

Minutes of the Clay Township Board Meeting on Monday, January 17, 2005 at 7:30 p.m. in the Clay Township Meeting Hall, 4710 Pte. Tremble Road, Clay Township, MI 48001.

PRESENT: Supervisor Jon E. Manos, Clerk Michael Pellerito, Treasurer Connie Turner, Trustee John Makuch, Trustee Jay DeBoyer, Trustee David Dare.

ABSENT: Trustee Pat Sharrow (excused).

Citizens present: Twenty (20).

AMENDMENTS TO THE AGENDA:

Moved by Turner, supported by Makuch, **MOTION CARRIED**, to amend the agenda under New Business, Item #26. Harsens Island Fire Dept. Request for Additional Training and Item #27. Mainland Fire Dept. Request to Approve Additional Support Personnel. AYES: All. NAYS: None. ABSENT: Sharrow.

MINUTES AND SYNOPSIS – JANUARY 3, 2005:

Moved by Turner, supported by DeBoyer, to approve the January 3, 2005 Minutes and Synopsis.

Discussion:

Trustee John Makuch: Referred to page 5, Board Member Comments: Trustee Makuch's comment was "why is the Corp of Engineers involved in this?"

Motion approved with the amendment to the Minutes.

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

MOTION CARRIED.

BILLS PAYABLE:

Moved by Turner, supported by Makuch, to approve the Bills Payable in the amount of \$19,250.17.

Discussion:

Trustee John Makuch: Inquiry regarding Tri Hospital bill.

Clerk Pellerito: Blood tests – MLFD.

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

NAYS: None. ABSENT: Sharrow.

MOTION CARRIED.

PETITIONS: None.

COMMUNICATIONS:

1-04-05 Ltr. from Robert Slater, 7264 Riverside Drive to thank the ML Fire Dept. for their assistance with his wife Marjorie Slater.

Supervisor Jon Manos:

- FEMA update re: floodplain elevation maps being revised throughout MI, plan to speak to the DEQ that the elevation stay where it is and not increase the area the Corp of Engineers controls.
- Update of the 1/7/05 letter received from Prosecuting Attorney Michael Wendland to Chief Eder re: result of police report review of the attempted abduction in Clay Township. Opinion: case cannot be authorized due to the absence of the suspect, no follow-up at this time unless new evidence is discovered.

OLD BUSINESS:

Contract negotiation update for Michael Kras, Building Administrator:

Mr. Kras submitted letter to the Township Board re: 2004/2005 Building Official Contract.

Supervisor Manos: Board needs to consider seriously the financial affairs of the Township, regarding wages and fringes, 5% would not be in line.

Board discussion as to the 5% raise is deserved.

CLAY TOWNSHIP BOARD MINUTES – JANUARY 17, 2005

Page 2

Motion by DeBoyer, supported by Turner, to approve the 5% increase in salary for Building Administrator Michael Kras for 2004-2005.

Discussion:

Clerk Michael Pellerito: motion should state approve the contract in its entirety with the pension upgrade and the 5% increase.

Motion by DeBoyer, supported by Turner, **MOTION CARRIED**, to approve the Building Administrator 2004-2005 Contract in its entirety with the pension upgrade and the 5% increase.

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

ABSENT: Sharrow.

Motion by Pellerito, supported by Turner, **MOTION CARRIED**, to adopt the Resolution amending Ordinance No. 122, Section 3, Penalty of the Electrical Code correcting the Ordinance adopted at the December 20, 2004 Board Meeting and correcting the Public Act # from PA 203 to PA 230 of 1972. The effective date of the four (4) amendments to Ordinances (Electrical, Plumbing, Mechanical and Building & Residential Code) after publication will be February 11, 2005.

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

ABSENT: Sharrow.

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

Supervisor Jon Manos: Stated Item #25 “Unlawful Structure on Harsens Island, Ordinance 23, Section 28.06 - 2590 S. Channel Drive” is for the Board’s information, not in the position to address this situation, handled between the Building Department and the Township Attorney, will not be discussing that issue at the Board level.

“Secured Party” Norman Rhodes, Harsens Island: Remind the Board of status of standing and trademark, cannot use under authority. Statement re: Item #25, Board is not going to make a decision that is fine. #1 Executive Session asking there be no reference made to 2590 S. Channel, do not wish it to be done in a closed meeting but in an open meeting format.

NEW BUSINESS:

Moved by Pellerito, supported by Turner, **MOTION CARRIED**, to proceed into an Executive Session at 7:55 p.m. for the purpose of discussing labor, arbitration and litigation and the appeal that is being made under the labor contract.

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

ABSENT: Sharrow.

Board of Trustees returned at 8:26 p.m.

Motion by Turner, supported by Makuch, **MOTION CARRIED**, to resume the regular Board Meeting at 8:27 p.m. AYES: All. NAYS: None. ABSENT: Sharrow.

Motion by Pellerito, supported by Makuch, **MOTION CARRIED**, to accept the January 1, 2005 letter from Chuck Michel for his resignation from the Planning Commission, Zoning Board of Appeals and the Downtown Development Board. AYES: All. NAYS: None. ABSENT: Sharrow.

Motion by Makuch, supported by Turner, **MOTION CARRIED**, to appoint Anthony Antkowiak as the Planning Commission Representative to the Zoning Board of Appeals, term ending 11-15-2007. AYES: All. NAYS: None. ABSENT: Sharrow.

Motion by Pellerito, supported by DeBoyer, **MOTION CARRIED**, to adopt the Performance and Indemnification Resolution allowing Clay Township to work on the State trunk line right-of-way during 2005. R/C VOTE: AYES: Makuch, Turner, DeBoyer, Dare, Pellerito, Manos. NAYS: None. ABSENT: Sharrow.

CLAY TOWNSHIP BOARD MINUTES – JANUARY 17, 2005

Page 3

Motion by Pellerito, supported by Turner, **MOTION CARRIED**, to accept the Annual Application and Permit to construct, operate maintain use and/or remove within a County road right-of-way and the adoption of the Resolution allowing Clay Township to construct and maintain its facilities along and upon the right-of-way of certain highways of the Township.

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

Motion by Pellerito, supported by Dare to approve the St. Clair County Road Commission and the Township entering into the following agreements to fund the following road projects within Clay Township (please note, 2005 will be the last year for private roads):

- Bruckner Island – private road \$3,000.00
- Private Road Venice Hwy. – private road 800.00
- Emergency Road work in Clay Twp.
As directed by Supervisor or Clerk 6,000.00

AYES: Makuch, Turner, DeBoyer, Dare, Pellerito, Manos. NAYS: None. ABSENT: Sharrow.

MOTION CARRIED.

Motion by Turner, supported by Makuch, to receive and file the various departmental reports: Assessing, Building, Planning, Zoning & Code Enforcement, DRC, Planning Commission Report from Trustee Sharrow, Water Department, Harsens Island Fire Department, Twp. Roads & Bridges Advisory Committee (TAC) and Algonac/Clay Library Board Report.

Discussion:

Clerk Pellerito: Remarks concerning the excessive water usage at the Library, 2 month bill \$400.00, ridiculous, something is wrong.

Treasurer Turner: Replace the meter and verify for leaks.

Clerk Pellerito: Will draft a letter to the City Council requesting the water meter be examined for leaks.

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

Motion by Pellerito, supported by Makuch, **MOTION CARRIED**, to approve authorizing the dues to the Michigan Stormwater-Floodplain Association 2005 Chapter Membership for Michael J. Kras representing Clay Township for a cost of \$35.00. AYES: All. NAYS: None. ABSENT: Sharrow.

Michigan Department of Agriculture, Pesticide & Plant Pest Management Division are requesting the approval to host a

EMERALD ASH BORER INFORMATIONAL MEETING AT THE CLAY TOWNSHIP HALL, 4710 POINTE TREMBLE ROAD, CLAY TOWNSHIP, MI ON MONDAY, JANUARY 24, 2005 AT 6:00 PM.

The Township Board is in agreement with the request.

Motion by Pellerito, supported by Turner, **MOTION CARRIED**, to allow the Police Department to purchase two (2) 2005 Ford Crown Victoria Police Interceptor vehicles from Jorgensen Ford, Detroit, MI for the price of \$19,949.00 per vehicle. AYES: All. NAYS: None. ABSENT: Sharrow.

Motion by Pellerito, supported by Turner, **MOTION CARRIED**, to waive all the building, electrical, plumbing and mechanical permits fees for any permits that will be pulled for the renovations to the Clay Township Fire Station at 9620 Ainsworth. AYES: All. NAYS: None. ABSENT: Sharrow.

CLAY TOWNSHIP BOARD MINUTES – JANUARY 17, 2005

Page 4

Annual meeting between the Township and the St. Clair County Road Commission will take place on **THURSDAY, MARCH 10, 2005 AT 6:30 PM – 9:00 PM** at the Central Service Center with the Road Commission Staff.

Motion by Pellerito, supported by Makuch, **MOTION CARRIED**, to permit the St. Clair County D.P.W. to give an overview presentation of the Soil Erosion and Sedimentation Control program at a future Township Board Meeting. The Board's selection for two dates is March 7, 2005 or the March 15th Meeting. AYES: ALL. Nays: None. ABSENT: Sharrow.

Motion by Turner, supported by DeBoyer, **MOTION CARRIED**, to approve the 2005 MICHIGAN ASSOCIATION OF CODE ENFORCEMENT OFFICERS (MACEO) ANNUAL DUES OF \$40.00 for Timothy J. Wiggle as the Zoning/Planning/Code Enforcement. AYES: All. NAYS: None. ABSENT: Sharrow.

Motion by Turner, supported by DeBoyer, **MOTION CARRIED**, to approve the St. Clair County Assessors Association yearly membership dues for Assessor Barbara Schutt and Assistant Assessor Robin Martin at the regular membership cost of \$50.00. AYES: All. NAYS: None. ABSENT: Sharrow.

Motion by Turner, supported by Dare, **MOTION CARRIED**, to approve the Harsens Island Fire Fighters Bob White, Lisa White and Brian Sears to challenge the FF II class final exam and practical skills test for the cost of \$450.00 and approve Brian Sears to take the Haz Materials operations class for the cost of \$150.00. AYES: All. NAYS: None. ABSENT: Sharrow.

Motion by Pellerito, supported by Turner, **MOTION CARRIED**, to approve Tammy Montgomery as a member on the Harsens Island Fire Department as recommended by Fire Chief Daryl DuPage. AYES: All. NAYS: None. ABSENT: Sharrow.

Motion by Makuch, supported by Turner, **MOTION CARRIED**, to enter into a Two-Year Agreement with the County Clerk of St. Clair County and the Township Clerk of Clay Township, as designed by HB 4824 to allow Clerk Michael Pellerito permission to conduct the Algonac Community School elections with the Township of Clay and be responsible for putting an election on. Ayes: All. NAYS: None. ABSENT: Sharrow.

Motion by Turner, supported by Dare, **MOTION CARRIED**, to accept Mr. Jesse Morgan as a new trainee on the Harsens Island Fire Department. AYES: All. NAYS: None. ABSENT: Sharrow.

Motion by Turner, supported by Pellerito, **MOTION CARRIED**, to adopt the Resolution amend the boundaries for the Clay Township Voting Precincts and create the district of Precinct No. 2.
R/C VOTE: AYES: Makuch, Turner, DeBoyer, Dare, Pellerito, Pellerito. NAYS: None. ABSENT: Sharrow.

Motion by Turner, supported by Makuch, to accept the changes amending the Harsens Island Fire Department 2004-2005 Budget of several line items within the Harsens Island Fire Department Budget as proposed.

Lengthy discussion re: Harsens Island Fire Department Budget financial condition.
Clerk Pellerito: Need to see the revenue side of this budget, five months to go.
Supervisor Manos: Amending budget after changes have been made to the budget is a concern.
Trustees Makuch and Dare will meet with the Fire Chief and go over the budget.

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

MOTION CARRIED.

CLAY TOWNSHIP BOARD MINUTES – JANUARY 17, 2005

Page 5

Motion by Makuch, supported by DeBoyer, **MOTION CARRIED**, to approve the Building Department purchase for a quality light meter not to exceed \$250.00. AYES: All. NAYS: None. ABSENT: Sharrow.

Motion by Turner, supported by Makuch, **MOTION CARRIED**, to approve the training request for ML Fire Department FF Dan Stringer to attend the FF I class at Ira Township Fire Station for a cost of \$635.00. AYES: All. NAYS: None. ABSENT: Sharrow.

Supervisor Jon Manos asked the Township Board to approve the appointment of Dave Martin as a member of the Harsen's Island Transportation Authority.

NO MOTION WAS MADE TO ACCEPT THE APPOINTMENT.
POSITION REMAINS VACANT FOR NOW.

Harsens Island Fire Chief DuPage presented requests for FF I and FFII Classes for Jesse Morgan, Jerry Doan to attend Fire Officer III class and Bill Bell to attend the EMT class at Algonac Fire Department.

Discussion re: Questioned if the above requests for schooling are part of the budget amendments within dollar line items, just amended the budget, will need to amend; suggest class approval be put on hold for now until John Makuch and David Dare can get together and bring it back after reviewed.

Treasurer Turner: What classes are more important at this time.

Trustee Makuch: Understand concern about amending the budget, establishing a new zero point, like to see a personnel report from both fire departments to bring the Board up to date re: training, certification, etc.

Supervisor Manos: Clear need to take a look at where we are going with this budget and line items, definitely in line would require dipping into a fund balance, question is do we amend this budget or do we want to table this until it can be reviewed by the Department Liaison group.

NO MOTION AT THIS TIME TO APPROVE THESE CLASSES OR TO TABLE.
NO ACTION WILL OCCUR AT THIS TIME, CAN BE BROUGHT BACK AT A FUTURE MEETING.

Motion by Turner, supported by Pellerito, **MOTION CARRIED**, to allow Mainland Fire Department personnel Edward Fowke, Jr., Richard Arsenault, Michael Jones, Daniel Ruiz and Mary Moehlman as support personnel as recommended by Fire Chief Rick Edler. AYES: All. NAYS: None. ABSENT: Sharrow.

BOARD MEMBER COMMENTS:

Clerk Pellerito: Update: Letter written to the Army Corp of Engineers re: Bernie Lewandowski Property situation, response from the Corp. did receive the letter. Met with City, Twp., Auditors, City legal council, performed a skid test at 970,000 gallons, under that premise, plant may be able to have its firm rating capacity reinstated at what it was built for, probably would need some filter replacements, will meet again.

Supervisor Jon Manos: Reviewing all the costs factors that have gone into the water rates over the past four years w/o having the plant producing its capacity, working with the City to try to rectify this whole situation and to get the plant working efficiently, transfer some of those costs to the engineer and the original filter people, producing a more efficient plant w/o increasing rates to our users.

Clerk Pellerito: Plans requesting approval to expand District 7-E Harsens Island water lines will go to the City for approval, permit application can then proceed to the DEQ.

CLAY TOWNSHIP BOARD MINUTES – JANUARY 17, 2005

Page 6

PUBLIC COMMENTS:

Mrs. Dawn Schulke: Twp. owed money to them based on the cost incurred from S.A.L.U. fee and engineering, Board review what was said in the July 5th Board Meeting tape.

Attorney John McNamee: Stated his legal opinion on behalf of the Township.

Ben Schulke: Explained in detail the actions that have happened since the July 5th meeting.

Supervisor Manos: Have heard the Schulke's view and Attorney McNamee cited what steps can be taken next.

Whitey Simon, Harsens Island: Island residents would like to see a trash pick-up in June or July as the annual clean up again, will you be discussing this soon? Recycling bins are overflowing, bags left beside the bin, driver removes the bin but leaves the bags.

Clerk Pellerito: County is underwriting those containers, \$200 to pick them up, suggestion to the County Board of Commissioners if Twp. can be subsidized for what it cost to take the bins away to empty and the money applied to curbside pick-up.

Glen Templeton, 8967 Stone Road: Questioned the waiving of permits for the Fire Hall, various membership dues paid for by the Township, how can we as citizens get that. Referred to the last meeting, amendments adopted increasing the criminal misdemeanor charge and/or 90 days in jail for several Ordinances, how did these amendments improve for the good of the community?

Supervisor Jon Manos: Amendments merely returned to the former penalty status, improve the enforcement of the Ordinance, protections to the citizen and that is where the benefit comes.

Richard Baker, Stone Road: Under civil infraction could not have a jury trial.

Richard Wagner, Jr. DDA Chairperson: Update ML Fire Hall renovation, met with contractor and engineer.

ADJOURNMENT

Motion by Makuch, supported by Turner, **MOTION CARRIED**, to adjourn at 9:52 p.m.
AYES: All. NAYS: None. ABSENT: Sharrow.

Michael P. Pellerito
Clay Township Clerk