

CHARTER TOWNSHIP OF FLUSHING

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

DATE: DECEMBER 9, 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 7:00 p.m. by **SUPERVISOR TERRY A. PECK** with Roll Call and the Pledge of Allegiance to the American Flag.

ROLL CALL: Terry A. Peck, Julia A. Morford, William J. Noecker, Michael S. Gardner, Scott R. Matzke, Scott P. Minaudo, Mark H. Purkey, and Attorney Steve Moulton

MEMBERS ABSENT: None

OTHER INDIVIDUALS PRESENT: Thirty-one (31) other individuals

APPROVAL OF THE AGENDA: GARDNER MOVED, seconded by Purkey to approve the Agenda including "New Business" "a through p".

ACTION OF THE MOTION:

ROLL CALL VOTE

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

NAYS: 0 MOTION CARRIED.

APPROVAL OF PREVIOUS MINUTES:

- a. **November 4, 2010: PURKEY MOVED**, seconded by Matzke to approve the Minutes of November 4, 2010.

ACTION OF THE MOTION:

ROLL CALL VOTE

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

NAYS: 0 MOTION CARRIED.

- b. **December 1, 2010: GARDNER MOVED**, seconded by Matzke to approve the Minutes of December 1, 2010.

ACTION OF THE MOTION:

ROLL CALL VOTE

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

NAYS: 0 MOTION CARRIED.

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

ACTION OF THE MOTION:

ROLL CALL VOTE

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

NAYS: 0 MOTION CARRIED.

UNFINISHED BUSINESS:

None

NEW BUSINESS:

1-a. Homeland Security Equipment (Subgrant and Transfer of Equipment Agreement)

PURKEY MOVED, seconded by (None) to accept the fictional items that the Sheriff would like to send to the Township.

DISCUSSION:

It was unknown as to the type of equipment which Flushing Township would be receiving, although the equipment would be stored and maintained by the township in case of an emergency in Genesee County. Homeland Security deals with many issues; the grant would authorize the County to have control of items on behalf of Flushing Township.

Sheriff Pickell recommended the authorized signatories on the Homeland Security Contract be the Supervisor, Police Chief, and Fire Chief who would be the only individuals that could sign for Flushing Township to receive the equipment. The contract would not obligate the township; if Flushing Township decided to dispose of items, they could not be sold without the authority of the County.

When further details are available, the Board Members will be notified.

MINAUDO MOVED, seconded by Matzke to designate the authorized signatures be those of the Supervisor, Treasurer, and Police Chief.

ACTION OF THE MOTION:

ROLL CALL VOTE

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

NAYS: Purkey MOTION CARRIED.

1-b. 2011 Genesee County Metropolitan Alliance Representatives

GARDNER MOVED, seconded by Noecker to appoint to the Genesee County Metropolitan Alliance as: Elected Official - Mark Purkey; Citizen Representative - Dan Adamson; and as Alternate - Ron Hammond. The dues are \$125 per year.

DISCUSSION:

The meeting is held the third (3rd) Wednesday night of each month at the Genesee County Administration Building (Flint). The representatives consist of an elected official, a citizen's representative, and one (1) alternate. Updates of Michigan Department of Transportation (MDOT) issues such as bridges, roads, future plans for the County, etc are discussed.

ACTION OF THE MOTION:

ROLL CALL VOTE

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

NAYS: Purkey MOTION CARRIED.

1-c. Electronic Transfer Approvals

GARDNER MOVED, seconded by Minaudo that all electronic transfer of funds for sell backs for employees be signed by the Clerk and the Treasurer.

ACTION OF THE MOTION:

ROLL CALL VOTE

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

NAYS: 0 MOTION CARRIED.

1-d. Winter Seeding at the Flushing Township Nature Park

GARDNER MOVED, seconded by Minaudo to seed the North side of the Riverwalk, by the meadow; the seeding will be the last obligation per the Department of Natural Resources (DNR) Grant which had been previously received by the Nature Park. The cost of the seeding not to exceed \$500.00.

DISCUSSION:

The seeding is the last obligation per the U.S.D.A. Grant that has to be completed. The area that needs to be seeded is on the North side of the drive going down to the Riverwalk by the meadow. Bill Schnieder, who has done a lot of consulting/work at the Flushing Township Nature Park (Nature Park) would be willing to do the seeding for a fee. Supervisor Peck requested \$500.00 to take care of the cost. The seeding has to take place this winter.

ACTION OF THE MOTION:

ROLL CALL VOTE

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

NAYS: 0 MOTION CARRIED.

1-e. Additional Shelving in the Election and Storage Room

NOECKER MOVED, seconded by Minaudo to allow a private citizen to pay for additional shelving in the election and storage room.

DISCUSSION:

The private citizen would pay the full cost of the shelving. There would be no charge to Flushing Township.

ACTION OF THE MOTION:

ROLL CALL VOTE

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

NAYS: 0 MOTION CARRIED.

1-f. Michigan Townships Association (MTA) Conference Fee

MINAUDO MOVED, seconded by Noecker to pay for the 2011 Michigan Townships Association Conference Registration fee for the Board Members.

DISCUSSION:

If the conference registration fee is made by Dec 15, the early-bird price would be \$240 per person; please let the Clerk know as soon as possible if any Board Member is going to be attending the Conference.

ACTION OF THE MOTION:

ROLL CALL VOTE

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

NAYS: 0 MOTION CARRIED.

1-g. MISS DIG Systems – Supervisor’s Signature

GARDNER MOVED, seconded by Minaudo to have the Supervisor sign the MISS DIG Contract, which is a yearly contract that involves the Genesee County Drain Commission.

ACTION OF THE MOTION:

ROLL CALL VOTE

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

NAYS: 0 MOTION CARRIED.

1-h. Utility Choice International Presentation (Natural Gas)

GARDNER MOVED, seconded by Noecker to approve Supervisor Terry Peck to sign a (natural gas) contract with Volunteer Energy (a/k/a Utility Choice International).

DISCUSSION:

The gas portion of the Consumers Energy (Consumers) Statement would be the only thing that would be affected. The cost of the gas would never be more than what Consumers charges for gas but should be less; Flushing Township would be billed for services through Consumers; if the township should have any questions or needed repairs, Consumers would be the contact agent; if the township wanted to cancel the gas services, a thirty (30) day notice to Volunteer Energy would be given and the gas services would return to Consumers Energy.

ACTION OF THE MOTION:

ROLL CALL VOTE

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

NAYS: 0 MOTION CARRIED.

1-i. 2011 Board and Commission Appointments

GARDNER MOVED, seconded by Purkey to approve the 2011 Board and Commission Appointments.

ACTION OF THE MOTION:

ROLL CALL VOTE

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

NAYS: 0 MOTION CARRIED.

1-j. 2011 Scheduled Meeting Dates

GARDNER MOVED, seconded by Minaudo to approve the 2011 Scheduled Meeting Dates.

ACTION OF THE MOTION:

ROLL CALL VOTE

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

NAYS: 0 MOTION CARRIED.

1-k. 2011 Committee Appointments

MINAUDO MOVED, seconded by Gardner to postpone the appointments until the next regular scheduled meeting.

DISCUSSION:

The Supervisor had previously requested recommendations for the different committees from the Board. Some of the Board Members didn't have the time to thoroughly review the recommendations so it was recommended to postpone until the next regular scheduled meeting.

ACTION OF THE MOTION:

ROLL CALL VOTE

AYES: Gardner, Matzke, Minaudo, and Purkey

NAYS: Noecker, Peck, and Morford MOTION CARRIED.

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GARDNER MOVED, seconded by Morford to move the Closed Session to the end of “New Business”.

ACTION OF THE MOTION:

ROLL CALL VOTE

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

NAYS: 0 MOTION CARRIED.

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1-m. Resolution to Prohibit Sunday Alcoholic Sales

GARDNER MOVED, seconded by Purkey to take no action.

DISCUSSION:

Attorney Steve Moulton (Attorney Moulton) stated that due to a recent change in a public act which amended certain sections in the Liquor Control Act, the Liquor Commission now has the authority to grant licenses for the sale of beer, wine, spirits, and mixed spirits on Sunday morning; currently alcohol can be purchased on any other day of the week starting at 7:00 a.m. On Sunday Morning you have to wait until 12:00 Noon to purchase alcohol.

The change in the law, which will become effective December 16, 2010, would allow the Liquor Control Commission to issue, to licensees, the right upon their request and payment of \$160.00, to engage in Sunday Morning sales.

The Act allows Municipalities, by resolution, to opt out of the act on or before December 15, 2010 and would not permit Sunday Morning liquor sales. The Commission will abide by the resolution awaiting further clarification of the law.

Currently, there are three (3) options for Flushing Township: 1) adopt a resolution to prohibit Sunday Morning liquor sales and the Liquor Control will recognize the issue; 2) adopt a resolution approving Sunday Morning liquor sales; or 3) do nothing. If nothing is done, the Liquor Control Commission will grant the licenses as requested. The new law, would allow liquor sales up until 11:59 p.m. Christmas Eve and Christmas Day after 12:00 Noon.

Although Flushing Township is considered a “dry community”, the new law would allow people to apply for Sunday Morning Sales. It was felt there should be consistency across the State, the township should not get involved in a State law.

ACTION OF THE MOTION:

ROLL CALL VOTE

AYES: Gardner, Matzke, Minaudo, and Purkey

NAYS: Peck, Noecker, and Morford MOTION CARRIED.

1-n. Closure of the Main Office for Employees on Thursday, December 23, and Thursday, December 30, 2010

GARDNER MOVED, seconded by (None) to allow the township to be closed on Thursday, December 23, 2010 and Thursday, December 30, 2010 with the township employees taking a vacation day for both days.

DISCUSSION:

The Genesee County offices will be closed Thursday, December 23 and Thursday, December 30 and in the past, when the County was closed, Flushing Township was closed since the Township deals direct with the County on so many issues. The recommendation had been that the employees take a vacation day on Thursday, December 23, 2010 and the township would pay the employee wages on Thursday, December 30, 2010.

PURKEY MOVED, seconded by Matzke to allow the township to be closed both days, with the employees taking a vacation day for Thursday, December 23 and the township paying the wages for Thursday, December 30, 2010.

DISCUSSION:

It was questioned why the township would be closed on December 30; could the township pay the employees for the day and stay open on December 30, 2010 in order to better serve the residents. In the past Flushing Township has always been closed the same days as the County since transactions could not be taken care of with the County closed. The days off could be used as a bargaining chip for negotiations in the future; it was felt by a few that the office should be open on Thursday, December 30, 2010 in order to better serve the residents.

GARDNER MOVED, seconded by Minaudo to amend the motion on the floor to remove Thursday, December 30, 2010 as a closure date.

DISCUSSION:

The office would be closed on Thursday, December 23, 2010 and the township employees would be using a vacation day; Thursday, December 30, 2010 would be open as a normal business day.

ACTION OF THE MOTION:

ROLL CALL VOTE

AYES: Gardner, Minaudo, and Noecker

NAYS: Matzke, Peck, Purkey, and Morford MOTION CARRIED.

ORIGINAL MOTION:

PURKEY MOVED, seconded by Matzke to allow the township to be closed both days, with the employees taking a vacation day for Thursday, December 23, 2010 and the township paying the wages for Thursday, December 30, 2010.

ACTION OF THE MOTION:

ROLL CALL VOTE

AYES: Peck, Morford, Matzke, and Purkey

NAYS: Noecker, Gardner, and Minaudo MOTION CARRIED

1-o. 2011 Board of Review Training

MINAUDO MOVED, seconded by Morford to approve the attendance of any of the Board of Review members to attend the annual training session at an early bird price of \$75.00.

ACTION OF THE MOTION:

ROLL CALL VOTE

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

NAYS: 0 MOTION CARRIED.

1-p. Hiring of Part-Time Maintenance Person

GARDNER MOVED, seconded by (None) to approve hiring Bruce Klipa as a part-time maintenance person until March 31, 2011 for the sole purpose of shoveling the side walk, plowing snow, and checking on the Nature Park no more than seven (7) hours per week.

MINAUDO MOVED, seconded by Purkey to hire Bruce Klipa an average of seven (7) hours per week, duties to be handed out as Supervisor suggests, at \$10.00 per hour.

ACTION OF THE MOTION:

ROLL CALL VOTE

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

NAYS: Gardner MOTION CARRIED.

8:02 P.M. – ADJOURNED TO GO INTO CLOSED SESSION

PURKEY MOVED, seconded by Minaudo to add an additional item to the agenda for the Closed Session; a letter was received from the Patrol Officers Steward regarding negotiations. **MOTION CARRIED.**

(All seven (7) Board Members were present and no one had any objection to adding an additional item to be discussed in Closed Session).

GARDNER MOVED, seconded by Minaudo to go into Closed Session pursuant to MCL 15.268(e) for the purpose of discussion with the township attorneys regarding police negotiations and ongoing lawsuits.

ACTION OF THE MOTION:

ROLL CALL VOTE

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

NAYS: 0 **MOTION CARRIED.**

9:05 P.M. – RE-CONVENED TO REGULAR SESSION

a) **GARDNER MOVED**, seconded by Minaudo to go back into regular session.

ACTION OF THE MOTION:

ROLL CALL VOTE

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

NAYS: 0 **MOTION CARRIED.**

b) **GARDNER MOVED**, and seconded to approve Supervisor Peck to sign letter A to be sent to EMC Insurance Company.

ACTION OF THE MOTION:

ROLL CALL VOTE

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

NAYS: 0 **MOTION CARRIED.**

c) **NOECKER MOVED**, seconded by Minaudo to authorize Supervisor Peck to send the letter that was read, dated December 9, 2010, to Mr. Louis Cook in response to his suggestions concerning negotiations.

ACTION OF THE MOTION:

ROLL CALL VOTE

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

NAYS: 0 **MOTION CARRIED.**

COMMITTEE REPORTS:

None

REPORTS:

1. Treasurer’s Report:

- a. **Water Fund:** the water fund balance has grown by \$686,000.00; personally felt there should be some adjustments; ten (10%) percent is being charged for late water payment fees.
- b. **Police Fund Balance:** negative balance of \$512,000.00 and have been advised to consult with Plante & Moran; future loans will come from the water fund, interest will be charged and the issue will be addressed later.
- c. **Land Bank Property (Treasurer’s Office):** three (3) properties are up to revert back to Flushing Township from the Land Bank – Adelle Street, Duffield Road, and Frances Road.
- d. **GASB 45:** the retirement funds have to be reviewed every three (3) years; there haven’t been any large changes with money coming in or going out.

8:20 P.M. – OPEN FOR PUBLIC COMMENTS

Ten (10) people gave their opinions including Mr. Gordon Summers, 8083 Prestonwood Ct, Flushing, MI. Treasurer Noecker requested the following language be added to the Minutes of December 9, 2010; the Minutes were approved January 13, 2011:

“I, Gordon Summers, 8083 Prestonwood Ct, Flushing, MI, would suggest that each and every one of you stand up and pull your belt away, look down and see if you have the testicular fortitude to correct the problem.”

9:15 P.M. – CLOSED FOR PUBLIC COMMENTS

BOARD COMMENTS:

1. **MINAUDO** stated the rumor about the Chief being related to someone on the Board has been proven untrue so many times; there had been a question regarding postponing the appointments, but Minaudo only wanted time to absorb the recommendations.
2. **GARDNER** gave a scenario: “he heard this morning on the playground that Billy likes Susie; if this is true, please let him know.”
3. **MATZKE** wished everyone a Merry Christmas and Happy New Year.
4. **PURKEY** wished all the employees a very Merry Christmas and Happy New Year; if people feel that the township is hiding money, they should go to the Attorney General - otherwise accept what Plant and Moran has been telling the public.
5. **NOECKER** stated there was a lot of animosity and hatred at the board meeting.
6. **MORFORD** stated there would be another election on February 22, 2011 which would deal with the Montrose School District millage; only two (2) precincts would be effected; there will be a Michigan Township Association – Genesee County Chapter Meeting at Atlas Township on Thursday, Dec 16, 2010 – the speaker will be Jenifer Boyer, Emergency Management will be the speaker; Merry Christmas and Happy New Year.
7. **SUPERVISOR COMMENTS:**
 - a. **Solid Waste Collection:** Flushing Township will be changing to Richfield Waste Services starting January 3, 2011; household waste and recycling will be collected every week; between April and November, yard waste will be picked up every week; the leaf collections in the subdivisions will be expanded. (a handout was available to the public in the foyer of the township hall).
 - b. **Patrol Union:** The Flushing Police Department patrolmen have changed unions and are now with the Police Officers Labor Council (POLC); a letter was sent to the Patrolman from the Police Chief regarding hiring officers on a part time basis with regular pay; the officers would like to negotiate including setting up a committee – various information including the budgets have been given to the officers for their review.
 - c. **Genesee County Road Commission:** the 50/50 road funds for 2011 have been sent in and the township will receive \$21,340.00 for roads; roads will be discussed at the January 2011 Board Meeting.
 - d. **Meetings:** in the past, roll call votes have been taken for every action, but in the future only issues dealing with money and closed sessions will require a roll call.
 - e. **Closing of the Office:** it is the right thing to do for all the employees; Merry Christmas to everyone.

Hopes the township can come to some type of solution; the Supervisor will not vote to raise taxes in any way unless the people of the township vote – either way he will be for the people.

THE NEXT REGULAR SCHEDULED BOARD OF TRUSTEES MEETING WILL BE THURSDAY, JANUARY 13, 2011 AT 7:00 P.M. AT THE FLUSHING TOWNSHIP HALL.

ADJOURNMENT: NOECKER MOVED, seconded by Purkey to adjourn the meeting at 9:55 p.m. MOTION CARRIED.

JULIA A. MORFORD, Clerk

TERRY A. PECK , Supervisor

APPROVED DATE: _____

12/09/ 2010 Regular Min