

Minutes of the Clay Township Regular Board Meeting Held on Monday July 16, 2007 in the Clay Township Meeting Hall, 4710 Pointe Tremble Road, Clay Township, Michigan

Supervisor Manos opened the meeting with the Pledge of Allegiance at 7:30 p.m.

ROLL CALL

Present: Supervisor Jon Manos, Clerk Michael Pellerito, Treasurer Connie Turner, Trustee Thomas Krueger, Trustee John Makuch, Trustee Jay DeBoyer, Trustee David Dare
Absent: None
Citizens: 20

BILLS PAYABLE

Motion by Turner, supported by Makuch, to pay the bills in the amount of \$104,987.55

ROLL CALL VOTE

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

NAYES: None

MOTION CARRIED

CONSENT AGENDA

Motion by Dare, supported by DeBoyer, to approve the consent agenda as presented

AYES: All

NAYES: None

MOTION CARRIED

OLD BUSINESS

1. Contract Negotiations

Manos: Have two things tonight, Command and Building Administrator

Pellerito: You have a copy of the patrol contract that is in place, after a brief negotiation with

Command it was determined they would have everything Patrol has with these exceptions:

Command 3% signing bonus amounts to \$1750.00, they will agree with the Health Care Savings program in which \$750.00 will be placed into the program and they will receive \$1,000.00 at the completion of the signing.

Currently Command pays 6.8% to their MERS for the employee contribution. Patrol is capped of 9.03%; their current contribution is 9.99%. Command will escalate their contribution from 6.8% to 3.1%.

The post health care premium went from \$100.00 to the same as patrol, which is \$300.00 for the associate, \$300.00 for their spouse and dependants covered at no charge.

Greatest change was the creation of a new position, an elevation to a position of lieutenant.

Previous contract for Command was 5% over the top paid patrol for Corporal, 10% over top paid patrol for sergeant now there will be a third level, the lieutenant, which will be 13% over the top paid patrol or 3% over the sergeant.

Did not increase to increase the ranks as far as size or maintain a minimum staff, will simply elevate one of the command officers to lieutenant who will interface between the Chief and the sergeants.

The clothing allowance went to \$650.00 this year and \$750.00 next year.

We will prepare a signature copy for the next meeting.

Motion by Pellerito, supported by DeBoyer, to mirror the patrol contract with the creation of a lieutenant position at a 3% increase over the sergeant salary or a 13% over the highest paid patrolman

AYES: All

NAYES: None

MOTION CARRIED

Manos: Have made some enhancements to Mr. Kras' contract but has been turned down by Mr. Kras. The Board will have to give direction as to where to go. Have agreements on most major items. There is no arbitration clause in the contract.

Pellerito: Last offer was a 3% increase per year going back to the 04/05 contract forward to the year 2010. The associate has 7 years, under traditional vacation schedule a fourth weeks vacation would occur after 10 years, proposed a fourth week effective this year. Presently 2 years of potential retro pay, one dealing with the 04/05 year less 45 days, and the 06/07-year.

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Contract was left in such a fashion that the benefit days would be converted, there were some additional language changes and clarifications to any time used beyond two weeks would require the Supervisor's written approval. The stumbling block has come down to the ability to cash in five benefit days, or unused day. The wages, the vacation, the language seems to be okay. We're at a stand still, if the Board does not wish to change that and keep that dollar amount in the budget then that's the way it stands.

Krueger: In other department heads contract, do they have the ability to cash them in or not?

Pellerito: Have negotiated two where that option has been removed, there is two still in force that have that option in there. Was directive of Board to encourage our associates to take the time off and when we budget a figure for a position, that is what the figure is. In this case we had a trade off, associate said instead of the retro for 04/05 less 45 days, will take the retro for 05/06 and take the extra weeks vacation effectively immediately.

Manos: We are serious about concluding this contract. To change the policy after two contracts were approved by the Board is backing us in a corner.

DeBoyer: What is our current agreement with all employees, police, patrol, command, water department, office?

Pellerito: Our non-salary union employees have the ability to carry 50% of their vacation time into the next year, in a couple of the units. The unused sick and personal time is able to be cashed out.

Pellerito: To make the negotiations easier would be; is the Board changing its opinion on the payoff of unused sick time or is it saying that is what it is.

Krueger: Is it sick time or benefit days?

Pellerito: It is all going to be one.

Manos: The only restrictions are that you can't take more than two weeks at a time. We added that if you want to use some benefit days with that, come and talk to us and we'll see.

Motion by Makuch, supported by Dare, to postpone any decision until the next meeting when we've had time to review the other contracts and make a final decision then.

AYES: All

NAYES: None

MOTION CARRIED

2. Clay Township vs. BMJ

Manos: Received communication from Mr. McNamee that explains the result of the meeting that was held, what it boiled down to is that we are not digging up anything more at our expense.

BMJ can't produce the plans, as they were required to do. We have reached an impasse, if BMJ wants to sign a release we will sign a release and the money that is being held up at the county will come back to Clay Township. This memo has not been sent and Mr. McNamee is asking if that is our position.

Motion by Makuch, supported by DeBoyer, that once our Supervisor and Water Department Superintendent agree to this that this letter be sent to BMJ.

AYES: All

NAYES: None

MOTION CARRIED

3. Zoning Ordinance #126

Manos: Have two versions of the recommended amendment to the proposed Zoning ordinance #126, one, "A" verbatim from the Act, one, "B" from the attorney and need a motion to adopt one.

DeBoyer: We will be incorporating this into ordinance #126?

Pellerito: Will now incorporate this into the ordinance before we adopt it.

Motion by DeBoyer, supported by Dare, to approve resolution "A" to be inserted into Zoning Ordinance #126

ROLL CALL VOTE

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

NAYES: None

MOTION CARRIED

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4. Emerald Ash Borer Program Tree Trimming Quotes

Manos: Have some quotes for topping off some of the trees.

Jon DeBoyer: There are two items, one is Emerald Ash Borer issue, it was recommended we trim the dead off and the other is the willow tree that drops a lot of stuff on the roof.

DeBoyer: I have looked at the willow tree and what it doing to our roof. With a flat roof, with a membrane, drains in the roof, that willow tree will destroy our new roof.

Jon DeBoyer: We clean the roof twice a year and what we take out of there is from the willow tree.

Manos: Have two quotes to remove the tree and stump it within a few dollars of each other.

Motion by DeBoyer, supported by Turner, to approve Gordon & Sons in the amount of \$1,925.00 to do tree removals as quoted

AYES: All

NAYES: None

MOTION CARRIED

Manos: Last meeting talked about the ash trees and whether or not to treat them, the Board decided not to proceed. The professor from MSU came in and had some things to suggest, there is new information. It is up to the Board if they want to open it up for reconsideration.

Dare: We discussed the fact that we don't even know what trees we are going to be taking down.

Motion by Dare, supported by DeBoyer, to open the discussion of the motion to award the project

AYES: All

NAYES: None

MOTION CARRIED

Joe Akin an arborist from ArborJet: Discussed the treatment of the ash trees. Have products that can be used every two years rather than every year. There is technology now that through Michigan State studies suggested can treat every three years. It is now in the patent office to be registered.

Dare: There was a question whether the ArborJet might cause damage to the trees

Akin: No matter what treatment used will cause damage to the tree, the alternative is death to the tree.

Krueger: The quote from ArborJet that was presented at our last meeting, did that treatment cover two years?

Adkin: Yes, every other year.

Krueger: As I recall the reason that motion died is because we didn't know what trees were going to be removed and we still don't know.

Adkin: If you don't do something now and wait two years you are going to lose them anyway.

Turner: You are suggesting not to trim the trees now?

Adkin: I would suggest that with the trees that have been treated wait until next spring to prune them.

Manos: Two quotes, one lower but one would last two years instead of one year. The other consideration is we don't know what we are going to do over in the park area. Now we have come back and said we can get a two-year treatment for what we thought was a one-year treatment. Did the object we were talking about change?

Adkin: We don't know how this is going to go, if this is the main wave or not. Saving a tree is worth saving.

DeBoyer: My opinion has changed in light of Dr. Roberts letter. Quoted from letter.

Could I ask what your professional relationship is to Dr. Roberts?

Adkin: Strictly business. Met him by injecting trees for him on projects, as well as two other doctors at Michigan State.

Makuch: Think trees should be treated this year, but since it wasn't on the agenda, we could make a decision at our next meeting and get quotes from anyone who wants to bid.

Pellerito: Bids have been let and are public information; it is no longer a complete fair edge.

Motion by Makuch to entertain re-quotes from ArborJet and ABC Bees.

Pellerito: Did you say re-quote or bring the quote back?

Makuch: Re-quote but we already have one so I'll **rescind my motion**.

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Motion by Krueger, supported by DeBoyer, to approve the quote from ArborJet to treat the trees on the park property for an amount up to \$1,900.00

ROLL CALL VOTE

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

NAYES: Manos

MOTION CARRIED

5. Ordinance #127

Manos: This is a resolution to adopt Ordinance #127, the Water Supply and Distribution System Ordinance.

Turner: On page 6, third one down says, "usable floor area"

DeBoyer: Question what is usable floor area

Manos: Discussion of usable floor area

DeBoyer: Who determines?

Manos: Water Department Superintendent

DeBoyer: Because it is vague could be challenged

Motion by Turner, supported by Makuch, to adopt ordinance #127, Water Supply and Distribution System.

ROLL CALL VOTE

AYES: Pellerito, Krueger, Makuch, Turner, Manos

NAYES: DeBoyer, Dare

MOTION CARRIED

PUBLIC COMMENTS RELATING TO ANY NEW BUSINESS

None

NEW BUSINESS

1. Police Request for Finger Roll Live Scan Maintenance

Motion by Pellerito, supported by Turner, to approve the maintenance agreement with ID Networks for the finger roll live scan system in the amount of \$3,549.00

AYES: All

NAYES: None

MOTION CARRIED

2. North Channel Special Assessment Renewal

Motion by Makuch, supported by Turner, to adopt resolution #1 to set the public hearing for August 6, 2007 at 7:15 p.m. for the special assessment renewal for road maintenance on the dirt section of North Channel Drive.

ROLL CALL VOTE

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

NAYES: None

MOTION CARRIED

3. Mainland Fire Chief Request for Basic Emergency Medical Technician Training

Motion by Makuch, supported by Dare, to approve the Fire Chief's request for John Siecinski and Denise Marcinkoske to attend Basic Emergency Medical Technician class at a cost of \$900.00 each to come out of budget line item 206-700-960-00

AYES: All

NAYES: None

MOTION CARRIED

4. Resolution: Patricia Sharrow

Manos: Read proposed resolution

Motion by DeBoyer, supported by Makuch, to adopt the resolution recognizing Patricia Sharrow's years of service to Clay Township

ROLL CALL VOTE

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

NAYES: None

MOTION CARRIED

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5. Employment of Stauder Bark Associates

Manos: At last meeting discussed some bond issues discussed and I was directed to contact Paul Stoddard and explained what was happening. He requested that the Board by motion approve him doing the necessary work.

Pellerito: Did he say how much?

Manos: No, they charge a standard rate

Motion by Dare, supported by DeBoyer, to postpone this until we get at least an hourly figure of what we will be paying.

Makuch: Plante & Moran made it clear where we are, Stauder will come back and say this was based on information I was given and all that is passed and gone. To me it's repetitive

Manos: He will look at what is happening and look for a way to cut it off.

DeBoyer: Does he have any obligation from the original plan to tell us why it didn't work out?

Manos: No, did what Township said.

Dare amended his motion to put an hourly rate and give us an estimate of time it will take, supported by DeBoyer

ROLL CALL VOTE

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

NAYES: Manos

MOTION CARRIED

6. Planning Commission Appointment

Manos: Edward Sharrow has asked for consideration to be appointed to fill the term of Mr. Krueger and I have recommended him

Motion by DeBoyer, supported by Krueger, to approve the recommendation of the Supervisor and appoint Edward Sharrow to the Planning Commission to fill the remaining term of Tom Krueger

Makuch: When will the Board rep be appointed?

DeBoyer: That has to be done by resolution?

Manos: I'll explain that in a minute.

AYES: All

NAYES: None

MOTION CARRIED

7. Resolution of Schedule of Rates, Fees and Charges

Manos: We decided when Plante & Moran came that we would insert these fees

Motion by Makuch, supported by Turner, to approve the resolution of the Schedule of Rates, Fees and Charges to be effective on the next water billing.

ROLL CALL VOTE

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

NAYES: None

MOTION CARRIED

PUBLIC COMMENTS

E. Cigut, 5135 Pointe Tremble Road: Re dangerous building, why taking so long, been 3 ½ years

Mike Kras: Went to the attorney, he has presented to the court, waiting for court date. First sent quite a while ago.

DeBoyer: An embarrassment to this Board that you had to come back.

BOARD MEMBER COMMENTS

Pellerito: Explained why video of our meetings cut off at 2 hours, timer after hours in Algonac

Makuch: Read letter complimenting our Police Department during Jobbie Noonan.

ADJOURNMENT

Motion by Makuch, supported by DeBoyer, to adjourn at 8:50 p.m.

Michael P. Pellerito
Clay Township Clerk