

Minutes of the Clay Township Regular Board Meeting Held Monday April 7, 2008 in the Clay Township Meeting Hall, 4710 Pointe Tremble Road, Clay Township, Michigan

Supervisor Jon E. Manos called the meeting to order at 8:20 p.m.

ROLL CALL

PRESENT: Supervisor Jon E. Manos, Clerk Michael P. Pellerito, Treasurer Connie Turner, Trustee Thomas Krueger, Trustee John Makuch, Trustee Jay DeBoyer, Trustee David Dare

ABSENT: None

Citizens: 22

Supervisor Manos called for a moment of silence in memory of Ron Nelson who served our community for 28 years on Planning and ZBA and has passed away

BILLS PAYABLE

Motion by Turner, supported by Makuch, to pay the bills in the amount of \$82,004.71

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

None

PUBLIC COMMENTS RELATING TO ANY NEW BUSINESS

W. Simon, 4722 Green Drive: Item #4 on New Business. Do not agree with charging non-residents for services.

N. Rhodes, 3206 South Channel Drive: Item #4, ordinance not legal. Has challenged and won.

NEW BUSINESS

1. Resolution #4 – Canal Dredging Cottage Lane/North Channel

Motion by Turner, supported by Dare, to postpone Resolution #4 and allow Cottage Lane residents to go over the figures with Darin Gabriel and bring it back to next Board Meeting. Pellerito: Another concern if half goes to tax tribunal, don't want to go out for finance with speculative thoughts that tribunals might turn it over and create a shortfall. Until there is a little more support presents a position of insufficient funding through the Tax Tribunal.

AYES: All

NAYES: None

MOTION CARRIED

2. Resolution #1 – Set Public Hearing for North Channel Road Maintenance

Motion by Makuch, supported by Turner, to set the Public Hearing for the North Channel Private Road Section Maintenance renewal for May 5, 2008 at 7:15 p.m.

ROLL CALL VOTE

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

NAYES: None

MOTION CARRIED

3. Project Control Engineering Estimate for Township Parking Lot

Pellerito: Preliminary sketch and probable cost for the parking lot. Jeff Horner from Project Control to answer any questions. Board's decision on how to go. If keep moving should be able to have it done in June. Proposed for west side of Police Department. If this Board approves, it then goes to the DDA.

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Horner: We have tried to include every possible item, landscaping, lighting and restoration for the site. Some items can be deleted or changed if desired. Goal is 41 parking spaces.

Turner: Don't like part that goes out into park area.

Horner: Can be changed. Have included lighting and landscaping

Turner: Wouldn't those items be the committee's decision?

Horner: This is just budgetary to determine if we want to proceed based on my estimate.

Pellerito: It is before the Board for recommendation to the DDA who has committed the funds. We can get some tables and grills for the summer.

Manos: Suggest a Farm Market to the DDA. Federal funds available through Department of Agriculture

Pellerito: Looking at \$22,000 to start the engineering, contracting administration, prepare the bid specs, and in the second part inspecting, testing and staking. At this point would be committing to the \$13,500. Can change as go along.

DeBoyer: Have we had a committee meeting? Who is on the committee?

Turner: Two residents, and supposedly 2 or 3 from the DDA and Mike and myself.

DeBoyer: Like to go forward with RFPs but need a concept, where are we going.

Horner: That is what this is for so we can proceed.

DeBoyer: If I understand, we're being asked that yes, it is something we want to do but we're not talking about any dollars today.

Pellerito: Correct, we're asking for a commitment from DDA for \$13,500. Let's get RFPs prepared and out so we can have a parking lot.

Horner: That includes the contract administration and the contract docs. We're just doing the initial layout sketches and putting the engineering together.

Dare: Hate to spend the \$13,500 just because it's there and then have to get a plan going.

DeBoyer: As our engineer you will be involved with the committee? Is that what this \$13,500 is or is the \$13,500 after they have decided what they want.

Horner: We included because we knew we would have to meet with the committee and the DDA and the Planning Commission

DeBoyer: Do we have a procedure for the committee meetings, what day, is open to public, an agenda, a direction, conceptual ideas of what we are going to do?

Pellerito: This was brought to us due to lack of anything happening and summer is about to be on us. We need parking. Now is a good bidding climate.

Krueger: Is the DDA spending the \$13,500?

Pellerito: That is our recommendation to the DDA.

Motion by Makuch, supported by Pellerito, to recommend to the DDA that they proceed with this project and authorize \$13,500 for preliminary engineering with the stipulation that we receive reports from the committee.

AYES: Four ayes

NAYES: Three naves

MOTION CARRIED

4. Fire/Water Rescue Ordinance No. 130

Manos: Hoping we would have some comments from our Township Attorney.

Makuch: This is based on the Ira Township version. We met with the Fire Chiefs discussing some of the costs. Ira has had this in effect for about 5 years. The mechanism they use to collect is Accumet Billing. When the Fire Department goes on a run they use a checklist to determine whether it should be sent for billing. This is not just for Jobbie Nooner. There is a lot of cost that goes into the Fire Department. If you don't cover your costs we'll have to increase the assessments. Think this is a good proposal and makes it clear it does not apply to residents of Clay Township.

DeBoyer: Unique circumstance on the Flats, we have six boats available for service and a large percentage of calls are to people not residents. There are islands that have residences that do not pay any medical, fire, emergency millage at all. We're getting into circumstances on the water that is costing us money and it is not our citizen's responsibility to pay for it.

Pellerito: You mentioned there was a fee to the billing company, is that paid only on the collected ones?

DeBoyer: Only on the collected ones.

Pellerito: This is a first reading, don't expect any action tonight.

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Motion by Makuch, supported by DeBoyer, to proceed to the next step and send this to our attorney for review and bring it back to our next meeting.

AYES: All

NAYES: None

MOTION CARRIED

5. Algonac/Clay Library Board Appointment

Motion by Turner, supported by DeBoyer, to appoint Karolyn Kuhn to the Algonac/Clay Library Board to fill the vacancy

AYES: All

NAYES: None

MOTION CARRIED

6. H. I. Lions White Cane Sale

Motion by Pellerito, supported by Makuch, to allow the Harsens Island Lions Club to conduct their White Cane sale on April 26 & 27 and May 3 & 4 and a Peddlers permit be issued and fees waived.

AYES: All

NAYES: None

MOTION CARRIED

7. ML Fire Department Request for Equipment Service Renewal

Motion by Makuch, supported by Dare, to approve the Equipment Service Agreement for the compressor system and the quarterly samples for \$911.12

AYES: All

NAYES: None

MOTION CARRIED

8. Co/op Optical Contract

Pellerito: This is a continuation of the existing contract with no price increase.

Motion by Pellerito, supported by DeBoyer, to approve the contract with Co/op Optical

9. Pitney Bowes Proposal

Turner: We purchased our postage machine in 1998 and are currently pay \$317.67 per month. As of December this year they will no longer service this machine because it is obsolete. They have given us a quote of \$317.00 per month or this lease. The reason for it being cheaper is that the old machine had a feature called WOW and we don't use it so we are not putting it on the new one.

Krueger: After 60 months will we own it?

Turner: The lease is up then. If we purchase this by May before the postage raise it will be programmed for that.

Motion by Turner, supported by Pellerito, to lease this new postal machine for \$317.00 a month

ROLL CALL VOTE

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

NAYES: None

MOTION CARRIED

10. Sewer Lift Station Repairs

Motion by Pellerito, supported by Makuch, to take the recommendation of the Water Department Superintendent to use Kennedy Industrial, Inc in the amount of \$8,430.00 to repair the pump rails and mounting accessories for 8 of the 11 sewer lift stations.

AYES: All

NAYES: None

MOTION CARRIED

11. Police Chief Request for Out-of-state Travel & Use of Township Vehicle

Pellerito: Sgt. Foster will use his own vehicle in lieu of charging mileage he asks that we allow him to use the Township gas card and those charges will be submitted for reimbursement.

Motion by DeBoyer, supported by Dare, to approve the request.

AYES: All

NAYES: None

MOTION CARRIED

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12. Algonac DDA Request for Snow Removal

Manos: This is for the sidewalk that goes from Clay Township into Algonac and they are asking because we have the proper equipment to clear sidewalks. Asking if willing to give a quote.

Motion by Makuch, supported by DeBoyer, to allow Water Department Superintendent Jon DeBoyer to make a proposal to the Algonac DDA.

AYES: All

NAYES: None

MOTION CARRIED

13. St. Clair County Road Commission Annual Township Meeting

Pellerito: Have received this questionnaire regarding the meeting formats and the LTAP training session and Road Drainage Fund with the request we individually fill it out and turn it into me and we will forward them to the Road Commission.

14. MTA County Chapter Board Meeting

Manos: Anyone wishing to attend let them know

15. City of Algonac Request for Donation to City Pool

Krueger: Fill me in on this

Turner: We quit contributing, the school quit contributing last year.

Manos: Have they done anything any improves indicating their commitment?

Pellerito: We could the \$8,000.00 next door

Makuch: Have we budgeted anything for this?

Turner: No. We could consider it again at budget time.

Pellerito: The letter indicates they would like us to consider it at budget time.

Manos: We will give it consideration at the budget workshop

16. Michigan Municipal League Dues

Pellerito: Being with MML is the umbrella under which we receive our Workers comp and healthcare, thereby receiving better rates.

Motion by DeBoyer, supported by Makuch, to pay the \$3,500 annual membership dues to Michigan Municipal League

ROLL CALL VOTE

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

NAYES: None

MOTION CARRIED

17. Algonac Little League Request for Water Tap Fee Discount

Manos: Line is on school property and Little League would like to tap in, that requires a system benefit fee and a tap in fee. We have on rare occasions waived the fees

DeBoyer: Perhaps a discount of the labor and the lateral benefit fees?

Pellerito: Anyway we could volunteer to do this?

Manos: The Board would be in favor of some assistance.

Turner: Jon worked it up and it would be approximately \$300.00 in labor and tap would be \$2,100.00

Motion by DeBoyer, supported by Krueger, to give Algonac Little League a \$300.00 discount on their tap in fees

AYES: All

NAYES: None

MOTION CARRIED

18. ML Fire Department Request for Trainees

Motion by Makuch, supported by Dare, to approve Craig Merrill and Mike Jones as trainees with the ML Fire Department

AYES: All

NAYES: None

MOTION CARRIED

19. ML Fire Chief Request for FDIC Conference

Motion by Makuch, supported by Dare, to allow Rick Edler to attend the FDIC Conference at the Indiana Convention Center with two nights at the hotel, food, parking and admission and use of a Township Vehicle based on the per diem rate.

AYES: All

NAYES: None

MOTION CARRIED

20. Operation Stonegarden

Chief Drake: In 2004 operation Stonegarden was a Homeland Security operation run by the Board Patrol. It allowed local agencies to put an extra officer on the street on overtime; it gave us an extra set of eyes and helped to secure our borders. The Federal government has asked that all grants go to Emergency Management and we had a meeting about returning Operation Stonegarden. It is a little larger than last time. There will be a vehicle we could purchase if we participate, the grant would cover. The grant is for three years and we would have to commit to it. At the end of the three years we would own the vehicle and any other equipment we acquire such as boats. The grant would cover overtime, approximately 20 hours a week for 3 years and FICA, workers comp, unemployment but it would not cover MERS. The Board has to be aware of the costs of the MERS. I recommend this to our Board, not saying we are going to that amount of the grant, that is decided by different counties. I need a commitment from the Board that we would participate and then I would come to the Board with the final recommendation.

DeBoyer: Is there a level of our matching or is it just the MERS?

Drake: Just the MERS. Looking for direction from the Board.

Motion by DeBoyer, supported by Makuch, to support Chief Drake in Operation Stonegarden.

AYES: All

NAYES: None

MOTION CARRIED

21. Kevin Allen Request for Executive Session

Manos: I have gone as far as I can and I know the Fire Commissioners have met with the Chief and discussed it as far as the grievance procedure. In Harsens Island by-laws the violations and demotions are determined by the Chief and he instituted that. In order to do anything different there would have had to have been an additional request to the Fire Chief and Fire Commissioners within 96 hours to be heard at all by the Township Board. If it is not done in that time frame it is automatically dismissed.

DeBoyer: There are 3 steps for the grievance procedure; did we even go through the first two steps?

Makuch: Met with Kevin and the Chief at least twice and have not been able to achieve an equitable solution. Told Kevin if he was not satisfied he could approach us but it has been pointed out to me we need to follow the proper procedure.

Dare: If the procedure is followed I don't have a problem moving forward with this. We can start the process over again, in my mind that is the best thing to do. It was our decision to tell him to bring it to executive session and obviously we didn't make the right recommendation.

Turner: The Township Board appoints the Fire Chief and the Fire Chief appoints his officers with approval. I feel this is strictly the Chief's responsibility, that is why we pay him to take care of the Fire Department and the procedures have not been followed.

Motion by Turner, supported by DeBoyer, to deny the request for executive session.

DeBoyer: There is a clear procedure in the by-laws of the Harsens Island Fire Department which allows an aggrieved person to move to request a determination by the Township Board but prior to that there are two steps that have to be implemented. Think we should follow the procedure.

Manos: Don't think when we have volunteer firemen every time we have some grievance procedure and the Chief decides to let him go that we go into executive session to hear this, I think these things should be settled on a basis.

ROLL CALL VOTE

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

NAYES: None

MOTION CARRIED

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Supervisor Manos introduced State Representative Phil Pavlov

Representative Pavlov: Working on budget for 2009, government spending in Lansing is out of control. We are passing out budgets with growth of 8 to 14% increases as a result of last years massive tax increase on Michigan's citizens; the largest in Michigan history. Fighting for reform and downsizing the state of Michigan, it is a challenge. Working on transparency in government. Looking to putting Michigan's checkbook on line so the citizens can see where we are spending our money. About a dozen states doing that. Done through Executive order, we are urging that. Zero cost to citizens. Regarding Stonegarden, want to thank Chief Drake for his help. Have gone across state talking about border security, have seen some changes. Have to prove you are a legal citizen to get a drivers license. Illegal immigration costs taxpayers millions each year. Will be holding office hours on August 26th at 9:30 am at the hardware store on Harsens Island.
Manos: Appreciate you coming. Some discussion of FEMA coming back into St. Clair County and we would appreciate all the help we can get.

Turner: Do you know if the Citizens group that was trying to take the assessing away from the Township and take it to the County, is it coming up again?

Pavlov: That is essentially dead.

Krueger: Are they working to solve the business tax that took the place of the single business tax?

Pavlov: Yes, for a while we had a tax on services and that tax was repealed in a few hours in exchange for the Governor was to put a surcharge on the Michigan business tax; my comment in December was wait until April or May when the businesses start to calculate their estimated taxes and I have reports of as much as 1500% increase in some of the businesses. An employer wanted to add 50 employees but he is not going to do that here, he will go to Indiana or Illinois where there is a more business friendly tax environment. There is talk of repealing that surcharge.

Krueger: It goes farther than the surcharge, it's the basic computation, it really nails service companies. It's more like 10,000%

Pavlov: It is going to have a negative effect going forward. As soon as it went into effect we had legislation written to repeal it, whether we get the hearing or not this year, an election year, will remain to be seen.

Pellerito: How close are we to getting some legislation on the transfer of the SEV to new homes owners as well as the freeze on the homestead on the unsold houses? Are we getting closer to a signature on that?

Pavlov: No, on the House side we have put a package to get the homeowners some relief, and it has gone nowhere, speaker Dillon has no interest in it. On the Senate they have a different agenda and they are talking about some tax credits, being able to claim the popup against your Michigan income tax, which would give a small incentive to home ownership.

Pellerito: No bi-partisanship support?

Pavlov: Not at this time

PUBLIC COMMENTS

N. Rhodes, 3206 S. Channel: Comments on use of the DNR access site; meeting with Community Planning on April 12th at 3:00 p.m. at the Harsens Island Lions Club

Manos: Mike and I met with DNR, right now down to a \$400.00 permit fee

BOARD MEMBER COMMENTS

Krueger: Last meeting we agreed we were going to put something on the agenda regarding the Water Department. My feeling is we need a legal opinion the special assessments. Can I request that again?

Manos: That is ongoing and is difficult. A lot of work has been done, some open things on the Act 188 verbiage and a different from Plante & Moran and Stoddard Barch. Hopefully if we put somethings together we can move this forward.

DeBoyer: Perhaps it would be in our best interests to have the principles here at our next meeting. It is evident we need to address it and address it every year.

Pellerito: Funds from one special assessment district cannot be used in another special assessment district. Should be independently used and if not used refunded. Connie has checked through her records and indeed all special assessment funds have not been commingled.

Pellerito: Had some dealings with the newspaper concerning cemetery fees; we received a call from Jud Gilbert of Gilbert Funeral Home and he has advised me that they have not marked up the services of the vault company. We are going to meet with Mr. Gilbert and see if we can fine tune our fee schedules and I expressed a desire to have some type of marking done on our mausoleum and he was agreeable to that. Friday the 11th we will meet. We have talked in the office of getting our own tent, whether that comes to fruition or not we'll see. Gilbert Funeral does not mark up the cost of the tents. We also found by going ala Carte we can be the cheapest.

DeBoyer: The letter from Cottrellville concerning the water line on Genaw Road; why was it not on agenda? Will have to have attorney look at it, but our attorney is also Cottrellvilles's attorney.

Manos: Someone else will have to step in. We are working on it.

Pellerito: Will have to redo the agreement with Cottrellville.

DeBoyer: We are talking about people who don't have water.

Pellerito: Also looking at it as a revenue generator.

DeBoyer: On our next agenda? When will we get some formal notification on the park committee meet?

Manos: After tomorrow's DDA meeting.

ADJOURNMENT

Motion by Makuch, supported by DeBoyer, to adjourn the meeting at 9:55 p.m.

AYES: All

NAYES: None

MOTION CARRIED

Michael P. Pellerito
Clay Township Clerk

