

**Minutes of the Clay Township Regular Board Meeting Held Monday December 7, 2009 in the Clay Township Meeting Hall, 4710 Pointe Tremble Road, Clay Township, Michigan**

Supervisor Jay DeBoyer opened the meeting at 7:30 p.m. with the Pledge of Allegiance

**ROLL CALL**

PRESENT: Supervisor Jay DeBoyer, Clerk Lisa White, Treasurer Connie Turner, Trustee Thomas Krueger, Trustee John Makuch, Trustee Joanne Shirkey

ABSENT: Trustee John Horvath,  
Citizens: 11

**BILLS PAYABLE**

**Motion** by Turner, supported by Shirkey, to pay the bills in the amount of \$105,247.09

**ROLL CALL VOTE**

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

NAYES: None

ABSENT: Horvath

**MOTION CARRIED**

**CONSENT AGENDA**

**Motion** by Makuch, supported by Turner, to approve the Consent Agenda with the reading of the notices

AYES: All

NAYES: None

**MOTION CARRIED**

Clerk White the notice of Christmas and New Year Hours

Krueger: Why closed on Wednesday?

DeBoyer: Because of the contract, if Christmas is on a Friday, we are not open on Fridays, so the contract says Christmas Eve and Christmas Day.

**UNFINISHED BUSINESS**

**1. Fire Department Ordinance**

Shirkey: I have a couple word changes. I would like to see us pass this so we can continue on with the restructuring of the Fire Department. Sure others have some comments. On page 4 that it would be that the "Capital outlay purchases that exceed \$20,000 shall conform to Township policy", that we put that \$20,000 in there. On page 5, "All applicants may be subject to initial substance abuse and random testing", want to insert. Under training, the third last line, "Employees shall be trained - - ", would like to see that changed to personnel. Next page under C, same thing, change employees to personnel. Under F "A trained firefighter" instead of employee. Typos under "Disciplinary Procedure", Violation of any of this ordinance, put in of. Krueger: Violations of this ordinance, take out any and of, think reads better. Also, we have all these things would like to put some catchall phrase after felony, something like or other significantly heinous act or some other wording, that will cover us for anything that might happen.

DeBoyer: Actions unbecoming a fire fighter?

Krueger: Assume once we get it finalized it will go back to McNamee? Maybe throw something in there and tell him our intent.

DeBoyer: Want to get to the point of the will of the Board.

Turner: Why couldn't put, "would result in disciplinary proceedings" rather than personnel involved?

DeBoyer: Have to re-write the paragraph to get it to make more senses. Basically saying if the Board sees behavior that is unacceptable in the Board's opinion – it doesn't have to be a crime - could result in termination.

Krueger: My experience with these things is, it's always after the fact. There's always something you don't account for, if you put a catchall in that handles that.

Turner: Number 12, 'The reimbursement /compensation records shall be submitted monthly to the "Clerk", not Township Board.

Shirkey: Number 17, 3<sup>rd</sup> paragraph first line and down farther about the by-laws; I think okay to leave in because ultimately everything has to come to us for approval.

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DeBoyer: McNamee said even though the charitable organization may be addressed out of a different address than say the Fire Hall, the perception of the citizens at large will be that those people represent Clay Township when they knock on their door. By it being checked by the Township Board it allows for some reassurance to the citizens that when the person comes to the door it's not just some guy who started a 501(c)(3).

Krueger: I was taking it another way; if the Township is jumping into the fray and going to manage somewhat by approving these things then does it make that organization part of Clay Township? Say they have a dinner and alcohol is served; somebody does something stupid, would liability come back to us?

DeBoyer: Think that is question that has to be asked.

Turner: I think it should be different, this says I have to take care of the funds, I've never done that.

Makuch: Don't think it does

Shirkey: On behalf of the Fire Department, this is a private association, this is not the fire department.

Makuch: My take is we are not going to tell them how to do their stuff, but it's saying the firefighters will come to us and say they want to form a 501(c)(3) and we say okay and then we'll approve the by-laws and then they are on their own.

DeBoyer: Generally money that comes in that was collected in the name of the Township Fire Department comes to Connie.

Krueger: I read it to be the first paragraph is the Clay Township Fire Department, those funds have to come to the Treasurer but the second and third paragraph is their association.

DeBoyer: Would keep it as Treasurer is used to, anything in the 501(c)(3) would be separated.

The reason McNamee said would want to give the Board some authority, was to reassure people that you don't have some errant people.

Shirkey: We are approving their association.

DeBoyer: Do we agree that the big point out of Section 17 is the liability?

Yes

Shirkey: Page 2, Scope and Level of Services, #4, Medical Services, period, remove EMT Basic.

DeBoyer: Yes, Attorney was under the impression that is what we were, suggested if we remove that and put their emergency medical services as approved by Board or Board Approval it allows us not to come back and amend the ordinance if we change the licensing level. Emergency medical services at a Board approved level.

Makuch: Number 5, instead dive rescue unit, would prefer water rescue unit, there is a big difference.

DeBoyer: Talked to Daryl, he would have a Chief Engineer, Captains, plural, if he so desires, plural on Lieutenants, if he so desires, sergeants and volunteer firefighters.

Makuch: Lisa, Section 10, Safety, under F – quoted – don't you have incident command structure where it has to be an officer?

White: Yes, I think what they mean there is, how it works is the initial person on scene establishes incident command.

DeBoyer: Forgot to ask McNamee about the deputization, is there some legal reason for that? Will ask.

White: Would to see the name "Clay Township Fire Department", take out the volunteer.

DeBoyer: Section 1, second paragraph, second to last line, "employ and appoint a Chief, firefighters and officers", talked about that and the issue is the Chief makes the recommendation the Board makes the appointment. Also talked about #8 under Section 7, State Police do fire investigations; we want to stay out of it.

Krueger: Section 8, we give them a physical exam when they originally come on, but we don't give them the PT test ever, also we don't have intervals where we test them and re-test them again. A guy can be a firefighter and be 70 years old and his agility test could have happened 1937, he comes on the force and we give him a medical. I think when people are involved in public safety I think it is a good idea and re-testing periodically. What about somebody 40 who might have problems and not know or not tell anybody.

Makuch: On the dive team we have to take a written test and dive test every other year. Wonder if there is a standard.

Discussion on physical testing

Turner: They are volunteer, are you getting more into regular employees?

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Krueger: Don't look at it as an employee/volunteer issue. Think it beyond that, I think it is, "are you fit to do the job?" issue. Know there is a cost issue and control issue but.

Makuch: A physical agility test every two years would be good.

Shirkey: Think something could be inserted that could require physically fit and the way we want to test it.

White: Could put in policy and procedures, "Applicant is Physically fit and has ability to perform assigned emergency operation".

DeBoyer: We could leave it as it is and put in Policy and Procedures then don't have to amend ordinances.

Krueger: Number 16, Use of Fire Station, re alcohol and controlled substance do we want to expand it to Township property?

DeBoyer: I'm comfortable with it, don't care about beer in the trunk in the parking lot, hadn't better be using Fire Station for it. For now comfortable with moving on and having it put together then give everybody a copy of what we send to McNamee?

**Motion** by Makuch, supported by Shirkey, to add all corrections, additions and subtractions that we just discussed, to have the copy prepared and forward it to John McNamee so we can get it back for the next meeting.

AYES: All

NAYES: None

**MOTION CARRIED**

**PUBLIC COMMENTS RELATING TO ANY NEW BUSINESS**

None

**NEW BUSINESS**

**1. SEMCOG Membership**

DeBoyer: Received last years membership at half price

White: This is discounted a little bit

DeBoyer: Sometimes it looks like a lot of money, but SEMCOG does a lot for the Township. They compile data when you need it, they participate and lobby on our behalf, have a lot of services we can avail.

Krueger: Didn't we use them for the flood plain stuff?

DeBoyer: Yes, they are leading the fight on the Phragmites control, watershed meeting, they oversee them. SEMCOG being regional allows us to communicate with Macomb County, which is difficult from a government standpoint. I think it is valuable, but it is at the discretion of the Board.

**Motion** by Krueger, supported by Shirkey, to approve SEMCOG membership for \$1,215 for the year of 09-10

AYES: All

NAYES: None

**MOTION CARRIED**

**2. Optech Maintenance Agreement**

White: These are our voting machines, we have six of them. Two different agreements, one is parts and labor only; the other is a full service agreement. The cheaper ones does not include on site repairs, and election day support, they don't bring loaner or travel costs. Other includes everything. We have four elections coming up so they will get some use this year.

DeBoyer: The State is paying \$71?

White: Yes

DeBoyer: I view that as an insurance policy, if we can't get elections done we've got a problem.

**Motion** by Turner, supported by Shirkey, to approve \$271 per machine, which is a total of \$1,626.

AYES: All

NAYES: None

**MOTION CARRIED**

**3. Township Road and Bridge Board Membership**

DeBoyer: Read letter from St. Clair County Road Commission informing us that Clay Township has been appointed by MTA and requesting names of representative and one alternate.

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**Motion** by Makuch, supported by White, to nominate Jay DeBoyer as representative to the Township Roads & Bridges Advisory and John Makuch as the alternate.

AYES: All

NAYES: None

**MOTION CARRIED**

**4. MTA Educational Conference**

Turner: In order to get the early bird amount I need to know definitely who is attending.

DeBoyer: My intention is to go.

Shirkey: My intention is to go.

Krueger: Me too

**5. Harsens Island Fire Department Request to Accept Grant**

White: This is a DNR grant, they write for it every year and was awarded. We submitted for a rubber track system for our Polaris and it is a 50/50 match.

**Motion** by Makuch, supported by Shirkey, to approve acceptance and our match of \$3,120

AYES: All

NAYES: None

**MOTION CARRIED**

**6. MTA St. Clair County Annual Dinner**

DeBoyer: Open to all Board members if they would like to attend

Turner: If spouses want to go they have to pay for them

**Motion** by Turner, supported by Krueger, to allow any Board member interested to attend the MTA dinner and to let us know by December 30<sup>th</sup>.

AYES: All

NAYES: None

**MOTION CARRIED**

**7. Board and Commission Appointments**

DeBoyer: We have a library board appointment, 3 planning and 2 DDA appointments.

**Motion** by Makuch, supported by Turner, to re-appoint Karolyn Kuhn to the Algonac/Clay Library Board.

AYES: All

NAYES: None

**MOTION CARRIED**

**Motion** by Makuch, supported by White, upon the recommendation of the Supervisor we approve John Blair, Whitey Simon and Dorothy DeBoyer to new terms on the Planning Commission

AYES: All

NAYES: None

**MOTION CARRIED**

**Motion** by Turner, supported by Makuch, to approve Robert Johnson and Ann Caiger for reappointment to the DDA Board

AYES: All

NAYES: None

**MOTION CARRIED**

**8. Fire Chief Position**

DeBoyer: We are aware we have had an interim Chief for 8 to 10 months. This is for discussion of what our intention is and where we would like to go. In fairness to our interim Chief and the Township as a whole to know whom their full time Chief is.

**Motion** by Turner, supported by Shirkey, think we should approve Daryl as our full time Chief and to working out a contract with the Supervisor and bring it back.

Krueger: One little formality, assume Daryl wants the position? We don't have anything from Daryl.

Turner: There is an issue with the pay but know that before we put the former Chief on a complete salary he got paid a certain amount per year plus he got paid for his calls.

White: Sure Daryl and Jay can figure it out.

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Makuch: Daryl has done a great job but we're going to make him Chief then hammer out a contract. Have no information on anything, was under the understanding it was a discussion item. I think this is putting the cart before the horse. Need to work it out.

Krueger: Do we have a listing of duties we expect?

Turner: We have an old contract he is basically fulfilling but not getting same pay

Krueger: Daryl is doing great job and my vote would probably be affirmative but I do think we are putting the cart before the horse.

DeBoyer: Saying the Board should give me some direction?

Makuch: In ordinance we want to pass, want job description and duties and those haven't been formalized. He's done a great job, but we're jumping ahead.

DeBoyer: Saying we should get through the ordinance first?

Makuch: Yes, then we know what we are doing, in the meantime can have some contract talks.

DeBoyer: Let's not turn this into a fight about Daryl

Turner: Think he deserves to have it and think he has waited long enough

White: The ordinance is approved with changes and we didn't change anything in the Chief's duties.

Shirkey: As far as the duties of the others is something the Chief is going to work on bring to Board, not going to change that much.

Turner: Chief on Island now on Mainland and Island

DeBoyer: Think they are saying it is not from viewpoint of Daryl, is from viewpoint of the structure.

Makuch: Also think in our agenda packet could have been a letter. I thought was a discussion item.

DeBoyer: We are not doing the contract side first. We will present a contract to Daryl and see if we can come to an agreement. The contract with the former Chief is not relevant to Daryl. If Daryl and I can come to an agreement then bring it to the Board. That is right business practices.

Krueger: How about changing the motion a little saying we would like to appoint the Daryl Fire Chief

DeBoyer: That wouldn't word the contract.

Turner: Approve him being Chief depending on working out the Contract.

**Amended Motion** by Turner, supported by Shirkey, to approve Daryl as Fire Chief subject to working out the contract with the Supervisor and then bring it back

ROLL CALL VOTE

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

NAYES: None

ABSENT: Horvath

**MOTION CARRIED**

**PUBLIC COMMENTS**

Rick Garcia from United Way gave a presentation on what United Way is all about and importance of upcoming census.

**BOARD MEMBER COMMENTS**

Turner: Christmas party was a success. The Township did not spend one dime on it, was from employees and donations.

Makuch: Thanked Connie for the work preparing

Krueger: The blight information in packet, does this progress toward a fee-based ordinance?

DeBoyer: Yes, double edge sword, don't like to hit people with fees but think it is going to get worse. If Board would like me to will get with Kras.

Krueger: I'm in favor of it.

**AJOURNMENT**

**Motion** by Makuch, supported by Turner, to adjourn the meeting at 8:30 p.m.

AYES: All

NAYES: None

**MOTION CARRIED**

Lisa M. White  
Clay Township Clerk

Prepared by Dorothy DeBoyer  
Deputy Clerk