

Minutes of the clay Township Board Meeting held on Monday, November 3, 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. Leonard Kasperowicz.

ABSENT: None.

**AMENDMENTS TO THE AGENDA:**

Moved by Turner, supported by Sharrow, to amend the agenda to add Item #3. under Old Business: Discussion to hire another contractor for the Mausoleum Tiling.

Discussion: Contractor has not presented liability insurance.

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

**MOTION CARRIED.**

Moved by Sharrow, supported by Dr. Kasperowicz, **MOTION CARRIED**, to add Item #13. under New Business: Discussion of ZBA legal fees. AYES: All. NAYS: None. ABSENT: None.

Moved by Kirkpatrick, supported by Dr. Kasperowicz, **MOTION CARRIED**, to read into the minutes the letter from Patrol Officer Kevin Labuhn informing the Board of his retirement effective 11-15-03 under New Business before Item #2. AYES: All. NAYS: None. ABSENT: None.

**APPROVE THE OCTOBER 20, 2003 MINUTES AND SYNOPSIS:**

Moved by Turner, supported by Sharrow, **MOTION CARRIED**, to approve the Township Board Minutes and Synopsis for October 20, 2003 and the Minutes for the Bruckner's Island Public Hearing as submitted. AYES: All. NAYS: None. ABSENT: None.

**BILLS PAYABLE:**

Moved by Turner, supported by Engel, **MOTION CARRIED**, to approve the Bills Payable in the amount of \$33,997.91. AYES: All. NAYS: None. ABSENT: None.

**PETITIONS:** None.

**COMMUNICATIONS:**

10/23/03 Letter from U.S. House Rep. Candice S. Miller to Supervisor Joseph McKoan: Congratulations to the Fire Department of Clay Township for the grant received from the Department of Homeland Security for Emergency Preparedness and Response.

11/3/03 Letter from ML Fire Chief Rick Edler to the Township Board: FEMA Grant received from the Department of Homeland Security for 2003 assistance to firefighters grant in the amount of \$118,945.00. U.S. Rep. Candice Miller will present the fire department with a check for this FEMA Grant on 11-10-2003 at 10:00 a.m.

10-23-03 - SEMCOG Legislative Action Alert re: Manufactured Housing Park Reform Legislation.

Clay Township Offices will be closed on Thursday, 11-27-03 and Friday, 11-28-03 in observance of the Thanksgiving Holiday.

Update regarding the D.A.R.E. program in Clay Township.

10/31/03 Letter from the Board of County Road Commissioners regarding County appropriation for fiscal year 2004 reduced to \$700,000, amount requested is \$900,000, budget will be finalized in December. Board consensus is contact County Commissioner

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Pamela Wall to inform the County the Township supports the Match Money Program allocation be continued at its full level.

Clerk Michael Pellerito: MERS requires a copy of the minutes reflecting the October 1 start-up of MERS Pension for the Patrol Contract effective 07-01-2003 to 06-30-2006 MERS upgrade to B4-FAC 3 F50 25 shall begin on October 1, 2003.

**OLD BUSINESS:**

Contract negotiations: Draft received from Command Officers Association, forwarded to Attorney McNamee, few minor changes only; Command and Patrol need a supplemental actuarial by MERS, POAM Union Rep forwarded a check to MERS.  
Front Office: Pension upgrade in the works.

Harsens Island Fire Department By-Laws: Treasurer Turner reviewed the changes. Board members questioned Article VIII – Membership, Article X – Discipline.  
Trustee Sharrow: Page 7, Article VIII, Membership: remove 1<sup>st</sup> paragraph, Revise Item A. Applicant must have attained the age of 18, be a resident of Clay Township or City of Algonac and work on Harsens Island.

Moved by Sharrow, supported by Kirkpatrick, **MOTION CARRIED**, to approve the Harsens Island Fire Department By-Laws with the sentence change as noted above to Article VIII, Membership.

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

Mausoleum Tile Contractor: Treasurer Turner requesting the hiring of a new tile contractor.

Discussion: Original contractor did not produce any insurance, not wait until next Board Meeting, bathroom can't be completed, suggest Board set price limits.

Motion by Kirkpatrick, supported by Dr. Kasperowicz, to have Treasurer Turner overview the quotes and if a special meeting is necessary to inform Supervisor Joseph McKoan IV.

Discussion: Clerk Pellerito: Special meetings require an 18 hour notice, rescind motion, Supervisor can call for a special.

Trustee Kirkpatrick will rescind the motion, supported by Dr. Kasperowicz.

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

**NEW BUSINESS:**

**PLANTE MORAN 2003-2004 AUDIT PRESENTATION:**

Presented by Joe Heffernan and Mark Hurst.

Joe Heffernan explained the purpose an audit is conducted is to review investments and the management of cash.

Mark Hurst from the Mt. Clemens Office explained the graphs representing revenue and expenses Summary of the Township

Joe Heffernan reviewed the letter of recommendations resulting from the audit to the Board, issues of concerns are: water & sewer rates, sewer assessments paid off early, shortfall to the water, 3<sup>rd</sup> phase of the GASB34 will change 6-30-04, Enhanced 911 funds used for dispatching equipment, legislative update, State share revenue cuts in

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2004, Clay will be able to withstand the State revenue cuts, will not have to change your level of service to the public, Homestead property will now be referred to as “principal residents”, assistance from the State in this issue, bottom line Township is in good shape, need to increase the water and sewer rates to stay healthy on an on going basis.

Trustee Sharrow: Questioned building fee cost, can't be profitable.

Joe Heffernan: Local unit cannot charge no more or no less, matching the revenue with the expenses.

Clerk Pellerito: Like to give credit to all the department heads in maintaining and staying within their budget, doing a good job.

Supervisor Joseph H. McKoan IV: Thank you to Mr. Heffernan and Mr. Hurst for the excellent and informative audit presentation.

Supervisor Joseph H. McKoan IV read into the minutes a letter from Police Officer Kevin Labuhn informing the Township Board he will be retiring from the Clay Township Police Department.

Board consensus Officer Labuhn was a real asset to our Police Department and he was well respected.

Moved by Dr. Kasperowicz, supported by Turner, **MOTION CARRIED**, to approve hiring Keith Ballor as a Full-Time Police Officer effective date of hire would be November 17, 2003. AYES: All. NAYS: None. ABSENT: None.

Moved by Dr. Kasperowicz, supported by Sharrow, **MOTION CARRIED**, to approve the hiring of David Hurley to the position of a part time Police Officer effective date 12-1-03. AYES: All. NAYS: None. ABSENT: None.

Moved by Dr. Kasperowicz, supported by Sharrow, **MOTION CARRIED**, to adopt the Resolution of Conveyance of St. Clair Bottomlands on Harsens Island, Clay Township, St. Clair County, Michigan approving the conveyance of property located on Bruckner's Island being Lot 12, per owner Gerald Laszczak requesting the Department of Environmental Quality to acquire Bottomland adjacent to Lot 43 (full description of property in the Resolution). R/C VOTE: AYES: Sharrow, Kirkpatrick, Turner, Engel, Dr. Kasperowicz, Pellerito, McKoan IV. NAYS: None. ABSENT: None.

Moved by Dr. Kasperowicz, supported by Turner, **MOTION CARRIED**, to adopt the Resolution of Conveyance of St. Clair Bottomlands on Harsens Island, Clay Township, St. Clair County, Michigan approving the conveyance of property located on Bruckner's Island being Lots 21, 22, and 23, per owner Perry and Sherrell DuBay requesting the Department of Environmental Quality to acquire Bottomland adjacent to Lots 21, 22 and 23 (full description of property in the Resolution). R/C VOTE: AYES: Sharrow, Kirkpatrick, Turner, Engel, Dr. Kasperowicz, Pellerito, McKoan IV. NAYS: None. ABSENT: None.

Moved by Sharrow, supported by Turner, **MOTION CARRIED**, to approve sending the second installment of the annual contribution in the amount of \$13,000.00 to the Downriver Recreation Commission for the 2003-2004 Budget. AYES: All. NAYS: None. ABSENT: None.

Moved by Turner, supported by Engel, **MOTION CARRIED**, to receive and file the October Department Report for St. Clair County Sewer Plant Operation and Maintenance, Road Commission Minutes, Planning Commission report from Board Rep., Mainland Fire Department August and September Report. AYES: All. NAYS: None. ABSENT: None.

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Moved by Kirkpatrick, supported by Sharrow, **MOTION CARRIED**, to allow the Township Offices close on Friday, December 26, 2003 for the Christmas Holidays. AYES: All. NAYS: None. ABSENT: None.

Moved by Turner, supported by Engel, **MOTION CARRIED**, to approve Harsens Island Fire Department matching funds in the amount of \$2,400 for the Department of Natural Resources grant that will be used to purchase the rest of the wildland gear. AYES: All. NAYS: None. ABSENT: None.

Moved by Sharrow, supported by Kirkpatrick, **MOTION CARRIED**, to approve the purchase of a Canon Laser Class Copier in the amount of \$1,671.11 for the Building & Zoning Department from Ikon. AYES: All. NAYS: None. ABSENT: None.

Moved by Kirkpatrick, supported by Dr. Kasperowicz, **MOTION CARRIED**, to approve the purchase of the Holland's Clark Hydraulic Mausoleum Lift for the total cost of \$8,106.00 includes the crypt front holder and pleated drape. AYES: All. NAYS: None. ABSENT: None.

Supervisor Joseph H. McKoan IV requested any decisions regarding Board vacancies appointments be postponed until the next Board Meeting.

Discussion of monthly retainer fee for Attorney Daniel Dalton, motion was vague, should be revisited, entire proposal should be resubmitted so the Board can make another review.

Trustee Sharrow: \$2,500 quoted to majority of the legal work, suggest a \$1,000 monthly fee, if a court case would be additional costs, need to lower the \$80,000 in legal fees last year.

Supervisor Joseph H. McKoan IV: Proposal did not say contract fees on a yearly basis.

Sharrow: Either side 30 days to cancel.

Kirkpatrick: Request Mr. Dalton to be at the next Board meeting.

Board consensus is to review the proposal with Mr. Dalton.

Supervisor Joseph H. McKoan IV: November 17<sup>th</sup> Board Meeting will present Dan Dalton's proposal for review, questions and concerns by the Board members.

**BOARD COMMENTS:**

Trustee Beth Engel: Proud of the job Fire Chief Rick Edler did for obtain the DNR Grant.

Trustee Dr. Kasperowicz: Thank you to the Fire Chief and the EMS for the wonderful job everyone did in participating in an accident when a patient of his fell from a ladder. Questioned the gas or water service engineering study.

Clerk Pellerito: Tetra Tech are the engineering company hired through the County, Township is the customer, we have no choice.

Trustee Dr. Kasperowicz: Water line on Harsens Island how are we coming with that.

DPW Supervisor Jon DeBoyer: Responded to Trustee Kasperowicz' concerns.

Clerk Pellerito: MTA update re: Circuit Court Case, does not affect State Wide Legislative, if proceeds further in the Court system, may help us out.

Trustee Sharrow: Jane Wright has major concerns: trash coming in from Canada, a formal resolution to State Rep. Candice Miller should be sent.

Clerk Pellerito: Out of County waste can be brought to the landfill, yet Co. cannot take waste out of our County, cheapest tipping fees in Michigan.

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**PUBLIC COMMENTS:**

Richard Baker, 9212 Stone Road: How are the Land negotiations coming?  
Supervisor Joseph McKoan IV: Standstill not accepting the Township's offer.  
Richard Baker: Nook Road and M-29, rundown homes, not a pretty sight.  
Trustee Sharrow: Wendy's will be submitting a revised site plan to Planning Commission.

Richard Baker: Mausoleum built, blocks the house next door to it completely, does not seem right.  
Building Inspector Official: Mausoleum meet all of the setbacks according to the City of Algonac regulations.

Mr. Mark Pyszora, 9034 Field Road: Comments re: attorney fees, budget comments, raises for officials, who approves them; complaint regarding neighbor J. R. Tree Service, Township does not give him any violations, where is the law, equality, don't mind complying if everyone else does.

**ADJOURNMENT:**

Moved by Kirkpatrick, supported by Turner, **MOTION CARRIED**, to adjourn the meeting at 9:14 p.m. AYES: All. NAYS: None. ABSENT: None.

Michael P. Pellerito  
Clay Township Clerk