

**Minutes of the Clay Township Regular Board Meeting Held on Monday November 6, 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 David Dare

Absent: Trustee Jay DeBoyer

Citizens: 36

BILLS PAYABLE

Motion by Turner, supported by Pellerito, to pay the bills in the amount of \$75,306.59

ROLL CALL VOTE

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

NAYES: None

ABSENT: DeBoyer

MOTION CARRIED

CONSENT AGENDA

Sharrow: Last page of minutes, says Connie made statement she got \$650.00 from Fireman who dropped out of this training it is not the training in Texas it is general training. Then when talking about appraisals on the property next door it states that I made a statement that I would get a written appraisals, I did not say that, I made a statement I did not have written appraisals.

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

AYES: All

NAYES: None

MOTION CARRIED

Special guest introduced by Clerk Pellerito: Algonac Community Theatre on November 16, 17, and 18 will present the musical "The Wizard of Oz". We have Shirley Tuzanowski and "Dorothy" here to represent the Community Theatre.

Shirley Tuzanowski: Like to invite all to attend and this play is being dedicated to memory of Donald Dodge who played the Wizard 9 years ago. Tickets are for sale at Dance Force and The Water Lily and Curves, tickets \$1.00 less when bought in advance.

OLD BUSINESS

1. Stone Vs Clay Township

Manos: We have a decision from the court, some question as to the interest that was added on it was not part of the original amount, was brought in later and the court has upheld it; we have a settlement amount from our Attorney. Can protest further and appeal only the interest. The amount of interest is roughly thirteen thousand dollars. It is a Board decision on the interest, want to appeal interest amount or accept it and go ahead and settle it?

Pellerito: Final amount is \$113,515.71

Motion by Makuch, supported by Dare, to settle this and move on and not appeal the interest, so settle for \$113,515.71

ROLL CALL VOTE

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

NAYES: None

ABSENT: DeBoyer

MOTION CARRIED

2. Harsens Island Fire Department request for Train the Trainer classes

Makuch: Have done research, 2/3 of cost is for travel, and there are some resources whereby the training can be done locally.

Motion by Makuch, supported by Sharrow, to deny the request for Train the Trainer classes for the Harsens Island Fire Department.

AYES: All

NAYES: None

MOTION CARRIED

PUBLIC COMMENTS RELATING TO ANY NEW BUSINESS

None

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NEW BUSINESS

1. Budget Amendments: General, Mainland Fire, Cemetery and DDA

Turner: The General Fund has paid off the Mausoleum but when we did the budget for this year we were going to do an operating transfer to the Cemetery for \$43,286.00 to cover loan payment; since paid off no longer need that.

Motion by Turner, supported by Makuch, to amend the General Fund removing the operating transfer to cemetery and putting in the debit side the \$43,286.00 in the Contingency Fund. In the Cemetery Fund would bring Mausoleum principal and interest payment to zero and add the \$43,286.00 to Operating transfer from General and that would bring those to zero.

ROLL CALL VOTE

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

NAYES: None

ABSENT: DeBoyer

MOTION CARRIED

Turner: Previously the DDA could capture revenue from the Fire Department, no longer possible, have to amend the Mainland Fire Department to put the \$31,787.87 back into their budget under current property taxes and on the expense side we would put it into the Contingency Fund.

Motion by Turner, supported by Makuch, to amend the Mainland Fire Department in the amount of \$31,787.87

ROLL CALL VOTE

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

NAYES: None

ABSENT: DeBoyer

MOTION CARRIED

Turner: Have to amend the DDA budget to remove the \$31,787.87 from their revenue and also the DDA gave the Police Department \$100,000.00 to purchase equipment last year, didn't spend all of it, had a balance of \$38,251.92 left, and was inadvertently left out of this year's budget so we have to add that back in as an expense to the DDA.

Motion by Turner, supported by Makuch, to add the Police equipment monies under expenses for \$38,251.92 and use revenue from the Fund balance of \$38,251.92, and take away from property taxes that the DDA captured the \$31,787.87 that went back to the Fire Department.

ROLL CALL

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

NAYES: None

ABSENT: DeBoyer

MOTION CARRIED

Sharrow: Have one question, with the \$31,787.87 less in revenue what expense?

Turner: Out of Fund balance

2. Resolution to Commit Cemetery Capital Improvement Income to the General Fund

Manos: The General Fund paid off the Mausoleum loan and some time in the future there will be income from the crypt sales and this resolution will inform future Boards that the revenues that are captured after a certain amount is achieved in the Cemetery fund and the revenues reach an amount to give it some stability, any excess would be returned back to the General Fund.

Motion by Pellerito, supported by Makuch, to adopt the resolution to commit cemetery capital improvement income to the General fund.

ROLL CALL VOTE

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

NAYES: None

ABSENT: DeBoyer

MOTION CARRIED

3. Service Contract for PFE Mini-2

Turner: This is our folder-stuffer, the contract is quite a bit of money, don't use it that much, just for taxes.

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Motion by Turner, supported by Makuch, to not enter into the service contract with Automated Business Equipment for the folder-stuffer

AYES: All

NAYES: None

MOTION CARRIED

4. Amend Waste Collection Contract to Collect Two Days

Pellerito: Richfield Management proposal is to collect all of Mainland on Friday and Harsens Island on Monday; they would bring in a whole fleet of trucks to accomplish this. Have been asked to consider this proposal, it would start the first of the year; Richfield has asked to notice the residents on their tax bills, they would also do a mailing and ads.

Makuch: When we authorized the new contract was surprised at price, paid that in Chesterfield 15 years ago, sure they are doing this because it keeps cost down.

Manos: Set days in contract?

Pellerito: No, we have authority to negotiate.

Manos: Could be approved on a six-month trial basis,

Motion by Makuch, supported by Turner, to approve the request from Richfield Management to go to a two-day collection; Mainland on Friday and Harsens Island on Monday, on a six-month trial basis and we will revisit it after six months and approve on a six month interval.

AYES: All

NAYES: None

MOTION CARRIED

5. County Road Commission Request to Hold Board Meeting

Motion by Sharrow, supported by Dare, inform the County Road Commission that we would be willing to hold one of their meetings here on the 3rd Tuesday of the month at 7:00 p.m.

AYES: All

NAYES: None

MOTION CARRIED

6. Algonac request for Library Fund

Motion by Turner, supported by Sharrow, to approve the request by the City of Algonac for payment of the Township's contribution of \$10,000.00

Pellerito: Did attend the meeting, Library Board is please with Mr. Sabota's reconciliation of the previous four years of the Library's operation and they approved this as well. They would like to become a happy family now and would ask the communities to work together and move the Library forward.

AYES: All

NAYES: None

MOTION CARRIED

7. Colony Park Association request to decorate Colony Tower

Pellerito: Asked Colony Park Association to send this so the Township Board will be aware of decorating since it is a Township asset.

Motion by Sharrow, supported by Makuch, to allow the Colony Park Association to decorate the Colony Tower for Christmas as they have in previous years.

AYES: All

NAYES: None

MOTION CARRIED

8. Pitney Bowes Service Contract

Pellerito: Unlike folding machine this machine puts out about 50,000 items per year.

Motion by Pellerito, supported by Sharrow, to approve the service contract with Pitney Bowes for the Mailing machine in the amount of \$867.00.

AYES: All

NAYES: None

MOTION CARRIED

9. MERS HCSP Resolution

Manos: This is the new health care program we have introduced in a cost saving effort to all bargaining units, it is innovative.

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Pellerito: The first resolution will be to make the Health Care Savings Program a viable and useful tool for the Township; the second portion will designate the groups and the dollar amounts. Have started the post-retirement Health Care fund as well. The first step will allow all the Township associates in the bargaining units to contribute into their own private post-retirement health care savings account.

Motion by Pellerito, supported by Dare, to approve the Uniform Resolution enabling the Township to enter into a Health Care Savings Program, which would be a section 413, with MERS.

ROLL CALL VOTE

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

NAYES: None

ABSENT: DeBoyer

MOTION CARRIED

10. MERS HCSP Participation Agreement

Pellerito: In this participation agreement, as we move to the covered employee group, which would be page one, the eligible employees within the units that would be accepted; POAM division 2, General Office division 10, Elected Officials division 11, Dispatch division 21, all non-union members. Page 3, mandatory salary deduction before tax contribution, and the contribution structure will read as follows: \$600.00 annually or \$28.03 bi-weekly. The remaining options, if desired in the future through other contract negotiations, would be brought back and amended allowing the bargaining units to put a portion or all of unused sick or vacation time into these programs and also to allow them to contribute in the future with after tax dollars. This will be on a pre-tax basis thereby creating a tax shelter to be used by post-retirement employees, either early severance or formal retirement, these dollars would be able to be withdrawn and used as a tax free un-reimbursed medical reimbursement.

Motion by Pellerito, supported by Dare, to allow POAM Group 2, General Office Group 10, Elected Officials Group 11, Dispatch Group 21 and all non-union members to participate in the Health Care Savings Program with MERS and; on to page 3, and structure it to mandatory salary deduction before taxes with \$600.00 annual or \$28.03 bi-weekly.

ROLL CALL VOTE

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

NAYES: None

ABSENT: DeBoyer

MOTION CARRIED

Pellerito: We have two additional bargaining units that have not come before us yet; I anticipate that at that time those groups will be added.

11. Board comments on solid Waste Management Plan

Pellerito: If there are any Board member comments that would be considered to be a Board directive but if there are none, individual recommendations or disapproval may be forwarded on but if the Board decides no action at this time then it would not be any formal action by the Board as either for or against.

Sharrow: Will anyone be attending the public hearing? First reaction to bringing waste from other counties is no, but they say it is important for a Bio-reactor Cell and they list improvements; need more information to convince me those improvements outweigh the bringing in of this type of waste from other counties. Don't think they will send people to municipalities so it will probably be explained at the public hearing.

Manos: Believe it has been researched and think Pam Wall made a presentation on this.

Pellerito: The premise is magnificent to actually take bio-solids from our wastewater treatment plants and mix them with the solid waste thereby creating methane gas which will then in turn lower the operational cost of the landfill through the alternative fuel source that will be derived. No action taken.

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12. Mainland Fire Department 2007-2008 Officers Approval

Motion by Makuch, supported by Dare, to approve Chief Edler's recommendation naming the following officers for their positions starting January 1, 2007 through December 31, 2008:

Assistant Chief: George Rose, Captain: Edward Fowke, Lieutenant: Beverly Rose, Sergeant: David Decaussin, Secretary/Treasurer: Denise Marcinkoske.

AYES: All

NAYES: None

MOTION CARRIED

13. Various Board Appointments

Manos: I have given the Board a synopsis; can go through one at a time.

Motion by Pellerito, supported by Turner, to appoint Patricia Sharrow to a one-year term to serve as Board Rep to the Planning Commission

AYES: All

NAYES: None

MOTION CARRIED

Motion by Dare, supported by Pellerito, to appoint John Makuch to a one-year term as Board Rep to the ZBA

AYES: All

NAYES: None

MOTION CARRIED

Motion by Sharrow, supported by Makuch, to appoint Connie Turner to a one-year term as Board Rep to the DRC

AYES: All

NAYES: None

MOTION CARRIED

Motion by Dare, supported by Sharrow, to appoint Anthony Antkowiak to a one-year term as Planning Commission Rep to the ZBA

AYES: All

NAYES: None

MOTION CARRIED

Motion by Makuch, supported by Dare, to appoint Daryl DuPage and Connie Turner to their respective terms as representative to the Ambulance Authority

AYES: All

NAYES: None

MOTION CARRIED

Motion by Turner, supported by Sharrow, to approve Jim Miller, Mary Kot and Georgia Williams reappointment to the Board of Review for a two-year term.

AYES: All

NAYES: None

MOTION CARRIED

Motion by Makuch, supported by Turner, to reappoint Joe Stephenson, Tom Perkowski, John Cornish to the Construction Board of Appeals for a two-year term with John Monte, Gary White and Jim Stiltner as alternates.

AYES: All

NAYES: None

MOTION CARRIED

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14. Watershed Management Program

Manos: This is a costly program, a number of communities have hired someone to put this together, but Mike Kras works with the DNR reps with minimal cost to the Township. This handles our obligation under the Storm Water permit. There is a lawsuit now, it was mandated Townships get involved with storm water run off and some Townships have sued because they don't control roadside ditches, they are county drains etc. and have won but DEQ is appealing. Appreciate the work Mr. Kras has done.

15. H.I. Fire Department Request for Match Money Grant

Makuch: Harsens Island Fire Department put together an application for a DNR grant; have been awarded \$6,000.00 that they have to match. This is to purchase a skid unit, emergency lighting and radios for the DNR pickup truck that they have.

Motion by Makuch, supported by Dare, to approve the \$6,000.00 in matching funds to come from the Contingency fund

Manos: Do we have a line item for this and not the contingency fund?

Makuch: Did contingency because it was easier. When we did the budget we had some money set aside and it was decided to put it in the Contingency fund. Easier that taking from several line items.

Manos: At budget time set some standards that the contingencies were there for emergency only and would not juggle line items and dip into the contingency fund. Not keeping to the budget.

Dare: This is a rarity getting funds from another source of income and we're going to turn this down because we don't have the budget? I think this is a special item that needs to be looked at and I don't have a problem with it coming out of contingency.

Makuch: Had money when doing the budget set aside for grants, you made the argument how can put money in a budget line item for grants when you don't have grants and that's logical, so that money was put in contingency.

Sharrow: What is a skid, what purpose will it have for the Fire Department?

DuPage: The skid unit goes in the back of the pickup truck, it has a pump and a water tank and it is a resource for fighting marsh fires and grass fires.

Sharrow: The truck has not been running?

DuPage: No, they brought us another one, a blazer, we took the motor out of it and put it in the pickup and now it is running.

ROLL CALL VOTE

AYES: Sharrow, Makuch, Turner, Pellerito, Dare

NAYES: Manos

ABSENT: DeBoyer

MOTION CARRIED

PUBLIC COMMENTS

Susan House, 6418 Swartout Road: Comments on M-29 & Ainsworth traffic light and Joint meeting.

Cheryl Houston, 9435 Nook Road: Comments on burning leaves in ditches

Paul Megel, 9324 Stone: Comments on match money grant

BOARD MEMBER COMMENTS

Sharrow: I am the delegate between the Planning Commission and the Township Board, I do make reports to the Board when there is something important going on and what actions and projects the Planning Commission is working on and the Township Board receives copies of the Planning Commission minutes so the Township Board is quite aware of what the Planning Commission is doing.

Makuch: Was a Planning Commissioner member, remember having joint meetings, and the Planning Commission rep to the ZBA keeps us informed, don't feel we are out of touch.

Pellerito: A citizen has brought an organ here and if there are any 501c3 groups or such that would like to have this organ, the requirement is that you use it, not sell it. It is free, give me a call. Remember to vote tomorrow, November 7th, polls open from 7:00 a.m. to 8:00 p.m.

Dare: Recommend when something gets out of hand the Supervisor call the meeting to order rather than shouting.

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ADJOURNMENT

Motion by Makuch, supported by Turner, to adjourn the meeting at 8:30 p.m.

AYES: All

NAYES: None

MOTION CARRIED

Michael P. Pellerito
Clay Township Clerk