

Minutes of the Clay Township Board Meeting on Monday, December 20, 2004 at 7:30 p.m. in the Clay Township Meeting Hall, 4710 Pte. Tremble Road, Clay Township, Michigan 48001.

PRESENT: Supervisor Jon E. Manos, Clerk Michael Pellerito, Treasurer Connie Turner, Trustee Pat Sharrow, Trustee John Makuch, Trustee Jay DeBoyer, Trustee David Dare.
ABSENT: None.

Citizens present: Approximately twenty-four.

AMENDMENTS TO THE AGENDA: Revised Bills Payable submitted.

MINUTES AND SYNOPSIS – DECEMBER 6, 2004:

Moved by Turner, supported by Makuch, to approve the December 6, 2004 Minutes and Synopsis.

Discussion:

Trustee David Dare: Page 2, motion to deny the refund bond to Mr. Simons, roll call vote is incorrect, Dare voted “Nay” and Makuch voted “Aye.”

VOTE ON THE MOTION WITH THE CORRECTION. AYES: ALL. NAYS: NONE.
ABSENT: NONE.

MOTION CARRIED.

BILLS PAYABLE:

Moved by Sharrow, supported by Turner, **MOTION CARRIED**, to approve the revised Bills Payable in the amount of \$184,011.79.

R/C VOTE: AYES: Sharrow, Makuch, Turner, DeBoyer, Dare, Pellerito, Manos. NAYS: None. ABSENT: None.

PETITIONS: None.

COMMUNICATIONS:

Supervisor Jon Manos and Clerk Pellerito congratulated Eva Mary Urban on her 100th birthday on December 12, 2004, crowd in attendance gave her a round of applause.

Holiday closings for Christmas and New Years.

12-9-04 Letter from the Algonac Lion’s Club thank you to Mike Pellerito for your assistance with the Special Olympics Dinner and the Shrimp Dinner.

OLD BUSINESS:

Contract negotiations: Building Inspector Administrator Michael Kras is preparing a letter stating his roll, duties and responsibilities for the Board’s review.

Clerk Pellerito clarified the MERS DPW and POAM adjustments to the resolutions previously adopted at the November 15th Township Board Meeting.

Moved by Pellerito, supported by Turner, to adopt the Resolution changing the MERS benefit for the DPW 7706-01 from a B-1 to a B-3 with an employee contribution rate of 3.91%.

R/C VOTE: AYES: Sharrow, Makuch, Turner, DeBoyer, Dare, Pellerito, Manos.
NAYS: None. ABSENT: None.

MOTION CARRIED.

Moved by Pellerito, supported by Dare, to adopt the MERS Resolution to allow the continued B-4 upgrade for Patrol with an additional cost to the employees of 7.13%.

R/C VOTE: AYES: Sharrow, Makuch, Turner, DeBoyer, Dare, Pellerito, Manos.
NAYS: None. ABSENT: None.

MOTION CARRIED.

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

Pat Schuffet, band member of Exavior: Played at a benefit and collected \$113.00, presented a bag of toys to the Goodfellows, Chief Rick Edler accepted.

NEW BUSINESS:

Moved by Sharrow, supported by Turner, to accept the following Department Reports: Assessing, Building, Planning, Zoning & Code Enforcement, Water Maintenance, Ambulance Authority, Algonac Community Center Expenditure Report, Mainland Fire Department Monthly Reports.

Discussion:

Supervisor Manos: Police Department will have their monthly report next month.

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

MOTION CARRIED.

Motion by Sharrow, supported by Makuch, to **DENY** the amendment to Ordinance No. 123-11 that would allow the change of zoning from C-3 General Business District to RM – Multiple Family Residential at 5555 Green Drive, Harsens Island.

R/C VOTE: AYES: Sharrow, Makuch, Turner, Pellerito, Manos. NAYS: Dare, DeBoyer.

ABSENT: None.

MOTION CARRIED.

Motion by Turner, supported by Makuch, **MOTION CARRIED**, to approve Lot Split 04-12, 2600 Columbine, Harsens Island for Dale and Adele Raska.

R/C VOTE: AYES: Sharrow, Makuch, Turner, DeBoyer, Dare, Pellerito, Manos.

NAYS: None. ABSENT: None.

MOTION CARRIED.

Motion by Sharrow, supported by Makuch, to approve Lot Split 04-13, 8784 S. Channel Drive, Harsens Island for David Carruthers.

R/C VOTE: AYES: Sharrow, Makuch, Turner, DeBoyer, Dare, Pellerito, Manos.

NAYS: None. ABSENT: None.

MOTION CARRIED.

Motion by Makuch, supported by Sharrow, to approve Lot Split 04-14, 8101 Morrow Road, Clay Township for Charles Pleiness.

R/C VOTE: AYES: Sharrow, Makuch, Turner, DeBoyer, Dare, Pellerito, Manos.

NAYS: None. ABSENT: None.

MOTION CARRIED.

Supervisor Jon E. Manos: DDA member Chuck Michel's term will expire 12-31-04. Recommend re-appoint and remain on the Board until such time when he would offer a resignation.

Clerk Pellerito: Two year has missed 10 meetings of 22, commitment level not there, member of Planning Commission and ZBA, advertise for the various positions.

Motion by Turner, supported by Dare, to advertise for the opening on the Downtown Development Authority and other Board openings by placing a notice on the Cable Television Local Station #6 and update the Township Web Site explaining the various Township Board's duties and responsibilities.

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

MOTION CARRIED.

Motion by Pellerito, supported by Makuch, **MOTION CARRIED**, to authorize the payment to the St. Clair County Clerks Association for the annual 2005 dues in the amount of \$35.00 for the Clerk and Deputy Clerk's fees. AYES: All. NAYS: None.

ABSENT: None.

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Motion by Pellerito, supported by Turner, **MOTION CARRIED**, to allow the Clean Water Action Committee to solicit within the Clay Township area and waive all fees for permits. AYES: All. NAYS: None. ABSENT: None.

Discussion on replacement sign for the Township Offices, DDA introduced the idea, Twp. Board interested in sharing some of the cost, no action at this time.

Clerk Pellerito: cost supersedes our allowable cost w/o putting it out to bid, fiber optic connection is costly.

Trustee Sharrow: Government needs to have subdued signs, not flashy; possible another enclosure could be built around the reader board, traffic light installed at M-29 and Ainsworth more important item.

Trustee Makuch: Consider a new sign in the future when economy picks up some.

NO ACTION AT THIS TIME BY THE TOWNSHIP BOARD.

Motion by Sharrow, supported by Makuch, to adopt the Resolution to amend the Clay Township Electrical Ordinance No. 111, Section 5.01, changing the Penalty from civil infraction to criminal prosecution is amended to read:

Any person, firm or corporation, including an officer, director, or employer of a corporation, pursuant to MCLA 125.1523 found violating any provision of this ordinance shall constitute a criminal misdemeanor, which shall be punishable by a fine not to exceed five hundred dollars (\$500.00), plus court costs and restitution, imprisonment in the county jail for a term not to exceed ninety (90) days or both such fine (and costs and restitution) and imprisonment in the discretion of the court having jurisdiction thereof. Each and every day that such violation continues after notification shall constitute a separate offense. Provisions of this ordinance may also be enforced by suit for injunction, abatement, damages or other appropriate

Said amendment shall be effective thirty (30) days after publication of the ordinance amendment in the Voice Newspaper, January 28, 2005.

R/C VOTE: AYES: Sharrow, Makuch, Turner, DeBoyer, Dare, Pellerito, Manos.
NAYS: None. ABSENT: None.

MOTION CARRIED.

Motion by Makuch, supported by Turner, to adopt the Resolution to amend the Clay Township Plumbing Code Ordinance No. 118, Section 3, changing the Penalty from civil infraction to criminal prosecution is amended to read:

Any person, firm or corporation, including an officer, director, or employer of a corporation, pursuant to MCLA 125.1523 found violating any provision of this ordinance shall constitute a criminal misdemeanor, which shall be punishable by a fine not to exceed five hundred dollars (\$500.00), plus court costs and restitution, imprisonment in the county jail for a term not to exceed ninety (90) days or both such fine (and costs and restitution) and imprisonment in the discretion of the court having jurisdiction thereof. Each and every day that such violation continues after notification shall constitute a separate offense. Provisions of this ordinance may also be enforced by suit for injunction, abatement, damages or other appropriate.

Said amendment shall be effective thirty (30) days after publication of the ordinance amendment in the Voice Newspaper, January 28, 2005.

R/C VOTE: AYES: Sharrow, Makuch, Turner, DeBoyer, Dare, Pellerito, Manos.
NAYS: None. ABSENT: None.

MOTION CARRIED.

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Motion by Turner, supported by Makuch, to adopt the Resolution to amend the Clay Township Mechanical Code Ordinance No. 119, Section 2, changing the Penalty from civil infraction to criminal prosecution is amended to read:

Any person, firm or corporation, including an officer, director, or employer of a corporation, pursuant to MCLA 125.1523 found violating any provision of this ordinance shall constitute a criminal misdemeanor, which shall be punishable by a fine not to exceed five hundred dollars (\$500.00), plus court costs and restitution, imprisonment in the county jail for a term not to exceed ninety (90) days or both such fine (and costs and restitution) and imprisonment in the discretion of the court having jurisdiction thereof. Each and every day that such violation continues after notification shall constitute a separate offense. Provisions of this ordinance may also be enforced by suit for injunction, abatement, damages or other appropriate

Said amendment shall become effective thirty (30) days after publication in The Voice Newspaper, January 28, 2005.

R/C VOTE: AYES: Sharrow, Makuch, Turner, DeBoyer, Dare, Pellerito, Manos.

NAYS: None. ABSENT: None.

MOTION CARRIED.

Motion by Pellerito, supported by Makuch, to adopt the Resolution to amend the Clay Township Building and Residential Code Ordinance No. 120, Section 3, changing the Penalty from civil infraction to criminal prosecution is amended to read:

Any person, firm or corporation, including an officer, director, or employer of a corporation, pursuant to MCLA 125.1523 found violating any provision of this ordinance shall constitute a criminal misdemeanor, which shall be punishable by a fine not to exceed five hundred dollars (\$500.00), plus court costs and restitution, imprisonment in the county jail for a term not to exceed ninety (90) days or both such fine (and costs and restitution) and imprisonment in the discretion of the court having jurisdiction thereof. Each and every day that such violation continues after notification shall constitute a separate offense. Provisions of this ordinance may also be enforced by suit for injunction, abatement, damages or other appropriate

Said amendment shall become effective thirty (30) days after publication in The Voice Newspaper, January 28, 2005.

R/C VOTE: AYES: Sharrow, Makuch, Turner, DeBoyer, Dare, Pellerito, Manos.

NAYS: None. ABSENT: None.

MOTION CARRIED.

Motion by Turner, supported by Pellerito, **MOTION CARRIED**, to approve Fire Chief Rick Edler’s recommendation for the following Officers for 2005/2006:

- Assistant Chief..... George Rose #45
- Captain..... Edward Fowke #41
- Lieutenant..... Beverly Rose #34
- Sergeant..... David Decaussin #57
- Secretary/Treasurer..... Daniel Stringer #59

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

Motion by Turner, supported by Sharrow, **MOTION CARRIED**, to accept the resignation of Officer Deborah Humphrey from the Police Department effective January 12, 2005.

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

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Motion by Sharrow, supported by DeBoyer, **MOTION CARRIED**, to accept Police Chief Eder's recommendation to promote part-time Police Officer David A. Burley to a full time position replacing Officer Humphrey. AYES: All. NAYS: None. ABSENT: None.

Motion by Turner, supported by Sharrow, **MOTION CARRIED**, to approve James Skorupski #53 to become a member of the Clay Township Mainland Fire Department per Chief Edler's recommendation.

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

Lengthy discussion re: proposal as presented for payment of the outstanding invoices for Engineering Services from BMJ and the consideration to retain \$10,000 of the total balance to cover the cost of subsequent joint failures.

DPW Supervisor Jon DeBoyer: Tough to estimate what is going to happen, get through the winter, better feel in March or April where we are.

Supervisor Manos: BMJ legitimate right to have remuneration, retainage if there are breaks this spring.

Clerk Pellerito: Brought the Board up to date re: construction problems, questionable the additional inspection fees to the project.

Trustee Makuch: Suggested hold \$20,000 for future breaks with progress payments.

Motion by Makuch, supported by DeBoyer, to approve a payment of \$50,000 to BMJ with the balance to be paid off at \$10,000 a month, retain \$20,000 until the bill is paid off less the deductions for the cost of subsequent joint failures.

R/C VOTE: AYES: Sharrow, Makuch, Turner, DeBoyer, Dare, Pellerito, Manos. NAYS: None. ABSENT: None.

MOTION CARRIED.

BOARD MEMBER COMMENTS:

Supervisor Manos requested a moment of silence for citizen Paul Bridgman who died on December 11th in a car accident.

On behalf of the Township Board would like to wish everyone a "Happy and Safe Holiday".

PUBLIC COMMENTS:

None.

ADJOURNMENT:

Motion by Makuch, supported by Turner, **MOTION CARRIED**, to adjourn the regular meeting at 8:32 p.m. AYES: All. NAYS: None. ABSENT: None.

Michael P. Pellerito
Clay Township Clerk