

Minutes of the Clay Township Regular Board Meeting Held on Monday August 21, 2006 in the Clay Township Meeting Hall, 4710 Pointe Tremble Road, Clay Township Michigan

ROLL CALL

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: Fifteen

BILLS PAYABLE

Motion by Turner, supported by Makuch, to pay the bills in the amount of \$64,481.87.

ROLL CALL VOTE

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

NAYES: None

MOTION CARRIED

CONSENT AGENDA

Motion by Makuch, supported by Dare, to approve the Consent Agenda as submitted.

AYES: All

NAYES: None

MOTION CARRIED

OLD BUSINESS

None

PUBLIC COMMENTS RELATING TO ANY NEW BUSINESS

Patrick Pokorney, Clay Township Dispatch: Comments on item #10.

Ronald Palmquist, Michigan Association of Police Union Rep: Comments on Police Grievance

NEW BUSINESS

1. St. Clair County Homeland Security & Emergency Management Representative

Manos: Intend to represent Clay Township and attend the meeting August 25th. Would like an alternate in the event can't make meeting.

Motion by Pellerito, supported by DeBoyer, to appoint John Makuch as the alternate.

AYES: All

NAYES: None

MOTION CARRIED

2. Homeland Security National Preparedness Month

Motion by Makuch, supported by Dare, to agree to participate in the Homeland Security National Preparedness Month.

Sharrow: The Tornado alarm system, any arrangements made for Channelview residents, as to where to go in the event of an emergency?

AYES: All

NAYES: None

MOTION CARRIED

3. Harsens Island Transportation Authority Appointment

Motion by Makuch, supported by DeBoyer, to appoint Leonard Verlinden to the Harsens Island Transportation Authority.

AYES: All

NAYES: None

MOTION CARRIED

4. DDA Member Resignation

Motion by Sharrow, supported by Makuch, to accept the resignation of Cindy Kirkpatrick from the DDA board.

AYES: All

NAYES: None

MOTION CARRIED

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5. Lucas Homes Request for Refund

Sharrow: The fee to the Township was a certain amount and the fee to the Planner is included in fees we collect, how much of it is the Planner's fee needs to be determined.

Motion by Sharrow, supported by Makuch, to postpone this to the next meeting and find out how much the fee to Clay Township was.

AYES: All

NAYES: None

MOTION CARRIED

6. Lot split 06-06, 9555 Lakepointe Blvd.

Motion by Sharrow, supported by Makuch, to deny Lot split 06-06 upon recommendation of legal advice from our Attorney that it would not be a legal way to split property.

DeBoyer: What was the root cause of why this couldn't be done?

Sharrow: When originally platted many years ago they were fifty foot lots, applicant purchased three of them; he combined the three and built a house in the middle, the footprint sits on all three lots, now asks if he tore down or moved the house could he return it to three fifty foot lots. Our ordinance requires sixty-five foot lots these would be non-conforming. Our Attorney said under our new ordinance we cannot or should not do this.

DeBoyer: To Assessor: do those three lots still exist?

Assessor: Yes, have been platted as three lots.

DeBoyer: Have we ever had an ordinance that has changed the platting of those three lots?

Assessor: No

Dare: He had some type of appeal to build the house where he built it?

Assessor: No, he just bought the property, the house was already there, the parcel had the three lots on it.

DeBoyer: This gets in to the issue we've talked about before; those are platted lots.

Sharrow: That's why we sent it to the Attorney.

DeBoyer: I understand but we are the elected officials that make the decision for the Township and those are platted lots and are recognized by the State of Michigan as platted lots. I don't understand how we can tell him if he can meet setbacks, health Department requirements and so forth that they are not lots.

Manos: I think that McNamee when he researched this was the fact that when they were platted they could be forty foot lots and they were non-conforming, or at that time they were lots of record and were buildable, but by combining the three and making a 150 foot lot and then building upon all three negating any property lines it is then carried as one lot. Attorney's opinion is that you cannot restore the status back to those lots. Can't make them non-conforming lots of record again.

Makuch: Can't create a non-conforming lot

DeBoyer: Don't believe we are creating a non-conforming lot, I believe those are lots that still exist.

Manos: He can challenge it in Circuit court.

ROLL CALL VOTE

AYES: Makuch, Turner, Pellerito, Sharrow, Manos

NAYES: DeBoyer, Dare

MOTION CARRIED

7. Public Hearing for Police & Fire millage

Motion by Pellerito, supported by DeBoyer, to set the public hearing for Police & Fire millage on September 18, 2006 at 7:00 p.m.

Pellerito: No changes are proposed in the millage rates.

AYES: All

NAYES: None

MOTION CARRIED

8. Mainland Fire Chief Request for Trainee

Motion by Makuch, supported by Dare, to approve the appointment of Jason Grove as a trainee with the Mainland Fire Department.

AYES: All

NAYES: None

MOTION CARRIED

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9. Mainland Fire Chief Request for Firefighter II Class

Motion by Makuch, supported by Dare, to approve Firefighter II class for Denise Marcinkoske at a cost of \$585.00.

AYES: All

NAYES: None

MOTION CARRIED

10. Dispatch Grievance

Manos: The grievance reflects the Township's efforts to go to a two-week pay period instead of one week pay period. Budget review committee felt it would be beneficial to go to a two-week pay period. We tried to give some notification through public meetings that we were going to go along that line. We recognize that there could be some inconvenience the first week, tried to correlate that with some payoff of sick time etc. The reason is very few pay on a weekly basis. Notice was sent out. Had meetings and agreed that perhaps there could have been things to lessen the bump to get into this. There was no effort to diminish the dollar amount.

Pellerito: In regards to grievance 06-01, filed by the Police Officers Labor Council, like to thank them for their diligent negotiation and their unilateral respect for the Township's budget, they have composed a Letter of Understanding that would be attached to the current contract which we as management very much appreciate. (Read the Letter of Understanding.) Would also like to thank the POAM, front office for their cooperation and efforts to make this possible. Also, the union of Operating Engineers, the Water Department, to make this a smooth transition as well. They currently have open contracts at this time. Also like to thank the hourly, salaried, non-union employees for their help in keeping the taxes lower.

Motion by Pellerito, supported by Sharrow, to enter into a Letter of Understanding and Mutual Agreement with POLC dated today in reference to grievance 06-139.

AYES: All

NAYES: None

MOTION CARRIED

11. Police Officer's Grievance

Motion by Pellerito, supported by Sharrow, to deny POAM grievance 06-267 and to present them with a resolution to the grievance synonymous to the POLC letter of agreement.

Sharrow: Hope they will understand this is merely a matter of trying to save the taxpayers some money. It will not take away anything from the employees of the Township.

AYES: All

NAYES: None

MOTION CARRIED

12. Command Grievance

Manos: Appreciate Mr. Palmquist comments earlier. Did receive a letter from the Township indicating where we were heading, not an effort to usurp anything in the contract.

Motion by Pellerito, supported by Makuch, to deny grievance 06-119 by MAP and to offer a Letter of Understand synonymous to the POLC letter with the Township of Clay.

Manos: Restating the intent was not to come on heavy and push anyone around but to make this change over and the overall goal is good for everyone.

Dare: If we deny this what is the next step?

Manos: Goes to arbitration

Dare: What kind of money is that going to entail?

Manos: Not our goal to get into arbitration.

Dare: Letter sounds like they are taking a stand against us.

Makuch: Was a member of cost-cutting committee and our approach was business type approach, considered if this was going to have any monetary impact, it was a merely a method to save dollars. Very careful to see no one lost a dime.

AYES: All

NAYES: None

MOTION CARRIED

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13. SOS Resolution

Manos: Not that we don't want to see overspending stop but, this goes to the point that everything would have to go to a vote of the entire Township.

Motion by Pellerito, supported by Sharrow, to support the "Resolution Opposing the "Stop Overspending" Ballot Proposal.

Sharrow: Ridiculous if we had people who wanted to extend a small water line and the entire Township of Clay had to vote on it.

DeBoyer: Think their intentions were good but there are legalities they didn't think about.

Pellerito: Read Michigan Townships Association comments on representative of SOS testimony before the Board of Canvassers.

ROLL CALL VOTE

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

NAYES: None

MOTION CARRIED

14. Homeland Security Letter of Understanding for Mainland Fire

Motion by Pellerito, supported by Dare, to authorize the Supervisor to enter into the Letter of Understanding with St. Clair County to acquire the BASI-RGA 611D Gas Ranger Natural Gas Monitor under the understanding this equipment will remain the property of the St. Clair County Emergency Management Task Force and be available to any other emergency services and that if disposal should be required it will be returned to St. Clair County.

AYES: All

NAYES: None

MOTION CARRIED

15. Homeland Security Letter of Understanding for H.I. Fire

Motion by Pellerito, supported by Dare, to authorize the Supervisor to enter into the Letter of Understanding with St. Clair County to acquire the BASI-RGA 611D Gas Ranger Natural Gas Monitor under the understanding this equipment will remain the property of the St. Clair County Emergency Management Task Force and be available to any other emergency services and that if disposal should be required it will be returned to St. Clair County.

AYES: All

NAYES: None

MOTION CARRIED

16. Request to increase Police Administrative Assistant Hourly Wage

Motion by Makuch, supported by Dare, to increase the Police Administrative Assistant hourly wage to \$11.33 per hour.

AYES: All

NAYES: None

MOTION CARRIED

PUBLIC COMMENTS

Patrick Pokorney, Police Dispatch in regards to Letter of Understanding.

BOARD MEMBER COMMENTS

Sharrow: Anything on the light at M-29 and Ainsworth?

Pellerito: Yes, met last week, going to draft an easement to take down two poles. Should be done in one to two weeks.

DeBoyer: Any communications on BMJ?

Manos: Have chose arbitrator, will meet in Port Huron with Judge Corden.

Makuch: Is it to be assumed that Mr. McNamee is representing Clay Township? Would like to have a meeting with him, have done a lot of research and would like him to know what I have learned.

DeBoyer: Agree, would like a meeting with the Water Department Superintendent, John McNamee to make sure we have our facts in line. Would like Supervisor to organize.

Pellerito: Have been working with BC/BS agent to bring in a high deductible, self-insured program and would like the cost-cutting committee and representative of all the bargaining units to assemble next week with the agent to make sure there are no changes. Will bring back proposal to do some self-insuring, not changes, just self-insuring. Will send memos to everyone. Would like to do this next week, first of year is coming up and would like to roll it out the first of the year.

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ADJOURNMENT

Motion by Makuch, supported by DeBoyer, to adjourn the meeting at 8:13 p.m.

AYES: All

NAYES: None

MOTION CARRIED

Michael P. Pellerito
Clay Township Clerk