

Minutes of the Clay Township Board Meeting on Monday, February 7, 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 Pat Sharrow, Trustee John Makuch, Trustee Jay DeBoyer, Trustee David Dare.

Citizens present: Twenty-five (25).

**AMENDMENTS TO THE AGENDA:**

Moved by Turner, supported by Makuch, **MOTION CARRIED**, to amend the Agenda under New Business to add the Mainland Fire Department Report to #11. Monthly Department Reports. AYES: All. NAYS: None. ABSENT: None.

**MINUTES, SYNOPSIS AND EXECUTIVE MINUTES OF 01-21-05:**

Motion by Turner, supported by Dare, **MOTION CARRIED**, to approve the January 21, 2005 Board Minutes and Synopsis and the Executive Minutes as submitted. AYES: All. NAYS: None. ABSENT: None.

**BILLS PAYABLE:**

Moved by Turner, supported by Makuch, **MOTION CARRIED**, to approve the Bills Payable in the amount of \$68,908.58.

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

**PETITIONS:** None.

**COMMUNICATIONS:**

Clerk Pellerito read the following announcements:

1-20-05 Letter from St. Clair County D.P.W. Jennifer Bellinger confirming an appearance at the April 4, 2005 Board Meeting re: Soil Erosion Control Presentation.

1-13-05 Memo from Angela M. Rochon, Algonac/Clay Library Board to thank the Clay Township Board for your support of the library and especially for recent expenditures provided for a handicap ramp, security system and exterior sensor lighting.

Downriver Recreation Commission Director Cindy Babisz re: Master Plan, Public Hearing to be held at the DRC 02-14-05 Meeting; Township Board 02-21-05 will review the Master Plan for approval.

Board of Trustees Annual Road Meeting with St. Clair County Road Commission is Thursday, March 10, 2005, 6:30 p.m. – 9:00 p.m., Central Service Center, 21 Airport Drive, St. Clair, Michigan.

Clay Township Board of Review Meetings published in The Voice Newspaper.

Supervisor Jon E. Manos: County Commissioner Pamela Wall will address the Township Board and citizens re: County Jail Project.

County Commissioner Pamela Wall there has been much controversy over the County Jail Prison Project concerning the cost overruns. Pointed out some of the background history of the County Jail Prison Project leading up to the start of construction in 2002; back in 1998 needed an improved jail, hoped for a joint venture with Lapeer County, four years later plan evolved for a new jail, Troy Feltman took over as new Administrator, Committee formed to review jails around the country, public hearings held, not a huge public input, proposed cost \$26 million originally, opposed to the Bonding method and money from delinquent tax money would be used, 2001/02 actual commitment made, design was in process when County Commissioner Wall began her term in January.

Troy Feltman, County Administrator had the trust of the "Owner's Committee", feel the 170,000 people who are paying for the jail in St. Clair County are the owners.

County Commissioners disappointed in the outcome of the expenditures by the previous

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County Commissioner Pam Wall comments (continued)

County Administrator, contracts lapsed, Board had no knowledge of this.

Bright side is new Administrator at the helm, he is completely the opposite of Mr. Feltman, four (4) new Board Commissioners who will do a great job and everyone will work well together. Goal will be to regain the public trust; we will get through this to change what has happened.

Supervisor Manos: Cognizant of some budget changes the Township will see a change of the July Tax, already shortage of County budget caused a reduction in dollars from the County Road match fund, looking at cuts in public enhancement programs, wish the County Board luck, Township did not create the quandary and do not want to cut dollars out of our budget.

**OLD BUSINESS:**

1. Contract negotiations: Clerk Pellerito stated the highlights to the Command Contract: drug screen policy appendix and effective July 1, 2005 the employee contribution shall be 6.8% with the Employer paying any additional cost. Contract mirrors the Patrol Contract accept for the changes as stated. Contract approved by the previous Board, confirming this Board's approval.

Motion by Turner, supported by DeBoyer, to approve the Command Officers Contract effective July 1, 2003 to June 21, 2007 with two revisions to the Contract: Appendix to the Contract: Drug Screen Policy and effective July 1, 2005 the employee contribution to the B-4 MERS Benefit Plan shall be 6.8% with the Employer paying any additional cost.

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

**MOTION CARRIED.**

**PUBLIC COMMENTS;** Relating to any New Business on the Agenda.

None.

**NEW BUSINESS:**

1. Supervisor Jon E. Manos introduced Plante Moran representatives Joseph Heffernan and Mark Hurst to review the Township's present financial status and its foreseeable future position, many communities within the State of Michigan has seen a downtrend in the Township's incoming revenue stream. Auditors in conclusion agreed the Township's Actual Fund Balance is \$820,000, which is sufficient for the operation and cash flow purposes as of June 30, 2004. Rising labor, fringe benefit costs, health insurance premiums and general liability insurance costs have caused government units to review their status.

Township current fund balance is better than it was 8-1/2 years ago, downside is don't know what the future holds. Township is keeping a prospective on the General Fund. The Township has taken close to \$400,000 out of the governmental funds and put it aside in a retiree medical benefit fund. Purpose was to inform the citizens and Board of the Township's financial status and the assurance your community is stable. This is not germane to just Clay Township, every unit of government and business that we deal with deal with this same problem; primary revenue sources for your governmental fund have increased at a rate somewhat less than 5% while fringe benefit costs and salaries have increased in excess of 10%.

2. Motion by Sharrow to approve the Supervisor's recommendation to appoint Earl Lines to the Planning Commission filling the vacancy left by Chuck Michel.

**MOTION FAILED FOR LACK OF SUPPORT.**

Board Member comments: Not seen Mr. Lines at a Board Meeting, interview process before decision is made, etc.

Supervisor Manos: Appointment to Planning Commission will be left open at this time.

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Harsens Island Transportation Authority opening.

Supervisor Jon Manos: Letter from John Fannon, Chair for HITA is recommending David Martin to the Board.

Board questioned if Mr. Martin owned any property on Harsens Island, registered voter.

Trustee Sharrow: These are not requirements.

Supervisor Manos: Letter from the HISCFA President White Simon recommending Mr. Martin to the HITA.

3. MOTION BY SHARROW to appoint David Martin to the Harsens Island Transportation Authority.

**MOTION FAILED FOR LACK OF SUPPORT.**

Discussion re: Vacating a "Channel", Daniel Patrona, 1765 S. Channel.

Property owner Daniel Patrona addressed the Township Board: Easement is called a channel 30' adjacent to his property, maintained the land and put money into it, straighten boundary lines.

Assessor Barbara Schutt: Petition not required, Mr. Patrona is asking for the whole section of land, next step will be are the other property owners willing to vacate.

Board members questioned the other lots adjacent to the 30' easement, shouldn't these owners have a say in this?

Supervisor Manos: Properties fronting on the easement should have some knowledge of what is going on, split the easement down the middle, if the other side does not care, it would go the other way.

Trustee DeBoyer: Agree necessary to have a complete release on the land abutting the other lots.

Trustee Sharrow: Property owners notified by registered mail and hold a public hearing.

4. Motion by Makuch, supported by Sharrow, **MOTION CARRIED**, the owners of Lots 26, 27, 28, 29, 30, 31, 32 and 33, Subdivision No. 3 of Grande Pointe, Harsens Island be notified by registered mail of a Public Hearing scheduled to be heard by the Clay Township Board of Trustees at a regular Clay Township Board Meeting on Monday, April 4, 2005 at 7:30 p.m., 4710 Pte. Tremble Road, Clay Township, Michigan for the purpose of hearing comments for or against the request to vacate a "Channel" portion adjacent to lots 32 and 33 for the ownership of the 30' x 122' piece of land. AYES: All. NAYS: None. ABSENT: None.

5. Motion by Makuch, supported by Turner, to approve the request from Code Enforcement Official Timothy Wiggle to attend the MACEO conference for the cost of \$205.00, lodging two (2) nights \$130.00, use of the township vehicle and meals.

Discussion:

Trustee Sharrow: Questioned narcotics certification is on Friday, can't see why you need to stay the 2<sup>nd</sup> night.

VOTE ON THE MOTION: AYES: Makuch, Turner, Dare, DeBoyer, Manos. NAYS: Sharrow, Pellerito. ABSENT: None.

**MOTION CARRIED.**

6. Moved by Pellerito, supported by Turner, **MOTION CARRIED**, to grant permission to any of the Board of Trustees, Planning Commission or ZBA members wanting to attend the St. Clair County Metropolitan Planning Commission Winter Workshop on Thursday, February 24<sup>th</sup> from 6:45 p.m. – 9:00 p.m. AYES: All. NAYS: None. ABSENT: None.

7. Moved by Sharrow, supported by Turner, **MOTION CARRIED**, to approve the ML Fire Chief's request to send Paul LaBelle II to attend the FFI Class for a total of \$635.00 plus the cost of one paid credit for each class he attends. AYES: All. NAYS: None. ABSENT: None.

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8. Moved by Turner, supported by Sharrow, **MOTION CARRIED**, to approve the renewal of the dues in the amount of \$175.00 for Assessor Barbara Schutt with The International Association of Assessing Officers. AYES: All. NAYS: None. ABSENT: None.

9. Moved by Pellerito, supported by Turner, **MOTION CARRIED**, to allow the Spare Parts Car Club to use the Township Hall for a meeting on Saturday, March 19, 2005 at 7:30 p.m.  
Ayes: All. NAYS: None. ABSENT: None.

10. Moved by Pellerito, supported by Makuch, **MOTION CARRIED**, to pay the 2005 MS4 Storm Water Discharge Permit Fee in the amount of \$2,000.00 as required by the Michigan Department of Environmental Quality. AYES: All. NAYS: None. ABSENT: None.

11. Moved by Turner, supported by Dare, **MOTION CARRIED**, to approve the WWTP Monthly Operation and Maintenance December 2004 Report, Police Department Monthly report for January 2005, ML Fire Department January Month End Report and the Algonac-Clay Branch January 2005 Board Report as submitted. AYES: All. NAYS: None. ABSENT: None.

12. Moved by Makuch, supported by Dare, **MOTION CARRIED**, to postpone the request from the Harsens Island Fire Department Chief for two (2) Trainees to attend classes until the Fire Department Liaison Committee has meet with the Fire Chief to discuss the Fire Department Operation and Budget. AYES: All. NAYS: None. ABSENT: None.

**BOARD MEMBER COMMENTS:**

Trustee Pat Sharrow: Where do we stand on Ordinance Codification?

Clerk Pellerito: Twp. Atty. McNamee is reviewing.

Trustee Pat Sharrow: Asked if the Board members would write down long range goals for Clay Township and than we as a Board can get together and put our ideas together.

Supervisor Manos: Update re: Cottrellville Twp. - Genaw Road improvements, close to working out something that those residents can be informed of a cost factor and a public hearing can be held, shared cost to get this road finished.

FEMA update: reviewing files, format something to stop any rising of elevations in Clay Township.

Trustee Makuch: Suggestion regarding a committee to interview potential board candidates.

Supervisor Jon Manos: According to the Municipal Planning Act the Supervisor assumes that role and makes those recommendations to the Planning Commission.

Trustee Dare: Should have knowledge of the background on candidates, we are making a decision for the citizens.

Supervisor Manos: In the past have appointed good caring people to the Planning Commission, provided in the law specifically the Supervisor makes the recommendation, if Board cannot agree, will come back with somebody else.

Clerk Pellerito: Why is the Township still under the Municipal Planning Act? Should bring it to the Board and evaluate which planning act we should be under.

Trustee Sharrow: Board members had packets prior to the meeting, could have made contact and asked what are their ideas and goals.

**PUBLIC COMMENTS:**

Whitey Simon, 4722 Green Drive, Harsens Island: Questioned Island water main breaks, what if Ferry was not running, does the DPW have a contingency plan if cannot get to the Island?

Clerk Pellerito: DPW Supervisor DeBoyer has several plans if an emergency would arise.

Mrs. Fannon, 5446 Green Drive, Harsens Island: Asked the Township Board to reconsider appointing David Martin to HITA, very active volunteer citizen with the H.I. Homeowners Association, highly recommend him to this Board.

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John Fannon, President of HITA: Board members donate their time, controversial subjects right now, trying to do a job we are asked to do, Mr. Martin is willing to be on this board, difficult to find people who want to get involved, hoping the Twp. Board will reconsider.

“Secured Party”, Harsens Island: Disappointed Mr. Martin was not nominated to the HITA Board and Planning Commission candidate was not approved, need these people in whatever capacity, agree Board members could have contacted the potential candidates prior to the meeting.

Have been doing volunteer work with the Clay-Algonac Library, would like citizens to consider stopping by your library and making a donation.

Library does not have a current Township Zoning Ordinance book.

Island Bikepath don't think we need that on Harsens Island.

Re: 2590 South Channel Drive, Circuit Court item, believe it should not be there, requesting this Board to take a look at this and make it an agenda item whereas the Board would decide if it should be in Circuit Court, governing entity has the power to look at it; in the best interest of the Township the Board should do this.

Clerk Pellerito: Ordinances currently working on the new update will have it available on CD Ram.

John Pierce, 891 N. Channel Drive, Harsens Island: Concerning the Emerald Ash Borer, have many Ash trees, like to treat some of my own trees, don't want them all cut down, request you as a Board to contact the State Representatives and Senators and find a way to save the trees, asking for your help.

Grandson of Mr. Pierce: Bikepath on the Island would be a fantastic addition to the Island.

Supervisor Manos: DEQ Representatives were at the Twp. Hall discussing the Emerald Ash Borer problem, Representatives were going to get back with us and present something more concrete exactly what they are proposing.

County Commission Pam Wall: Trees already infested with the Emerald Ash Borer by destroying them would create a barrier; State willing to pay money back to the Township to try to prevent the spread of the insect.

Trustee Dr. Kasperowicz, 6603 Dyke Road: Where are the flood plains?

Supervisor Jon Manos: FEMA is going to St. Clair Shores, not started the appeal process, Township Board is not going to sit still, no change in our elevation.

Dr. L. Kasperowicz: Two potential appointments willing to make their time available for these committees did any of the Board contact either of these gentlemen?

**ADJOURNMENT**

Moved by Turner, supported by Makuch, **MOTION CARRIED**, to adjourn the meeting at 9:37 p.m. AYES: All. NAYS: None. ABSENT: None.

Michael P. Pellerito  
Clay Township Clerk