

CHARTER TOWNSHIP OF FLUSHING

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

DATE: FEBRUARY 13, 2014

TIME: 7:00 P.M.

PHONE: 810-659-0800

FAX 810-659-4212

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

ADMINISTRATION:

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 7:04 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 one (21) other interested individuals

ADOPT THE AGENDA: MARTINSON MOVED, seconded by Birchmeier, to have Plante Moran, PLLC conduct the Audit for 2013-2014 Fiscal Year for a total of \$18,750 payable in three (3) installments, May 15, 2014 for \$6,000; June 15, 2014 for \$9,000; and July 15, 2014 for \$3,750 to be added to the Agenda under "New Business", letter k.

ACTION OF THE MOTION

ROLL CALL VOTE:

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

NAYS: 0

MOTION CARRIED.

MORFORD MOVED, seconded by Matzke, to remove "New Business", letter b from the Agenda and to consolidate "Unfinished Business", letter 1(b), with "New Business", letter e (i)(a).

ACTION OF THE MOTION

ROLL CALL VOTE:

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

NAYS: Birchmeier

MOTION CARRIED.

BIRCHMEIER MOVED, seconded by Martinson, to remove the wording "FOR NON AGENDA ITEMS" in the first PUBLIC COMMENTS SECTION so that it would state "PUBLIC COMMENTS".

ACTION OF THE MOTION

ROLL CALL VOTE:

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

NAYS: 0

MOTION CARRIED.

MINAUDO MOVED, seconded by Matzke, to adopt the Agenda as presented with all the changes.

MOTION RESCINDED BY MINAUDO AND MATZKE.

LEE MOVED, seconded by Matzke, to remove from under “New Business” 1(d)(iv)(a) from the Agenda.

ACTION OF THE MOTION

ROLL CALL VOTE:

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

NAYS: 0

MOTION CARRIED.

MINAUDO MOVED, seconded by Matzke, to adopt the Agenda as presented with all the changes.

ACTION OF THE MOTION

ROLL CALL VOTE:

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

NAYS: 0

MOTION CARRIED.

APPROVAL OF DRAFT MINUTES:

- a. December 12, 2014: **MATZKE MOVED**, seconded by Lee, to approve the draft minutes from December 12, 2013.

LEE MOVED, seconded by (None) to amend the motion to include “the Supervisor changed all locks in the Park without notifying other Board Members.” (Page 8, “Discussion”, *Key Policy*)

LEE WITHDREW HER MOTION.

ACTION OF THE MOTION FOR DRAFT MINUTES OF DECEMBER 12, 2013.

ROLL CALL VOTE:

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

NAYS: 0

MOTION CARRIED.

- b. Special Board Meeting for December 17, 2013: **MATZKE MOVED**, seconded by Gage, to approve the Special draft minutes for December 17, 2013.

ACTION OF THE MOTION

ROLL CALL VOTE:

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

NAYS: 0

MOTION CARRIED.

- c. January 9, 2014: **MORFORD MOVED**, seconded by Lee, to postpone the approval of the January 9, 2014 Minutes until the next meeting.

ACTION OF THE MOTION

ROLL CALL VOTE:

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

NAYS: 0

MOTION CARRIED.

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

ACTION OF THE MOTION

ROLL CALL VOTE:

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

NAYS: 0

MOTION CARRIED.

7:30 P.M. – OPEN FOR PUBLIC COMMENTS

Four (4) individuals gave a comment.

7:36 P.M. – CLOSED FOR PUBLIC COMMENTS

UNFINISHED BUSINESS:

1-a. Mediation Update

Jane O'Dell is waiting for a date and time for the mediation. The Treasurer is also checking into where the funds will come from for the mediation conference.

Attorney General Opinions are binding upon governmental entities which are a subset of the State of Michigan with the Attorney General being the Attorney for the State. If Case law can be found that supersedes the Attorney General's Opinion, you could rely upon that because it will supersede, but there are no later opinions on the issue. If there is a meeting with all seven (7) Board Members present that is not open to the public in general and there is a possibility the meeting may spill over into a discussion of public issues, you can't have the meeting without complying with the Open Meetings Act.

Trustee Martinson wanted to know if, in the Township Attorney's Opinion, he was suggesting the Mediator could meet with three (3) Board Members at a time but we all know one (1) Board Member was not in agreement. The Attorney stated his understanding was that one (1) or more Board Members indicated their participation would be conditioned upon all seven (7) Board Members being part of the process simultaneously.

Trustee Martinson wanted to know if we can't meet in groups of three (3), then what do we do because some of the problems have to be resolved? Per the Attorney, mediation is not the road to that goal. For the process to work, the Mediator has to be able to speak to the opposing individuals, individually in private because the Mediator has to know what you are thinking in private which will not be disclosed to the other party.

Birchmeier received the process of mediation from Ms. Jane O'Dell. The Supervisor felt the Board wasn't taking the mediation process seriously. The Supervisor felt that it would be a waste of his time and also the taxpayers to have the mediation; felt the mediation would be more appropriate for some of the other Board Members.

Trustee Martinson stated that since the Supervisor liked to communicate with the Board Members by email, suggested to the Board Members that you do not send anything to the personal computers because that information comes under the Freedom of Information Act and she (Martinson) does not want to give up her computer. Trustee Martinson will not accept any more emails.

1-b. AT & T Update

MINAUDO MOVED, seconded by Birchmeier, to postpone the issue until the next meeting.

ACTION OF THE MOTION

ROLL CALL VOTE:

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

NAYS: 0

MOTION CARRIED.

1-c. Fiscal Quarterly Budget

MATZKE MOVED, seconded by Lee, to approve the Fiscal Quarterly Budget.

ACTION OF THE MOTION

ROLL CALL VOTE:

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

NAYS: Minaudo and Martinson

MOTION CARRIED.

NEW BUSINESS:

1-a. Discussion on Adoption of Ordinance in Regards to Hazards and Obstructions to the Public Right of Way: Special Provision as to Sump Pumps

The problem involves properties on Tahquamenon Trail where sump pumps flow into the street. Per Attorney Moulton, Flushing Township already has an ordinance in place that prohibits the discharge of surface or sub-surface run-off into the gutters of the street. If the Township can identify and confirm with some certainty the properties that are discharging onto the street, the Township can start contacting the affected property owners to see if the Township can get voluntary compliance. If not, there are mechanisms which the Township can use that will help with the compliances.

1-b. Local Governing Body Resolution for Charitable Gaming Licenses

MORFORD MOVED, seconded by Minaudo, to approve the *Local Governing Body Resolution for Charitable Gaming Licenses* for the Flushing Athletic Boosters Club.

ACTION OF THE MOTION

ROLL CALL VOTE:

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

NAYS: 0

MOTION CARRIED.

1-c. Personnel Committee:

i. Contract for Attorney Steve Moulton:

LEE MOVED, seconded by Morford, to approve the contract for Attorney Steve Moulton until November 20, 2016.

ACTION OF THE MOTION TO CALL FOR THE VOTE. . .

ROLL CALL VOTE:

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

NAYS: Birchmeier

MOTION CARRIED.

ACTION OF THE MOTION

ROLL CALL VOTE:

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

NAYS: Birchmeier

MOTION CARRIED.

ii. Discussion for a Township Zoning Administrator:

MORFORD MOVED, seconded by Lee, to recommend for Assessor Dennis Judson to check into setting a budget to fulfill the duties for being the Zoning Administrator and for the Personnel Committee to enter into a discussion with Dennis Judson.

ACTION OF THE MOTION

ROLL CALL VOTE:

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

NAYS: 0

MOTION CARRIED.

iii. Resignation of Trustee Martinson from the Personnel Committee:

GAGE MOVED, seconded by Lee, to recommend Scott Matzke be on the Personnel Committee.

ACTION OF THE MOTION

ROLL CALL VOTE:

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

NAYS: Minaudo and Martinson

MOTION CARRIED.

iv. Policies:

a. Supervisor’s Duties

LEE MOVED, seconded by Morford, to ask the Board to designate an individual who shall be the Township Budget Officer who shall be responsible for the development and administration of the Township Budget. Unless another person is designated Budget Officer, the Treasurer shall be the Budget Officer; all other power comes from the Board.

ACTION OF THE MOTION

ROLL CALL VOTE:

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

NAYS: Martinson

MOTION CARRIED.

b. Public Access to Assessing Records

MORFORD MOVED, seconded by Gage, that the Flushing Township Assessing Records be available to the public during regular office hours; property owners are entitled to a free copy of their record card or valuation statements. Extra copies or copies to non-owners will depend on the Freedom of Information (FOIA) prices per page. This will be for assessing records only.

ACTION OF THE MOTION

ROLL CALL VOTE:

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

NAYS: 0

MOTION CARRIED.

1-d. Building/Grounds/Bid Committee:

i. Park Committee Report

(a) Flushing Nature Park Improvement/DNR Letter Regarding Proposal 1

LEE MOVED, seconded by Minaudo, to allocate up to \$2,900 out of the 2014-2015 Budget for a prescribed burn to be arranged in the spring.

ACTION OF THE MOTION

ROLL CALL VOTE:

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

NAYS: Minaudo

MOTION CARRIED.

LEE MOVED, seconded by Morford, that the Board concur with the Park Committee’s Recommendation to approve Proposal I of the “Canoe Launch and Pathway Reallocation Proposal” which consist of:

1. Adoption of the signage proposal that came to the Board several times earlier.
2. Having a Kiosk placed at the pathway entrance with a sign-in system.
3. Approve the development usage of signage of closing of the pathway due to inclement weather or seasonal closing and special events to be attached to the gate when closed.
4. Pathway gate to be closed seasonally which has already been done from November 1 to March 1.

ACTION OF THE MOTION

ROLL CALL VOTE:

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

NAYS: Birchmeier

MOTION CARRIED.

LEE MOVED, seconded by Matzke, to allocate up to \$1,600 for the thirteen (13) signs from *Jacob's Signs* and to replace any signs that were destroyed.

ACTION OF THE MOTION

ROLL CALL VOTE:

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

NAYS: Birchmeier

MOTION CARRIED

ii. Budget Amendments – 2013-2014

(a) Maintenance Person

(b) Swing Set

(c) Doggy Stations

(d) Park Signage and additional signs

LEE MOVED, seconded by Minaudo, to approve the Budget Amendments for 2013-2014 for the Maintenance Person, Swing Set, Doggy Stations, and Park Signage.

ACTION OF THE MOTION

ROLL CALL VOTE:

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

NAYS: Birchmeier

MOTION CARRIED

9:40 P.M. – BREAK

MINAUDO MOVED, seconded by Martinson to take a five (5) minute break.

ACTION OF THE MOTION

ROLL CALL VOTE:

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

NAYS: 0

MOTION CARRIED

1-e. Update on Recent Water Line Break in Main Office

There was a water break in the foyer of the Township Hall; water went into the Board Room and Main Office. The insurance company has been out to give an evaluation of the damage to the Hall. There will be new tile or new carpet in the Board Room, Kitchen (in the Board Room), Main Office including the Offices for Supervisor, Clerk, Treasurer, Assessor, and Finance Director. The Break Room and Conference Room will not have new carpet.

Please review the color/style of the tiles and carpet located in the Main Office. Even though the Township appreciates what the insurance company has done, it was suggested to upgrade a notch since this will probably be the only time we can upgrade for a number of years. If a better quality of carpet is used, it will last longer. It was recommended to maybe have the Break Room and Conference Room carpeted/retiled also so the entire building would be new at one time.

MINAUDO MOVED, seconded by Lee, to approve the upgrade for carpet and tile throughout the Township Hall and for carpet or tile in the Break Room, Conference Room, and Kitchen not to exceed \$10,000; the \$10,000 to be taken out of the Fire Contract Fund.

ACTION OF THE MOTION

ROLL CALL VOTE:

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

NAYS: 0

MOTION CARRIED

1-f. Approval of new Administrative Assistant for the Police Department

BIRCHMEIER MOVED, seconded by Minaudo, that the Board allow Chief Fairchild to fill a position as Administrative Assistant in the Police Department with the person of his choice allowing that person to begin training prior to the March 2014 Board Meeting; he will then bring that name to the March 2014 Board Meeting for final approval.

ACTION OF THE MOTION

ROLL CALL VOTE:

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

NAYS: 0

MOTION CARRIED

1-g. Freedom of Information Act Appeal for Rian Birchmeier

Attorney Moulton will work with the Clerk on a Resolution. The issue was withdrawn by the Supervisor.

1-h. 2014 Dues for the Tri-County Assessor's Association

MORFORD MOVED, seconded by Matzke, to approve the 2014 Tri-County Assessor's Association Dues in the amount of \$10.

ACTION OF THE MOTION

ROLL CALL VOTE:

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

NAYS: 0

MOTION CARRIED

1-i. 2014 Flushing Township Guidelines for Granting Poverty Tax Exemptions

MORFORD MOVED, seconded by Matzke, to approve the 2014 Flushing Township Guidelines for Granting Poverty Tax Exemptions.

ACTION OF THE MOTION

ROLL CALL VOTE:

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

NAYS: 0

MOTION CARRIED

1-j. Plante Moran Audit Contract

MARTINSON MOVED, seconded by Matzke, to have Plante Moran, PLLC conduct the Audit for 2013-2014 Fiscal Year for a total of \$18,750 payable in three (3) installments, May 15, 2014 for \$6,000; June 15, 2014 for \$9,000; and July 15, 2014 for \$3,750.

ACTION OF THE MOTION

ROLL CALL VOTE:

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

NAYS: 0

MOTION CARRIED

REPORTS:

None

COMMITTEE REPORTS:

1. Flushing Township Police Department: Chief Brian Fairchild gave the Police Department Report for January 2014.
2. Flushing Fire Department: A report is not available for the Flushing Fire Department.
3. Flushing Area Senior Center: A Board of Directors Meeting was held January 28, 2014 but due to the Clerk attending an Michigan Townships Association Conference, she was not able to attend the meeting. The Flushing Area Senior Center and the Flushing Outreach is getting out the information regarding the Community Development Block Grant dealing with home improvements. The grants are available for low to moderate income families.

FINANCIAL REPORT:

LEE MOVED, seconded by Morford, to accept the Financial Report.

ACTION OF THE MOTION

ROLL CALL VOTE:

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

NAYS: 0

MOTION CARRIED

BOARD COMMENTS:

1. **MARTINSON**: apologized for her actions earlier in the meeting; thanked the *Park and Recreation Committee* for being so successful in their “Coats and Critters” program where 226 coats were collected; after a discussion with a resident regarding trash collection decided to resolve the situation so discussed the issue with Jeff at Emterra Enterprises and was told that residents can have each week: **1)** 1 large item (couch/fridge) each week as long as the item doesn’t contain Freon, **2)** 5 to 10 trash cans each week with a 50 lb limit in each, **3)** will take only 10 bags of waste/leaves at a time, **4)** tires can be cut into 4 sections and placed out for trash pickup; Emterra welcomes calls so check out the brochures available in the office.

Concerned about “digging up dirt” on some of the Board Members when there is an “*In God We Trust*” sign on the Front door of the Township Hall; quoted verses from the Bible in the Book of Matthew.

Contacted Attorney Steve Schultz regarding the question that came up at the January Board of Trustees Meeting regarding the title for Karla Carpenter as “Finance Director” – there was a concern from Attorney Schultz that Karla was more than a Bookkeeper and she did a lot of the things that Accountants do but he never mentioned or recommended Karla’s title be “Finance Director”.

The \$139,700 water fund check was explained by the Finance Director as to how the funds were dispersed. It showed that the Supervisor spent 25% of his time taking care of water issues; is the Supervisor bonded and is he able to take care of money?

The paneling in the Board Room looks so much better and “thanks” to Norm.

2. **MORFORD**: reminded the Board about the MTA Meeting to be held at Montrose Township on Thursday, February 20, 2014 at 7:00 p.m. to 8:30 p.m. The Speaker will be Kevin Keane who is also the Mayor for the City of Flushing; a brochure was placed at everyone’s seat regarding some information from the Drain Commissioners Office; there have been complaints regarding the snow/ice at the Nature Park, and since the Gator and the Tractor are the only pieces of equipment at the Nature Park, it would be greatly appreciated if anyone knows where the keys are they would return them.
3. **GAGE**: “thanks” to everyone for coming out and for your patience; “thanks” to Trustee Martinson for the “goodies”.
4. **LEE**: she goes to the Nature Park before coming to work in the morning; has gone to other parks to see what is transpiring and found the gates are not being open including the Flushing County Park; the ice/snow build up was before the Maintenance Person was hired; there is no way to do the whole walk with a “pick”; the smell in the side restroom has been there – seems to have something to do with the septic tank which was drained in October or November; she called the company that cleaned out the

septic tank and it was mentioned it could have something to do with the wind pushing the gases down or there was a possibility a pipe could be broken. At this point, we have to wait until Spring.

A comment was made about her deceased husband but it doesn't sound like her husband; if anything, she should be mad at Julia because she met Julia when Jim Cole and her (Maryion) were running against each other; Julia was James Cole's campaign manager and worked as secretary in his law office so if she held grudges, she and Julia would not be getting along but instead work together so well and appreciates Julia's historical information and knowledge of the building.

Norm Goddard is doing a wonderful job; wherever there was a gouge in the Board Room paneling he fixed the area; has cleaned the light fixtures in the Board Room, Kitchen, Main Office, and Foyer; cleaned out the refrigerator, cleaned out all the vents and has plowed the snow 4 to 5 times in one day because it is very important to keep the Police Department open so they can get out and to keep the offices open; requested the public's understanding because the township is doing the best they can.

"Thanks" Bonnie for adding sweetness to the Day! "Thanks" for coming.

- 5. **MINAUDO:** hope that Ms. Woods is feeling better because the incident happened several weeks ago; "thanks" to everyone for coming.
- 6. **BIRCHMEIER:** "thanks" to Attorney Moulton for rectifying the situation regarding the Policies and Procedures Manual and making his job easier and more understandable.

10:40 P.M. OPEN FOR PUBLIC COMMENTS

Five (5) individuals gave their comments.

10:45 P.M. - CLOSED FOR PUBLIC COMMENTS

THE NEXT REGULAR SCHEDULED BOARD OF TRUSTEES MEETING WILL BE THURSDAY, MARCH 13, 2014 AT 7:00 P.M. AT THE FLUSHING TOWNSHIP HALL.

ADJOURNMENT: Due to lack of business issues, **SUPERVISOR BIRCHMEIER** adjourned the meeting at 10:59 p.m.

JULIA A. MORFORD, Clerk

RIAN R. BIRCHMEIER, Supervisor

APPROVED DATE: _____