

Minutes of the Clay Township Regular Board Meeting Held Monday December 15, 2008 in the Clay Township Meeting Hall, 4710 Pointe Tremble Road, Clay Township, Michigan

Supervisor Jay DeBoyer opened the meeting at 7:30 p.m.

ROLL CALL

PRESENT: Supervisor Jay DeBoyer, Clerk Lisa White, Treasurer Connie Turner, Trustee Thomas Krueger, Trustee John Makuch, Trustee John M. Horvath, Trustee Joanne Shirkey
ABSENT: None
Citizens 27

BILLS PAYABLE

Motion by Turner, supported by Makuch, to pay the bills in the amount of \$159,666.97

ROLL CALL VOTE

AYES: Makuch, Turner, DeBoyer, Krueger, White, Shirkey, Horvath

NAYES: None

MOTION CARRIED

CONSENT AGENDA

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

AYES: All

NAYES: None

MOTION CARRIED

Clerk White the notice of Holiday Hours

OLD BUSINESS

1. Amendment to Zoning ordinance #126

DeBoyer: This was in front of us previously, sent it back to Planning Commission and they have sent it back to us.

Krueger: The Planning Commission said if we want to change it change it, if not they are good with it the way it is. Our attorney said basically says there isn't anything that says it should or shouldn't be in but he says he would rather be in a position in defending the Township if we did not have the phrase "in no circumstance shall multiple residential developments be permitted in an open space development". His theory is that it wasn't included in the actual state act and therefore shouldn't be in ours. Our Planner said some communities have included this and it seems it can be in there.

DeBoyer: I see that as an extreme restriction, I wondered if there is logic behind it, especially since it is not in the state act.

Makuch: Just because the state didn't do it doesn't mean it isn't right.

DeBoyer: What we are saying is that if someone wants to a put a multiple family development in we will not allow them to do that using the Open Space act, so regardless of the benefits that could be perceived by using the Open Space act we are going to are going to say doesn't matter, we are not going to let you use it.

Motion by Makuch, supported by Krueger, to approve the amendment to Zoning Ordinance #126 as presented based upon the approval of our Planning Commission and the St. Clair County Metropolitan Planning Commission.

ROLL CALL VOTE

AYES: Makuch, Turner, Krueger, Shirkey, White

NAYES: Horvath, DeBoyer

MOTION CARRIED

PUBLIC COMMENTS RELATING TO ANY NEW BUSINESS

None

NEW BUSINESS

1. Harsens Island Fire Department Snow Plowing Bids

Motion by DeBoyer, supported by Makuch, to postpone this to the next meeting so we may explore keeping it in-house rather than sending it out.

AYES: All

NAYES: None

MOTION CARRIED

2. Harsens Island Fire Department Request for Basic EMT Classes

DeBoyer: Spoke with Chief DuPage today, cost is \$900.00 per person plus ferry fees; training budget line balance is not enough to do this. Think it is something we should do but want to stay within our budget. Fuel line is under by one-half. Can move \$1,500.00 to the Training line from the Fuel line rather than taking from Fund balance.

Makuch: Make the motion to approve and then bring it back to make the amendment to their budget?

Horvath: Entire thing coming out of their budget?

DeBoyer: Yes, and maintaining bottom line budget.

Motion by Makuch, supported by Shirkey, to approve the request and send Aaron Szymanski, Kyle Branchick, Deborah Wycaver to EMT basic classes at Ira Township for \$900.00 per student and ferry fees with the understanding that the Education money is to be used first and the balance to come out of the Fuel line.

Krueger: Are all these guys residents of Harsens Island?

White: I believe so.

AYES: All

NAYES: None

MOTION CARRIED

3. Police Department Request for Full-time Officer

Chief Drake: Officer Sarah Sutton resigned to relocate to another part of the state, which leaves us one officer short according to the Union contract. Have done an extensive check on Michael Kenel, a resident of Clay Township, currently employed with Macomb County Sheriff Department. Chief Drake went on to list his qualifications and test scores and recommends hiring him as a full time officer to the Board.

Horvath: He will be with us for a while hopefully?

Drake: Yes.

Motion by Turner, supported by Makuch, to hire Michael Kenel

AYES: All

NAYES: None

MOTION CARRIED

4. Mainland Fire Department Matching Grant

DeBoyer: We have budgeted for this item.

Chief Edler: We applied for grant in June last year, it was budget for 2008/2009, it is a 50/50 grant, just asking the Board to sign the papers, will bring it back to the Board after we get the bid for the purchase.

Makuch: Is that \$5500 from us?

Edler: Yes, \$5500 from us and \$5500 from the DNR

Makuch: What are you getting?

Edler: The Kawasaki 4X4 for search and rescue

Motion by Makuch, supported by Krueger, to approve the match money for the 50/50 matching grant in a total amount of \$5,500.00

AYES: All

NAYES: None

MOTION CARRIED

5. St. Clair County Road Commission Resolution of Renewal of Utility Permit

DeBoyer: This is an annual permit that we approve for Water and Sewer work to be done in the right-of-ways.

Motion by Turner, supported by White, to approve the resolution for renewal of the utility permit

ROLL CALL VOTE

AYES: White, Horvath, DeBoyer, Shirkey, Krueger, Makuch, Turner

NAYES: None

MOTION CARRIED

6. Algonac/Clay Library Contributions

Turner: Every year we match Algonac's contribution of \$10,000.00

Motion by Turner, supported by Makuch, to make the \$10,000.00 contribution the library.

Shirkey: This in the budget?

DeBoyer: Yes

Krueger: Reading the reports it seems the library is having all kinds of trouble getting things through the City of Algonac and they haven't evidently funded their portion either. Anybody know what's going on over there?

Mike Kras: As far as the roof problems, it seems they hired someone to do some work on the roof and put in a furnace and he cut a bunch of the trusses and then everything started to sag. No permits were pulled or inspections made.

Turner: The contract we have with Algonac for the library, the building belongs to the City of Algonac and we contribute to the library. We can't contribute to the building to be repaired. We are responsible for 50% of the furnace but no one ever notified us. Understand it was taken from the fund balance.

DeBoyer: The question is anyone holding the contractor responsible for cutting the trusses?

Krueger: My point is that we make sure we are not funding this stuff when the money is to go for funding the library.

DeBoyer: We have Board reps that represent Clay Township. Maybe we haven't paid enough attention to the library. I'll make a call tomorrow. For now give them the benefit of a doubt.

ROLL CALL

AYES: Turner, White, Shirkey, Horvath, DeBoyer, Makuch, Krueger

NAYES: None

MOTION CARRIED

7. St. Clair County MTA Annual Dinner Meeting

Turner: This is the St. Clair County chapter and we always send a representative

Motion by Makuch, supported by Turner, to allow any of the members of the Township Boards or department heads to attend the MTA Dinner meeting on January 8, 2009

DeBoyer: The local chapter is good, the network you can develop in the County is a great asset and I'm doing everything to get that network going; need to understand is that the law is changing daily.

AYES: All

NAYES: None

MOTION CARRIED

PUBLIC COMMENTS

H. Henneman, 4823 Pointe Tremble Rd: Concerns regarding allowing the use of the easement to land airboats in the event of an ice jam.

Chief Drake: St. Clair/Algonac Community Foundation Board has asked the Board to appoint a representative to that board.

There are lots of scams happening. This involves people from Nigeria, just a reminder to be cautious, don't send money or give out credit card numbers.

B. Caiger, 4793 Pointe Tremble Rd: Concerns about the easement use by the airboat.

L. Kasperowicz, 6603 Dyke Rd: Asked about FEMA meeting, thanked 911 responders to an emergency with a patient, EOC has no grants available

BOARD MEMBER COMMENTS

DeBoyer: Gave an update on the FEMA meeting at the County, they want to take our elevation from 578.5 to 579, which is 6". In our community it essentially includes everyone from this side of M29 to the river, the bird lanes, colony, Sassy subdivision and all of Harsens Island.

Everyone who abided by regulations and built above the 578 mark now be back in. It is clear this is about money, we are a donor state. One of their comparison charts showed the total premiums and total payouts but the premiums were annual, the payouts were for 30 years. Have met with Representative Phil Pavlov, we are planning to have a meeting the week of January 12th, Phil has agreed to be a liaison to some of the other communities, we want to bring all the communities in on it. We would like to have a meeting the week of the 12th if we can get a room, all citizens are invited, we will go over the appeals process and some of the issues we believe we can fight that I believe is inaccurate. Please show up so we can brain storm and fight the strategy. I'm not trying to tell you there is no risk, there is always risk, what we are saying is

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that the Federal government should not be mandating what you have to do, if you choose to take the risk that should be on you.

We are having a meeting this week with some pertinent individuals about the ice jam situation and hope by the end of the meeting we'll have our policies and procedures hammered out and have our locations. Have been in contact with the State and got some results.

Went to a St. Clair County Supervisors meeting, we collectively decided that the way we are funding Central Dispatch has changed and we are going to stand together; Clay Township comes out a little better because we get a little more revenue because we have our own dispatch but the billing to other communities in our county is unfair and I spoke that I would stand with them, my Board may speak against them and say that is not what we are going to do but personally I said I would stand with them because it is fundamentally wrong. I have been nominated to a three-supervisor committee to find a better way to fund it. May find out the way it is done now is the best but no one has taken the time to determine that it is.

Horvath: What about the 800 mgHtz?

Chief Drake: Some misunderstanding. Two different sets of funding, one is a bond issue that has been approved that handles all the infrastructure as well as the radios. Does not go to the operation of the Central Dispatch. The Board of Commissioners through the Central Dispatch Board wanted us to come with a funding mechanism to pay for operations. Been over things for three years and they are saying it is not fair and equitable that not everybody is paying, everybody is getting services and not everybody is paying, They set a fee for all runs, this does not include Clay Township, and with that they raised the Road Commission money. Have lost a lot of 911 monies because we were collecting eighty cents now collecting forty-one cent per devise. We face some negative revenues in dispatch until we can level off where the money is coming from. Our road money may increase if this thing continues. Central Dispatch Board voted that the Board of Commissioners reconsider their funding because we didn't think it was fair and equitable. Glad the Supervisors are getting involved.

DeBoyer: They want to give us more in the road fund because we don't use the dispatch labor side and taking more money on dispatch side. The problem I am saying is they are taking the autonomy of the Board away and they are going to dictate how our money is delegated. I have a fundamental problem with that.

Krueger: Last meeting talked about road on the Harsens Island side of the ferry. Has anybody contacted MDOT?

DeBoyer: Called MDOT and they put me in touch with the real estate division and they confirmed that the state believes that that is their road. Kurt Weston from St. Clair County Road Commission was having a meeting with MDOT, they agreed that it was MDOT's and they gave permission for the County to do some preventive maintenance to the road for now then in the spring it can be repaired properly.

Krueger: Harsens Island Fire Department. Are we going to bring the items we talked about and vote on them? If the investigation is over is there any action we have to take?

DeBoyer: On your second point, the action that will be taken is an employer/employee action and it won't be handled in a public forum. If the Board sees otherwise let me know.

Krueger: I think that is the proper way to handle it. I just brought it up because we have new Fire Commissioners and think we should put an end to these things.

DeBoyer: Are you requesting we put on the agenda for the next Board Meeting?

Krueger: Yes

Makuch: I think if the litigant wants it in a public forum go but I respect people's privacy.

ADJOURNMENT

Motion by Makuch, supported by Krueger, to adjourn the meeting at 8:33 p.m.

AYES: All

NAYES: None

MOTION CARRIED

Lisa M. White
Clay Township Clerk

Prepared by Dorothy DeBoyer
Deputy Clerk