

Minutes of the Clay Township Board Meeting held on Monday, August 18, 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.

Citizens present: Fifteen.

AMENDMENTS TO THE AGENDA:

Moved by Turner, supported by Kirkpatrick, **MOTION CARRIED**, to amend the agenda by adding under Old Business, Item #6. Mausoleum Job Estimate. AYES: All. NAYS: None. ABSENT: None.

Moved by Turner, supported by Kirkpatrick, **MOTION CARRIED**, to amend the agenda by adding under New Business, Item #14. ML Fire Dept. F.F. Eric VanBelle to attend a Firefighter II class. AYES: All. NAYS: None. ABSENT: None.

Moved by Turner, supported by Kirkpatrick, **MOTION CARRIED**, to amend the agenda by adding under New Business, Item #15. Harsens Island Fire Dept. Request for Two F.F. to attend the FFI class and Mike Harry to take the Drivers Training portion. AYES: All. NAYS: None. ABSENT: None.

Moved by Pellerito, supported by Sharrow, **MOTION CARRIED**, to amend the agenda by adding under Old Business, Item # 7. Attorney Dan Dalton's Update re: David Bryson. AYES: All. NAYS: None. ABSENT: None.

Moved by Pellerito, supported by Kirkpatrick, **MOTION CARRIED**, to amend the agenda by adding under Old Business, Item #8. Suspension Arbitration Letter 8/12/03 Discussion. AYES: All. NAYS: None. ABSENT: None.

APPROVAL OF THE AUGUST 4, 2003 MINS.&SYNOPSIS AND PUBLIC HEARING/SPECIAL MEETING MINS. OF AUGUST 11, 2003:

Moved by Sharrow, supported by Turner, **MOTION CARRIED**, to approve the August 4, 2003 Minutes and Synopsis and the August 11, 2003 Martz Drive & North Channel Public Hearing and the Special Meeting Minutes as submitted. AYES: All. NAYS: None. ABSENT: None.

BILLS PAYABLE:

Moved by Turner, supported by Kirkpatrick, to approve the Bills Payable in the amount of \$56,992.94. AYES: All. NAYS: None. ABSENT: None.

Discussion:

Trustee Dr. Kasperowicz: Question bill for \$8,000; Clerk Pellerito: BC/BS Insurance.

PETITIONS: None.

COMMUNICATIONS:

Comcast Memo, dated 7/29/03 from Ben Smith, Corporate Affairs Manager: New Haven Comcast change of hours.

Notice the Twp. Offices will be closed 9-1-03 for Memorial Day. Regular Twp. Board mtg. will be on Monday, September 8, 2003.

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OLD BUSINESS:

Contract Negotiations: Professional Office Staff Contract – mirror contract of Command/Patrol/Dispatch, Clerk Pellerito reviewed the highlights:

- 10/20 prescription,
- employee to assume cost for family continuation and sponsor dependent coverage,
- retirement language at age 59-1/2 w/20 years service, MERS pension upgrade to B-2 FAC with FAC3 F55/25, 4.8% contribution by employee, Township contribution up to 4%,
- Pay scale – beginning salary \$11.33, 2nd yr. \$12.73, 3rd yr. \$13.78, 2-5% merit raise after reaches 4th year.
- Explained the merit system, immediate supervisor to evaluate, appeal process,
- Assistant Assessor pay \$1.25 above senior person - \$15.03, obtain certification in Level II increase of .75 cents, reimbursement classes,
- Part time employee 30 hours or less (new language)
- Union recognition clause, temporary employee – 91 days or less (new item), liable to pay union dues or a service fee,
- Pro-rated earnings of benefit time,
- Health care mirror image of Patrol & Command contract except for the merit system and part time union employees.

Moved by Kirkpatrick, to accept the Professional Office 3-Year Contract as presented.

MOTION FAILED FOR LACK OF SUPPORT.

Discussion:

Treasurer Turner: Problem with part time employees and deputies belonging to the Union, conflict of interest, should be deputies 8 hrs. a day and 40 hrs. a week.

Trustee Engel: Office Manager included in the merit evaluation process, questioned the 30 hours or less a week, annual basis how is that determined.

Trustee Sharrow: Office Manager hired to do employee review, part time employees not in the Union.

Clerk Pellerito: Secretary in Police Dept. recently resigned – grant no longer available, union position no longer full time, Chief requested part time position, needed language in contract for part time, direction how to handle.

Trustee Kirkpatrick: Calculate an average per year, determine part time or full time, Assistant Assessor should be a \$1.00 increase and not .75 cents.

Clerk Pellerito: Restated the direction the Board wants changes made to the Contract.

Moved by Kirkpatrick, supported by Sharrow, **MOTION CARRIED**, to set-up another negotiation meeting with the Professional Office Union for the purpose of working out the following details in the Contract per the Township Board's instructions:

- Employee merit evaluations conducted by the Office Manager, immediate employee supervisor would be consulted;
- Part-time employee should not be obligated to join the Union;
- Accumulative hours for part time, 1,560 hours/yrly.

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

2004 LOCAL ROAD FUNDING:

Supervisor Joseph H. McKoan IV: Do not have any numbers yet, will have the figures next Board Meeting.

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COMCAST FRANCHISE FEE CLARIFICATION:

Supervisor Joseph H. McKoan IV: As of this date, have not received the financial records as indicated at the last Board Meeting.

TOWNSHIP INSURANCE RENEWAL:

Clerk Pellerito received a quote from St. Paul Insurance Co. \$127,000, \$30,000 less than MMRMA bill, does not include coverage for Colony Tower, Terrorism Risk insurance, additional \$1,200 option, would like to give MMRMA an opportunity on another quote and report back to the Board.

Brick Paver Bid from Colony Landscaping: Option is to cement the area.

Motion by Sharrow, supported by Engel, **MOTION CARRIED**, to postpone the decision to hire Colony Landscaping to install brick pavers off the parking lot of the police station until the Clerk can obtain a bid to construct a concrete sidewalk and request Colony Landscaping to itemize the cost for labor and material. AYES: All. NAYS: None. ABSENT: None.

Motion by Sharrow, supported by Kirkpatrick, **MOTION CARRIED**, to approve the additional \$7,889 from Superb Exterior Wall System, Inc. to finish the Mausoleum changes to the insulation and roof style. AYES: All. NAYS: None. ABSENT: None.

Attorney Dan Dalton's letter addressed the issue re: Dirt piles on the Champion Ferry property: Suit was filed against Mr. Bryson/Champion Auto Ferry for violations of the zoning ordinance; recently met with David Bryson to resolve this problem, Supervisor McKoan IV stated Mr. Bryson willing to immediately remove the existing dirt piles, filing a suit against him would be more time consuming.

Board discussion: Approved site plan four years ago, he has never complied, if there is a staging plan should start the procedure within 30 days, prefer attorney proceed with the lawsuit, time the Township forces his hand, willing to work with him if he will comply.

Motion by Sharrow, supported by Dr. Kasperowicz, **MOTION CARRIED**, to instruct Attorney Dalton to proceed into Circuit Court with the suit against Mr. Bryson/Champion Auto Ferry with the condition Mr. Bryson applies for an alternative parking area plan for the Ferry property within thirty (30) days. AYES: All. NAYS: None. ABSENT: None.

Attorney McNamee's letter addressed the issue: Officer Brian James Stone – Suspension: Question is, do we proceed with an appeal on the Arbitrator decision or not, Arbitrator superseded his authority. P.A. 312 Arbitrator is binding between both parties, if proceeds to the Circuit Court can be overturned. Second Arbitrator decision is inappropriate and it should be changed, he is undoing what another arbitrator did.

Board Comments:

Trustee Dr. Kasperowicz: We should challenge and proceed to Court.

Trustee Engel: Questioned what is the cost of filing the Court papers.

Trustee Kirkpatrick: Should not appeal again, put issue to rest, done fighting it.

Clerk Pellerito: Not about the individual, Arbitrator decision is what the issue is about, precedent could be established, MTA legal funds available for P.A. 312 throughout the State.

Supervisor McKoan IV: No choice but to proceed.

Trustee Sharrow: Employees conduct should never be discussed at the Board meeting.

Clerk Pellerito: Point of law nothing about the individual and think this Arbitrator has gone over the edge.

Moved by Sharrow, supported by Dr. Kasperowicz, **MOTION CARRIED**, to appeal Arbitrator Ammeson's Opinion dated August 8, 2003 concerning Officer Brian James Stone – Suspension. AYES: Sharrow, Turner, Engel, Dr. Kasperowicz, Pellerito, McKoan IV. NAYS: Kirkpatrick. ABSENT: NONE.

PUBLIC COMMENTS: Relating to any New Business on the Agenda. NONE.

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NEW BUSINESS:

Moved by Kirkpatrick, supported by Turner, **MOTION CARRIED**, to receive and file the Department Reports for Planning, Zoning & Code Enforcement, Building, Assessor, Water, County Board Road Commission Minutes, Downriver Recreation, Algonac/Clay Library Board Minutes and Reports. AYES: All. NAYS: None. ABSENT: None.

Moved by Sharrow, supported by Kirkpatrick, **MOTION CARRIED**, to adopt Ordinance No. 123-2 amending Ordinance No. 123 for the property located on Harsens Island, William A. T. Fischers Sub of a Part of Lot 2, Lots 3, 4 & 5 zoned as R-1 One Family Residential to C-2 Small Business District, effective date for the re-zoning will be August 27, 2003. R/C VOTE: AYES: Sharrow, Kirkpatrick, Turner, Engel, Dr. Kasperowicz, Pellerito, McKoan IV. NAYS: None. ABSENT: None.

Moved by Kirkpatrick, supported by Sharrow, **MOTION CARRIED**, to pursue the collection of the sanction against the Plaintiffs' attorney, Robert Lord for the Minder/Hill v Clay Township suit under the Township's contingency agreement. AYES: All. NAYS: None. ABSENT: None.

Clerk Pellerito: Proceeds back to the MMRMA Pool.

Moved by Kirkpatrick, supported by Turner, **MOTION CARRIED**, to approve the payment of \$3,684.00 for renewal of annual fee as a full Township Associate of the Michigan Municipal League for the period ending 05/31/2004. AYES: None. NAYS: None. ABSENT: None.

Moved by Kirkpatrick, supported by Engel, **MOTION CARRIED**, to hire Jennifer G. Locke as a part-time secretary for the Police Department. AYES: All. NAYS: None. ABSENT: None.

Moved by Sharrow, supported by Kirkpatrick, **MOTION CARRIED**, to approve the Zoning Enforcement Official Timothy Wiggle attending the Michigan Society of Planning Officials one-day Seminar on 9-24-03, Planning Conference October 15-18, 2003 and the membership fee of \$55.00 for a total cost of \$765.00. AYES: All. NAYS: None. ABSENT: None.

Moved by Kirkpatrick, supported by Engel, **MOTION CARRIED**, to allow Building Official Michael Kras to attend the five (5) day annual Building Officials Conference of Michigan, October 6th through October 10, 2003 for the cost of \$562.80 for five nights lodging and \$185.00 for the conference fees. AYES: All. NAYS: None. ABSENT: None.

Clerk Pellerito: Wanted to let everyone know it will be necessary to bring someone in to take Mr. Kras' place while he is gone to do inspections.

Water main on Columbine Discussion: Clerk Pellerito explains resident on Columbine is very much interested in an extension of the 8" water main along the main road of Columbine 150' north of the H.I. school, financial costs is high, several residents along that stretch were not in favor and the waterline was not extended. Don't have financial mechanism to finance for 150' under PA 188, would need to proceed with new special assessment district. Be aware of a water moratorium at this time.

Motion by Kirkpatrick, supported by Dr. Kasperowicz, **MOTION CARRIED**, to postpone a decision regarding a water main extension on Columbine Road until there is more information as to the surrounding property owners being interested in continuing the water extension. AYES: All. NAYS: None. ABSENT: None.

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Moved by Pellerito, supported by Dr. Kasperowicz, **MOTION CARRIED**, to accept the Supervisor's recommendation to appoint Mary Jane Hardy to fill the vacancy on the Downtown Development Authority Board, term will expire on 12-31-2006. AYES: All. NAYS: None. ABSENT: None.

Moved by Sharrow, supported by Kirkpatrick, **MOTION CARRIED**, to approve Lot Split 03-11 for Richard Maryanski, vacant lot on Fruit Road, Lot 1312 of Supervisor Roy T. Gilberts Plat #17. AYES: All. NAYS: None. ABSENT: None.

Moved by Sharrow, supported by Kirkpatrick, **MOTION CARRIED**, to approve Lot Split 03-12 for Mr. And Mrs. Bernard Lewandowski, 9099 Phelps Road. AYES: All. NAYS: None. ABSENT: None.

Discussion of purchasing a Mainland Mini pumper:

Trustee Sharrow: What payments been paid on the large pumper.

Treasurer Turner: Large truck, 2 payments, three left to go; mini- pumper in need of repair, Fire Chief needs some direction do we proceed and do the repairs or buy a new pumper?

Clerk Pellerito: New one takes 6-8 months to build, do the repairs to keep it running.

Fire Chief Edler: Board to be aware having problems on a monthly basis with the pumper.

Moved by Kasperowicz, supported by Kirkpatrick, **MOTION CARRIED**, to authorize the ML Fire Chief Edler to proceed with the specifications to order a new mini-pumper or mid-size rescue vehicle. AYES: All. NAYS: None. ABSENT: None.

Moved by Kirkpatrick, supported by Turner, **MOTION CARRIED**, to authorize Fire Chief Edler to repair the 1989 mini-pumper as needed in order to keep it up and running for emergency response. AYES: All. NAYS: None. ABSENT: None.

Moved by Kasperowicz, supported by Turner, **MOTION CARRIED**, to accept Danielle Lynn Asselin as a trainee with the Clay Township Fire Department. AYES: All. NAYS: None. ABSENT: None.

Moved by Turner, supported by Dr. Kasperowicz, **MOTION CARRIED**, to allow Clay Township Fire Department Firefighter Eric VanBelle to attend the FireFighter II class for the cost of \$400.00. AYES: All. NAYS: None. ABSENT: None.

Moved by Turner, supported by Engel, **MOTION CARRIED**, to allow Harsens Island Firefighters William Bell and Phillip Witherspoon to attend Firefighter I training and allow Firefighter Mike Harry to take the classroom portion of Drivers Training. The total cost for all three persons is \$1,335.00 plus books and mileage. AYES: All. NAYS: None. ABSENT: None.

BOARD MEMBER COMMENTS:

Trustee Sharrow: Public comments last meeting indicating Twp. does not enforce our ordinance fairly, Assessor Schutt trailer in yard is legal, height of the accessory bldg. For Mr. Turner approved by Building Official Mr. Kras is legal, explained comply with the Zoning Ordinance, do advertise for bid for certain things where necessary, did not force business people to remove signs, not complied to code were required to remove, public notices not required for Lot Splits or site plan allowed use, Police personnel not trained to enforce planning and zoning.

Dedication by Township employees; they were here on Friday during the power blackout.

Supervisor Joseph H. McKoan IV: Supported Trustee Sharrow's comments.

Clerk Pellerito: Answers to some concerns by residents at last Board Meeting:
7346 Flamingo: violations sent, application was made, permit issued;

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Michael Kras' building permit was paid; public should give the Board the time to research everything.

Trustee Sharrow: If litigation has gone to the Court system, Board should not discuss, hopefully there can be a resolve to the problem.

Trustee Kirkpatrick: Time when zoning issues were not enforced, Mr. Wiggle is enforcing; it is a no win situation.

Clerk Pellerito: More money spent for legal fees, noncompliance on a zoning issue, next step is litigation, sending warning letters, but when do you stop.

PUBLIC COMMENTS:

Dale Raska: Clarification on the Board's action re: Water main on Columbine Road, request for 150' was null and void, 850' is completely owned by us, it is on one parcel, go for all the footage to help the neighbors, \$11,000 is quite sum to pay right now.

Richard Baker, Stone Road: Citizens have a right to ask a question and expect it to be answered, everything that goes on in this Township is of interest to us, like answers representative of everyone on the Board, suggestion 1st Board Mtg. of the month have a representative from Police, Fire, Building, Water, Zoning, etc. so that if a questions comes up you can go to that department head for an answer.

Joe Conners, Columbine Road, Harsens Island: Also would like the water, never approached when the water lines were designed for the Island.

Clerk Pellerito: Accomplished through a special assessment district for the purpose of a payment structure, school paid \$65,000 to bring the water down there, an engineering decision, two large tracts of land on Columbine said "no" to the project. Explained the lateral benefit fee those large tracts of land would connect to the water under, veto power by large DEQ property and where water main extension permits would be required. Hunt Club would be able to tap-in under the lateral benefit fee, unfair to those who paid the full amount for the special assessment.

Robert Williams, 2007 Steward, Harsens Island: Own 50 acres, historically the Crandell Farm, 1st owned by Jack Harsens, instrumental in the War of 1812, Historical Marker has been approved for the property, a marker will be dedicated Memorial Day, 2004. Thank you to the Assessing Department for their help in locating information, Dangerous Building Commission for their patience in the restoring of the buildings on the property.

Rich Baker, Starville Road: Is there a chance of cable coming down Starville Road.

Clerk Pellerito: Unfortunately next contract negotiation with Comcast is 3 years away, at that time can change the resident ratio, we will work on the contract that will benefit our residents; if there is an increase to the basic cable fee, require a public hearing.

Paul Bridgman, 7985 Colony Drive: Zoning lawsuits unnecessary because the Township did not enforce your zoning and deed restrictions, Twp. and attorney going to pay for those lawsuits since you did not enforce your laws, complained re: illegal boathouses on Colony Drive.

ADJOURNMENT:

Moved by Kirkpatrick, supported by Turner, **MOTION CARRIED**, to adjourn the meeting at 9:25 p.m. AYES: All. NAYS: None. ABSENT: None.

Michael P. Pellerito
Clay Township Clerk