

CHARTER TOWNSHIP OF FLUSHING

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

DATE: DECEMBER 11, 2014

TIME: 7:00 P.M.

PHONE: 810-659-0800

FAX 810-659-4212

WEB PAGE: <http://flushingtownship.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

- I. **MEETING CALLED TO ORDER** at 7:00 p.m. by **SUPERVISOR RIAN BIRCHMEIER** with Roll Call and the Pledge of Allegiance to the American Flag.
- II. **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: Sixteen (16) other interested individuals

ADOPTION OF THE AGENDA FOR DECEMBER 11, 2014:

- A. **TRUSTEE MINAUDO MATZKE MOVED**, seconded by Morford, to approve the Agenda

ACTION ON THE MOTION

THERE WAS NO VOTE ON THE MOTION.

TRUSTEE MATZKE MOVED to remove Item I from the agenda, supported by ~~Treasurer Lee.~~ **TRUSTEE GAGE**

ACTION ON THE MOTION

THERE WAS NO VOTE ON THE MOTION.

Supervisor Birchmeier asked who was going to speak to Item J. on the agenda. Clerk Morford stated she would.

Supervisor Birchmeier asked about Item L. Closed Session. Attorney Moulton stated the pending litigation should be dropped from agenda at this time and the only discussion should be of the teamsters request to re-open the union contract regarding a wage modification only.

SUPERVISOR BIRCHMEIER MOVED to drop the pending litigation from Item L. as stated above by Attorney Moulton, supported by Treasurer Lee.

**ACTION ON THE MOTION
THERE WAS NO VOTE ON THE MOTION.**

Supervisor Birchmeier asked to move **Payment of Bills** down to Item M. under New Business.

Supervisor Birchmeier asked if there was a motion to adopt the agenda.

TREASURER LEE MOVED to adopt the agenda for December 11, 2014 as amended, supported by Trustee CLERK Morford.

**ACTION ON THE MOTION
ROLL CALL VOTE:
MOTION CARRIED UNANIMOUSLY**

TRUSTEE MATZKE MOVED to approve the minutes of the November 13, 2014 Board of Trustees Meeting, supported by Trustee Martinson.

**ACTION ON THE MOTION
ROLL CALL VOTE:
MOTION CARRIED UNANIMOUSLY**

III. 7:10 P.M. – OPEN FOR PUBLIC COMMENTS
No Public Comments
7:11 p.m. – CLOSED FOR PUBLIC COMMENTS

IV. UNFINISHED BUSINESS

A. 1. Second Reading of AN ORDINANCE TO AMEND AND RESTATE CHAPTER 7 OF THE CODE OF ORDINANCES, BEING SECTIONS 7-1 THROUGH 7-42, TO ELIMINATE BURN PERMITS; TO ELIMINATE SECTIONS 7-36 THROUGH 7-42 RELATIVE TO FIRERUN CHARGES; TO MAKE CERTAIN VIOLATIONS MISDEMEANORS, AND TO MAKE OTHER VIOLATIONS CIVIL INFRACTIONS; TO ESTABLISH THE PENAL TIES UPON CONVICTION FOR THE STATED VIOLATIONS; AND, TO AUTHORIZE THE ISSUANCE OF CIVIL INFRACTION CITATIONS

TRUSTEE MINAUDO moved to approve the second reading of the above stated amended ordinance, supported by Trustee Matzke.

**ACTION OF THE MOTION
ROLL CALL VOTE:
MOTION CARRIED UNANIMOUSLY**

- B.2. Continued review of the 2015/2016 Working Budget**
Treasurer Lee briefly reviewed the budget with the Board.
- C.3. Motion to ask, recommend, suggest, demand that Clerk Morford BEGIN to correct all the minutes from past Board of Trustees Meetings, as found on our website. These will be corrected as specified by the Open Meetings Act and available on our website by the next Board Meeting, January 8, 2015.**

Lengthy discussion ensued regarding the above motion with no action taken.

V. NEW BUSINESS:

- A. Approval of CMOM Agreement for 2015-2024 Lateral Sewer System (County Agency to issue B-permits and billing, and provide Miss Dig services)**

Mr. John O'Brien and Mr. Tim Davidek of Genesee County were in attendance to give a brief presentation to the Board.

SUPERVISOR BIRCHMEIER MOVED, supported by Trustee Minaudo to approve the 2015-2024 CMOM Contract.

Attorney Moulton read a resolution he had prepared which was consistent with the motion made by Supervisor Birchmeier that could be submitted along with the minutes resolving that the Charter Township of Flushing is authorized and shall enter into the agreement with the Genesee County Drain Commission to provide the following services in accordance with Exhibit A of the agreement, 1. Issue B-permits 2. Provide billing services and 3. Provide Miss Dig Services at the rate provided for in the contract.

**ACTION OF THE MOTION
ROLL CALL VOTE:
MOTION CARRIED UNANIMOUSLY**

- B. Approval of contract for continuing service for the township's three pump stations with Mid-Michigan Manufacturing until 4-11-16.**

Mr. Bob Crowley of Mid-Michigan Manufacturing was in attendance for a brief presentation.

SUPERVISOR BIRCHMEIER MOVED, supported by Trustee Minaudo ~~Clerk Morford~~ to approve the contract for continuing service for the township's three pump stations with Mid-Michigan Manufacturing until 4-11-16.

ACTION OF THE MOTION

ROLL CALL VOTE:

MOTION CARRIED UNANIMOUSLY

- C. Motion to ask, recommend, suggest, demand that Clerk Morford meet the guidelines of the Open Meetings Act regarding the proper posting of our Board minutes, the minutes of the Planning Commission and the minutes of any other commission or committee that is regulated by the Open Meetings Act and that she answer any requests for FOIA information without hesitation, providing information to the person making a request that conforms to FOIA regulations; if the Clerk refuses, any lawsuit against the township shall be paid by her and NOT the township.**

TRUSTEE MARTINSON MOVED, supported by Trustee Minaudo to ask, recommend, and suggest, that Clerk Morford meet the guidelines of the Open Meetings Act regarding the proper posting of our Board minutes, the minutes of the Planning Commission and the minutes of any other commission or committee that is regulated by the Open Meetings Act and that she answer any requests for FOIA information without hesitation, providing information to the person making a request that conforms to FOIA regulations; if the Clerk refuses, any lawsuit against the township shall be paid by her and NOT the township.

Trustee Matzke questioned Attorney Moulton about this motion with Attorney Moulton stating this motion was going to override an existing policy. He further stated all of this is already in place other than overriding the existing policy for indemnification so he was not sure it adds anything to the further governance of the township.

ACTION ON THE MOTION

ROLL CALL VOTE:

AYES: Minaudo, Martinson, Matzke, Birchmeier

NAYES: Gage, Lee and Morford

MOTION CARRIED

- D. Motion to have meeting information available for all members of all commissions and committees and that, if applicable, Open Meetings Act guidelines will be followed with no exceptions. The chair of each commission or committee, realizing that four Board Members could be present, shall be responsible for notifying the Clerk so that the meeting can be posted, minutes can be taken, etc. whatever is necessary to conform to the Open Meetings Act.**

TRUSTEE MARTINSON SO MOVED, ~~on the above motion~~, supported by Supervisor Birchmeier TO HAVE MEETING INFORMATION AVAILABLE FOR ALL MEMBERS OF ALL COMMISSIONS AND COMMITTEES AND THAT, IF APPLICABLE, OPEN MEETINGS ACT GUIDELINES WILL BE FOLLOWED WITH NO EXCEPTIONS. THE CHAIR OF EACH COMMISSION OR COMMITTEE, REALIZING THAT FOUR BOARD MEMBERS COULD BE PRESENT, SHALL BE RESPONSIBLE FOR NOTIFYING THE CLERK SO THAT THE MEETING CAN BE POSTED, MINUTES CAN BE TAKEN, ETC. WHATEVER IS NECESSARY TO CONFORM TO THE OPEN MEETINGS ACT.

ACTION ON THE MOTION

ROLL CALL VOTE:

AYES: Lee, Gage, ~~Minaudo~~, MARTINSON, Birchmeier, MINAUDO ~~Martinson~~

NAYS: Morford, Matzke,

MOTION CARRIED

- E. Approval of newly revised Flushing Township Payroll Sheet for part-time maintenance person.**

SUPERVISOR BIRCHMEIER MOVED, supported by Trustee Martinson to approve the revised payroll sheet for the part-time maintenance person.

TRUSTEE MARTINSON MOVED to amend the motion, supported by Birchmeier to have not only the payroll sheet but a list of what he has done available for each month's meeting.

ACTION ON THE MOTION

ROLL CALL VOTE:

AYES: Martinson, Birchmeier, Matzke, Minaudo

NAYS: ~~Morford, Gage, Lee~~-GAGE, LEE, MORFORD

MOTION CARRIED

- F. Approval of 2015 Meeting dates**

TRUSTEE MORFORD MOVED, supported by Trustee Gage to approve the 2015 Meeting Dates as presented.

ACTION ON THE MOTION

ROLL CALL VOTE:

MOTION CARRIED UNANIMOUSLY

- G. Approval of Committee Appointments**

SUPERVISOR BIRCHMEIER MOVED, supported by Trustee Minaudo to approve the Appointments as presented.

TRUSTEE GAGE amended the motion to approve the appointments as presented except for the Web Site Committee, supported by Treasurer Lee.

TRUSTEE MINAUDO further amended the motion to just table the Web Site Committee appointments until the next meeting, supported by Trustee Gage.

TRUSTEE MINAUDO further amended the motion to “postpone” rather than table the Web Site Committee appointments, supported by Trustee Gage.

CLERK MORFORD amended the motion to also include the Elections Committee along with the Web Site Committee as there was a question whether the ~~Supervisory~~ SUPERVISOR could be on that committee as an ex-officio.

TRUSTEE MINAUDO amended his motion to state: Check on whether Supervisor could be on Elections Committee as an ex-officio and to approve the other appointments as presented except for the Web Site Committee which will be postponed until the next meeting.

Supervisor Birchmeier asked who would be responsible for bringing this back to the Board Meeting. After a brief discussion, Treasurer Lee stated she would bring it back.

ACTION ON THE MOTION:

ROLL CALL VOTE:

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

NAYS: Birchmeier

MOTION CARRIED UNANIMOUSLY

H. Approval of Board and Commission Appointments

SUPERVISOR BIRCHMEIER MOVED, supported by Minaudo to approve the Board and Commission appointments as presented.

ACTION ON THE MOTION:

ROLL CALL VOTE:

MOTION CARRIED UNANIMOUSLY

J. Motion to approve Minutes Policy prepared by Attorney Steve Moulton

CLERK MORFORD MOVED, supported by Treasurer Lee to approve the minutes policy as written by Attorney Steve Moulton.

Attorney Moulton suggested postponing until January meeting. Any suggestions, please get them to him.

TREASURER LEE MOVED, supported by Trustee Minaudo that a committee be established with Attorney Moulton’s help and the committee consist of the Supervisor, Trustee Minaudo and myself to work on establishing clearly what the laws are that govern minutes and web sites and to bring back to the next meeting under old business.

**ACTION ON THE MOTION:
ROLL CALL VOTE:
MOTION CARRIED UNANIMOUSLY**

K. Tax Reverted Property Disposition

Treasurer Lee gave a brief report on the above item.

~~Trustee Minaudo suggested getting in touch with adjoining property owners of these tax reverted properties to see if they would be interested in possibly acquiring them. Attorney Moulton pointed out the deadline on these properties to revert back to the county was fast approaching. The Board agreed with Trustee Minaudo's suggestion and Treasurer Lee indicated she would check into this.~~

L. Closed Session

TRUSTEE MINAUDO MOVED, supported by Trustee Martinson to go into a Closed Session of the Flushing Township Board at 9:40 p.m. to consider a request from the teamster union that the employer, Flushing Township, reopen the existing collective bargaining contract to consider a request to reconsider wages of 4 employees of that union. This allows the Township Board to go into closed session according to Subsection C of Chapter 8 of the Open Meetings Act.

**ACTION ON THE MOTION
ROLL CALL VOTE:
MOTION CARRIED UNANIMOUSLY**

TRUSTEE MINAUDO MOVED, supported by Trustee Martinson to return to the regular Flushing Township Board Meeting at 10:30 p.m.

TRUSTEE MINAUDO MOVED, SUPPORTED BY SUPERVISOR BIRCHMEIER, AT THIS TIME, MY MOTION SINCE IT'S ALMOST A YEAR BEFORE THE TEAMSTERS' CONTRACT EXPIRES, IS TO WAIT UNTIL JUNE 15, 2015 TO REOPEN THE WHOLE TEAMSTERS' UNION CONTRACT WITH THE TOWNSHIP – THREE MONTHS EARLIER THAN REQUIRED.

**ACTION ON THE MOTION
MOTION CARRIED UNANIMOUSLY**

PAYMENT OF BILLS

TRUSTEE GAGE MOVED, supported by Trustee Matzke to pay the bills.

**ACTION OF THE MOTION
ROLL CALL VOTE:
MOTION CARRIED UNANIMOUSLY**

VI. REPORTS WERE GIVEN BY:

- 1. Flushing Township Police Department – Mark Bolin
- 2. Flushing Fire Department – Supervisor Birchmeier
- 3. Michigan Township Association – Supervisor Birchmeier
- 4. Flushing Township Park and Recreation Committee – Treasurer Lee
- 5. Flushing Area Senior Center – Clerk Morford
- 6. Financial Report – Treasurer Lee

VII. COMMITTEE REPORTS GIVEN BY:

- 1. Roads, Bridges, and Ditches – Supervisor Birchmeier
- 2. Sewer and Water – Supervisor Birchmeier
- 3. Township Emergency Manager – Supervisor Birchmeier
- 4. Planning Commission – Supervisory Birchmeier
- 5. Community Development – Supervisor Birchmeier

VIII. PUBLIC COMMENTS:

11:00 P.M. – OPEN FOR PUBLIC COMMENTS:

One (1) individual gave comments

11:05 P.M. – CLOSED FOR PUBLIC COMMENTS

IX. BOARD COMMENTS:

Board Comments were given by: Trustee Martinson, Clerk Morford, Trustee Minaudo, Treasurer Lee, Trustee Matzke, Trustee Gage, and Supervisor Birchmeier.

X. THE NEXT REGULAR SCHEDULED BOARD OF TRUSTEES MEETING WILL BE THURSDAY, JANUARY 8, 2015 AT 7:00 P.M. AT THE FLUSHING TOWNSHIP HALL.

XI. ADJOURNMENT: Supervisor Birchmeier adjourned the meeting at 11:17 P.M.

JOYCE A. WILSON, Deputy Clerk for Julia A. Morford, Clerk

RIAN R. BIRCHMEIER, Supervisor

APPROVED DATE _____

12/11/2014 Regular Min