

# CHARTER TOWNSHIP OF FLUSHING

6524 N. SEYMOUR ROAD

FLUSHING, MICHIGAN 48433

BOARD OF TRUSTEES MINUTES

DATE: APRIL 11, 2013

TIME: 7:00 P.M.

PHONE: 810-659-0800

FAX 810-659-4212

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

810-407-7658

**MEETING CALLED TO ORDER** at 7:00 p.m. by **SUPERVISOR RIAN R. BIRCHMEIER** with Roll Call and the Pledge of Allegiance to the American Flag.

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

**MEMBERS ABSENT:** None

**OTHER INDIVIDUALS PRESENT:** Twenty-three (23) other individuals

**ADOPT THE AGENDA WITH AMENDMENTS: LEE MOVED**, seconded by Matzke to adopt the Agenda with the suggested changes as presented; **1)** "New Business", number 1,e,3 - Ethics Policy; **2)** number 1,f – AN ORDINANCE TO AMEND AND RESTATE SECTIONS 17-1 THROUGH 17-5 OF THE CODE OF ORDINANCES REGARDING THE IMPOUNDMENT OF VEHICLES AND THE PROCEDURES FOR THE RELEASE OF SAME; and **3)** letter j, Report by Acting Police Chief Brian Fairchild on the reconstructing of the Flushing Township Police Department.

## ACTION OF THE MOTION

### ROLL CALL VOTE:

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

NAYS: Minaudo

Motion Carried.

## APPROVAL OF PREVIOUS MINUTES:

**A. MATZKE MOVED**, seconded by Lee to approve the Minutes of February 25, 2013 as presented.

## ACTION OF THE MOTION

### ROLL CALL VOTE:

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

NAYS: 0

Motion Carried.

**B. MATZKE MOVED**, seconded by Gage to approve the Minutes of March 14, 2013 as presented.

**ACTION OF THE MOTION**

**ROLL CALL VOTE:**

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

NAYS: 0

Motion Carried.

**APPROVAL OF PAYMENT OF BILLS: LEE MOVED**, seconded by Gage to approve the payment of the bills as presented.

**ACTION OF THE MOTION**

**ROLL CALL VOTE:**

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

NAYS: 0

Motion Carried.

**7:07P.M. – OPEN FOR PUBLIC COMMENTS FOR NON AGENDA ITEMS:**

One (1) individual gave a comment

**7: 10 P.M. – CLOSED FOR PUBLIC COMMENTS FOR NON AGENDA ITEMS**

**UNFINISHED BUSINESS:**

**1. PA System in the Auditorium**

**MORFORD MOVED**, seconded by Matzke to go with Bogner Sound and Music at a price of \$3,181.00 with the trade in.

**DISCUSSION:**

Three (3) sealed bids were received: 1) Bogner Sound and Music for \$3,181.00 with trade in – no trade in \$3,391.00; 2) McCarthy Electric at \$6,665.00; 3) Midwest Mobiletech at \$3,627.45. It was mentioned that Bogner has done a lot of churches in the area.

**ACTION OF THE MOTION**

**ROLL CALL VOTE:**

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

NAYS: 0

Motion Carried.

**NEW BUSINESS:**

**1-a. Closed Session – Proposed Contract for Flushing Township Police Chief**

**7:15 P.M. – ADJOURN TO GO INTO CLOSED SESSION**

**MORFORD MOVED**, seconded by Lee that the Board meet in Closed Session pursuant to Section 8(e) of the Open Meetings Act to consult with the attorney regarding a matter in pending litigation – Brian Fairchild’s Lawsuit – possible resolution of employment status.

**ACTION OF THE MOTION**

**ROLL CALL VOTE:**

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

NAYS: 0

Motion Carried.

**8:45 P.M. – RECONVENE TO REGULAR SESSION**

**MORFORD MOVED**, seconded by Martinson to reconvene to regular session.

**ACTION OF THE MOTION**

**ROLL CALL VOTE:**

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

NAYS: 0

Motion Carried

**1-b. Paving of Frances Road from Elms Road to McKinley Road**

**MINAUDO MOVED**, seconded by Lee to postpone the issue until the next meeting due to not having a complete contract.

**DISCUSSION:**

Supervisor Birchmeier will get a complete contract from Montrose Supervisor Mark Emmendorfer and then pass the information along to the Board Members.

**ACTION OF THE MOTION**

**ROLL CALL VOTE:**

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

NAYS: 0

Motion Carried

**1-c. Changes to the Basic Disaster Plan**

**MORFORD MOVED**, seconded by Gage to approve the *Basic Disaster Plan* changes which primarily refers to changing from the Genesee County Sheriff Department to the Flushing Township Police Department.

**ACTION OF THE MOTION**

**ROLL CALL VOTE:**

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

NAYS: 0

Motion Carried

**1-d. Replacement of Fire Hydrant at 8387 Seymour Road**

**MINAUDO MOVED**, seconded by Lee to use the Genesee County Drain Commission for the replacement of the fire hydrant at 8387 Seymour Road at a cost of \$3,057.75.

**DISCUSSION:**

Three (3) quotes were received: 1) Genesee County Drain Commission at \$3,057.75; 2) Glaser Dawes at \$4,350.50; and 3) Waldorf and Sons at \$3,450.00

**ACTION OF THE MOTION**

**ROLL CALL VOTE:**

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

NAYS: 0

Motion Carried.

**1-e. Policies:**

- 1. Mailbox Policy:

**LEE MOVED**, seconded by Morford to adopt the Mailbox Policy.

**DISCUSSION:**

A few of the Board Members didn't have the document.

**LEE WITHDREW HER MOTION**

**MINAUDO MOVED**, seconded by Lee to postpone until next month.

**ACTION OF THE MOTION**

**ROLL CALL VOTE:**

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

NAYS: 0

Motion Carried.

2. Petty Cash Policy (Main Office and Police Department):

**LEE MOVED**, seconded by Matzke to approve the Petty Cash Policy presently before the Board and if there is in effect, a prior Petty Cash Policy, the policy is rescinded.

**DISCUSSION:**

There will be two (2) separate Petty Cash funds: one for the Main Office and one for the Police Department for a total of \$100 with a maximum single distribution out of the fund to be \$50 out of the fund.

**ACTION OF THE MOTION**

**ROLL CALL VOTE:**

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

NAYS: 0

Motion Carried.

3. Ethics Policy:

**LEE MOVED**, seconded by Matzke to adopt the Ethics Policy for Elected Officials.

**DISCUSSION:**

The Policy is on paper but will there be any consequences for not following the Ethics Policy. It will depend upon the nature of the ethical duty of the elected official. Example: there is a state statute for “conflict of interest” and it is spelled out in the statute. Other types of violation of the Ethics Policy could be censored by the Board Members.

**ACTION OF THE MOTION**

**ROLL CALL VOTE:**

AYES: Gage, Lee, Morford, Birchmeier, and Matzke

NAYS: Martinson - Minaudo did not see a copy of the Policy so declined to vote.

Motion Carried.

**1-f. First Reading of AN ORDINANCE REGULATING THE TRANSPORTATION OR POSSESSION OF USABLE MARIJUANA; TO MAKE VIOLATION A MISDEMEANOR; PENALTY**

**GAGE MOVED**, seconded by Lee to adopt AN ORDINANCE REGULATING THE TRANSPORTATION OR POSSESSION OF USABLE MARIJUANA; TO MAKE VIOLATION A MISDEMEANOR; PENALTY

**DISCUSSION:**

The usable marijuana, in the State of Michigan, applies to medical marijuana. The State Statute requires the transport of usable marijuana to be one of the following in a motor vehicle: enclosed in a case carried in the trunk of a vehicle or if the vehicle does not have a trunk, enclosed in a case not readily accessible from the interior of the vehicle. It is a ninety-three (93) day misdemeanor subject to possible fine of \$500 fine or both. It would give the Police Department the ability to write violations under the particular provision, but there has to be a local ordinance in place. This applies to everyone regardless if the person is a caregiver or not.

**ACTION OF THE MOTION**

**ROLL CALL VOTE:**

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

NAYS: 0

Motion Carried.

**1-g. First Reading of AN ORDINANCE TO AMEND AND RESTATE SECTIONS 17-1 THROUGH 17-5 OF THE CODE OF ORDINANCES REGARDING THE IMPOUNDMENT OF VEHICLES AND THE PROCEDURES FOR THE RELEASE OF SAME**

**GAGE MOVED**, seconded by Lee to adopt the first reading of AN ORDINANCE TO AMEND AND RESTATE SECTIONS 17-1 THROUGH 17-5 OF THE CODE OF ORDINANCES REGARDING THE IMPOUNDMENT OF VEHICLES AND THE PROCEDURES FOR THE RELEASE OF SAME.

**DISCUSSION:**

There was an Impound Ordinance in place when the Flushing Township Police Department was operating; when transitioning to the Genesee County Sheriff the ordinance was amended to reflect language changes from Sheriff instead of Police Chief and Deputies instead of Local Police Officers; now amending to address the language changes back to reflect the Local Police Officers; a provision was also included by which an impound company could be considered for use as a company authorized impound for Flushing Township. The criteria set forth in Section 17-5(a), the ability to respond to a call for impoundment anywhere in the Township within twenty (20) minutes, be in business 24/7, maintain a fenced in security facility with a 24/7 video surveillance with recording capability, and be able to provide either indoor storage as requested by law enforcement, demonstrate a need to preserve evidence as requested by law enforcement per the chain of evidence rule, submit to a background check for key personnel involved in the impound company, and the Police Chief is authorized to maintain a list of impound companies per the criteria to be used by law enforcement personnel.

**ACTION OF THE MOTION**

**ROLL CALL VOTE:**

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

NAYS: 0

Motion Carried.

**1-h. 2013 Tri-County Assessor's Association Dues for Flushing Township Assessor Dennis Judson**

**MORFORD MOVED**, seconded by Martinson to combine and approve both "1-h", *2013 Tri-County Assessor's Association Dues for Flushing Township Assessor Dennis Judson (\$10)* and "1-i", *Educational Training for Flushing Township Assessor Dennis Judson (\$20)*.

**ACTION OF THE MOTION**

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

NAYS: 0

Motion Carried.

**1-j. Michigan Township Association Seminars for Supervisor, Clerk, Treasurer, and Trustees**

**LEE MOVED**, seconded by Gage that the Board approve the expenditures for those who can go to their specified elected official retreat. (May 14-15, 2013-Treasurer's Retreat; May 16-17, 2013-Supervisor's Retreat; May 18-19, 2013-Trustee's Retreat; May 22-23, 2013-Clerk's Retreat).

**DISCUSSION:**

For the individuals that would like to attend the retreat, please get with the Clerk and she can put the cost on the township credit card and the individual would get in on the “early-bird” price.

**ACTION OF THE MOTION**

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

NAYS: 0

Motion Carried.

**1-k. Report by Acting Police Chief Brian Fairchild on the Reconstruction of the Flushing Township Police Department**

**FACTS PRESENTED BY ACTING CHIEF BRIAN FAIRCHILD SINCE THE PATROL OFFICERS HAVE BEEN BROUGHT BACK TO WORK:**

- Grants have been written.
- All but one (1) room has been painted in the Police Department.
- Most of the Township Hall has been painted.
- Dead trees have been cut down on the West end of the building.
- Code Enforcement issues have been worked on.
- The department will be ready and on the road by May 1, 2013 for 24/7 coverage.
- The officers have agreed to work seven (7) twelve (12) hour shifts which adds up to eighty-four (84) hours for every two (2) week period; the last four (4) hours will be straight time without any overtime.
- Most of the equipment has been returned by the Genesee County Parks or has allowed Flushing Township to purchase the equipment back.
- The Genesee County Sheriff Department has nine (9) of the hand held portable radios which they have been borrowing since the Sheriff took over; it will be very important that the Township get the radios back because each radio costs approximately \$3,600.
- Three (3) vehicles have been obtained through the State of Michigan Bid Process through Signature Ford.
- Crannie Signs of Flushing has volunteered to stripe the cars for the cost of the material.
- Blumerich’s of Flushing is in the process of putting all the equipment back into the cars.
- 9-1-1 Center and Blumerich’s have donated three (3) computers to Flushing Township at no cost.
- Flint Township Police Department has loaned Flushing Township two (2) radios until the new radios have been received.
- Two (2) grants have been applied for: one (1) for a new AED (this has been received) and one (1) grant for the radios.
- The Justice Department has been contacted regarding the officers’ vests, even though Flushing Township doesn’t qualify for the grant this year, departments are able to re-qualify every five (5) years for matching monies for bullet proof vests, after explaining the situation, Acting Chief Fairchild was informed to go ahead and apply for the grant and they would review the issue.
- Grants have been applied for video equipment in the patrol cars.
- The vehicle fuel system through the school district has been re-established and will save money.
- Training of the officers have started: re-qualification for the guns was done last week.
- The Crime Watch Committee purchased and donated hand guns to the Police Department.
- The lein services have been re-certified through the State of Michigan.
- In house training will begin next week with such things as first aid, hazardous/chemical aerosol sprays, accurate shooter training, etc.

- PPCT training will start the next week; will be working with the Genesee County Sheriff Department to do some accurate training in the high school.
- Now going to push forward.

#### COMMITTEE REPORTS:

1. Parks and Recreation Committee: The Committee will be meeting on April 29, 2013 at 6:00 p.m. at the Flushing Township Nature Park. There will be a walk through at the Park making notes of things that are needing attention and will bring the information to the Board of Trustees by way of notes to the Supervisor or through a Park Committee Member attending a Board Meeting.
2. Flushing Area Senior Center: The Strategic Committee recently met and will be having a Board Meeting later in the month dealing with the pros and cons of having an Authority for the Senior Center.
3. Flushing Township Planning Commission: The Commission is trying to finalize the Master Plan; Mr. Doug Piggott of Rowe Engineering has been contacted to assist and give an estimate of what the cost would be in order to make sure all the requirements of the Michigan Zoning Enabling Act are followed; the cost will be brought back to the Planning Commission and then to the Board of Trustees. Some monies for the Master Plan had been previously approved by the former Board of Trustees.

#### FINANCIAL REPORT:

##### 1. Financial Report for March 2013.

General Account Fund - **\$1,152,039.66**

Bank Checking Balance - \$1,214,726.95

Checks in Transit - (\$63,923.37)

Deposits in Transit - \$1,236.08

Bank Checking Balance, Checks in Transit, Deposits in Transit - **\$1,152,039.66**

Chase Savings Account - \$301,596.48

**General Fund Checking/Savings Grand Total - \$1,453,636.14**

##### Cash in Bank

General/Bldg/Park/Dental/Vision - \$429,291.52

Police Fund - \$318,606.00

Trash Fund - \$403,613.41

Drug Enf Fund - \$528.92

CDBG - (\$0.20)

ADJ - MERS - \$0.01

Chase Savings - \$301,596.48

**General Fund Checking/Savings Grand Total - \$1,453,636.14**

##### Water Fund Checking/Savings Total - \$1,599,514.85

Water Fund Investment Schedule - \$1,478,520.93

Water Fund Grand Total - \$3,078,035.78

Short Term Loan to Police Fund - \$0

##### Tax Account Fund for March 2013 - \$1,062,333.93

**All Tax Checks have been dispersed to their appropriate entity**

**Tax Checking Grand Total - \$0**

**GAGE MOVED**, seconded by Morford to approve the Financial Report for March 2013.

#### DISCUSSION:

Interest rates are low to municipalities can't make any money on investments.

**ACTION OF THE MOTION**

AYES: 7

NAYS: 0

Motion Carried

**BOARD COMMENTS:**

1. **MORFORD:** on Thursday, April 18, 2013 at 7:00 p.m., at Grand Blanc Township, the Michigan Townships Association Genesee County Chapter will be holding their monthly meeting. There will be a great speaker.
2. **BIRCHMEIER:**
  - a. ADA Barrier Free Project - the work is suppose to be starting Monday, for the ADA project for the front doors of the Main Office, Police Department and the bathroom at the Flushing Township Nature Park.
  - b. Rowe Sponsored Free Training Seminar - Rowe Engineering will be holding a free training session on April 30, 2013, from 7:00 p.m. to 9:00 p.m. at the Rowe Building downtown Flint. Please RSVP Stacy, at 810-341-7500, no later than April 26, 2013.
  - c. Foster Swift Free Webinar – There will be a free webinar sponsored by Foster Swift on April 18, 2013 from 11:00 a.m. to 12:00 p.m.; please RSVP at [bit.ly/employmentwebinar](http://bit.ly/employmentwebinar).
3. **GAGE:** thanked everyone for being so patient while the Board was in Closed Session and for coming out in the bad weather.
4. **MARTINSON:** thanked everyone for being patient and for staying while the Board was in Closed Session.
5. **LEE:** also thanked the audience for staying while the Board was in Closed Session.

**8:50 P.M. OPEN FOR PUBLIC COMMENTS**

Three (3) individuals gave their comments

**8:59 P.M. - CLOSED FOR PUBLIC COMMENTS**

**THE NEXT REGULAR SCHEDULED BOARD OF TRUSTEES MEETING WILL BE THURSDAY, MAY 9, 2013 AT 7:00 P.M. AT THE FLUSHING TOWNSHIP HALL.**

**ADJOURNMENT:** Due to lack of business issues, **SUPERVISOR BIRCHMEIER** adjourned the meeting at 9:00 p.m.

\_\_\_\_\_  
JULIA A. MORFORD, Clerk

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

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