

Minutes of the Clay Township Regular Board Meeting Held Monday September 4, 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: 12

BILLS PAYABLE

Motion by Turner, supported by Makuch, to pay the bills in the amount of \$50,319.90

ROLL CALL VOTE

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

NAYES: None

MOTION CARRIED

CONSENT AGENDA

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

AYES: All

NAYES: None

MOTION CARRIED

OLD BUSINESS

1. DRC

Pellerito: The DRC is a living organization of change. The cookie cutter we have been using with the DRC needs to be revamped. If you look at the investments put into it by the City and the Township, some \$80,000.00 dollars, and the in-kind services of the school you'll find that our programming is not netting \$80,000.00 worth of programs. There is a copy of the fall schedule in front of you, some nineteen (19) programs. Many of them are one-night programs; a couple are county programs and school programs. Some are offered at the Cherry Beach senior citizens. Attendance is some times two or three. I think, if the Board concurs, we have to rethink how DRC is operating and being funded. Either we have to get very aggressive or cut back on our contributions and go to a part time situation. The Board Reps we send to the DRC Board are not being heard by the rest of the Board. I think what needs to be done is our Board either through committee or directive should communicate with our Board Reps to bring back a strong solid message. I don't know if it is the economy that has caused the lack of participation in programming or if it is the same programs in and out. The summer programs are usually higher use programs than the winter. We need to do something; I bring it before the Board for their input.

Manos: I think we should recognize that Connie is the Township Board Rep to the DRC and I believe her input is important. We seem to have a difference of opinion so we'll let Connie state her feelings on what is going on at DRC.

Turner: We have some difference of opinions with a couple of Board members and it seems if everything isn't done the way they want it then something is wrong with DRC. There are nine board members and usually the votes are seven to two, seven in favor and two against. It has gone so far as to make accusations about me personally, I'm too old to have the job, I'm not informed, I need to get out; I take offense to that. I do my job very well and I think the DRC board is doing a fine job. All of these questions that have been approached to the DRC; they have been doing the same thing for years. We have a different chairperson now, my question is; why wasn't these things looked at a couple years ago when Mrs. Pellerito was the Chairperson? The same things are going on.

Pellerito: My response would be that I agree that the same things are going on and that's the purpose of tonight's discussion, what do we need to do to change our programming? If you look at some of our participants, Our Last Hundred Days of Health, there were 25 classes of which 14 had four or less.

Turner: That was a brand new program we had never tried before.

Pellerito: So I would assume that that programming shouldn't be brought back, it was a failure. Our programs are not being developed for the residents use or the residents are not interested.

Minutes of the Clay Township Regular Board Meeting Held Tuesday September 4, 2007

Page 2

Turner: My understanding is that the residents request most of these programs. You made a comment about the legos, I believe Dave Dare's nephew's mother was the one that requested that program.

Pellerito: When we spend \$80,000.00 on a program; I could see the \$80,000.00 better spent in other services for our community.

Turner: DRC is mainly for the children to give them something to do and they have adult things too. I think the whole board is open to new ideas.

Pellerito: I disagree; I don't think DRC should be strictly for the children, I think it should be for all. We should probably be offering more adult recreational activities. We're using the same brochure every year and getting four or five or ten participants. I think we need to revise it or contribute less and go to a part time basis. How can we offer 18 programs, two of which are county programs, one is a school walk, three are one day seminars on Medicare, one day of a bike ride.

Manos: I'm going to intervene and say that we have your position Mike; I am going to recap and then open it up for individual board members to comment. We did something a year ago, met with Algonac City Manager and Dr. Guiser from the school and we met with Cindy Babisz to see what problems she had. The Board chose at that time to stay with the program. Connie is our appointed person that sits on the Board; I don't think she should be chastised for her comments because that is what her job is. If Board does not wish to have Connie return to the DRC Board then the Board can convey that and when it comes up for reappointment the Board can appoint another member. We can convey to Connie what we would like her to convey back to the DRC Board. I personally concur that it is a good program and we have to spend some of the money from the Parks and Rec that comes back to us, we can't spend it on garbage, etc. If the Board wants to give some direction or wants to change our representative on the Board then we can do so. If we don't want to participate in DRC then lets have a decision here by the Board.

Pellerito: That was great but

Manos: I don't wish to argue with you.

Pellerito: I don't want to argue either.

Manos: I am going to open this to other Board members, you are out of order, you are not recognized by this chair. You have been allowed over eight minutes I would like the other Board members to speak and then we will return to you and grant you your right to speak.

Pellerito: I am not out of order.

DeBoyer: What I see going on, if we don't believe a person is doing a good job, it is not our job to micro-manage. Either we agree with what they do or we change them. Connie sits on the Board, she is our rep. I believe the DRC is a valuable asset to our community, I believe the Board makes decisions that are in the best interest of the DRC. I have had limited data on the DRC, I haven't paid attention to it like I could have but I think I will now, I believe it is my obligation to do that as a member of the Township Board. To sit here and make a decision to eliminate a program that I think is an asset to our community is a huge mistake.

Makuch: I don't think anyone was questioning Connie representing the Board on the DRC. There have been some personal issues; it is getting a little old. The question I have is, I thought the DRC was given all these awards for being a great program, even given an award in Lansing. I think it is time to look into it and see what other communities are doing. I'm not sure how the Parks and Rec money is supposed to be spent.

Krueger: We have to rely on Connie and the rest of the Board, I would hope they are making good decisions, but frankly I haven't gotten that close to it so maybe all of us should take note and find out what they are doing so we can talk intelligently. Without the information we can't make a decision tonight.

Dare: People are put in place for a reason, I do support the DRC, and I think it is a great thing to have in the community. Connie is close to it and Diann is close to it, I do get some feed back every so often. I do think there have been some shortfalls in programs. I don't think we should hastily get rid of the program, I think we need to take a better look at it.

Pellerito: The intent was not to dissolve DRC or break it up. The question is what are we doing, where are we going? You can't have cookie cutter programs year after year and continue with success. The award that Mr. Makuch brought up was given to Diann, under her directorship from the State. The whole point is that even though we are not micro managing we have to send direction. Our Community Foundation, which I sit on as a Board member, was given a contribution from DRC. Why would we apply for a grant, as the DRC, which was received, and then donate to the Community Foundation? I don't think we, as a government should be

Minutes of the Clay Township Regular Board Meeting Held Tuesday September 4, 2007
Page 3

donating money to the Community Foundation. These are the things the Board needs to be aware of. There is talk of changing pay ratios to the volunteers and to cut what they make, that is not the way to keep them interested. We need to send a message back with Connie and our representatives that says, this is what we need to do, we need to progressively move forward or scale it back.

Manos: For a future meeting some of the Board members can call other communities and find out what some of their programs are.

2. Cottrellville Township Police Services

Manos: Met with Cottrellville Supervisor and he said he is going to put something together and send it down. Our Chief is not here but when he gets back we can have him take a look at it and bring it back.

DeBoyer: That number 2, what does that mean, that we would be paid on a per call run?

Manos: We would be the backup; if the State Police or Sheriff can't get there they would call us.

PUBLIC COMMENTS RELATING TO ANY NEW BUSINESS

Norman Rhodes, Harsens Island: Comments on #13, Township Planning Act

L. Kasperowicz, Dyke Road: Comments on incompatibility of offices

NEW BUSINESS

1. Resolution No. 4 North Channel Dirt Section Special Assessment

Motion by Turner, supported by Makuch, to adopt resolution No. 4 for the private road North Channel dirt section. This is to confirm the roll, the total cost is \$8,500.00 to be spread over a five-year period, cost per year is \$1,700.00, total cost to property owner is \$500.00, per year cost of \$100.00. This will be on the December 2008 tax bill without interest.

ROLL CALL VOTE

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

NAYES: None

MOTION CARRIED

2. Resolution for Clay Township Police Special Assessment

Motion by Makuch, supported by Dare, to approve the resolution for the special assessment for the Clay Township Police to be 4.35 mills based on a taxable value estimated to be \$1,973,327.34 after DDA dollar amount is removed for 2007.

ROLL CALL VOTE

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

NAYES: None

MOTION CARRIED

3. Resolution for Clay Township Mainland Fire Department Special Assessment

Motion by Turner, supported by Krueger, to adopt the resolution for the special assessment Mainland Fire Department for the millage rate of 1.1250 based on taxable value estimated to be \$375,276.17 before TIFA dollar amount is removed for 2007.

Manos: That millage has been lowered by one-quarter mill.

Pellerito: I think to make these reductions work; we should come to an arrangement of a fire district so there is a sharing of equipment. Talked to City Manager, he concurs fire districts are the wave of the future, Marine City is currently exploring it and there is already one in the St. Clair area. I provided the Board with a template from a fire district that was created up river. In order for these millages to work we need to get a fire district template in place by year-end.

Makuch: I agree and I disagree. The budgets for this fiscal year were based on the lower rates, however I feel in order to maximize what we are going to get out of that we need to take a few steps, first establish a district combining Mainland and the Island and let's see how it works before we go to a larger district.

ROLL CALL VOTE

AYES: Manos, Pellerito, Krueger, Turner

NAYES: DeBoyer, Dare, Makuch

MOTION CARRIED

Minutes of the Clay Township Regular Board Meeting Held Tuesday September 4, 2007
Page 4

4. Resolution for Clay Township Harsens Island Fire Department Special Assessment
Motion by Turner, supported by Krueger to adopt the resolution for the Harsens Island Fire Department and the millage to be 1.5000 mills based on taxable value estimated to be \$186,292.60 for 2007

ROLL CALL VOTE

AYES: Pellerito, Krueger, Turner, Manos

NAYES: DeBoyer, Dare, Makuch

MOTION CARRIED

5. Resolution for Russell Island Fire District Special Assessment

Motion by Turner, supported by DeBoyer, to adopt the resolution for Russell Island Fire District and the millage to be .9000 mills based on taxable value estimated to be \$5,830.25 for 2007

Pellerito: I think the fire district should be inclusive of this island as well as all of the out islands.

Makuch: What difference does that make? You just approved a cut, so let's cut our throats and then try to put it together after.

Pellerito: I think it is progressive step in lowering taxes

Manos: Once a year by law we have to adopt a resolution, if we just sit on it than there will be no millage collected.

Makuch: December tax bill, we have been talking about this for a year.

ROLL CALL VOTE

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

NAYES: None

MOTION CARRIED

Trustee Dare requested a two-minute recess

Meeting reconvened by Supervisor Manos

6. Resolution for Garbage Collection Special Assessment

Motion by Makuch, supported by DeBoyer, to approve the resolution for special assessment for garbage and refuse removal and collection at \$109.00 per residential dwelling, special assessment not to be raised more than \$120.00 per year.

Makuch: Used to pay \$10.00 per month in Chesterfield ten years ago, did a nice job on this.

ROLL CALL VOTE

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

NAYES: None

MOTION CARRIED

7. David Martin Request for Payment

Motion by Pellerito, supported by Makuch, to pay David Martin \$15.00 an hour for twenty-fours hours of service to be taken out of the garbage fund

DeBoyer: This sets a really bad precedent; he did a great job I'm sure, but to bring a bill to us that we are unaware of for services we never requested.

Manos: Think the amount of stuff that came in would have required the others to work more hours so they brought him in, I agree that in the future should get the ground rules down.

Makuch: Agree, not a good precedent.

Pellerito: Agree, in the future make arrangements beforehand, I said I couldn't pay, would take it to the Board.

AYES: All

NAYES: None

MOTION CARRIED

Minutes of the Clay Township Regular Board Meeting Held Tuesday September 4, 2007
Page 5

8. Mainland Fire Department Request for Jason Grove to attend Medical First Responder Class
Motion by Makuch, supported by Dare, to approve the request of Chief Edler for Jason Grove to attend Medical First Responder Class at a cost of \$350.00 to come out of budget line item 700-960.

AYES: All

NAYES: None

MOTION CARRIED

9. Mainland Fire Department Chief Request to attend Fire Investigation Training
Motion by Makuch, supported by Dare, to approve Chief Edler to attend Fire Investigation Training at Macomb Community College for a total cost of \$695.00 to come out of line item 700-956

AYES: All

NAYES: None

MOTION CARRIED

10. Mainland Fire Department Request for Trainees
Motion by Makuch, supported by Turner, to approve the request to have Holly Decaussin and Eric Williams start as trainees with the department.

AYES: All

NAYES: None

MOTION CARRIED

11. Church Fees

Pellerito: We were approached by the Church to waive the building fees as well as the electrical, plumbing and mechanical fees. Asked Mr. Kras to check with the subcontracted inspectors, they denied the request. Mr. Kras pointed out that the Board may not have the authority to waive fees, so I bring it to the Board for discussion.

Krueger: Why do you say we don't have the authority?

Pellerito: Mr. Kras said it could be illegal use of Township government money for church and state.

DeBoyer: Don't think Mr. Kras position was that it was illegal; he was concerned that there could be a conflict. Think we need to get an opinion.

Makuch: After we approved to waive fees brought to my attention about subcontractors fees. Don't think we should pay for it. My motion was to reflect any fees that we would charge internally.

DeBoyer: I think Mike's concern was that we are indeed going to be paying him to do those inspections.

Manos: Can hold in abeyance and get a decision on it, think it reflects back to some of the others and if we have to stand to a state law then we are going to have to do it.

Pellerito: Purpose of the agenda item was to bring it to the Boards attention. We will get an opinion and if we have to rescind the motion then that's what we will do.

12. Cherry Beach Senior Center Request for Donation

Motion by Turner, supported by DeBoyer, to approve the donation of \$1,000.00 to Cherry Beach Senior Center which we did budget for

AYES: All

NAYES: None

MOTION CARRIED

13. Township Planning Act.

Pellerito: Brought as a discussion point to see where the Board would like to go. The state going to change the entire state's planning acts. There are currently three, County, Municipal, and Township. Of 1283 Townships in the state of Michigan there are two Townships using the Municipal Planning Act. What direction, should we proceed with the investigation or stay where we are.

Makuch: What do mean an investigation?

Pellerito: To bring a comparison of the two acts as well as the proposed new act

Krueger: The Planning Commission had the attorney come down about six months ago to discuss it but when the new act goes into effect everyone will be under it.

Minutes of the Clay Township Regular Board Meeting Held Tuesday September 4, 2007
Page 6

DeBoyer: I think to do it now is not necessary with the new act coming. We have some differences on the Board but I don't think that by changing the Township planning act we will be in any different position as far as my opinion is as to where we sit today.

Manos: McNamee gave his professional opinion that under the Municipal Planning Act it does not allow for holding of both offices. It is decision of the Board if they want to remain under the Municipal act. If there is any liability then its there, if opinions hold opposite to that then it would not be. I don't think to go through all the rigmarole to change is a solution so I don't know where to go with it either. I've made my point as the Supervisor.

PUBLIC COMMENTS

Dennis York, Algonac: Remarks regarding DRC Board

Dean Cyget, 5135 Pointe Tremble Rd: Question regarding status of neighbors building

Pellerito: It is in court

Diann Pellerito. 7279 Dyke Rd: Remarks regarding DRC Board

Leonard Kasperowicz, Dyke Road: Remarks regarding planning act and nepotism

Norman Rhodes, Harsens Island: Remarks regarding Cottrellville Police service, H.I. Fire millage vote, church fees, planning act

Michelle Hartmeyer, 9345 Island Dr: Remarks regarding DRC

BOARD MEMBER COMMENTS

Makuch: My decision with the millage, I have no problem with millage cuts, we budgeted for it. It is like when the county put in an 800-mghrtz system and then tried to figure how they are going to pay for it. We've talked about a fire district, now put a package together. Comments on church fees and charge of nepotism, attorney opinion, DRC Board Reps.

Dare: It is not that I don't support lowering the millage, when do things prematurely and don't plan for it it makes for big mistakes later on. I don't vote to get votes, vote to do what is right.

Krueger: Was confused why the no votes, but think they have a valid point. Have talked about fire district for several reasons, lower millage is one of them, give better tax deductions, more coverage for fire. We keep doing things around that with out addressing the issue. Don't think it is going to be an easy thing to do but would like to recommend we start right away, bring back at next meeting and discuss it with draft Mike gave us in front of us.

Manos: We can bring it back at next meeting for discussion.

DeBoyer: I agree with positions of Makuch and Dare, no one more anti-tax than I, but believe we have to plan properly. Addressed charge of nepotism. My mother is Deputy Clerk. Not a person that knows me that would say that if I disagreed with my mother that I would keep my mouth shut, if I disagree I will tell her, that is my job and that is what I will do. I have data that tells me otherwise than what our Township attorney is telling us. I would fight as hard for the Building Department head, the Fire Department head, the Police Department head, and the Water Department head if the support for my belief was there. I continue to try to find support for the other side on this opinion and when I do I find more support every day for my position. If I could find the support that proved that I was wrong I would gladly admit it at a Board meeting in public. There is not one shred of nepotism that occurs here, and if anyone can find it I would be happy to see it. If you can't find it it is time to stop with the allegation because that is slander.

ADJOURNMENT

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

AYES: All

NAYES: None

MOTION CARRIED

Michael P. Pellerito
Clay Township Clerk