

**Minutes of the Clay Township Regular Board Meeting Held on Monday October 6, 2008 in the Clay Township Meeting Hall, 4710 Pointe Tremble Road, Clay Township, Michigan**

Supervisor Jon Manos opened the meeting 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 \$112,272.64

**ROLL CALL VOTE**

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

**NAYES:** None

**MOTION CARRIED**

**CONSENT AGENDA**

**Motion** by Makuch, supported by Turner, to approve the Consent Agenda as submitted with the reading of the Notices

Krueger: On page 5 of the minutes my comments regarding EMT classes, I said bring it back at the next meeting.

Pellerito: I take responsibility for it not being on the agenda, will be on the next agenda. Can discuss under Board Member Comments.

**AYES:** All

**NAYES:** None

**MOTION CARRIED**

Clerk Pellerito read the notice that absentee ballots are available at the Clerk's office; Clay Township Mainland Fire Department will hold a Fire Prevention Open House on October 12<sup>th</sup> from 10:00 a.m. to 3:00 p.m.

**OLD BUSINESS**

**1. Zoning Ordinance #126 Amendment**

Manos: Asked Mr. McNamee to look at some of the language in regard to the limiter that was placed into the open space, which indicates that: In no circumstance shall multiple-family residential development (attached units) of any type be permitted in a Residential Open Space Development. He has researched it and his opinion is that it could create a legal challenge by leaving it in. He doesn't feel that that language belongs. Believe there are existing laws that would suggest local unit of government cannot prohibit a development that is permitted by State action as long as the applicant meets all criteria by the State. Mr. McNamee said Board could probably remove it but I don't think the Township Board has authority to remove anything from the ordinance as it comes from the Planning Commission, which are the result of public hearings and etc. We would be overriding the Planning Commission, the Board can send it back and say, "Correct that and then bring it back to us" and then we would have the authority to adopt it. Have some questions on some setbacks that are also in there that seems to be excessive that deals with 110' from center line of major roadway and another 40' on top of that in the building area which would put that 150' from the centerline. That becomes a dead area and the language is that that area even though nothing can be done in there; it cannot be included in the open space. They have to 50% open space and this creates a little more in my opinion than is necessary and it creates a further burden; may defeat the purpose of the preservation act. I feel it should be looked at again. I recommend we get the language straighten out or removed as far as that limiter as far as the type of development that can occur in that residential area which is in conflict with the state law.

Pellerito: Tom, do you remember why you put that in there?

Krueger: No, it was recommended by our Planner and we just pretty much went along with what he said.

DeBoyer: I have some question. By this wording we are saying that anyone who has a piece of land zoned multiple cannot exercise the open space provision. The State says they can do it if they are zoned multiple?

Krueger: I don't think the State dealt with it. But I think they deal with it in other areas where they talk about density per acre, etc. that would tend to minimize multiple housing anyway. I don't have a problem taking it out. If you want to send it back to the Planning Commission we can do that. We would have our Planner there to help us with it.

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**Motion** by Krueger, supported by DeBoyer, to send back the amendment to Ordinance #126 to the Planning Commission with the recommendation to remove the prohibition of multiple housing in open space zoning and to consider the setbacks as disclosed in that ordinance amendment.

AYES: All

NAYES: None

**MOTION CARRIED**

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

R. Szefer, 4757 Pointe Tremble: Item # 3, like to find out how the procedure was taken as far as the bidding was processed. Bid on project understanding it was just the park and now a whole bunch of new stuff added on which was never bid out.

### **NEW BUSINESS**

#### **1. Algonac/Harsens Island Goodfellows Request to Sell Papers**

**Motion** by Pellerito, supported by Makuch, to approve the request to sell the Goodfellows papers December 6 and 7, 2008

AYES: All

NAYES: None

**MOTION CARRIED**

Clerk read the letter from the Goodfellows

#### **2. Boy Scout Request for Project**

Manos: Request to rebuild some benches on the bike path and to build some benches for the park next door. Agree some of the benches up on the bike path need restoring. The area next door is in the scope of the DDA and they are developing a theme and I recommend we stay with the theme but do allow the project on the bike path by the State park and the Township would buy material and the Boy Scout would supply labor.

Pellerito: Agree, if there is going to be theme next door that there has to be a consistency.

**Motion** by Pellerito, supported by Makuch, to approve Joe Jeczen refurbishing the bike path benches and coordinate purchases through Jon DeBoyer, he can go to Lumber Jack and sign for the materials and have General Fund pay for them under miscellaneous.

AYES: All

NAYES: None

**MOTION CARRIED**

#### **3. DDA Chairperson Regarding Park**

Mark Thompson: To address question in Public Comments; did put that out for bids, the DDA did choose Cortis Brothers to do it. When they got into parking lot they were in discussions with Architectural firm and said while here can do walk path, had opportunity to bring in some base at a very reasonable rate, it was discussed with Architect and Project Control Engineering and they both recommended to go with it and the DDA Board decided to award Cortis Brothers the additional part of the contract since that was under the Architectural estimate.

Dare: Thought we just strictly approved the parking lot in that motion. I'm at a loss where all this other work came in.

Thompson: It was presented to the Board as a total project.

Dare: But we only approved one part of it. Not right to start building everything else.

DeBoyer: I think we talked about some concerns we have. It's been one of those thrown up in the air things at the Board level because we've been in the dark about what has been going on over there. It will be a beautiful park but I was surprised when I saw the paths going in, I knew we had approved the parking lot and then considerations after that with all the amenities. I don't know where we stand; it's the Township's property under our authority, DDA's project.

Thompson: I am going to apologize to this Board, I did not realize this Board had not been brought up to what was going on, you have a member on your Board that is on our Board and I assumed was relaying what was going on at our meetings, obviously that has not been happening.

Manos: As I recall we had people from our Board meeting with committee to look over the site plan knowing we were going to do certain things and I think there was an agreement that the site plan per se, not building a building or anything. Maybe we need better coordination.

Dare: Has there been a committee meeting?

Thompson: Yes

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Pellerito: You have three things going on here; you have an Citizens Advisory committee which is nothing more than a Ad Hoc committee that looks at things and says that looks good but can't spend a dime or approve a contract. You have a Board Rep that sits on the DDA to relay information, the DDA is the one that lets the bids out and are doing these improvements and the property is owned by the Township, have a bunch of factions, can't say Ad Hoc committee is at fault.

DeBoyer: Those people weren't really put there by our Board but there were representatives from our Board. How much was the sidewalk?

Thompson: \$64,000.00

DeBoyer: It is very frustrating to me.

Krueger: It's more than frustrating. When I saw paths go in I called Mark and said, you shouldn't be doing that it wasn't part of the bid. We as a municipality have to bid out everything over \$10,000.00 or we can be sued. There is a liability issue, forget whether we approved it or not, which we never did. This Township Board has to approve everything that goes on next door. We never approved the whole plan yet; we said the parking lot is fine, go ahead with it. But nothing else has been approved, the overall concept, the building design or anything. Don't want you to think because the DDA said okay it's good the DDA can go ahead and do it, you can't. We appreciate the DDA is stepping up to the plate and that you want to get this stuff done on a timely basis but there is a process you have to go through to make it happen.

DeBoyer: I like the plan but there are procedures put in place for a reason, that's the frustrating part. It is very easy to come in with a number when you're on a project, unfortunately that is not fair to the others who may want to bid the project.

Thompson: There are five phases; they will have an opportunity to bid on other phases. You will be brought up to speed before we do anything else.

Makuch: Absolutely nothing until we approve it.

Dare: Have talked about different parking areas around the park. There are recommendations we wanted to make and now it's hard to do that, I want to be part of this as much as I can. We have a process to follow and it's got to happen.

Thompson: Will be at every meeting to get permission.

Manos: You brought us some things if you want to go on with your presentation.

Thompson: The DDA gave the architect some guidelines for the block building, they did one design; comments received back suggested we incorporate more of this building into that, nothing finalized. Nothing has been finalized for the building. Will be bringing it before this Board and also the Planning Commission to get direction from this Board. Also are some pictures of benches, garbage receptacles, picnic areas, bicycle rack, lighting fixture.

Recommending outdoor receptacle on light fixture to plug in Christmas lights or decorations.

Turner: Find out how many benches were actually designed into the park? Rotary wants to donate.

Thompson: One of our Board members is in Rotary and they have volunteered to buy some of the benches. At a couple of our meetings was suggested we have nothing along M-29 and down Estergreen, asked architectural firm to come up with a concept to connect the two so people can walk the whole block. Could do in concrete, it is less expensive. Would like your comments on whether you would like asphalt or cement. Asking for permission to finish work on walkways.

DeBoyer: Don't think we're going to spend more money and say we don't like it and want to yank the pathways out. Biggest thing is that there are procedures in place for a reason they have to be done; we're the ones on the hook for it. Hope no one has the mind set that they're going to come after us for it but it puts us in a precarious position if we were to bid it again because they know where the numbers are.

Thompson: Do we want to stay with asphalt?

Turner: Asphalt up to the sidewalk, don't to tear it out. Will you fill in the ditches on Estergreen?

Thompson: They will bring some fill in. What's the Board's feeling on the concession stand design?

Consensus: Like this building.

**4. Resolution #4 – Morris-Sax Drive to Confirm the Roll**

**Motion** by Makuch, supported by Dare, to adopt resolution #4 for the Morris-Sax Drive Road Repair and Maintenance renewal

ROLL CALL VOTE

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

NAYES: None

**MOTION CARRIED**

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Thompson requested approval on the sign design to inform public of plans for park. Board agreed

#### **5. St. Clair County Road Commission Starville Road Repairs**

**Motion** by Pellerito, supported by DeBoyer, to approve the culvert on Starville Road for \$3,900.00

ROLL CALL VOTE

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

NAYES: None

**MOTION CARRIED**

#### **6. AT&T Permit Extension**

**Motion** by Pellerito, supported by Makuch, to extend the right-of-way permit with AT&T formerly SBC

AYES: All

NAYES: None

**MOTION CARRIED**

#### **7. Resolution to Adopt Procedures & Design for Storm Water Drainage**

**Motion** by Pellerito, supported by Dare, to adopt the resolution to adopt procedures & design for Storm Water drainage

ROLL CALL VOTE

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

NAYES: None

**MOTION CARRIED**

#### **8. FEMA Update**

Manos: Been waiting several years for FEMA to come back; they have done a study and we have received it; there are no elevation changes but added wind driven levels, they are 579.0, we are at 578.5 now; it is a 6" increase. This is a whole new component. Will affect some in isles and along Anchor Bay Drive. Would think would go to Macomb County and along the lake and reintroduce it to them, not doing that. There is an appeal period of 90 days. Will bring it back.

#### **PUBLIC COMMENTS**

W. Simon, 4722 Green Drive: Road between M-154 and North Channel determined to be owned by State. Determined in document signed October 1932. Talked to Port Huron office, amazed they owned. Have requested road repaired, request you pursue fixing the stretch between M-154 and channel.

Manos: Determine the width of the road right-of-way. They need an easement to put in drainage.

Simon: When I inquired did not appear to have knowledge of considering to fix road.

DeBoyer: Had some dealings with Port Huron office, send me the names and I'll contact them.

S. Stephenson, 9099 Field Road: Sidewalks on Field Road and Nook Road needed. Very dangerous

A. Burr, 9103 Field: Need 3-way stop at Field & Nook, bad corner

S. Pyszora, 9034 Field: Been run off road on both Field and Nook when riding bike

#### **BOARD MEMBERS COMMENTS**

Krueger: Concerning request from H.I. wanting to be an EMT Specialists. Talked to H.I. St. Clair Flats Association, talked about this; all wanted this. Good idea because have more medical runs on Harsens Island and takes longer for EMT to get there. Doctor there did not think procedures were a big deal. Agree there is additional liability. Want to make sure people in charge are tuned in to do that. My point of view is haven't discovered any major problem with it. Asked other firemen where everybody is going, they say going to EMT

Pellerito: After reviewing what Lisa White told us, maybe we should do this on Mainland too. Said private is on the way out and will be asked to pay \$100,000.00; every time a call goes to Marine City and take patient to River District Hospital station 4 clears and goes to Marine City and sits. I thought EMS was here so if we have to step maybe we need to make this bigger.

DeBoyer: We need to as a Board to come up with a focus and what we want from our Fire Departments and needs to be clearly spelled out. The direction should come from us.

Krueger: Had occasion to look at H. I. F. D. by-laws and they need to be updated. Also should set out some specs as to where we want them to go. Other fire departments are going all fully paramedic; they want to do all that. Quite a commitment.

Makuch: Who is doing that?

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Krueger: City of Warren

Makuch: When you're a city and have thousands of citizens it's a little easier. Agree we have to decide if you want to go to that level. Concerned at White's comment that I was putting liability before patient care. Am putting patient care before liability. Asked for some materials since was specifically stated long delay, want to know times and want written information from Dr. Mills indicating his agreement. I have received neither.

Pellerito: Don't feel as comfortable as before knowing Tri-Hospital is not here, I think need to do with Mainland too.

Manos: Ken Cummings would like to address Board.

Ken Cummings, Executive Director of Tri-Hospital EMS: Not sure what was said at last meeting, but I am the one that has the reports, anything Lisa White would have shared with specifics about the performance of Tri-Hospital EMS would be antidotal at best and is not based on clear facts. Harsens Island presents a very unique challenge for any EMS provider. Whether you do it yourself or you continue with us because there are limited ways you can get to the island. It is time consuming. There are challenges. Been doing EMS for 30 years and your provider and director for that entire time. Hope have been serving you well. Meet monthly with Fire Chiefs and discuss any issue of performance. When hear you say I don't feel as safe as I did based on something you heard at the last meeting that concerns me. I believe our performance is very good to the citizens of Clay Township. We have ambulance here, not here all the time, have to use it to service other areas because we do not receive a dime of subsidy from any municipality in St. Clair County. If you had your own ambulance and it went on a call it would no longer be in your community. When Clay Township car goes on a run we bring an ambulance from St. Clair down to Marine City to cover the area. Beg to differ on some of the information given; if you ask all over the state if municipal agencies are getting into or out of the EMS business it will be 50-50. No clear trend. St. Clair County Kimball Township about 7 years ago ran their own EMS through their volunteer fire department. Through a series of events that occurred the Township made the decision to get out of the ambulance business and contracted with us. After the first year their auditors told them they saved \$200,000 in that first year.

Krueger: Our goal isn't to get into ambulance business, goal is to give them enough training to fill that gap between the time they get on the scene and Tri-Hospital arrives. If these additional services can help the people or you then that's what we're talking about.

Cummings: I didn't come to sabotage what Harsens Island wants to do. Just want to make sure you are comfortable with service we provide. You have terrific fire departments. Very dedicated. Should be proud of them. I have response time here and customer satisfaction surveys, happy to leave you a copy. Done by an independent organization.

Dare: Not sure the statement came off correctly; I believe we are comfortable with your service. The comfort zone is having someone over there able to inhabit and run a line, I think that's what we getting to, not meaning to sound bad on your part.

Pellerito: We heard too that you're going to come to us for a hundred grand

Cummings: No, I think what happened is we were contacted by Chief DuPage and asked what it would cost for us to put a dedicated paramedic or ambulance on the island 24/7. Ambulance Authority subsidy has gone away because of budget restraints. We are a stable, debt-free non-profit corporation.

Krueger: If you have those documents I would like you to get them to Mike Pellerito, response times on Mainland and Harsens Island.

Cummings: Don't have Mainland, will send

Manos: How do you correlate the amount of units to the population in an area?

Cummings: By demand for service primarily.

Thompson: Beneficial to have trained EMTs on Harsens Island and Mainland?

Cummings: Always good but there is risk. More advanced procedure the greater the risk. The key is the frequency it is performed. To me that is the greatest risk on Harsens Island, low volume.

Dare: Daryl, since not on agenda does this put us at risk of losing the classes?

DuPage: Starts the 20<sup>th</sup>, could put a deposit down

Dare: How difficult to add more?

DuPage: Don't know

Pellerito: Perhaps enough capacity could have own class.

DuPage: If wanted to do something with Clay we can probably set something up.

DeBoyer: If agency is not licensed as EMT specialists, can the EMT specialists still exercise their license?

DuPage: No, can only work at the level of the department's license.

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Dare: Could you get with Rick and maybe even Algonac and see if we can work something in. I have no problem with you doing the training, think it is a good thing, knowing the situation over there but we need to look at the whole area.

**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