

Minutes of the Clay Township Board Meeting held on Monday, August 4, 2003 at 7:30 p.m. in the Clay Township Board Room, 4710 Pte. Tremble Road, Clay Township, Michigan 48001.

PRESENT: Supervisor Joseph H. McKoan IV, Clerk Michael Pellerito, Treasurer Connie Turner, Trustee Pat Sharrow, Trustee Cindy Kirkpatrick, Trustee Beth Engel, Trustee Dr. L. Kasperowicz.

ABSENT: None.

Citizen present: Thirty-two.

AMENDMENTS TO THE AGENDA: None.

APPROVAL OF THE JULY 21, 2003 MINUTES AND PUBLIC HEARING:

Moved by Sharrow, supported by Turner, **MOTION CARRIED**, to approve the July 21, 2003 Minutes and Synopsis and the Special Meeting Minutes for the Garbage Public Hearing held on July 21, 2003 as submitted. AYES: All. NAYS: None. ABSENT: None.

BILLS PAYABLE:

Moved by Turner, supported by Engel, to approve the Bills Payable in the amount of \$28,995.83.

Discussion:

Trustee Dr. Kasperowicz: Inquiry regarding Wade Trim bill and Jordan Iron Works.

VOTE ON THE MOTION: AYES: All. NAYS: None. ABSENT: None.

MOTION CARRIED.

PETITIONS: None.

COMMUNICATIONS:

Clay Township Offices will be closed Monday, 9-01-03 for Labor Day.

Regular Board meeting scheduled for the following Monday, 09-08-03.

Joint Governmental Entities Workshop will be held 9-18-03 at the Goodells Community Center, more detail later.

Special meeting and public hearing of necessity for Martz Drive and North Channel for road maintenance will be held August 11, 2003 at 7:00 p.m. in the Hars.Is.Lion's Hall.

Thank you to the Clay Township Rescue squad for their professional assistance from the family of Joanne Allen.

OLD BUSINESS:

Contract Negotiation update:

Clerk Michael Pellerito: Tentative agreements for Command, Patrol and Dispatch, briefed the Board on the following changes to the Dispatch Contract:

- Prescription \$10.00 generic/\$20.00 brand name drug rider
- Pro-rated earnings of benefit time
- Family continuation and spouse or dependent coverage – employee to assume cost
- Upgrade to the MERS B-3 Pension Plan

Patrol and Command Contract points:

- Drug policy
- New overtime procedure
- Upgrade to B-4 MERS Pension with F55-20
- Retire, eligible for Health Care coverage from 50-55, co-pay of \$125 monthly for spouse, 100% payment for Dependents until reach age 55
- Reduce employee vacation by 28 hours to 196 hours
- Increase employee contribution to 6.8% for MERS pension benefits
- Field Training Officers to receive \$1.00 per hour above reg. Pay

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Important must be unified on the Pension B-4 upgrade, specify in the motion the contract ratification should not cost the employer more than 4.0%.

Motion by Sharrow, supported by Dr. Kasperowicz, **MOTION CARRIED**, to approve the tentative Patrol Agreement with the condition the employer contribution to the MERS Pension upgrade will not exceed 4%.

R/C VOTE: AYES: Sharrow, Kirkpatrick, Turner, Pellerito, Engel, Dr. Kasperowicz, McKoan IV. NAYS: None. ABSENT: None.

Motion by Sharrow, supported by Dr. Kasperowicz, **MOTION CARRIED**, to approve the tentative Command Agreement with the condition the employer contribution to the MERS Pension upgrade will not exceed 4%.

R/C VOTE: AYES: Sharrow, Kirkpatrick, Turner, Pellerito, Engel, Dr. Kasperowicz, McKoan IV. NAYS: None. ABSENT: None.

Motion by Sharrow, supported by Dr. Kasperowicz, **MOTION CARRIED**, to approve the tentative Dispatch Agreement with the condition the employer contribution to the MERS Pension upgrade will not exceed 4%.

R/C VOTE: AYES: Sharrow, Kirkpatrick, Turner, Pellerito, Engel, Dr. Kasperowicz, McKoan IV. NAYS: None. ABSENT: None.

Clerk Pellerito: Update on Office Contract; non-union employees' contract negotiation will follow.

Colony Tower Manager Agreement discussion, Whittlesey Development, Limited reduced the rate charged for the project, requested Township include coverage for indemnification insurance as the project manager. Lengthy discussion followed. Trustee Dr. Kasperowicz against the cost to renovate the Tower.

Motion by Kirkpatrick, supported by Turner, to approve Ted Whittlesey from Whittlesey Development, Limited as the construction manager for the Colony Tower Renovation - 5% charge for restoration and 5% on overhead and profit on the actual charges incurred for construction services. The Township to add Whittlesey Development to its insurance policy for a cost not to exceed \$2,500. AYES: Sharrow, Kirkpatrick, Turner, Pellerito, Engel, McKoan IV. NAYS: Dr. Kasperowicz. ABSENT: None.

MOTION CARRIED.

Discussion of the 2004 Local Road Funding Assistance Program:

Road improvements to Benoit Road would require ditch enclosing, widening, paving. Morrow Road as a possible project.

Costs high and the support of 51% from the residents were uncertain.

Trustee Kirkpatrick: Phelps Road residents were against the improvements. Treasurer Turner: Island roads.

Clerk Pellerito: Anchor Bay Drive is in need of repair work; High Road connects to paved roads.

Trustee Sharrow: Benoit Road: improving a gravel road, residents have put up with truck traffic, dust, flooding for years; accomplished north/south circulation, east/west from Marsh Road over not much road work done, Benoit and High would accomplish that.

Motion by Sharrow, supported by Kirkpatrick, to request the Supervisor inquire through the County and get some estimated costs to have major road improvements made to Benoit Road and bring the information back to the Board at the next Board Meeting for their decision. AYES: All. NAYS: None. ABSENT: None.

MOTION CARRIED.

Motion by Dr. Kasperowicz, supported by Kirkpatrick, to approve the reimbursement of \$912.00 to Wes Simons Trucking and Excavating, Inc. for the work done on the building pad preparation, per the Board Wes Simons not liable to pay the charge for the overhead installation of phone lines from police building to the Township Offices.

AYES: All. NAYS: None. ABSENT: None. **MOTION CARRIED.**

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PUBLIC COMMENTS: Relating to any New Business on the Agenda.

Richard Baker, 9212 Stone Road: Referred to Comcast fee adjustment, why aren't cable lines installed down Starville Road, disapprove of the billing statement wording.

NEW BUSINESS:

Comcast Cable Communications, Inc. presentation by Ben Smith, Corporate Affairs Manager: Explained the franchise fee is a pass through fee, a benefit fee allocated to communities that hold a franchises which allows the cable company to collect a fee and pass it back to the community, recent audit the amount of payment to the community was Correct, the amount collected from the residents was an under collection.

Board questioned Mr. Smith regarding the audit, how long of a period of time was this under estimated, how many dollars do you intend to collect over the next four years.

Mr. Smith: Will check on those questions.

Trustee Dr. Kasperowicz: Gross revenue the 1st year you noticed there was an under estimated return.

Clerk Pellerito: For the record, less of a burden on our residents, if the Township were to lower our franchise fee to make up the difference.

Review the Audit and the exact figures affecting the franchise fee.

Trustee Kirkpatrick: Breakdown of dollar amount charged to the other counties.

Supervisor McKoan IV: We will wait until you can get these figures to us, sit down and talk.

Moved by Turner, supported by Dr. Kasperowicz, **MOTION CARRIED**, to adopt the Resolution for Special Assessment for the Clay Township Police Department will remain at 4.35 Mills based on Taxable Value estimated to be \$1,688,608.41 before TIFA and DEQ dollar amount removed for 2003. R/C VOTE: AYES: Sharrow, Kirkpatrick, Turner, Pellerito, Engel, Dr. Kasperowicz, McKoan IV. NAYS: None. ABSENT: None.

Moved by Sharrow, supported by Kirkpatrick, **MOTION CARRIED**, to adopt the Resolution for Special Assessment for the Clay Township Mainland Fire Department will remain at 1.3750 Mills based on Taxable Value estimated to be \$382,145.32 before TIFA and DEQ dollar amount removed for 2003. R/C VOTE: AYES: Sharrow, Kirkpatrick, Turner, Pellerito, Engel, Dr. Kasperowicz, McKoan IV. NAYS: None. ABSENT: None.

Moved by Turner, supported by Dr. Kasperowicz, **MOTION CARRIED**, to adopt the Resolution for Special Assessment for the Harsen's Island Fire Department will remain at 1.75 Mills based on Taxable Value estimated to be \$171,272.17 before TIFA and DEQ dollar amount removed for 2003. R/C VOTE: AYES: Sharrow, Kirkpatrick, Turner, Pellerito, Engel, Dr. Kasperowicz, McKoan IV. NAYS: None. ABSENT: None.

Moved by Sharrow, supported by Engel, **MOTION CARRIED**, to adopt the Resolution for Special Assessment for the Russell Island Fire District will remain at .9000 Mills based on Taxable Value estimated to be \$4,483.45 for 2003. R/C VOTE: AYES: Sharrow, Kirkpatrick, Turner, Pellerito, Engel, Dr. Kasperowicz, McKoan IV. NAYS: None. ABSENT: None.

No action on subject matter "Water Department – Pamar Repairs", per letter from DPW Supervisor DeBoyer water main repair work will be done in October.

Moved by Sharrow, supported by Turner, **MOTION CARRIED**, to accept the Harsens Island Fire Department July report as submitted. AYES: All. NAYS: None. ABSENT: None.

Harsens Island Fire Department request to modify the E 34 engine.

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Trustee Pat Sharrow: Postponed any projects until December or January when the tax revenue comes in.

Treasurer Turner; Needed for the ISO rating, process to meet all the qualifications.

Moved by Kirkpatrick, supported by Turner, **MOTION CARRIED**, to approve the quote from Apollo Fire apparatus Repair, Inc. to modify the E 34 Engine for the Harsens Island Fire Department in the amount of \$2,300.00 to mount customer fold a tank and an additional \$350.00 to modify scene lights and housings to clear fold a tank housing. AYES: All. NAYS: None. ABSENT: None.

Moved by Dr. Kasperowicz, supported by Engel, **MOTION CARRIED**, to accept Phillip Witherspoon as a new trainee on the Harsens Island Fire Department. AYES: Sharrow, Turner, Pellerito, Engel, Dr. Kasperowicz. NAYS: Kirkpatrick. ABSENT: None.

Moved by Kirkpatrick, supported by Dr. Kasperowicz, **MOTION CARRIED**, to approve the purchase of the 3 sets of turn out gear for the Harsens Island Fire Department at a cost of \$4,586.40. AYES: All. NAYS: None. ABSENT: None.

Moved by Sharrow, supported by Kirkpatrick, **MOTION CARRIED**, to instruct the Township Clerk to negotiate with Michigan Municipal Risk Management to attempt lowering the Township contribution for insurance and report back to the Board at the next meeting and if the other insurance company has not presented figures for the Township's review, the Board will take action.

AYES: All. NAYS: None. ABSENT: None.

BOARD MEMBERS COMMENTS:

Trustee Pat Sharrow: Historical Society would like to bring some artifacts for the new building, may require some enlargements or framing, would we be interested?

New Planner can get a very large zoning map that can be hung on the wall; could we ask Patrick Meagher to bring us some prices.

Accepted the contract with Attorney Dan Dalton, thought he was for Zoning and Planning only, not the intent of the motion when Mr. Dalton was hired, clarification what was Board's objective.

Supervisor Joseph H. McKoan IV: Not the intention he would take care of all legal matters, not Board's intention, will be a clarification.

Trustee Dr. Kasperowicz: Criticism of engineering firm installing the type of water pipe in the ground, need to find another Eng. Firm.

PUBLIC COMMENTS:

Supervisor Joseph H. McKoan IV: Addressed the public as to public comments, not a time to ask the Board questions, statements only please.

Linda Russell, 5965 Pte. Tremble Road: Blight Ordinance for residential, like to see an ordinance for commercial property, Board could address this issue.

Mark Pyszora, 9034 Field Road: Copies of permits for buildings put up illegally in the Township; Attorney Dalton double charging for certain items, review his bill; Township work is suppose to be bid on; questioned Clay Police following him out on Field Road.

John Horvath, Golf Course Road: Court again, McNamee changed the program, submitted as requested the "as built plans", thought it would be taken care of, every time it gets changed, Court Order for miscellaneous charge, how would you prepare for this.

Supervisor Joseph H. McKoan IV: Will talk to you regarding this issue after the meeting.

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Mrs. Schulke: 8141 Marsh Road: Why can't our questions be answered, questioned legality of mobile homes and campers, Clay Police car passing by our residents twenty-seven times; questioned site inspections and procedures.

Ray Sankuer, 7361 Flamingo: Complaints about a neighbor put in a pond and a fence over a weekend, Zoning Official never returned calls, project completed and now will just pay the fine and it can stay there for ten years.

Supervisor Joseph McKoan IV: We will investigate and contact you.

Paul Bridgman, Colony Road: Referred to zoning laws need to pay attention to your laws when it comes to building.

Susan Hartwick, Flamingo: Live next door to the fence and want you to know what is going on.

Richard Baker, Stone Road: Garbage issue, proceed to Tax Tribunal would be charged a \$25.00 fee, Township would they pay for my fee and millage.

Sandra Pyszora, 9034 Field Road: Comments as to double standards.

Rodney Makakowski, 9097 Maple Road: Questioned the legality of Ms. Schutt's trailer, Kras' paid for building permit four months later, can you answer these questions.

Supervisor Joseph H. McKoan IV: You can make comments, this is the time the Board will listen to your comments.

ADJOURNMENT:

Moved by Turner, supported by Engel, **MOTION CARRIED**, to adjourn the meeting at 9:32 p.m. AYES: All. NAYS: None. ABSENT: None.

Michael P. Pellerito
Clay Township Clerk