

Minutes of the Clay Township Regular Board Meeting Held Monday March 5, 2007 in the Clay Township Meeting Hall, 4710 Pointe Tremble Road, Clay Township, Michigan

Supervisor Manos called the meeting to order at 7:30 p.m.

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: 33

BILLS PAYABLE

Motion by Turner, supported by Makuch, to approve paying the bills in the amount of \$11,934.64

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 presented

AYES: All

NAYES: None

MOTION CARRIED

OLD BUSINESS

1. Algonac-Clay Water Filtration Plant Agreement

Manos: There was a problem with the interpretation of the wording in the agreement concerning the warrantee; the City of Algonac approved the agreement with different wording. Our Attorney is waiting for the documentation clarifying the matter.

PUBLIC COMMENTS RELATING TO ANY NEW BUSINESS

Whitey Simon, 4722 Green Dr., Harsens Island: Comments regarding the Harsens Island emergency plan and shelters.

NEW BUSINESS

1. Harsens Island Emergency Plan

Manos: Explained that Chief Drake was named the liaison for the Emergency Management Plan when the Board updated the plan months ago. There was a meeting held at the Township to address the possibility of an emergency situation on Harsens Island. Chief Drake will explain. Chief Drake: During the ice jam I was in communication with the Supervisor and the Board members. All emergencies were taken care of; the H.I. Fire Department did a fantastic job; received complaints about airboat not transporting citizens back and forth; we cannot convey people on that boat, the Coast Guard also cannot. The mechanisms were in place to transport people to the mainland. Jeff Friedland of the St. Clair County Emergency Agency was contacted, he stated we have to show there is an emergency and expend all local resources before the County can become involved. He helped us set up a meeting with all the local entities and the Coast Guard. If the Coast Guard is towing a local boat and someone comes up who owns a local salvage company, the Coast Guard has to relinquish it, the law is such that they cannot ferry people across. Coast Guard will evacuate people off the Island and a school will be opened for the evacuees if there is an emergency. It was arranged with the Superintendent of School to have buses ready to convey people. There would be food and cots available. It has to be declared an emergency; there was not a true emergency. All emergencies were taken care of. Coast Guard has told us what they can do, duties have changed for Home Land Security. If there is an emergency we will contact them or our representatives. Had an Officer to do an assessment and everyone was okay. In the event of an emergency the Supervisor will declare an emergency, he will contact the Township Liaison, which is me, who will contact the St. Clair County Emergency Management Coordinator, Jeff Friedland. Police Department will be the command post. If an emergency arises there will be a 1-800 number to call for updates. There will be pickup points from the Island. There are some Federal funds that may pay for an emergency generator. One person will be the Public Information Officer, which will be Supervisor Manos, if he is not available, he will designate someone.

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Manos: Thank you for the update. When these things happen there is a direction we go in. Would like the Township Attorney to address the responsibilities in these situations.

John McNamee: Asked to address the uses of the airboat. The airboat was purchased specifically for emergency use; fire, rescue, emergency, etc. are appropriate in advance of a government function. Operations of government agencies are pursuant to statutory authority, specifically a Fire department. The authority extends only as far as the statute allows. Issue was if the airboat could be used to ferry passengers to go to work and such. There is no authority that will provide for that circumstance. If you step out of the roll of the firefighters responsibility under the act, you put yourself into a new realm, and that is outside the protection of Michigan law. Not just the Township citizens, it so you don't have Township equipment and personnel operating outside their scope of authority. Once they are outside of that authority if something should happen, you have operated outside the Township authority and exposed not only the Township to liability but ultimately they would not be covered by insurance. The Township coffers would be exposed which is the citizens tax dollars. There is no question the Township has to be cognizant of this, they cannot provide services that are outside the gambit of their authority or allow their personnel or equipment to be used for that purpose. For personnel operating outside the governmental authority the protection does not exist and in addition they would be exposed to liability on a personal basis. The attempt to provide transportation is well intended but it is outside the scope of the governmental authority. You will not find anywhere in the State where a government entity provides for private transportation of a non-emergency nature. It is the obligation of this Board to see that does not happen.

Manos: We are immune as long as we stay within our perimeters. Coast Guard suggested in the past that the Township purchase a vessel to transport citizens from Harsens Island, which would be very costly.

McNamee: Could not be done through Fire department, would have to form a transportation authority.

Manos: Mr. Saph, whose company handles our insurance, will address us on liability

Stephen Saph, Jr of Nickle & Saph: Asked to address liability and coverage for the problem of the ice between the island and the mainland. As we review the Townships exposure we look for the operating departments and established units of government. These departments have established duties such as life saving services or the operation of an election, the collection of taxes, etc. For these established duties we afford coverage following the units and individuals who staff these departments. In the case of the airboat, there are situations where it is needed; we extend coverage for those exposures. The transit of individuals for individual needs is not covered because there is no transit authority.

Manos: Liability is a big concern today.

Stephen Saph, Jr: In any situation, when talking about indemnification and coverage, we are talking about protecting the individuals elected or appointed, the employees, or volunteers. If these people step out of the boundaries, outside the established information on those reviews, we have a problem.

Manos: Any questions from the public while our attorney and insurance are here.

Whitey Simon: I did not know Harsens Island is a part of the emergency plan; we do not have the phone numbers of whom we should contact. Were not aware of anything happening with the Coast Guard or the local officials.

Manos: Somewhere along the line there is a communication gap, this is not new. We have updated this in recent months. Drake is the liaison officer; he is the one that should have been contacted.

Pellerito: We had the Michigan State police emergency management coordinator for the state of Michigan here, he relayed everything to the Governor's office, Jeff Friedland the emergency management coordinator for the County, the Ira Township Fire Department, who is also equipped with an airboat, the Mainland Fire Department, the Harsens Island Fire Department, the EMS Tri-Hospital executive director and day-to-day operations director, three representatives from the school, the Chief of Police, the ferry operator, Bob Bryson, the Water department and the Coast Guard. We are in place, the 800 numbers are established if needed, the Red Cross was committed to bring in food if needed, 80 cots were delivered, an emergency command center was setup to come. If it was a propane or fuel oil shortage staging areas were to be devised in two separate locations. Contacts were made to the Idle Hour Yacht Club and the Harsens Island Lions Club, to be a staging area, if generators were needed they would have been flown in, everything was in place. This actually fine-tuned our plan, we are ready.

DeBoyer: Would like to pass along that Jeff Friedland said the two Clay Township Fire Chiefs and the Police Chief are the best prepared in the County, he wishes he had other communities that could pull together the people we pulled together for that meeting. We are represented by probably three of the best in the County.

Richard Earl, Harsens Island: How come nobody on the Island knew about this?

Artie Bryson: Possible to rent the airboat to the Association?

Saph: Not from an insurance perspective. We don't recognize the airboat as transit vehicle in anything other than emergencies.

McNamee: Even if the Association should rent the airboat, the Township still has owner's liability. Emergency vehicles are for emergencies.

Neal Stoneback, 6171 South Channel, Harsens Island: Question if Supervisor was here during ice jam. Comments suggesting Harsens Island become a village.

2. Cottrellville Township Inquiry regarding Genaw Road Water Tap

Manos: Clay gave Cottrellville residents on Genaw Road emergency water earlier; agreed to allow service to existing homes with no further extensions. This request would require boring under the road and allow a tap from another Township. We cannot place liens outside the Township; I am not going to recommend approval.

Pellerito: There are several steps we would have to go through, the first would be to contact the City of Algonac for their approval. There are vehicles to use such as bonds, could we do that John?

McNamee: We did do it contractually in the City of Algonac with the individual property owners. Cannot put liens outside of the jurisdiction but can enter into a contractual agreement to furnish water.

DeBoyer: Legalities can easily be addressed. Ordinances can be passed both here and in Cottrellville Township that addresses our ability to provide water. The issue of money can be addressed with bonds or with billing Cottrellville and letting them bill their citizens. We put the waterlines across the street, classic government redundancy; we have two water lines on the same road, across from one another because they are in different townships. The reality is there is a waterline there, we sell water, our water department raises revenue by selling water, they pay a premium to tap our waterline and a premium for every gallon we supply them, it is a revenue source for us. It is our job as government to come up with the most efficient way to do something and if someone doesn't have water, the Township needs to exhaust every avenue to supply water.

Manos: It was done that way so we would be dealing with the governing body of Cottrellville Township through a master meter. We're looking at some development here in the Township and we are questioning if we have the ability in our water supply for future customers. Where would the meter be placed? When it was done it was done with a reason.

Sharrow: Is this vacant land?

DeBoyer: There is a residence

Sharrow: One home on 330', possibly would want to subdivide a couple more residents in the future. Why can't Cottrellville come up with a proposal to extend the waterline to this person's property and then come to us and ask, why directionally bored?

DeBoyer: Directional bore is the same way we tap every water meter for a residence that has the waterline on the opposite side of the road.

Sharrow: That road is entirely in Cottrellville; they can establish a special assessment district and extend the waterline.

Manos: We are under no obligation to do this.

DeBoyer: You are right; I believe it can be addressed.

Makuch: I am not fully aware of all circumstances; I am open to looking at a package and put it to a Board vote.

Pellerito: Could we ask the City if they will allow us to do it, and at least move in that direction?

Motion by DeBoyer, supported by Makuch, to ask the Supervisor to contact the City of Algonac to either confirm or deny the ability for us to do what we would like to do to provide water.

AYES: All

NAYES: None

MOTION CARRIED

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3. Anchor Bay Drive Special Assessment District

Manos: This is a resolution to set the public hearing of necessity.

Motion by Sharrow, supported by Makuch, to set the public hearing of necessity on April 2, 2007 at 7:00 p.m. to consider the dredging request for persons on Anchor Bay Drive.

ROLL CALL VOTE

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

NAYES: None

MOTION CARRIED

4. Syntex Proposal for Harsens Island Fire Department

Makuch: There are still some issues to address with this; this is only one quote so we will not act on this at this time.

5. Topographic Mapping of Recently Purchased Property

Manos: Asked Township Engineer to do a simple look at the property next door to determine highs and lows.

Sharrow: Think we should get some quotes if necessary.

DeBoyer: What is our purpose behind it?

Manos: Just a cursory look at it, i.e. what would it take if we were going to do some filling. We will bring it back again.

PUBLIC COMMENTS

Artie Bryson: Representing Chamber of Commerce, encouraging using local business.

BOARD MEMBER COMMENTS

None

ADJOURNMENT

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

Michael P. Pellerito
Clay Township Clerk