

**Minutes of the Clay Township Regular Board Meeting held Monday, August 6, 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 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 \$73,558.30

ROLL CALL VOTE

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

NAYES: None

**MOTION CARRIED**

**CONSENT AGENDA:**

**Motion** by Makuch, supported by Turner, to accept the Consent Agenda as submitted

AYES: All

NAYES: None

**MOTION CARRIED**

**OLD BUSINESS:**

1. North Channel Special Assessment Resolution #2, to prepare the roll

**Motion** by Makuch, supported by Turner, to adopt special assessment resolution #2 to prepare the roll

ROLL CALL VOTE

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

NAYES: None

**MOTION CARRIED**

2. North Channel Special Assessment Resolution #3 to set the second Public Hearing

**Motion** by Makuch, supported by Turner, to set the second Public Hearing for September 3, 2007 at 7:15 p.m.

ROLL CALL VOTE

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

NAYES: None

**MOTION CARRIED**

3. Zoning Ordinance #126

Makuch: Still a concern about enclosed boathouses, know the Planning Commission has tried to resolve if on two water fronts, ZBA gets a lot of requests for variances. It is under Site Plans in the new ordinance. Makuch read Building Administrator suggestion.

Manos: If there is a major text change it may have to go back to the County, if not the resolution to adopt can be prepared for the next meeting.

DeBoyer: On Anchor Bay Drive canal side where there are both residence and boathouses, you can build a house that obstructs the view but you can't build a boathouse, seems inconsistent.

4. Building Administrator Contract

DeBoyer: Discussed with Trustee Makuch, one sticking point; we tried to weigh out the benefits of what the Building Administrator does for us and the costs incurred if we go to this zero payoff of sick days and/or benefit days. Different departments have it and some don't, in this contract we could give a 5 – 3 – 0 sick day payoff. That is the conflict in the contract, would like to see a resolution and get the contract put to bed. Believe should go back to the negotiators.

**Motion** by DeBoyer, supported by Krueger, to suggest to the negotiators that they offer the Building Administrator a 5 – 3 – 0 payoff of sick days over three years

Manos: Take a serious look at what preceded where we are at today. Many months and many changes. Adding additional days and leaving in other added things would add additional expense.

## Minutes of the Clay Township Regular Board Meeting Held Monday August 6, 2007

### Page 2

Additional vacation time added earlier than any other department heads, very expensive.

Offered under the thought we would not be buying back, if going to buy back, have to look at cost of payoff and the weight of additional vacation time costs.

Pellerito: There would be no retro for the 04/05 year, retro for the 05/06 year, then for this year an additional weeks vacation, an eight-year anniversary, versus the ten-year required for four weeks vacation.

Manos: Those two weeks vacations were given as a purpose; that we were not going to payoff sick days. If you want to change it give us the right to balance it with the other item.

DeBoyer: Understand the additional week was going to be balanced by him not taking retro pay for that year, is that correct? The other thing that the second week is not going to cost us any more dollars.

Manos: It will because we have to have someone in here to cover those additional days. There are some other factors, we went back and added a straight 3% to the base wage all the way through the contract, which we did not do in the Fire Chief's or Assessor's contracts, not fair to change now. Have to consider contracts that come up in the next year.

DeBoyer: For the sake of discussion, I was a promoter of this and after discussing it with various people there was a lot of things projected that I did not consider; did not consider the month of June not having any department heads here because they are forced to take their days or not get paid for them. Just trying to resolve an issue that has been dragging on.

Manos: Everything was in place except one issue, the payoff of days, sure the Fire Chief and Assessor would have loved to take their contract and get paid off for additional days, but didn't do that. Don't think should change rules unless we have a counter to it, and if the counter is that we phase it out then give the negotiators the perimeters to pull back. Have a lot of adjustments to reach what's on the table now. Put extra vacation in as a signing bonus, can't take signing bonus and ask for something in addition to it.

Pellerito: Originally when met on contract and went to additional week's vacation before the ten-year mark he specifically said "I don't want a raise, I want a weeks vacation time". Can certainly do something with the retro and still give the week too if there is an owe there, if it was a freeze for two years and then the raises.

DeBoyer: For the sake of trying to move this forward I will include that in my **motion**.

Krueger: I'll **support** that.

Krueger: The whole idea is to get things going, been going on for months, maybe if throw another option out and readjust what Jon's talking about maybe something will come down the pike, can't just keep going without a contract.

AYES: All

NAYES: None

**MOTION CARRIED**

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

Norman Rhodes, Harsens Island: #123-22 Rezoning Request, against

Charles Michel, 2431 Pointe Tremble Road: Items #123-18, 19, 20 & 21, against

Jeanie Rhodes, 3206 South Channel, Harsens Island: #123-22 Rezoning Request, against

Nancy Bolton, Elm Street: #123-22 Rezoning Request, against

Christine Wludyka, 3220 South Channel: #123-22 Rezoning Request, against

Ron Wludyka, 3220 South Channel: #123-22 Rezoning Request, against

Frank Schoonover 3240 South Channel: #123-22 Rezoning Request, against

Paul Rikowski, 3120 South Channel: #123-22 Rezoning Request, against

Michael Galati, 125 Poplar: #123-22 Rezoning Request, against

### **NEW BUSINESS**

1. Rezoning Requests:

**#123-18** 2431 Pointe Tremble Road

**Motion** by Makuch, supported by Turner, to deny rezoning request #123-18 in light of the Clay Township Planning Commission and St. Clair County Metropolitan Planning Commission recommendation to deny.

ROLL CALL VOTE

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

NAYES: None

**MOTION CARRIED**

**Minutes of the Clay Township Regular Board Meeting Held Monday August 6, 2007**

**Page 3**

**#123-19** 74-14-442-0139-000 & 0138 Pointe Tremble Road

**Motion** by Makuch, supported by DeBoyer, to deny rezoning request #123-19 based on findings and recommendations of Clay Township Planning Commission and St. Clair County Metropolitan Planning Commission

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

NAYES: None

**MOTION CARRIED**

**#123-20**, 74-14-442-0138-000 Vacant Pointe Tremble Road

**Motion** by Makuch, supported by DeBoyer, to deny rezoning request #123-20 based on the recommendation of the Clay Township Planning Commission and the St. Clair County Metropolitan Planning Commission

ROLL CALL VOTE

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

NAYES: None

**MOTION CARRIED**

**#123-21**, 2425 Pointe Tremble Road

**Motion** by Makuch, supported by Turner, to deny rezoning request #123-21 based on the recommendation of the Clay Township Planning Commission and the St. Clair County Metropolitan Planning Commission

ROLL CALL VOTE

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

NAYES: None

**MOTION CARRIED**

**#123-22**, 3130/3178 South Channel Drive

**Motion** by DeBoyer, supported by Dare to deny rezoning request #123-22 on the recommendation of the Clay Township Planning Commission and St. Clair County Metropolitan Planning Commission

Makuch: Would have helped if we had a Board Rep on the Planning Commission to question.

ROLL CALL VOTE

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

NAYES: None

**MOTION CARRIED**

2. Spare Parts Club Request to use Meeting Hall

**Motion** by Turner, supported by Dare, to approve the request by the Spare Parts Club to use the meeting hall on September 15, 2007 at 7:00 p.m.

AYES: All

NAYES: None

**MOTION CARRIED**

3. Police Request for Suicide Intervention Class

**Motion** by DeBoyer, supported by Dare, to approve the request by Chief Drake for the Suicide Intervention Class for dispatchers not to exceed \$2,463.00.

AYES: All

NAYES: None

**MOTION CARRIED**

4. Police Request for Two (2) Police Vehicles

**Motion** by Makuch, supported by DeBoyer, to approve the request of Chief Drake for a 2008 Crown Victoria for state purchase price of \$20,698.00 from Jorgenson Ford and a 2008 Ford Expedition 4X2 for \$22,500.00, a total of \$43,198.00 from line item 207-700-981-00

Dare: Why a 4X2 and not a 4X4?

Drake: It is cheaper and more efficient

ROLL CALL VOTE

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

NAYES: None

**MOTION CARRIED**

**Minutes of the Clay Township Regular Meeting Held Monday August 6, 2007**

**Page 4**

5. Network Connections Service Contract Renewal

Turner: Usually split between Township and Police Department

**Motion** by Turner, supported by Makuch, to approve the Network Connections Service Contract Renewal for \$2,460.00 divided between the Police and General Fund

AYES: All

NAYES: None

**MOTION CARRIED**

6. Harsens Island Fire Department 2007- 2009 Officers

**Motion** by Makuch, supported by Dare, to postpone the selection of the 2007 – 2009 officers to the next meeting to discuss several items with Chief DuPage.

AYES: All

NAYES: None

**MOTION CARRIED**

7. Harsens Island Fire Department Request for Basic E.M.T. Class

**Motion** by Makuch, supported by Dare, to approve Tamara Diedo and David White to attend Basic E.M.T. class held at Ira Township Fire Department at a cost of \$900.00 per student, including all class materials.

AYES: All

NAYES: None

**MOTION CARRIED**

8. Harsens Island Fire Department Request for Purchase of 1995 Mini Pumper

**Motion** by Makuch, supported by Dare, to approve the request of Harsens Island Fire Department to purchase a 1995 S & S Ford Mini Pumper from Ira Township to come out of line item 211-700-989-04

Turner: There are two proposals from different banks

**Motion amended** by Makuch, supported by Dare, the financing to be handled through Seaway Community Bank.

ROLL CALL VOTE

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

NAYES: None

**MOTION CARRIED**

9. Michigan Liquor Control Commission Approval of Great River, LLC

Pellerito: This is the building formerly known as the Great Lakes Inn, inspections have been completed.

**Motion** by Dare, supported by Turner, to approve the Great River, LLC to assume the liquor license.

Krueger: Who are we transferring it to?

Pellerito: Earl Stilton

ROLL CALL VOTE

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

NAYES: None

**MOTION CARRIED**

10. Michigan Liquor Control Commission Approval of Request by David Gwyn

Pellerito: This is a request to remove the late Theodore Horeftis from the licensing of Decker's Landing, no change in ownership

**Motion** by DeBoyer, supported by Dare, to approve the resolution to drop Theodore Horeftis from the liquor license

ROLL CALL VOTE

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

NAYES: None

**MOTION CARRIED**

11. Michigan Liquor Control Commission Police Investigation Request – Kroger

Pellerito: No Board action is required; this for beer and wine license for Kroger's.

**Minutes of the Clay Township Regular Board Meeting Held Monday August 6, 2007**  
**Page 5**

12. Algonac Baptist Church Request to waive Bldg, Electrical, Plumbing & Mechanical fees  
Pellerito: Have not talked to inspectors as to their desires or willingness to waive.

Manos: Cover letter from way back it was indicated the Township could and would negate those permits, the electrical, plumbing and mechanical would have to do that on their own because they are commissioned.

Pellerito: We have the ability to waive the permit fees for the building portion; the electrical plumbing and mechanical inspectors can do that if they want to.

**Motion** by Makuch, supported by Dare, that Clay Township waive the building fees to the Algonac Baptist Church.

AYES: All

NAYES: None

**MOTION CARRIED**

13. Third Amendment to Algonac/Clay Water Service Agreement

Manos: Finally getting attorneys together to get this before us.

Turner: Problem with "C", they don't have a City Clerk, Clerk and Treasurer is one person now.

Pellerito: Would require that both the Treasurer and the Clerk sign checks to withdraw money from that fund, if the City Manager is eligible to sign checks we would insert his name.

**Motion** by Turner, supported by DeBoyer, to approve the revised Third Amendment to Clay/Algonac Water Service Agreement

AYES: All

NAYES: None

**MOTION CARRIED**

14. 2008 Local Road Funding Assistance Program

Pellerito: Left over road salt monies that are available to us. We have not applied for or received any money in the last two years so we are eligible once again. There is a criteria schedule that would elevate us above other communities. We have used this money for two other programs, encourage the Board to bring this back at the next meeting with a potential road. Connecting roads that are not paved such as High Road or Benoit Road would be candidates.

15. Amendments to the St. Clair County Solid Waste Plan

Pellerito: This is a requirement for the Bio plant that is being built now. Under the original solid waste management plan for the County it did not include the liquid waste. The plan is to take the sludge from the wastewater treatment plants and co-mingle it with our solid waste and create a methane gas and then capture that gas and sell the bi-product. The solid waste handling in St. Clair County is probably the highest and this would help bring down the costs.

**Motion** by Pellerito, supported by Makuch, to approve the resolution amending the St. Clair County Solid Waste Plan

ROLL CALL VOTE

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

NAYES: None

**MOTION CARRIED**

16. Set Public Hearing for Police, Mainland, Fire, Harsens Island, Fire and Russell Island Fire

Pellerito: As Board is aware we have approved our budget without any increase to police, with a quarter of a mill decrease to the Mainland Fire and a half a mill to Harsens Island Fire Department.

**Motion** by Pellerito, supported by Krueger, to hold the Public Hearing for Police Mainland Fire, Harsens Island and Russell Island Fire for September 4, 2007 at 7:00 p.m.

AYES: All

NAYES: None

**MOTION CARRIED**

Pellerito: We now have to go back to Old Business #2, North Channel Special Assessment Resolution #3 to set the second Public Hearing, closed on the third.

**Motion** by Makuch, supported by Turner, to **amend previous motion and to set the public hearing for North Channel Special Assessment** on September 4, 2007 at 7:15 p.m.

**Minutes of the Clay Township Regular Board Meeting Held on Monday August 6, 2007**  
**Page 6**

**ROLL CALL VOTE**

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

NAYES: None

**MOTION CARRIED**

**PUBLIC COMMENTS**

Norman Rhodes, South Channel, Harsens Island

**BOARD MEMBER COMMENTS**

Krueger: Letter from Dorothy DeBoyer concerning her positions, what is going on with that and why was this not a Board issue?

Manos: Spoke with Mr. McNamee and he said he is preparing some type of a letter to the Board.

DeBoyer: Have some questions; what June 19, 2007 letter to the Clay Township Board is Mr.

McNamee referring to in this letter to Dorothy DeBoyer?

Manos: As we sit the idea was that the Board wanted to correct the Zoning Ordinance and asked Mr. McNamee for some type of an opinion letter and indicated that it had to fill the position left by Mrs. Sharrow. He said it would require the Board to adopt #3 to correct something and insert it into the new zoning ordinance. When you did that it would allow the Board to do certain things and took away the Supervisor appointing a certain individuals to the Planning Commission.

DeBoyer: Question was what was the memo of June 19<sup>th</sup> that nobody has received?

Makuch: That says that Dorothy DeBoyer has to resign from her position.

Manos: I have not received a copy of that at all in my file, in the ordinance under the Municipal Planning Act it states that an individual cannot hold two Municipal offices at the same time. So while we are under that act, and Mr. McNamee's first interpretation, and I don't have it in writing, he indicated to Dorothy that you cannot hold two offices, would have to give up either the Deputy Clerk position or the Planning Commission.

DeBoyer: Have done research and found consistent conflict with the attorney's opinion.

If we have a conflict so that a person has to resign a position, why out of fair disclosure, has the Board not heard about it?

Makuch: Why did the Attorney contact Dorothy and tell her she had to resign and why didn't the Board know about it?

Manos: There was an in-depth letter sent to the Board I didn't see for two weeks discussing if the Supervisor could appoint an individual to the Planning Commission. I have had no communication from McNamee on the subject. Had to correct the ordinance as to who could appoint to the Planning Commission.

DeBoyer: If we had known about this could have had a discussion with the Attorney.

Manos: If you read the act you know that the Supervisor can hold a Public Hearing and remove her.

Makuch: What if you are wrong?

Manos: She can take it to circuit court.

Manos: Krueger held a public hearing when he was in office; not enough evidence to remove.

Makuch: Why has this all of a sudden come up?

Manos: Opened door when I sent memo to Board saying I would not appoint Tom Krueger as Board rep to the Planning Commission

Pellerito: That is wrong, started when a Deputy Supervisor was appointed and he went through office flashing his ID card and told the Building department he would be writing memo and told them to email all Planning Commission information to him. Asked McNamee what authority Deputy Supervisor had. We are still waiting for the appointment of a Board rep to the Planning Commission.

Manos: I don't have authority to recommend Board rep under Section #1 and Section #3 requires a Board Resolution.

Pellerito: Referenced Attorney General opinions.

Manos: Attorney is preparing a long letter to the Board to explain where we are at; when letter is received we can discuss it. This doesn't fall under the Incompatible Office Act.

DeBoyer: McNamee's letter says, "RE: Incompatible Offices"

Pellerito: Reminder tomorrow is Election Day, important millage question.

**Minutes of the Clay Township Regular Board Meeting Held Monday August 6, 2007**  
**Page 7**

**ADJOURNMENT**

Motion by Makuch, supported by DeBoyer, to adjourn the meeting at 9:15 p.m.

AYES: All

NAYES: None

**MOTION CARRIED**

Michael P. Pellerito  
Clay Township Clerk