

Minutes of the Clay Township Regular Board Meeting Held Monday November 7, 2011 in the Clay Township Meeting Hall, 4710 Pointe Tremble Road, Clay Township, Michigan

Supervisor Krueger opened the meeting at 7:30 p.m. with the Pledge of Allegiance

ROLL CALL

PRESENT: Supervisor Thomas Krueger, Clerk Lisa White, Treasurer Connie Turner, Trustee Tom Fetter, Trustee John Horvath, Trustee Joanne Shirkey

ABSENT: Trustee Karen Straffon

Citizens: Twenty

BILLS PAYABLE

Motion by Turner, supported by Fetter, to pay the bills in the amount of \$133,463.97

Shirkey: Questioned fire department invoice for dive equipment, if it is new or replacement intercom. Questioned fire department invoice for vehicle maintenance.

Fire Chief DuPage: All vehicles had annual service done. Pump seal replaced and brake job also.

ROLL CALL VOTE

AYES: Shirkey, Horvath, White, Turner, Fetter, Krueger

NAYES: None

ABSENT: Straffon

MOTION CARRIED

CONSENT AGENDA

Motion by Shirkey, supported by Horvath, to approve the Consent Agenda consisting of minutes, reports and communications.

Shirkey: Correction on page 2, under second item. "Do we will leave Kras in place" Should be "Will we leave Kras in place"

AYES: All

NAYES: None

UNFINISHED BUSINESS

1. Ladder Truck Purchase

Krueger: Clay Twp., Ira Twp. and City of Algonac have all expressed interest in purchasing a ladder truck. They would like to share the cost on a three way basis. Macomb Twp. is selling one that would meet our needs.

Chief DuPage: This truck has a stainless steel body and is in good shape. It has 30,000 miles and 2700 hours. It's due for ladder and pump tests this month. Chief Holt, Chief Doan and I have been down to look at it. It will be auctioned on the MITN website which auctions municipal items and the starting bid will be \$70,000. Our appraiser advised \$100,000 is not out of the ball park for this truck. Armada Twp. is also going to be bidding. This truck will go across the ferry. With some modifications to the handrail on the ladder we can get it in the Mainland station. Ira Twp and the City of Algonac have each approved \$35,000 towards the purchase. Our fire truck mechanic found this truck and says it is a good vehicle.

Krueger: We have broached this subject before. I feel it is a good way to get a nice piece of equipment for a reasonable cost. This piece of equipment gives firefighters a different and safer way to fight fires.

Chief DuPage: Ira Twp may have trouble coming up with the \$35,000 and I said I would ask my board if we could get half from them now and then the remaining balance in July at the start of their new fiscal year like we did for the sale of the boat to Marine City.

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Shirkey: We would have to be sure we had some kind of written agreement.

Krueger: When I met with Karl Tomion, Algonac City Manager and Ira Supervisor Bob McCoy a week ago there was no discussion of promissory notes or partial payments.

Horvath: Where would the truck be kept and who is going to be in control?

Chief DuPage: If we retro fit the handrail it will fit in the Mainland station. During the training phase the truck would stay at each department for a period of time while personnel got familiar with it. No one person would be in control. The boards and the fire departments are capable of working together and decide where to house it and how to use it. We need a contract that says all costs will be split three ways no matter who had it or was using it.

Horvath: Is the pump certified and how much does it cost to get re-certified?

Chief DuPage: The pump and ladder certifications expire at the end of this month and it costs about \$300.00 for a pump test and approximately \$700.00 for the ladder test.

Horvath: I have concerns about sharing. We always foot the bill.

Chief DuPage: If we purchase this truck ourselves we will still be going to fires and mutual aid and will be taking this truck anyway. Why not share the cost.

Shirkey: What will it cost to retro fit the rails on the truck?

Chief DuPage: \$13,000 to put one similar to the same one or a different one or a cheaper route would be a simple handrail.

Shirkey: It won't fit in our station if we don't do it.

Horvath: What about raising the doors at the station

Chief DuPage: That would be much costlier. I don't feel it's that important to have it at our station. We can go down the street two miles to Algonac and get it if we need it. Centrally located is the best. The big hurdle is to make the purchase. We can work out the details.

Horvath: We need a good mutual agreement in place.

Krueger: The Supervisors of these communities get together all the time and we have a good working relationship. We can work out an agreement. We are in discussions with Algonac regarding a fire authority and Cottreville has said they would be interested as well. Sharing is the way to go.

Fetter: Has anyone consulted the township attorney regarding a contract we might write up. I would like to hear his perspective regarding all the details that need to be worked out. How would it be titled?

Krueger: It can all be worked out after we get the truck

Horvath: I would like to see the money escrowed.

Turner: If we purchase the truck and the other municipalities don't pay we would simply own the truck ourselves. We have the money we received from the insurance company and it has never been spent.

Horvath: This is fire department funds not general fund dollars.

White: It is a valuable piece of equipment no matter who owns it. It will serve our citizens well and it's a good step towards cooperative agreements with other communities.

Krueger: The truck is going on the auction site on November 9th and will be listed for 15 days. During that period I can draft a contract and have it reviewed by our attorney, Ira and Algonac and bring it back at the next board meeting it would still give us a day to bid. Whatever is the board's pleasure.

Turner: I think we should bid on it first.

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Fetter: I would like to know if Ira's or Algonac's board put any stipulations on their motion to contribute \$35,000.

Algonac Chief Doan: My board committed \$35,000 with details to be worked out later.

Motion by Shirkey, supported by White, to approve \$35,000 in addition to Algonac and Ira Twp's equal contribution of \$35,000 each, to bid on a ladder truck that is going up for auction with a starting price of \$70,000 with the stipulation that our Supervisor makes up an agreement with the other two communities, Ira and Algonac, for the maintenance split, insurance split, how the money will be paid, etc. for this joint purchase.

ROLL CALL VOTE

AYES: All

NAYES: None

ABSENT: Straffon

MOTION CARRIED

PUBLIC COMMENTS RELATING TO ANY NEW BUSINESS

None

NEW BUSINESS

1. Library Board Appointment

Krueger: We have one reappointment. Sandra Mondello for a five year term

Motion by Turner, supported by Shirkey to appoint Sandra Mondello to the Library Board with the term expiring 12/31/2016

AYES: All

NAYES: None

MOTION CARRIED

2. Planning Commission Appointments

Krueger: We have three appointments to make for the term that ends 11-15-2014

Motion by Shirkey, supported by Horvath to approve the Planning Commission appointments of Ed Keller, Kathy Schweikart and Lesly Cahill for a three year term, 11/15/11 to 11/15/2014

AYES: All

NAYES: None

MOTION CARRIED

3. Zoning Board of Appeals Appointments

Motion by Krueger, supported by Turner, to reappoint Brian Treppa and Bonnie McInerney-Slater to a three year term, 11/15/11 to 11/15/14, to the Zoning Board of Appeals

AYES: All

NAYES: None

MOTION CARRIED

4. Harsens Island Transportation Authority Board Appointments

Krueger: The Harsens Island St Clair Flats Association has approved these two reappointments and they also have to be approved by the township board.

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Motion by Krueger, supported by Fetter, to reappoint Don Verslype and Leonard Verlinden to a Harsens Island Transportation Authority Board three year term that expires June 15, 2014

AYES: All

NAYES: None

MOTION CARRIED

5. Phragmite Advisory Board Resignations

Krueger: We have three people resigning due to busy schedules and other duties on Harsens Island

Motion by Krueger, supported by Turner, to accept the resignations of Chuck Miller, Bernard Licata and Ernie Kafcas from the Phragmite Advisory Board

AYES: All

NAYES: None

MOTION CARRIED

6. Phragmite Advisory Board Appointments

Motion by Krueger, supported by Shirkey, to appoint Maria McGuire to Ernie Kafcas PAB position with the term to expire 11/20/2014

AYES: All

NAYES: None

MOTION CARRIED

Motion by Krueger, supported by Horvath, to appoint Tim Roberts to Chuck Miller's PAB position with a term expiring 11/20/2013

AYES: All

NAYES: None

MOTION CARRIED

Motion by Krueger, supported by Shirkey, to reappoint Debra DeBacker to the PAB with a term expiring 11/20/2014

AYES: All

NAYES: None

MOTION CARRIED

7. Fire Dept Trailer Purchase

Chief DuPage: I am looking at two enclosed trailers. We have two rangers, a gator and a mule. We have had the mule for three years and have no way to haul it. We had an incident on the mainland with a gentleman that fell out of a tree and had to have the island bring their ranger over to transport him on a backboard out of the woods. I am proposing getting rid of one trailer, put the mule and gator in a new trailer and the two rangers in the other trailer. They will be safe, secure, clean and ready to be deployed to an incident at a moment's notice.

Krueger: Was this budgeted for?

Chief DuPage: This was not budgeted for but we sold one of our boats for \$25,000 and sold two old vehicles for \$8,000 plus we have the insurance money.

Shirkey: I see what you are trying to do but these quotes are not apples to apples and some are out of state companies. Some of the equipment is not listed on the quotes. I found it somewhat difficult to decipher all of these quotes. I would like to look at some more companies including the one in Armada where we bought our recycle yard trailer.

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Motion by Shirkey, supported by Fetter, to postpone the approval of the trailers until more quotes and information can be brought to the next meeting

AYES: All

NAYES: None

MOTION CARRIED

8. Pearl Beach Lions Request for Christmas in the Park

Dave Hacker, Pearl Beach Lions: The Lions and Leos would like to start an annual Christmas in the park. It would be a community event with a tree lighting, activities and possible contests. December 18th would be the day we light the tree. Maybe make it a weekend event.

Shirkey: You are asking us for the park on the 16th and possibly the 17th to initiate some kind of Annual Christmas event.

Motion by Shirkey supported by Horvath to allow the Pearl Beach Lions to use the park on December 16th and 17th for their Christmas in the Park event.

AYES: All

NAYES: None

MOTION CARRIED

9. Discussion of Frasier Blvd Water Line Pre Engineering

Krueger: I want to bring this to the board's attention. In order to get this project off the ground we have to sign a contract from Project Control Engineering. Regardless if the project goes or not we are on the hook for \$5350. This is not unusual and have done this with previous projects. We have never had one not go through but I wanted the board to approve this because it is a contract.

Motion by Turner, supported by Shirkey, to approve the \$5350 to Project Control

ROLL CALL VOTE

AYES: Krueger, Fetter, Horvath, White, Shirkey, Turner

NAYES: None

ABSENT: Straffon

MOTION CARRIED

10. Resolution #1 to Set the Public Hearing for Frasier Blvd Water Line Special Assessment

Motion by Shirkey, supported by Turner, to set the public hearing for the Frasier Blvd water line special assessment to be held on December 5, 2011

ROLL CALL VOTE

AYES: Krueger, Turner, Shirkey, White, Horvath, Fetter

NAYES: None

ABSENT: Straffon

MOTION CARRIED

11. Resolution to Change MERS Benefits for Command Staff

Krueger: This is a resolution that is required in order to change the contribution rate for the employees of the Command Staff. This change was made in 2006 but MERS requires this resolution and some other documents on file.

Motion by White, supported by Fetter, to adopt the resolution changing the Command division employee contribution rate to 9.9% that was effective with the 2006 contract.

ROLL CALL VOTE

AYES: Krueger, Fetter, Shirkey, White, Turner, Horvath

NAYES: None

ABSENT: Straffon

MOTION CARRIED

12. Resolution to Change MERS Benefits for Office Staff

Krueger: This resolution is for the general office staff. In the contract that was approved there is a 7% cap on what the township will contribute for pension contributions. We need this resolution to put that cap on our contribution.

Motion by Fetter to adopt the resolution for changing the MERS benefits for the Professional Office Staff with a 7% cap on the employer contribution.

Krueger: In a future meeting we will have to move our department heads out of that group because their contribution rate is different than the office personnel

ROLL CALL VOTE

AYES: Turner, White, Horvath, Fetter, Shirkey, Krueger

NAYES: None

ABSENT: Straffon

MOTION CARRIED

13. Discussion of Letter from Bureau of Construction Codes

Krueger: From the year 2000 we have been under a stipulation from the Construction Code Commission in Lansing to have a full time Building Inspector and Plan Reviewer. We have had that stipulation removed, it isn't finalized yet but I have given you a copy of the letter that instructs us to simply have a building inspector and plan reviewer registered with the state. I have authorized our attorney to sign this and send it back agreeing to the stipulation. We have gotten several responses to our ad for a building inspector. We need to start thinking about how we want that department set up. I feel we should have a part time building official and a part time zoning administrator. There is also the possibility of sharing that position with other communities. The position is currently being filled by our electrical inspector.

White: We also have to consider that we need someone as our floodplain manager. By ordinance we are required to have one.

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14. St. Clair County Road Commission Request to Transfer Drain Funds

Krueger: I received a call informing us that we have excess funds with the drain commission. We have about \$4700 we will lose if we don't approve moving the money from the drain commission to the road commission match money fund. The road funds are always used.

Motion by Krueger, supported by Horvath, to instruct the St. Clair County Drain Commission to transfer our excess funds in the drain fund over to the road match money fund for future use.

AYES: All

NAYES: None

MOTION CARRIED

15. Discussion of Building Bond Refunds

Krueger: This came to my attention that we have two building bonds that are being requested to be refunded. These are performance bonds on building permits. Both of these permits were issued in 2003 and our ordinance states bonds are forfeited after 2 years unless they obtain an extension from the Board of Trustees. Informal policy has been that as long as they worked with the building department and communicated with them on the progress these bonds were refunded. We have to uphold the laws of our township and we can either approve an extension for these people and refund their bond amounts or we can forfeit them. The bond amounts are \$200 and \$500.

Turner: We have approximately \$30,000 in bonds that are over two years old.

Shirkey: Do the people know they are supposed to ask for an extension?

Krueger: I believe these people are in contact with the building department and they advise them of what needs to be done.

Horvath: It is the people's responsibility to come in and inform the building department of what they are doing.

Krueger: We need to do things the right way. Either approve the extension and refund the bond or forfeit it. Eight years seems excessive.

Shirkey: Is there some way to tighten this up if we have \$30,000 worth of bonds sitting on our books?

Horvath: How many people are familiar with the ordinance? The building department needs to inform them when they pull their permit.

Shirkey: It says it on the bottom where they have to sign. They should read it before they sign it.

Turner: In the past the building department sent letters out reminding people their bond was going to expire and they needed an extension.

Fetter: As the ordinance reads they should be forfeiting the bonds.

Krueger: Unless someone comes to the board for an extension.

Horvath: I think we should start after tonight. Refund these and after this point start tightening up.

Turner: We need to send letters to people informing them they need an extension. We need to review who is going to expire and give them a chance for an extension.

Krueger: In the future the building department can provide a list to the board of people who are in need of an extension or we can change the ordinance and give the building inspector the authority to approve the extension.

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Motion by Turner, supported by Horvath, to approve an extension for permit number PB2003-0394 and PB2003-0007 and refund their \$500 and \$200 bonds, respectively.

AYES: All

NAYES: None

MOTION CARRIED

16. Resolution for Liquor License Transfer

Krueger: The request is to transfer a tavern license to a Class C license for the Island Grille

White: This is their license there are just changing the type it is.

Motion by Horvath, supported by Fetter, to adopt the resolution to recommend approval for the liquor license transfer for the Island Grille

ROLL CALL VOTE

AYES: Krueger, Turner, Shirkey, White, Horvath, Fetter

NAYES: None

ABSENT: Straffon

PUBLIC COMMENTS

B. Collins, 6065 S. Channel: Questioned why building inspector has to have a contract and how much is spent on pension benefits.

R. Szefer, 4757 Pte Tremble: Commented on dissatisfaction with board and their decisions regarding the building inspector and personnel cuts.

A. Bryson, Harsens Island: Recommended exit strategy regarding joint truck purchase. Explained about EDA study and recommended Clay Twp attain one.

BOARD MEMBER COMMENTS

None

ADJOURNMENT

Motion by Shirkey, supported by Turner, to adjourn at 9:35 p.m.

AYES: All

NAYES: None

MOTION CARRIED

Lisa M. White
Clay Township Clerk

Prepared by
Lisa M. White
Clerk