to adopt the Charter Township of Flushing Official Policy and Procedure Identity Theft Prevention Program to be effective August 1, 2009. **MOTION CARRIED.**

- b) The township had mowed the lawn of a resident; the resident reimbursed the township for the \$70. What would the Board like for the Treasurer to do. It was recommended to deposit the check in the bank and pay the person that mowed the lawn.

NOECKER MOVED, seconded by Purkey to deposit the check and pay the individual that mowed the lawn. **MOTION CARRIED.**

- c) Two (2) Statements had been received from the Genesee County Water and Waste regarding the Stanley Road Water Line that was installed in 2006. The original contract was signed for \$245,789.98. The statements had been contested by the former Treasurer; the interest had been waived but the amount of \$4,850.25 needed to be paid. It was recommended to further check on the issue.
- d) There also was a question regarding a Miss Dig issue where the township is paying for Miss Dig services.

The Supervisor will be attending an upcoming Road Commission Meeting and will try to resolve the issue from letter C and letter D.

11:45 P.M. PUBLIC COMMENTS OPEN:

Four (4) people gave their Opinions

11: 55 P.M. PUBLIC COMMENTS CLOSED

BOARD COMMENTS:

1. **SCHWIEMAN** stated a 9.5 percent water increase would be effective with the September 2009 reading. The Supervisor would accept Board and Flushing Township residents comments.
2. **PURKEY** stated there recently had been another water increase.

THE NEXT BOARD OF TRUSTEES MEETING IS SCHEDULED FOR THURSDAY, AUGUST 13, 2009 AT 7:00 P.M.

ADJOURNMENT: MINAUDO MOVED, seconded by Morford to adjourn at 12:00 p.m.

JULIA A. MORFORD, Clerk

DONALD A SCHWIEMAN, Supervisor

APPROVED DATE: _____

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