

**Minutes of the Clay Township Regular Board Meeting Held Monday July 2, 2007 in the Clay Township Meeting Hall, 4710 Pointe Tremble Road, Clay Township, Michigan**

**ROLL CALL**

Present: Supervisor Jon Manos, Treasurer Connie Turner, Clerk Michael Pellerito, Trustee Tom Krueger, Trustee John Makuch, Trustee Jay DeBoyer, Trustee David Dare

Absent: None

Citizens: 15

**BILLS PAYABLE**

**Motion** by Turner, supported by Makuch, to pay the bills in the amount of \$17,022.51

ROLL CALL VOTE

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

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**

1. Emerald Ash Borer Treatment

Turner: Found information on the Internet; can treat it ourselves cheaper than hiring it out.

Makuch: Believe should have treated earlier. Have issue with fact this was discussed and now has come back.

Dare: Should have gotten other quotes before.

Turner: Tried, no response

**Motion** by Dare, supported by DeBoyer, to approve the bid from ABC Bees to treat the trees for \$1,099.00

Pellerito: Are we too late to treat trees?

Manos: Most effective time is spring

ABC Bees rep: Time for absorption method is past, can still use injection method. Don't think the hatch is completely over.

DeBoyer: Any trees at a critical point?

ArborJet rep: Believe the infestation has come out. If treat now will last two years.

Manos: Information from Internet says yearly

Pellerito: Took ownership of the property just 48 hours ago, don't know what trees will remain and what will be cut down in the development of the property

ROLL CALL VOTE

AYES: Turner, Dare

NAYES: Makuch, Manos, Pellerito, DeBoyer, Krueger

**MOTION FAILED**

2. Contract Negotiations

Manos: Two items, Water Department and Building Administrator

Pellerito: Have a tentative agreement with the Water Department. If they concur with the proposals will bring it back to the next Board Meeting with a draft signature copy.

First change on page 16 of the existing contract; item b. Raised annual charge for a co-pay on the health care to \$300.00 for employee and spouse, dependants until age 19.

Next change on page 18, (subtitle 17.10 perhaps), union steward or alternate to receive one day off per year for training.

Next page 19, Sec 18.6: If called out by beeper will be paid double time on holidays and Sundays

Page 20, Sec.19.5 Did not disagree with potential upgrade of the MERS pension benefit. Will

enter into a Letter of Agreement stating Township will pay for one-half of actuary cost but would be opposed to any further contributions by the employer.

Sec. 20.2, Uniform allowance was at \$350.00, proposed to go to \$375.00 also a clause will be added that the Superintendent has the ability to send a worker home for unauthorized clothing, i.e. not wearing a Clay Township shirt, allowing the associate to use Flex time with Superintendent approval.

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Page 24, under new hiring rates, schedule A, Crew Leader goes from \$18.45 to \$19.48, Senior Utility worker goes from \$17.93 to \$18.84, Utility Worker/Operator goes from \$17.13 to \$17.20, Utility Worker/Operator II from \$15.98 to \$16.64, Laborer goes from \$15.64 to \$16.00.

Would be an agreed upon in the structure of raises; the same point structure would follow with the 0 – 6 at a 0% raise, 7 – 13 a 2% raise, 14 – 21 a 3% raise, 22 – 24 a 3.5% raise.

That is all of the agreed upon tentative changes at this point, they have voted on it and are willing to accept our last best offer.

**Motion** by Makuch, supported by Turner, to proceed to acquire a signature copy of the agreement with the Water Department

ROLL CALL VOTE

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

NAYES: None

**MOTION CARRIED**

Manos: Second request from Building Department, last week requested to go into executive session.

Pellerito: The term of collective bargaining would not concur with a single individual so can't go into executive session for a purpose of a collective bargaining agreement.

Building Administrator Kras: Purpose of my statement last meeting was if there is a stalemate, what avenue do we go to to break the stalemate. Was told wasn't going to get retro pay and an item was non-negotiable because of a Board motion, couldn't find motion. Requested executive session rather than air things in public. Looking to straighten things out, Mr. Manos and I don't agree. Looking for a fair agreement. If the Board says I don't get paid for my sick days, that's fine. Given Benefit days can use when I want, except couldn't take more than two at a time, couldn't take with a vacation day or with a Holiday. Who does that benefit? I was told that if I didn't like what was offered go someplace else to work.

Manos: A point of clarification, pointed at myself, not true, Mr. Pellerito and myself act as negotiators. We stay within the parameters the Board tells us. Try to listen to your side. After several meetings thought we had a contract. Where the Board would like to go is their decision.

Kras: What do we do when there is a stalemate?

DeBoyer: Mike and Jon are a conduit from Building Administrator to us, they negotiate, the Board makes a decision, hope that the information coming to us from both sides is accurate.

Makuch: Need to look at this closer. Can't have seven Board members doing negotiations, our negotiation team has done a good job.

Pellerito: If we were to proceed with a 3% increase from the 04/05 contract - - -

Kras: Do not want to negotiate my contract here, came to resolve stalemate, second item was letter in packet, Mr. Manos has explained that.

Makuch: Get with Mr. Pellerito and Mr. Manos and come back in two weeks.

Dare: Have an issue with the things we agree on as a Board gets twisted to where it is not what we agreed on. Benefits were intended to be used at any time, there is verbiage in the contract disagrees with that. We just don't want to pay them at the end of the year for what they don't use.

Manos: Within the contracts there are conditions for use of personal time and vacation time so when we looked at Benefit days why not use them as Flex days in two hour increments. Worded so can't take four or five weeks vacation at one time. Suggest Board members come in to office and ask questions of Mike and myself.

### 3. Clay Township vs. BMJ

Manos: This was over the water situation, have a letter from Mr. McNamee. Was supposed to be a meeting, haven't talked to Jon DeBoyer. He hasn't yet to say to John McNamee or me where we are going from here.

Makuch: Jay, do you know if they met?

DeBoyer: Did meet, went out there. Have confirmed that there is nothing saying there are joints there. Now want to go out again to look for joints. This has drug on and on.

Manos: Judge Cordon was arbitrator. BMJ said put joints in according to hoyle and we can prove it. Judge said work it out. Couldn't get as built plans. Would like to go back to Judge Cordon and say they don't have anything.

Makuch: BMJ did an incredibly horrendous job, can't document anything, we have spent probably \$75,000.00 fixing their goofups. Don't want to wait any longer, would like to sue for about a quarter million.

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DeBoyer: Read letter from Kevin Gleason, BMJ's council. They are admitting that the joints are not there.

Manos: Was a procedure in the contract to go to a mediator and we have to complete the steps with Judge Cordon. The Board has authorized John McNamee to act in our behalf.

DeBoyer: Correct to say we need to direct our attorney to make a statement to Judge that we are ready for a ruling.

Manos: Will get hold of attorney tomorrow.

### **PUBLIC COMMENTS RELATING TO ANY NEW BUSINESS**

M. Hartmeyer: Concerning DRC bylaws

### **NEW BUSINESS**

#### 1. Shaun Groden

Shaun Groden, St. Clair County Administrator, here to give information on millage for Central Dispatch. Have recommended to Central Dispatch Authority to create a new funding millage, a .5 millage, for all funding operations, dispatch operations, and infrastructure to carry out its responsibility for emergency response services for the County, and build out the final 800-megahertz system. System is designed to be installed over four (4) phases.

Phase I, is currently about 70% completed, which consists of about 5.8 million dollars funding that was used to install of two new towers and reconditioning an existing State tower and the placement of apparatus at the City of Port Huron.

Phase II was the relocation and construction of the actual dispatch center. This was an additional 1.3 million dollars funded by the County and completed at 1.1 million dollars

Phase III was dealing with the individual agencies, acquiring of radios required. Those were meant to be funded by each agency.

Phase IV, the final phase, is meant to install the final two locations in the north and west of the county to complete the coverage. That would be the construction of a brand new facility at a location yet to be determined and a final relocation of an existing state tower.

At the end would have six new locations that would make the 800-megahertz operational.

Millage is recommended because it is most consistent and most dependable funding source.

Explained the difference between the millage and a device charge. Money will be used for all dispatch operations and bonds for the final phase. County has offered to contribute up to one million dollars if needed for the final acquisition of radios for all disciplines, after all grant applications. Not here to seek support, here to answer questions. There will be three (3) general information meetings: Tuesday the 10<sup>th</sup> at the Marine City Fire Hall, the 17<sup>th</sup> Capac Fire Department, and the 24<sup>th</sup> at the County Office Building. The vote is on August 7<sup>th</sup>.

Pellerito: Absolutely a necessity to have this system. Comments on unfairness of millage, manufactured homes will not pay. Now paying on landlines, will not pay millage. Also redundancy factor, have volunteered repetitively that Clay Township be part of Central Dispatch, provide service in two locations. If one knocked out the other up and running. Redundancy needed.

Groden: Have to look at good of the entire County. Some pockets that will be different.

DeBoyer: Landline fee controlled by County? If this millage is passed that will be irradiated?

The cell and voice-over-IP, if that legislation passes, will millage be eradicated?

Groden: Landline fee is controlled by County and will be eradicated if millage passes. Would not recommend millage be eradicated if new legislation comes in regarding cell phone and VOIP.

Manos: Are you bonding in anticipation if the millage were to pass?

Groden: The .5 millage is inclusive of the necessary debt service.

DeBoyer: Have our own dispatch; our citizens have chosen to pay a millage to have their own dispatch. Any consideration of going to communities who want dispatch and setting an operational fee and pay their fair share cost to participate.

Groden: Yes, consensus was they could not afford to pay the fee from their General Fund.

Can't extract Clay Township from, the collection stays within your community, won't come to the County, will come to you to use as you see fit.

DeBoyer: Do I understand correctly, if the .5 mill passes the total value that is collected will come to us. We don't have to write a check to you?

Groden: Only for that portion of the debt service of Phase I, that 31 cents, where you take it from is up to you. Could lower your existing millage.

Manos: How will this affect our partnership in Central Dispatch?

Groden: Doesn't

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Whitey Simon: Don't understand at all, how do you determine millage is most fair?

Groden: Did a comparison of a millage and devise tax; on average across the County millage will be fairer.

Krueger: How do you answer the question, "Is this just a way the County will free up their General Fund money by getting out of dispatch patch business and pushing it to a special millage for all the other people in the county".

Groden: Can't build final phase, some will be less protected than others, and County has own budget restraints and that money will be redirected to other needs. Have a public safety need we need to address.

Krueger: Will County contribute?

Groden: Yes, will continue to provide payroll and insurance services. Will continue to support CDA, payroll will shift to millage and debt service will shift to millage.

Manos: What if the people say no?

Groden: Either nothing or go to device charge if the legislature passes the bill.

### 2. Zoning Ordinance #126

Pellerito: You have a copy of the proposed new ordinance, no action tonight. Attorney McNamee given an opinion regarding how the Planning Commission members need to be placed in the ordinance. His opinion is this could be done as a text correction with no need to send it to the County Planning Commission or hold any public hearings. Can adopt under new #126 or existing #123; more sense to insert into new #126. St. Clair County Metro Planning recommends approval of Zoning Ordinance #126.

Makuch: This ordinance was taken from Ordinance #123 with changes.

Pellerito: Can do two things; can approve new ordinance tonight, which I wouldn't recommend, and you can choose which method of placing Planning Commissioners you want in either old ordinance or the new ordinance.

Manos: Attorney indicated what was in the current ordinance concerning the Planning Commission that there was not a provision for a Township Board Representative. Number three (3) gives the Board the ability to appoint the Reprehensive, not the Supervisor, by resolution. The other eight remain the same, the Supervisor recommends the Board approves.

**Motion** by DeBoyer, supported by Dare, to choose option number three (3) of the Municipal Planning Act, Sec. 125.33, as our frame for selection of Planning Commission members.

ROLL CALL VOTE

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

NAYES: None

**MOTION CARRIED**

### 3. DRC Request for 1<sup>st</sup> Payment

**Motion** by Turner, supported by Makuch, to make the first installment payment of \$20,000.00 to DRC

Pellerito: Perhaps we should make our payment when Algonac makes theirs.

Turner: Then they wouldn't have any money to operate.

AYES: All

NAYES: None

**MOTION CARRIED**

### 4. MTA Dues

**Motion** by Turner, supported by Makuch, to approve the annual dues of \$5,594.96 to MTA

AYES: All

NAYES: None

**MOTION CARRIED**

### 5. Michigan Municipal League Workers Compensation Premium

**Motion** by Pellerito, supported by Makuch, to approve the MML Workers Compensation premium of \$24,206.00

Pellerito: Will see has been reduced from last year by \$8,168.00 by a dividend credit because of our experience modifier.

ROLL CALL VOTE

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

NAYES: None

**MOTION CARRIED**

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**PUBLIC COMMENTS**

W. Simon, 4722 Green Drive: Re M-154 paving & millage

M. Hartmeyer, 9345 Island Drive: Re County representatives leaving early

D. Pellerito, 7279 Dyke Rd: Re DRC and comments on employee health

**BOARD MEMBER COMMENTS**

Krueger: Police thoughts on millage

Drake: Voted no on this funding mechanism, but need the system.

Pellerito: FYI information on Snooks Hwy dumpster, sample by-laws for a Fire Authority and fire run charges

**ADJOURNMENT**

**Motion** by Makuch, supported by DeBoyer, to adjourn the meeting at 9:33 p.m.

AYES: All

NAYES: None

**MOTION CARRIED**

Michael P. Pellerito  
Clay Township Clerk