

Minutes of the Clay Township Regular Board Meeting Held Monday February 2, 2009 in the Clay Township Meeting Hall, 4710 Pointe Tremble Road, Clay Township, Michigan

Supervisor Jay DeBoyer Called the meeting to order 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: 25

Supervisor DeBoyer requested two items be added to the agenda, both executive sessions for various items.

Motion by Turner, supported by Makuch, to amend the agenda adding #9 At the request of Kevin Allen to go into executive session for the purpose of hearing complaints as to the Harsens Island Fire Department and Clay Township, and #10 to amend the agenda to go into executive session with our attorney regarding the pending EEOC complaint.

ROLL CALL VOTE

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

NAYES: None

ABSENT: None

MOTION CARRIED

BILLS PAYABLE

Motion by Turner, supported by Krueger, to pay the bills in the amount of \$25,561.45

ROLL CALL VOTE

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

NAYES: None

ABSENT: None

MOTION CARRIED

CONSENT AGENDA

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

Shirkey: In the synopsis, under Board Member comments, first item should be Shirkey, not Shirley.

Motion amended by Makuch and supported by Horvath to correct the synopsis under Board Member comments, first item, should be Shirkey, not Shirley.

Clerk White read the notice of new office hours beginning February 2, 2009

AYES: All

NAYES: None

MOTION CARRIED

OLD BUSINESS

None

PUBLIC COMMENTS RELATING TO ANY NEW BUSINESS

R. Williams, 2007 Stewart: Comment on #7 Hunt Club Property, in favor of the resolution

C. Miller, 5178 Green Dr: Also in favor of the resolution

NEW BUSINESS

1. DRC Director

Dennis York, DRC Chairperson, introduced the new DRC Director, Tracy Swanger. She is from the New Baltimore area. She has a BA in Administration and Human Resources from the University of Detroit, has been the chairman of the Board for the Anchor Bay Chamber of Commerce, also the president of the Bayarama committee and has a background in program development and management.

2. Algonac Water Charges

DeBoyer: This will affect our water rates in the Township. We annually have an audit done at the Algonac Water Plant and do an adjustment based on the actual costs for the previous year and then we are either billed if the cost exceeded what we paid or we are issued a credit. This year cost exceeded what was anticipated so there is a slight increase in the per thousand rate which will be charged to us for this annual rate and then will do the audit again next year. We

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had been paying \$2.50 per thousand, our auditors, Plante & Moran, suggested we take a factor of the increase and put a percentage amount on top of that to cover our cost of operation and distribution. My thought, don't want to hit that increase at a full bore.

Horvath: Are we to take their word for everything?

DeBoyer: That is a conversation I think needs to be had, they do an internal audit. When I say they I mean the City of Algonac, that is our partner who handles that. They take the numbers and provide them to their auditors and the issue we've had is that maybe we should have an independent auditor do that analysis.

Makuch: Letter says, "final rate for fiscal year 2007-08 should have been \$1.6098, the city charged Clay Township 1.5220", if I quote a job-

DeBoyer: We pay costs.

Makuch: When we pay 1.5220 we are also in agreement there will be an audit afterwards and if there is an adjustment up or down we will just do it?

DeBoyer: Yes, some years there is a credit. This is cost, no mark up.

Horvath: This audit says we pay over 50%; do we get another shot at this? Let's look into this. I came to the Board to represent the people so I have to do what I think they want us to do, not what I want to do. When I look at that report and we pay 50% and they have all the say so, the tail's wagging the dog.

DeBoyer: What I am asking for, instead of hitting our citizens with one big bang of a water rate increase, I recommend adding a dime and will revisit it in another quarter or six months. Per our auditors we are already losing money selling water. Trying to ease the blow.

Krueger: Dime increase is okay; Algonac increase is nine cents.

DeBoyer: That nine-cent increase is for the entire year. Let's do some now and some in six months.

Krueger: My point is that you are only making progress on the deficit in the water department of one cent for one quarter.

DeBoyer: When we come back can put another dime on, if we have to put another dime on, if the Board chooses. I'm just saying let's try to spread it out.

Horvath: Right now all the Water department is getting a penny.

DeBoyer: Five cents is the increase; Plante & Moran recommended whatever the rate increase is plus 4%. That would be roughly a seventeen-cent increase.

Motion by Makuch, supported by Horvath, to approve the resolution establishing the water rate to \$2.60 per thousand gallons and review the cost structure by the end of April.

Makuch: That gives us three months to look at it.

Krueger: Were we talking about sending someone to look over these cost numbers?

DeBoyer: Yes, but that is a separate issue, we need to talk to our auditors. I have a meeting with the new City Manager and think for both of us it would be the right thing to do.

Krueger: Do we have the right to do that?

DeBoyer: I can't answer for sure but I think we do under the contract.

ROLL CALL VOTE

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

NAYES: None

ABSENT: None

MOTION CARRIED

3. Township Website

White: Talked with one Software Company who said they could build on our template that we have currently and just improve on it. The nice thing about this software is that we could have internal personal like an administrator who could update the website.

DeBoyer: It could be updated daily.

Makuch: My only thing is, if the Board doesn't mind hold off, at MTA I took a class on web and learned that you put in your hard structure and any abilities you want to have and multiple people make your changes. There is a lot of planning and I wanted to look a little time. The advantage we have is we have an existing template and that will save costs.

White: The software company did say we have an excellent template to work with, wouldn't change the looks, their software would just complement and make it more user friendly.

Makuch: Lot of internal planning to do.

Motion by Makuch, supported by Shirkey, that we make this an agenda item for the next meeting.

AYES: All

NAYES: None

MOTION CARRIED

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4. H.I.F.D. Risk Management Policies

DeBoyer: Asked Chief Daryl DuPage to explain

Chief DuPage: Risk Management came into the station and went through policies and procedures and such and these were policies that we did not have in place that we had to implement.

White: They consider these critical?

DuPage: Yes

DeBoyer: They go through that with you and you implement them and they review to make sure they are implemented properly?

DuPage: Yes

Horvath: Who are they?

DuPage: The insurance company. They check both departments; they have a red category which is critical and there is only a certain amount of time to correct it. Believe there are five or six policies they wanted us to implement.

Motion by Turner, supported by Shirkey, to accept Risk Managements assessment and corrections for Harsens Island Fire Department

AYES: All

NAYES: None

MOTION CARRIED

5. Maintenance Agreement for the 911 System

Police Chief Drake: This is an annual maintenance agreement. Pro-Tel is the only one that has software capabilities with our system, they billed a 5% increase but after negotiations changed it to last years rate. I recommend we accept Pro-Tel's maintenance agreement.

Motion by Turner, supported by Makuch, to approve Pro-Tel, Inc. maintenance agreement for our 911 system at a cost of \$9,460.00

Shirkey: This is in the budget?

DeBoyer: Yes, they budget for it every year.

AYES: All

NAYES: None

MOTION CARRIED

6. Request for Travel to Meet with ID Networks

Chief Drake: Sgt. Foster would be making the trip; ID Networks will pay for Sgt. Foster's lodging, food and reimburse us for gasoline; there will be no overtime and a department vehicle will be used and a gas card.

Motion by Horvath, supported by Makuch, to approve travel by Sgt. Foster to meet with ID Networks.

AYES: All

NAYES: None

MOTION CARRIED

7. Harsens Island Hunt Club

DeBoyer: Have a resolution before us, which I will read. This could be wonderful if it comes to fruition. Grant dollars from Federal and State and private sources. We have an opportunity to preserve a piece of unique property with no cost to the local citizens. Mel Alexander would be the representative on behalf of the ownership and may be Tom Dueweke can give us a little information.

Alexander: Jay has pretty much covered it. There are three things that I see; the money end of it to acquire the property through the Trust, the other two things are ecological and Bob Williams can give us a resume on that and I think the most important part is the recreational aspects. We have been at the Hunt Club for thirteen years and it is a one of a kind piece of property. Tom has been on this project for almost three and a half years going to the Michigan Trust and trying to find monies to turn this into something that will be good for all of us.

Tom Dueweke: I'm here to answer any questions. Went to the State of Michigan to get money, weren't to hip on this. Glad the Township has taken this initiative.

DeBoyer: Give us briefly a concept of what we would have here with this piece of land.

Dueweke: It would be a two-phase project. The back half of the property, which is more the lake plain restoration and wetland restoration and the front half which is more for the educational uses. What I see is that in the long run is a real chance for a nature center, a historical site, to show the outdoor heritage we have in this heritage. It is one of the oldest farms in St. Clair

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County. It is important to preserve. With the educational end of it the farm lends itself to work in conjunction with some of the existing programs in the county. I believe this property can be self-perpetuating through fundraisers and donations. This is an exciting project and I thank the Board for looking at it.

DeBoyer: Invited Bob Williams to share what he has done on his property and what can be done on this property.

Williams: Like to talk about recreation. People have asked if they can walk dogs on my property, have no place to use. Ecological value and potential started restoring a prairie on my site about 5 years ago. Was about 160,000 acres of lake plain prairies at one time, now down to less than 1,000. Only fourteen sites in the state of Michigan that have lake plain prairie on it now.

I have restored 25 acres on mine. Restoration of the land will bring on a restoration of the animals.

Krueger: The recreation and ecological prospects are fantastic, a great idea. How does this whole thing work? We petition the Trust for Public Lands to acquire the property and they in turn convey it to Clay Township. Are we then responsible for maintenance and development?

Dueweke: Our thoughts are to start a foundation, a nonprofit organization. They would be liable for everything that needs to be done.

DeBoyer: In order to apply for these grants, it must be through a municipality. So we would be their representative and if the grant comes through and it comes to fruition then the Trust for Public Land acquires through grants and then it has to be conveyed to a public entity.

Dueweke: Initially when I did this I put the application through a nonprofit group, St. Clair Flats Waterfowlers. By doing that it is an application for nomination. Trying to get the State of Michigan to nominate the property. We need the Township to make the nomination.

DeBoyer: My understanding from talking to The Trust for Public Land is we would be the stewards meaning we could enter into an agreement with a nonprofit to be the responsible party but if they failed we can take it back out of their control and it would always default to us.

White: Similar to the Detroit Zoo, it is the Detroit Zoological Society that runs the zoo and maintains it.

DeBoyer: These are the kind of things that make our identity, this is what makes who we are. If we don't have an identity we aren't going to bring people here. I think this Board has an opportunity to be a Board that changes the community and make it why we love it here.

Motion by Shirkey, supported by Horvath, to adopt the resolution approving submission of applications for Federal Coastal Land Conservation Program and Michigan Natural Resources Trust Fund.

ROLL CALL VOTE

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

NAYES: None

ABSENT: None

MOTION CARRIED

8. St. Clair County Planning Winter Workshop

Motion by Makuch, supported by Turner, to allow any appropriate Board members to attend the St. Clair county Planning Winter workshop.

AYES: All

NAYES: None

MOTION CARRIED

9. Request of Kevin Allen to go into Executive Session for Purpose of Hearing Complaints as to H.I.F.D. and the Township

Motion by Makuch, supported by Turner, to adjourn to executive session for discussion with Kevin Allen

ROLL CALL VOTE

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

NAYES: None

ABSENT: None

MOTION CARRIED

DeBoyer: Due to legality of it we have to come back, reconvene and move into the other executive session.

Adjourned to executive session at 8:22 p.m.

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8:58 p.m.

Motion by Makuch, supported by Krueger, to reconvene the Board Meeting.

AYES: All

NAYES: None

MOTION CARRIED

10. Executive Session with Attorney Regarding EEOC Complaint

Motion by Makuch, supported by Shirkey, to move to executive session item #10 to discuss with our Attorney the EEOC complaint by Kevin Allen

AYES: All

NAYES: None

MOTION CARRIED

9:13 P.M.

Motion by Makuch, supported by Shirkey, to reconvene the Board Meeting

AYES: All

NAYES: None

MOTION CARRIED

Motion by Makuch, supported by Horvath, that the Supervisor direct the Township Attorney to enter into negotiations with Kevin Allen to resolve any and all issues regarding his complaints against the Township.

ROLL CALL VOTE

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

NAYES: None

ABSENT: None

MOTION CARRIED

PUBLIC COMMENTS

None

BOARD MEMBER COMMENTS

Horvath: Comments on the ice conditions, spring will be a lot of ice coming down, if you choose to live on the Island remember it is not the Board responsibility to get you to work, need to prepare.

DeBoyer: Now is the time to prepare.

Makuch: Thank you to Deputy Chief Fowke for stepping up during the situation with Rick Edler and keep us having good coverage on the mainland. We've had a lot of cooperation with surrounding communities.

DeBoyer: Clay Connection, going to get it going again. Part of the new web system will be an e-news letter. Thanks to Algonac and Ira Township Fire Departments on the mutual aid.

ADJOURNMENT

Motion by Krueger, supported by Makuch, to adjourn the meeting at 9:18 p.m.

AYES: All

NAYES: None

MOTION CARRIED

Lisa M. White
Clay Township Clerk

Prepared by Dorothy DeBoyer
Deputy Clerk