

Minutes of the Clay Township Board Meeting held on Monday, September 8, 2003 at 7:30 p.m. in the Clay Township Board Room, 4710 Pte. Tremble Road, Clay Township, Michigan 48001.

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

ABSENT: Supervisor Joseph H. McKoan IV (excused).

Moved by Kirkpatrick, supported by Dr. Kasperowicz, **MOTION CARRIED**, to designate Clerk Michael Pellerito as temporary chairman for the Board Meeting in the absence of Supervisor Joseph McKoan. AYES: All. NAYS: None. ABSENT: McKoan IV.

#### **AMENDMENTS TO THE AGENDA:**

Moved by Turner, supported by Dr. Kasperowicz, **MOTION CARRIED**, to amend the agenda under New Business:

- New Business - Item #5 add the Harsens Island Fire Department August Report
- New Business - Item #10: Harsens Island Fire Dept. request to take Engine 32 to Firefighters Memorial in Roscommon.

Vote on the amendments: AYES: All. NAYS: None. ABSENT: McKoan IV.

#### **APPROVAL OF THE AUGUST 18, 2003 BOARD MINUTES/SYNOPSIS:**

Moved by Turner, supported by Kirkpatrick, to approve the August 18, 2003 Minutes and Synopsis with the following amendments:

- Page 4: Last paragraph re: DDA appointment, change motion to read “.....to accept the Supervisor’s nomination to appoint Mary Jane Hardy to the DDA Board.....”
- Page 5: Board Member Comments: Sharrow’s comment re: height of accessory building should read “...height of accessory building for Mr. Turner approved by Bldg. Official Michael Kras is legal....”.
- Page 6: Public Comments: Robert Williams referred to “Jacob Harsens” not Jack.

Vote on the changes to the minutes: AYES: All. NAYS: None. ABSENT: McKoan IV.

**MOTION CARRIED.**

Clerk Pellerito: Clarification of the Office Contract review as indicated August 18, 2003 Meeting:

Page 2, top of the page, 3<sup>rd</sup> bullet: retirement language at age 59 ½ w 20 years of service not 25 years.

4<sup>th</sup> bullet: Pay scale – beginning salary \$12.73, 2<sup>nd</sup> year \$13.78, 3<sup>rd</sup> year 2-5% raise based on merit evaluation.

#### **BILLS PAYABLE:**

Moved by Turner, supported by Kirkpatrick, to approve the Bills Payable in the amount of \$150,280.90.

Discussion of motion:

Trustee Dr. Kasperowicz: Questioned Attorney Dalton monthly retainer fee, various items billed, paying too much, need to put some control on the legal fees; Clerk Pellerito detailed the breakdown of the bill. Lengthy discussion re: legal fees, compliance to the Zoning Ordinance, civil infraction policy, legal council needed to enforce zoning ordinances, etc.

Trustee Sharrow: Pointed out Attorney McNamee’s bill needs to be appropriated between Police and General.

Clerk Pellerito: It was an oversight, will be corrected.

VOTE ON BILLS PAYABLE: AYES: All. NAYS: None. ABSENT: McKoan IV.

**MOTION CARRIED.**

**PETITIONS:** None.

**SEPTEMBER 8, 2003 BOARD MEETING MINUTES – Page 2**

**COMMUNICATIONS:**

Clerk Pellerito: Received letters re: speed limits on Marsh Road, Board will take a look at the speed limit variations on Marsh Road.

August 18, 2003 Memo from SCC Metropolitan Planning Commission re: County Farmland Protection Program will hold a meeting on Thursday, September 11, 2003 at 6:30 p.m. to discuss the Farmland and Open Space Initiative (FOSI) and the work done.

9-3-03 Letter from Comcast, will be informing customers with a cable converter box of a channel change, effective October 7<sup>th</sup>.

Phelps, Maynard, Nook and Fruit Roads have their base coats on.

Comcast Corporate Affairs Manager Ben Smith does not have the rates we requested yet.

**OLD BUSINESS:**

Contract Negotiation updates: Patrol and Command Contracts waiting for the signature copy, should have it at next meeting for ratification.

Front Office Contract: Per Board's direction at the last meeting took back the responses to the Union re: part time employees not in the Union, clarification on the 30 hr. work week and the evaluations will they be done strictly by the Supervisor; upon meeting with the Union Steward and Union Rep, mutual agreement as follows:

- Office Manager and Department Supervisor would conduct appraisals quarterly
- Employee working any combination of 1560 hours a year would be considered part time.
- Union dues/service fee a non-full time associate - part-time would be required to pay 1% of their wages per month, not entitled to any fringe benefits, strictly for wages negotiated by the Union and maintain a senior list for the part time persons.

Trustee Cindy Kirkpatrick: Assistant Assessor receive a \$1.00 increase and not the .75 cents.

Clerk Pellerito: Took it as a comment and not a directive.

Treasurer Connie Turner: Against part time paying anything to the Union, should not have to belong.

Clerk Pellerito: 1560 hours for part time is acceptable, co-review by the Office Manager and the Department Head is acceptable.

Board's consensus is against the part time persons belonging to the Union and requiring paying a service fee or any union obligation for part time associates.

Return to the Union table with this proposal.

2004 Local Road Funding:

Benoit Road engineering study quote for \$9,025, would not be able to complete survey by Sept. 30<sup>th</sup>, hold off until 2004/2005 as a road project, road work done in multiple years.

Trustee Sharrow: Agree with waiting on Benoit Road project, concentrate next year on the maintenance to Taft, Ainsworth, Folkert, Harsens Island roads, apply for revenue sharing and look at a major project next year.

Clerk Pellerito: Consider the Benoit ditching in the upcoming road year, figures for the budget in the Spring; estimates for Folkert, Taft and Ainsworth Road from James Warner will have those at the next Board Meeting, discussed Morrow Road and High Road maintenance.

Trustee Dr. Kasperowicz: Consider the Phelps Road drainage from the swale.

Decision regarding the Township's Insurance:

Clerk Pellerito will have at the next meeting a representative from Michigan Management Authority and Nichol and Saph representing St. Paul.

**SEPTEMBER 8, 2003 BOARD MEETING MINUTES – Page 3**

Motion by Sharrow, supported by Dr. Kasperowicz, **MOTION CARRIED**, to call for a special meeting to begin at 6:30 p.m., Monday, September 22, 2003 at the Harsens Island Lion's Hall, 263 LaCroix Road, agenda Item #1 will be an informal hearing for additional waterlines on Harsens Island, Item #2 and #3 will be the Special Assessment confirmations for Martz Drive and North Channel road maintenance at 7:00 p.m.  
AYES: All. NAYS: None. ABSENT: McKoan IV.

Motion by Dr. Kasperowicz, supported by Kirkpatrick, **MOTION CARRIED**, to reimburse Mrs. Marge Hamlin, 2630 S. Channel Drive, Harsens Island the \$179.47 expense incurred on her furnace due to a watermain break and hold back these charges from final payment to Pamar. AYES: All. NAYS: None. ABSENT: McKoan IV.

Motion by Kirkpatrick, supported by Turner, **MOTION CARRIED**, to adjourn into an executive session at 8:15 p.m. for the purpose of discussing an offer to purchase property located in the Township. AYES: All. NAYS: None. ABSENT: McKoan IV.

Motion by Engel, supported by Turner, **MOTION CARRIED**, to resume the regular Township Board meeting at 8:32 p.m.

Motion by Kirkpatrick, supported by Engel, **MOTION CARRIED**, to continue negotiations with the party in regards to the property in question and what was discussed.  
R/C VOTE: AYES: Turner, Kirkpatrick, Engel, Pellerito. NAYS: Sharrow, Dr. Kasperowicz. ABSENT: McKoan IV (excused).

Motion by Kirkpatrick, supported by Turner, **MOTION CARRIED**, to accept the bid of \$1,650 from Craftmasters to install drywall in two offices and remove masonry block wall for the front offices and the cost of \$805 from Ted's Painting for miscellaneous prep repair and repaint several areas of the front office.  
AYES: All. NAYS: None. ABSENT: McKoan IV (excused).

Mausoleum chair purchase – sale on the chairs through Viking.  
Trustee Sharrow: propose we use the chairs from the old Board Room.  
Treasurer Turner: Not stackable, 30 yrs. Old.

Motion by Sharrow, supported by Dr. Kasperowicz, **MOTION CARRIED**, to use the old Board Room chairs for this year for the Mausoleum and not buy any new ones at this time.  
AYES: Sharrow, Kirkpatrick, Engel, Kasperowicz, Pellerito. NAYS: Turner. ABSENT: McKoan IV (excused).

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

**NEW BUSINESS:**

Moved by Sharrow, supported by Kirkpatrick, **MOTION CARRIED**, to amend the Cemetery Budget as follows:

EXPENSES                      CAPITOL IMPROVEMENTS 209-700-989-01  
ADD - \$139,187.50

REVENUES                      LOAN/PROCEEDS/MAUSOLEUM 209-400-695-00  
ADD - \$130,187.50

VOTE ON THE MOTION: AYES: All. NAYS: None. ABSENT: McKoan IV (excused).

**SEPTEMBER 8, 2003 BOARD MEETING MINUTES – Page 4**

Moved by Kirkpatrick, supported by Dr. Kasperowicz, **MOTION CARRIED**, to adopt the Resolution for Changing MERS Benefits for Dispatch Department Div. 21 to allow the group to go from B-2 to B-3 with a F55/20 multiplier, FAC 3, effectively mandate that the Dispatch employees contribute 7.11% of their gross wages towards the MERC Pension Benefit, effective date 07-01-03.

VOTE ON THE MOTION: AYES: All. NAYS: None. ABSENT: McKoan IV (excused).

Moved by Kirkpatrick, supported by Dr. Kasperowicz, **MOTION CARRIED**, to allow Assessor Barbara Schutt and Assistant Robin Martin attend the BS & A software Seminar regarding Personal Property on October 24, 2003, cost totaling \$390.00 plus meal expense. AYES: All. NAYS: None. ABSENT: McKoan IV (excused).

Moved by Sharrow, supported by Dr. Kasperowicz, **MOTION CARRIED**, to inform the St. Clair County Road Commission the Township of Clay Board wishes to continue as part of the process of subsection (2) of Act No. 65, Public Acts of 2003 in the decision making process of the speed limitation within the Township per House Bills 4224 and 4133. AYES: All. NAYS: None. ABSENT: McKoan IV (excused).

Moved by Kirkpatrick, supported by Turner, **MOTION CARRIED**, to accept and file the following Department Reports:

- Mainland Fire (April, May, June, July)
- St. Clair County Road Commission 8-5-03 Minutes
- St. Clair County Wastewater Treatment plant 2004 Budget
- Harsens Island Fire Department August, 2003

AYES: All. NAYS: None. ABSENT: McKoan IV (excused).

Moved by Kirkpatrick, supported by Turner, **MOTION CARRIED**, to adopt Resolution No. 1, Bruckner's Island, Harsens Island, Special Assessment District for Road and Bridge Replacement/Maintenance to set the date for Monday, September 22, 2003 at 7:30 p.m. for the public hearing for the purpose to hear objections to the petition, the proposed improvements or the proposed Special Assessment District.

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

Moved by Dr. Kasperowicz, supported by Sharrow, **MOTION CARRIED**, to adopt the Resolution declaring the Clay Township Board of Trustees are in support of the Federal Government approving Selfridge Air National Guard Base as a Homeland Security Post for the Midwest.

R/C VOTE: AYES: All. NAYS: None. ABSENT: McKoan IV (excused).

Motion by Sharrow, supported by Dr. Kasperowicz, to allow the Clerk and the Officer Manager to proceed with the purchase of office furniture for the Building Department and not to exceed the cost of \$3,500.00.

Discussion:

Trustee Kirkpatrick: \$3,500 will not be enough money to purchase office furniture.

VOTE ON THE MOTION: AYES: Sharrow, Turner, Engel, Dr. Kasperowicz, Pellerito. NAYS: Kirkpatrick. ABSENT: McKoan IV (excused).

Clerk Pellerito: Reviewed the prices on the fee structure for FOIA requests.

Video copying of Board meetings it was the Board's consensus the cost of \$20.00 each will stay the same with no cost for labor required. Property records will be charged .50¢ (cents) per sheet of the property file, if it is the homeowners' property, will be no charge.

Board consensus agree property records will be charged .50¢ cents per copy.

Moved by Turner, supported by Engel, to authorize the Harsens Island Fire Department permission to take Engine 32 to Roscommon for the Firefighters Memorial, Sept. 19 & 20.

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Discussion: Board concerned if there is a fire during those two days and fire truck is gone.  
Deputy Fire Chief Jon Burby: Old fire truck is still at the fire hall.

VOTE ON THE MOTION: AYES: All. NAYS: None. ABSENT: McKoan IV (excused).  
**MOTION CARRIED.**

**BOARD MEMBER COMMENTS:**

Clerk Pellerito: Harsens Island By-Laws included in the Board's packet for your review, By-Laws back at the next agenda for adoption.

Clerk Pellerito:

Referred to For Your Information packet: Revenue sharing info; letter from BMJ re: the HDPE pipe replacement won't be made until October.

Clerk updates on the following issues:

Mandated the City of Algonac and Clay comply with a Reliability Study, ours will be done in two weeks, City of Algonac will not have the study completed in time for the waterline extension permits out on McKinley and Genaw, hopefully DEQ will allow the extension.

Waste Water Treatment Facilities quarterly meeting, sewer outfall lawsuit is finalized.

Trickling Filtration Plant went on line just before Labor Day and a 4<sup>th</sup> shaft failure occurred, the old Biodisk filtration system is no longer operational, demolition will commence in 30 days.

Sludge Storage Tank working fine and up and running, the 2<sup>nd</sup> trickling filter plant will begin construction as soon as the demolition is done on the Biodisk filter system.

Masonry brick wall between residents and plant is under construction.

4<sup>th</sup> skid at the Water Department is in place, expected to start in November, will give us the 2.7 MGD the plant was designed to build.

Reliability study is very important in order to commence with those waterline extensions on Harsens Island.

County Wide Central Dispatch meeting with Troy Feltman and County Commissioner Pam Wall and the Police Chief tomorrow, if there is a Central Dispatch adamantly supporting a substation be placed here at the Township, absorbing our personnel, lease arrangement made for use of the P.D. facility, likely a surcharge on residents phone bill, report back to the Board at the next meeting.

Trustee Cindy Kirkpatrick: Last meeting brought the issue up re: Assistant Assessor's Salary increase, like to see a \$1.00 increase per hour and not the .75 cents.

Clerk Pellerito: Restated the three issues to go back to the negotiations, not a directive re: Assistant Assessor's salary.

Trustee Sharrow: Negotiation team has come to an agreement and it should be accepted, taxpayers money.

**PUBLIC COMMENTS:**

Secured Party: Questioned the following issues:

What is the Township considering to use the property for? Township should not be involved if do not have an immediate use for it, improper use of taxpayers dollars.

Questioned Attorney Dalton's retainer fee.

What is the waterline moratorium situation?

Clerk Pellerito: Explained the water plant usage history.

Secured Party: Benoit Road, what is the Township's portion of paving?

Clerk Pellerito: Have not committed to any expenditures at this time.

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Secured Party: Is Middle Channel Road a similar situation.

Clerk Pellerito: Benoit is a secondary road and Middle Channel is a County primary.

Secured Party: Referred to the Harsens Island Fire Department By-Laws.

Richard Baker, 9212 Stone Road: Thank you to Board for sending letter to Comcast to consider Starville Road extension. Opinion re: Township purchase of land: a good thing, like to see land purchase on the River by the Township, no parks or picnic areas for the residents, buy some land before investors take all the land that is left.

Mark Pyszora, 9034 Field Road: Township should own land especially to have a place for the kids to go.

Pole barn heights: plan to raise my pole barn 4' with this definition.

Comment re: Police Department very accommodating.

Supervisor McKoan IV never have received an answer to my question re: trucks.

Businesses on side streets pay property taxes, Twp. not allowing them there, cannot all be on M-29.

Ben Schulke, 8141 Marsh Road: Remarks re: variable speed limits on Marsh Road; vegetable stand should be regulated.

Comments regarding lawsuit.

**ADJOURNMENT:**

Moved by Kirkpatrick, supported by Turner, **MOTION CARRIED**, to adjourn the meeting at 9:36 p.m. AYES: All. NAYS: None. ABSENT: McKoan IV (excused).

Michael P. Pellerito  
Clay Township Clerk