

**Minutes of the Clay Township Regular Board meeting Held on Monday August 15, 2005 at 7:30 p.m. in the Clay Township Meeting Hall, 4710 Pointe Tremble Road, Clay Township, Michigan 48001**

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

Citizens Present: Five

**AMENDMENTS TO THE AGENDA:** None

**APPROVAL OF THE CLAY TOWNSHIP AUGUST 1, 2005 SPECIAL ASSESSMENT PUBLIC HEARING AND REGULAR BOARD MEETING MINUTES AND SYNOPSIS.**

**Motion** by Sharrow, supported by Makuch, to approve the minutes of the August 1, 2005 Public Hearing minutes and Regular Board Meeting minute and synopsis with the following corrections to the Regular Board Meeting minutes and Synopsis:

On second page #1 through #4, should read, "motion to adopt Resolution establishing the millage rate". Page three, #12, should read, "motion to approve adopting the resolution to amend the text".

AYES: All

NAYES: None

MOTION CARRIED

**APPROVAL OF BILL PAYABLE:**

**Motion** by Turner, supported by DeBoyer, to pay the bills in the amount of \$74,482.01.

Sharrow: Project Control, Inc. for \$500.00?

Pellerito: Reproducing Township Maps

ROLL CALL VOTE

AYES: Sharrow, Makuch, Turner, Pellerito, DeBoyer, Dare, Manos

NAYES: None

MOTION CARRIED

**PETITIONS:** None

**COMMUNICATIONS:**

June 30, 2005 thank you from Algonac/Clay Historical Society for contribution.

Clay Township Mainland Fire Department 2<sup>nd</sup> Annual Poker Ride will be held Sunday, September 11, 2005, rain or shine.

**OLD BUSINESS:**

1. Consent Agenda

Manos: Included with the Consent agenda are rules pertaining to public comments. This is not to block comments but to limit time.

Pellerito: On consent agenda Amendments to the Agenda is eliminated, once printed and public, no changes. If something important comes up a special meeting can be called. Second, A. and B, Board minutes and Communications, these include items that are currently in the FYI section of your packets. This would acknowledge public officials communications and other pertinent information. Under the Consent Agenda, any one on the Board can remove those items wished to be discussed. Previous agenda had two places for Public Comment, now one up in front.

Manos: Any comments or changes would like to make?

Makuch: If someone has a question, necessitate pulling out of consent agenda?

Pellerito: Yes, our intent to have these agendas out by Thursday. If questions or if something needs to be discussed, can contact Supervisor or Clerk before the meeting.

Makuch: Public Comments before the meeting?

Manos: Allow public to address anything on the agenda. This is the suggested format, if we find we don't like it we can always amend.

Sharrow: Some have agenda approval, that allows in a rare case to amend the agenda.

Pellerito: Jon and I discussed; if we find something does need to be changed, perhaps a 2/3 vote by members present could make an amendment. The premise is that once agenda out, the Board not passing things without the public being aware.

DeBoyer: MTA made it clear that amendments to the agenda are a big no-no. We are under a regulation of publishing our agenda so public will be up to speed as to what we are going to discuss. When we amend it we haven't really done what the law says we are supposed to do.

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**Motion** by Makuch, supported by DeBoyer, to implement proposed Consent Agenda as presented.

Sharrow: Need to enforce the time limit and give the Chairman consent to cut even less than 5 minutes if it is a controversial subject and there is a huge crowd.

Pellerito: Can say "up to".

DeBoyer: We're allowing the Supervisor discretion to extend if a valid point.

AYES: All

NAYES: None

MOTION CARRIED

### 2. BS&A Proposal

Turner: This has everything Port Huron offers to us now for \$52,815.00, which can be paid over a two-year period. Has all the history we currently have.

Pellerito: Just need printers?

DeBoyer: Total we have spent so far, roughly?

Turner: \$28,000.00 spent so far.

Dare: How much for support each year?

Turner: First year is free, \$5,000.00 per year after that.

Sharrow: Do they grantee that price will stay the same for 3 years?

Turner: Yes.

Pellerito: Where is Port Huron for 3 years of history?

Turner: It is not in here, it is around \$1,600.00 to convert.

DeBoyer: It was in the last packet.

Makuch: Training?

Turner: They come out and do about 3 or 4 days training, which is included. For more it is \$195.00 per day.

Pellerito: Will still be \$3,000.00 annual fee to link with County to share BS&A information.

Forty-five cents per parcel.

**Motion** by Turner, supported by Sharrow to go with BS&A software and pay for it over a two-year period for a sum of \$26,407.50 per year.

ROLL CALL VOTE

AYES: Makuch, Turner, Sharrow, Manos

NAYES: Pellerito, DeBoyer, Dare

MOTION CARRIED

### 3. Resolution of Support for 800 MHz Radio System

#### 4. Agreement Between Township & County re 800 MHz Radio System

Pellerito: With this will be committed to Phase I of the infrastructure improvements. Reviewed agreement. Back when the County got the approval for this surcharge they never went the full 80 cents. We are collecting 49 cents; this will collect an additional 31 cents, which will be the ceiling of that proposal. We will agree to remit our 31 cents to fund the Bond repayment of Phase I. Once equipment is in place it doesn't do anything for the Township until the 800 MHz system is installed down here. We are buying in so the Township will own a stake in the system. Will not be involved in the operations of the Central Dispatch Authority, will sit on the Board as a partner of the infrastructure.

**Motion** by Pellerito, supported by Makuch, to approve the Resolution of Support to allow the Supervisor, Treasurer and Clerk to enter into a working agreement with St. Clair County Chairperson Patricia Anger and St. Clair County Clerk Marilyn Dunn.

Manos: What is the time frame?

Pellerito: Fifteen years for Phase I.

Sharrow: Fifteen years life of infrastructure, mean these towers, etc will have to be replaced?

Pellerito: Equipment fund needs to be established as part of the bonding requirements.

Towers will probably be good; the electronic portion will likely not be around.

Makuch: This is to establish the basic infrastructure?

Pellerito: There will probably two things occur. One, good position with Home Land Security, means possible procurement of further granting. Two, will probably see a surcharge on the telephone lines come back for a vote or an ad valorem property tax or something. If passed County wide, could carve the Township out or collect the money and use to purchase our equipment. Every piece of equipment will require radio change-out to be operable. Benefit is the ability to speak to all forms of law enforcement. If at any time the loan is satisfied the funds will revert back to the Township.

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**ROLL CALL VOTE**

AYES: Turner, Pellerito, DeBoyer, Dare, Sharrow, Makuch, Manos

NAYES: None

**MOTION CARRIED**

**5. Clay Township/MDOT M-29 Project Update**

Turner: Jon DeBoyer and I met with MDOT about the bill we received for work done in 1997. State says it is an approximate final bill. MDOT can't come up with paper work to show what we actually owe. Ours is small compared with other communities, lowered ours to \$3,340.35.

Manos: If we agreed to pay anything we would require a release. Can take position not to pay, they can't produce records.

Turner: None of the Townships want to pay this.

Makuch: How much to fight? Should hold fast with other parties involved, require documents to prove what is owed.

DeBoyer: If the State decided to proceed with legal action would we be lumped with the others? Would the State spend the time and money?

Pellerito: Has anyone looked at the area, probably used 9 sacks of cement and it's falling apart. I don't think we should sell out the rest.

**Motion** by Sharrow, supported by Dare, to postpone this and bring it back and do more negotiating.

AYES: All

NAYES: None

**MOTION CARRIED**

**PUBLIC COMMENTS** relating to any new business on the agenda:

None

**NEW BUSINESS:**

**1. Boydell Road Resolution #2 to set the roll**

**Motion** by Pellerito, supported by Dare, to approve the Resolution to set the roll for Boydell Road improvements.

**ROLL CALL VOTE**

AYES: Turner, Pellerito, DeBoyer, Dare, Sharrow, Makuch, Manos

NAYES: None

**MOTION CARRIED**

**2. Boydell Road Resolution #3 to set Public Hearing to Review**

**Motion** by Sharrow, supported by Pellerito, to approve the Resolution to set the public hearing for public comment for September 6, 2005 at 7:15 p.m.

**ROLL CALL VOTE**

AYES: Pellerito, DeBoyer, Dare, Sharrow, Makuch, Turner, Manos

NAYES: None

**MOTION CARRIED**

**3. Building Inspector request to attend ICC Conference**

**Motion** by DeBoyer, supported by Sharrow, to approve the Building Inspector attending the ICC Conference at a cost of \$325.00.

AYES: All

NAYES: None

**MOTION CARRIED**

**4. DRC Request for Second Installment**

**Motion** by Sharrow, supported by Makuch, to approve the sum of \$14,000.00 be forwarded to DRC as we have budgeted.

AYES: All

NAYES: None

**MOTION CARRIED**

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5. DRC Request to amend the Budget

Pellerito: This is for the \$500.00 annual stipend to be paid to a deferred compensation program as per the contract with the DRC Director.

**Motion** by Pellerito, supported by Dare, that the Township add \$1,250.00 to the current budget, its 50%, to accommodate the five year backlog.

AYES: All

NAYES: None

MOTION CARRIED

6. St. Clair Council on Aging Request for 2005 Disbursement

**Motion** by Sharrow, supported by Turner, to donate \$1000.00 as budgeted to the Cherry Beach Senior Citizen Center.

AYES: All

NAYES: None

MOTION CARRIED

7. Resolution to set Public Hearing for South Channel Road Parking Improvement

**Motion** by Sharrow, supported by Dare, to adopt the resolution to declare our intention to do the special assessment for this district and set the public hearing for September 19, 2005 at 7:15 p.m.

ROLL CALL VOTE

AYES: DeBoyer, Dare, Sharrow, Makuch, Turner, Pellerito, Manos

NAYES: None

MOTION CARRIED

8. Resolution to apply for Grant for demolition of Baltimore Hwy Building

**Motion** by Pellerito, supported by Makuch, to adopt the resolution to apply for a grant for demolition of abandoned building.

ROLL CALL VOTE

AYES: Dare, Sharrow, Makuch, Turner, Pellerito, DeBoyer, Manos

NAYES: None

MOTION CARRIED

9. Planning Commission Request to attend Conference

**Motion** by Pellerito, supported by DeBoyer, to allow up to 5 Planning Commission members to attend the Michigan Association of Planners Conference on Mackinac Island with no gas allowance.

ROLL CALL VOTE

AYES: Sharrow, Turner, Pellerito, DeBoyer, Dare, Manos

NAYES: Makuch

MOTION CARRIED

10. Harsens Island Fire Department request to attend E.M.T. class

Request to remove from agenda; class has been postponed.

11. Harsens Island Fire Department request re Fire Hydrants

Manos: There is an addition hydrant expense of \$455.00 for the new district. The request is to amend the budget and take money from the contingency fund. We're trying to stay away from that, take from other line items.

Makuch: Isn't that a true definition of contingency?

Sharrow: Contingency is so they can pay their bill between July and December and not borrow from the General Fund.

**Motion** by Sharrow, supported by Makuch, to postpone and bring back with whatever line items to look at.

AYES: All

NAYES: None

MOTION CARRIED

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12. Mainland Fire Department request to approve trainees

**Motion** by Makuch, supported by Dare, to approve Paul G. Olenzuk and Edward Fowke Jr. as trainees with the Mainland Fire Department.

AYES: All

NAYES: None

MOTION CARRIED

13. Request from St. Clair Flats Waterfowlers, Inc. to recommend approval of a charitable gaming license.

**Motion** by Pellerito, supported by Makuch, to approve the resolution to recommend approval of a charitable gaming license for St. Clair Flats Waterfowlers, Inc.

ROLL CALL

AYES: Dare, Sharrow, Makuch, Turner, Pellerito, DeBoyer, Manos

NAYES: None

MOTION CARRIED

14. July 2005 Reports: Assessor, Bldg. Dept, DRC, H.I. Fire Dept, Mainland Fire Dept, Planning & Zoning

**Motion** by Sharrow, supported by Makuch, to receive and file the July 2005 reports for Assessor, Bldg Dept, DRC, H.I. Fire Dept, Mainland Fire Dept, Planning & Zoning with a correction on the DRC where expense exceeds income and yet shows a profit. Also request that the Building & Zoning Department heads include reports on Circuit Court pending lawsuits with their reports.

AYES: All

NAYES: None

MOTION CARRIED

**BOARD MEMBER COMMENTS:**

Manos: Working diligently on a report on the FEMA proposal. In 20 years they have paid one million in claims in this area and taken in about 10 million. Will bring back next meeting.

Pellerito: September 1<sup>st</sup> at 11 a.m. Supervisor and I are meeting with MDOT about traffic light and going to site.

Sharrow: Will the traffic engineer be present? Should be.

Pellerito: Will call him.

Sharrow: Would like someone to talk to McNamee; our zoning ordinance prohibits a new businesses coming in without site plan; believe it has language that says it supercedes other ordinances that might be in conflict. We do have those who get Peddlers permit, don't contribute to the community, and make a profit and leave. Residents who sell same products and pay taxes. Would like to find out if zoning ordinance takes precedent or should we amend peddler's ordinance.

DeBoyer: Would it be something as simple as our garage sale permits for our residents?

Manos: Will speak to McNamee.

Dare: Where do we stand on a park?

Pellerito: We were in line for \$450,000 Congressional appropriation but we lost. Hoping to be re-evaluated and waiting. General Fund not in a position for a loan to purchase.

**PUBLIC COMMENTS:**

Richard Baker, 9212 Stone Road: Comments on FEMA, time limits for public comments, not in favor.

Rick Baker, 8645 Starville Road: Against time limits. Questioned resolution for demolition.

Robert C. Kempf, Deputy Controller/Financial Director, St. Clair County Board of

Commissioners: Let your Commissioner Wall know your thoughts on Roads and Marine Patrol.

**ADJOURNMENT:**

**Motion** by Makuch, supported by DeBoyer, to adjourn the meeting at 9:00 p.m.

AYES: All

NAYES: None

MOTION CARRIED

Michael P. Pellerito  
Clay Township Clerk