

Minutes of the Clay Township Board Meeting held on Monday, November 5, 2001 at 7:30 p.m. in the Clay Township Board Room, 4710 Re. Tremble Road, Clay Township, MI 48001.

PRESENT: Supervisor Joseph McKoan IV, Clerk Michael Pellerito, Treasurer Connie Turner, Trustee Pat Sharrow, Trustee Cindy Kirkpatrick, Trustee Dr. L. Kasperowicz, Trustee Beth Engel.

Citizens present: 26.

AMENDMENTS TO THE AGENDA:

Moved by Turner, supported by Kirkpatrick, MOTION CARRIED, to add Item #17. Computer to Water Department to Old Business. AYES: All. NAYS: None. ABSENT: None.

APPROVAL OF THE MINUTES AND SYNOPSIS:

Moved by Sharrow, supported by Engel, MOTION CARRIED, to approve the October 15, 2001 Minutes and Synopsis as presented. AYES: All. NAYS: None. ABSENT: None.

BILLS PAYABLE:

Moved by Turner, supported by Kirkpatrick, MOTION CARRIED, to approve the Bills Payable in the amount of \$49,572.28 as submitted. AYES: All. NAYS: None. ABSENT: None.

PETITIONS: None.

COMMUNICATIONS:

The Township Offices will be closed on November 22 and November 23, 2001 for Thanksgiving Day.

A Time to Remember - community gathering to remember Veterans and the anniversary of the Terrorist attack 9-11-2001 will be held at the Algonac High School from 2:00 p.m. to 4:00 p.m.

Congratulations to Sergeant Graham Rummel for thirty (30) years of service with the Clay Township Police Department.

OLD BUSINESS:

Contract negotiation update: Command has ordered an actuary and upon completion, a ratification of the contract can proceed.

Moved by Turner, supported by Dr. Kasperowicz, **MOTION CARRIED**, to allow Montgomery & Associates, Inc. to prepare the bike path grant application for a bike path project on Harsen's Island not to exceed \$5,000 subject to presentation at the last Board Meeting held on the Island. AYES: All. NAYS: None. ABSENT: None.

Moved by Sharrow, supported by Turner, based on the roofing bids submitted, the 2nd lowest bid of \$15,750.00 from G.C. Home Improvement Company be accepted because they submitted a very impressive packet of cities and communities they have worked for.

Moved by Sharrow, supported by Kirkpatrick to amend the motion to include the cost of \$1,800 to replace the three drains on the roof if necessary. **AMENDED MOTION APPROVED**. AYES: Sharrow, Kirkpatrick, Turner, Pellerito, Engel, McKoan IV. NAYS: Dr. Kasperowicz. ABSENT: None.

VOTE ON ORIGINAL MOTION: AYES: Sharrow, Kirkpatrick, Turner, Pellerito, Engel, McKoan IV. NAYS: Dr. Kasperowicz. ABSENT: None. **MOTION CARRIED**.

Moved by Kirkpatrick, supported by Turner, **MOTION CARRIED**, to approve the quote of \$13,190.00 from Kelley & Sons Heating and Cooling, Inc. to remove (4) existing furnaces and (4) existing air conditioning units and install new furnaces, install zone control, air cleaners, digital thermostats and power humidifiers to the Township Building. AYES: All. NAYS: None. ABSENT: None.

Board discussion concerning Historical District: Board needs to make a decision to proceed or not with a Historical District?

Trustee Sharrow: Have not heard any interest in a Historical District from other citizens, unless actively pursue interest through a survey or group, cannot create for one house, don't want to burden Historical Society with another project.

Moved by Dr. Kasperowicz, supported by Sharrow, that the Clay Township Board not pursue the establishment of a Historical District within Clay Township.

Discussion:

Joe Lewandowski, Colony Drive resident: Colony Tower concerns, recent meeting Tower may have to be torn down, need to generate interest to save it, old piece of history, could a historical district help save the Tower?

Supervisor Joseph McKoan IV: Historical District would have to abide by regulations pursuant to the Historical District.

Trustee Sharrow: ~~Tower not in a historical district~~, *Colony Tower has been declared an historical area – not a district (amended 11-19-01 V.K.)* problem within sub and Colony Association; in favor of Township considering footing the bill to have grant applications for financial assistance.

Paul Johnson, Colony Drive: Tried for grants and unable to secure any.

VOTE ON THE MOTION NOT TO PURSUE A HISTORICAL DISTRICT:

AYES: Sharrow, Kirkpatrick, Dr. Kasperowicz, Turner, Pellerito, Engel. NAYS: McKoan IV. ABSENT: None.

Moved by Sharrow, supported by Dr. Kasperowicz, **MOTION CARRIED**, to amend Ordinance No. 49 and adopting Ordinance No. 118, Michigan Plumbing Code designating the Plumbing Official of the Township of Clay is hereby designated as the enforcing agency to discharge the responsibility of the Township of Clay located in St. Clair County, under the provisions of the State Construction Code Act, Act No. 230 of the Public Acts of 1972, effective date will be thirty (30) days after publication. R/C VOTE: AYES: Sharrow, Kirkpatrick, Turner, Pellerito, Dr. Kasperowicz, Engel, McKoan IV. NAYS: None. ABSENT: None.

Moved by Turner, supported by Kirkpatrick, **MOTION CARRIED**, to amend Ordinance No. 73 and adopt Ordinance No. 119, Michigan Mechanical Code designating the Mechanical Official of the Township of Clay as the enforcing agency to discharge the responsibility of the Township of Clay located in St. Clair County, under the provisions of the State Construction Code Act, Act No. 230 of the Public Acts of 1972, effective date will be thirty (30) days after publication. R/C VOTE: AYES: Sharrow, Kirkpatrick, Turner, Pellerito, Dr. Kasperowicz, Engel, McKoan IV. NAYS: None. ABSENT: None.

Moved by Sharrow, supported by Turner, **MOTION CARRIED**, to amend Ordinance No. 54 and adopt Ordinance No. 120, Michigan Building Code & Michigan Residential Code Designating the Building Official of the Township of Clay as the enforcing agency to discharge the responsibility of the Township of Clay located in St. Clair County, under the provisions of the State Construction Code Act, Act No. 230 of the Public Acts of 1972, effective date will be thirty (30) days after publication. R/C VOTE: AYES: Sharrow, Kirkpatrick, Turner, Pellerito, Dr. Kasperowicz, Engel, McKoan IV. NAYS: None. ABSENT: None.

Moved by Sharrow, supported by Kirkpatrick, **MOTION CARRIED**, to amend Ordinance No. 111 and adopt Ordinance No. 122, Michigan Electrical Code designating the Electrical Official of the Township of Clay as the enforcing agency to discharge the responsibility of the Township of Clay located in St. Clair County, under the provisions of the State Construction Code Act, Act No. 230 of the Public Acts of 1972, effective date will be thirty (30) days after publication. R/C VOTE: AYES: Sharrow, Kirkpatrick, Turner, Pellerito, Dr. Kasperowicz, Engel, McKoan IV. NAYS: None. ABSENT: None.

Moved by Kirkpatrick, supported by Turner, **MOTION CARRIED**, to adopt the Amended Resolution to Establish Increases In Plumbing Permit Fees per Ordinance No. 118 (see Resolution for list of Plumbing Permit Fee Increases). The Plumbing Permit fee increases will become effective December 14,2001,

thirty (30) days after publication in The Voice Newspaper. R/C VOTE: AYES: Sharrow, Kirkpatrick, Turner, Pellerito, Dr. Kasperowicz, Engel, McKoan IV. NAYS: None. ABSENT: None.

Moved by Turner, supported by Engel, **MOTION CARRIED**, to adopt the Amended Resolution To Establish Increases In Mechanical Permit Fees per Ordinance No. 119 (see Resolution for list of Mechanical Charges Increases). The Township of Clay Mechanical Permit Fee increases will become effective December 14, 2001, thirty (30) days after publication in The Voice Newspaper. R/C VOTE: AYES: Sharrow, Kirkpatrick, Turner, Pellerito, Dr. Kasperowicz, Engel, McKoan IV. NAYS: None. ABSENT: None.

Moved by Engel, supported by Dr. Kasperowicz, **MOTION CARRIED**, to adopt the Amended Resolution To Establish Increases In Building Permit Fees per Ordinance No. 120 (see full Resolution for list of Building Permit Increases). The Township of Clay Building Permit Fee increases will become effective December 14, 2001, thirty (30) days after publication in The Voice Newspaper. R/C VOTE: AYES: Sharrow, Kirkpatrick, Turner, Pellerito, Dr. Kasperowicz, Engel, McKoan IV. NAYS: None. ABSENT: None.

Moved by Sharrow, supported by Dr. Kasperowicz, **MOTION CARRIED**, to adopt the Amended Resolution To Establish Increases In Electrical Permit Fees per Ordinance No. 122 (see Resolution for a complete list of Township of Clay Electrical Charges). The Township of Clay Electrical Permit Fee increases will become effective December 14, 2001, thirty (30) days after publication in The Voice Newspaper. R/C VOTE: AYES: Sharrow, Kirkpatrick, Turner, Pellerito, Dr. Kasperowicz, Engel, McKoan IV. NAYS: None. ABSENT: None.

Moved by Dr. Kasperowicz, supported by Sharrow, **MOTION CARRIED**, to ratify the Agreement Public Act 425 of 1984 For Conditional Transfer of Habitat for Humanity Property Between the City of Algonac and Clay Township, St. Clair County, Michigan. R/C VOTE: AYES: Sharrow, Kirkpatrick, Turner, Pellerito, Dr. Kasperowicz, Engel, McKoan IV. NAYS: None. ABSENT: None.

Motion by Turner, supported by Sharrow, to authorize BMJ Engineers to bid the Stone Road Sidewalk Extension Project out for \$37,000.

Amended motion by Turner, supported by Sharrow, **MOTION CARRIED**, to approve BMJ Engineers proceeding with the Stone Road Sidewalk Extension Project and to authorize Earl DesJardins to prepare the necessary bid specs for the project to solicit bids. AYES: All. NAYS: None. ABSENT: None.

Moved by Sharrow, supported by Dr. Kasperowicz, **MOTION CARRIED**, to adopt Resolution To Commence An Action In Circuit Court Pursuant To MCLA 221.20(a[^] per signed petitions from the residents and property owners of Colony Drive to request the St. Clair County Board of Road Commissioners to take deed and ownership of Colony Drive Roadway. R/C VOTE: AYES: Sharrow,

Kirkpatrick, Turner, Pellerito, Dr. Kasperowicz, Engel, McKoan IV. NAYS: None. ABSENT: None.

Moved by Dr. Kasperowicz, supported by Turner, **MOTION CARRIED**, to approve the request from the DPW Department to upgrade their computer system per quote from Network Communications. AYES: Sharrow, Kirkpatrick, Turner, Dr. Kasperowicz, Engel, McKoan IV. NAYS: Pellerito. ABSENT: None.

PUBLIC COMMENTS: Relating to any New Business on the Agenda: None.

NEW BUSINESS:

Skate Park Committee Presentation: Downriver Recreation Director Cindy Babisz and Brad Duras, Committee Member made the presentation to the Township Board; project would be an opportunity for Clay and Algonac to enter into a joint venture and would be something positive. The plan is for a 120 foot by 60 foot concrete slab be built at Smith's Field and fencing in the area; cost to build the various ramps is \$44,000; through donations and fund raisers, the kids have raised \$7,000. Skate boarding is a growing sport and many young people enjoy it, would give them somewhere to use their boards besides the street, by the River or parking lots.

Trustee Dr. Kasperowicz questioned the safety aspect and liability concerns, who is going to supervise?

Cindy Babisz: Addressed the safety issue.

Clerk Pellerito: What is the potential of usage by Clay kids?

Brad Duras: For years driving to the Roseville skate park.

Trustee Sharrow: Questioned what small towns have a skate park? Would like to see something in writing from Michigan Municipal Risk Management Insurance regarding coverage.

Cindy Babisz: Written communication from them.

Trustee Sharrow: Questioned what would be needed to budget in addition to operating this park?

Cindy Babisz: \$500 - \$1,000 for maintenance and safety inspections on a yearly basis. Applied for a grant recently, not hear the outcome yet.

Clerk Pellerito: Clay has contributed a lot of money to the City of Algonac, don't see enough coming here.

Trustee Sharrow: Referred to a survey done by Recreation Commission in the 80's, bike and hiking paths were top of the list; before the Township commits totally, would like to see a survey done.

Board consensus on Skate Park: No commitment from the Board at this time, want to see if the Township residents and property owners are in favor of a skate park.

Moved by Sharrow, supported by Turner, **MOTION CARRIED**, re: St. Clair County Water District 11A Clay Township/Harsens Island Series 2000 to accept the Change Order No. 1 & 2 from Lanzo Construction Co. with the credit of \$19,546.80 for a change in pipe pressure class and an increase of \$71,400.05 for a change to directional boring of the water main. AYES: Sharrow, Kirkpatrick, Turner, Pellerito, Engel, McKoan IV. NAYS: Dr. Kasperowicz. ABSENT: None.

Moved by Turner, supported by Pellerito, **MOTION CARRIED**, re: St. Clair County Water District 11A Clay Township/Harsens Island Series 2000 to accept Change Order #1 for Pamar Construction to change installation method to use directional drilling change cost of \$3.08. AYES: All. NAYS: None. ABSENT: None.

Phelps Road Paving discussion: Trustee Sharrow: Cost high per front foot to charge residents for a through road out of the Township, letter of interest mailed out to the residents for their input, Township contribution should be increased
Supervisor Joseph McKoan IV: need some direction from the Board.
Clerk Pellerito: Cut that per front foot charge down to \$18-20. Board consensus was to send the property owners a letter, crunch the figures and get their feedback.

Truck use by Building Department discussion: Police Department Truck, plans to use in the future, per Chief Eder, Building Department is welcome to use it.

Moved by Dr. Kasperowicz, supported by Kirkpatrick, **MOTION CARRIED**, to approve the purchase of a digital camera for up to \$500.00 to be used by the Building and Assessing Department. AYES: All. NAYS: None. ABSENT: None.

Discussion of Business Registration: beneficial to Assessor, Building, Police and Fire Department to keep track of all businesses within the Township. Board agree would like to see this put in place, bring back an ordinance with the proper language and a resolution for a fee schedule and will review.

Fruit/Stone and Cemetery Sewer Cost Estimates: Information from BMJ for the Board to review; cost is very high to install sewer lines along this area, \$115.20 per front foot; research any grant money available; Board consensus is to ~~survey the residents for their input. If they want this pursued.~~ *Not survey residents until grant money has been established (amended 11-19-01 V.K.)*

Moved by Pellerito, supported by Dr. Kasperowicz, **MOTION CARRIED**, to waive the Building Permit fee for the Pearl Beach Lion's Club for a shed to be built since they are a non profit organization. AYES: All. NAYS: None. ABSENT: None.

Moved by Turner, supported by Dr. Kasperowicz, **MOTION CARRIED**, to deny the request from Pamar Construction, the Harsens Island water line installers, that the Building Permit fee of \$15.00 is denied. AYES: AH. NAYS: None. ABSENT: None.

Moved by Turner, supported by Dr. Kasperowicz, **MOTION CARRIED**, to approve the request from the Water Department Superintendent Jon DeBoyer to purchase a 2002 CMC Sierra 1500 2WD pick up truck through the Macomb County purchasing division for the price of \$15,303 divided between Sewer and Water Revenue. AYES: All. NAYS: None. ABSENT: None.

Motion by Sharrow, supported by Dr. Kasperowicz, **MOTION CARRIED**, to support the Eagle Boy Scout Project for Ricky Fisher to install two (2) park benches along the State Park Bike Path. AYES: All. NAYS: None. ABSENT: None.

Moved by Dr. Kasperowicz, supported by Turner, **MOTION CARRIED**, to approve the contract for Donald Drake, Deputy Chief of Police, Clay Township Police Department as a part-time position, contract effective ~~for a two year period~~ beginning November 19, 2001 to June 30, 2002 *at that time his contract will be re-evaluated (amended 11-19-01 V.K.)*. AYES: All. NAYS: None. ABSENT: None

Moved by Turner, supported by Engel, **MOTION CARRIED**, to approve the purchase of nineteen (19) Helmets from Public Safety Publications in the amount of \$3,736.56 for the Harsen's Island Fire Department. AYES: All. NAYS: None. ABSENT: None.

Moved by Turner, supported by Engel, **MOTION CARRIED**, to accept the Harsen's Island Fire Department Report for the month of October, 2001. AYES: All. NAYS: None. ABSENT: None.

Moved by Engel, supported by Kirkpatrick, **MOTION CARRIED**, to authorize the issuance of Badges and Photo ID Cards to all Inspectors and Code enforcement officer of Clay Township. AYES: All. NAYS: None. ABSENT: None.

Moved by Pellerito, supported by Sharrow, **MOTION CARRIED**, to approve the cost of a alarm system installed at the Algonac Water Filtration Plant for Clay Township's share of the 62/38 split will be \$627.37. AYES: All. NAYS: None. ABSENT: None.

Moved by Turner, supported by Engel, **MOTION CARRIED**, to allow the Township Board members to attend the Michigan Township Association

Education Conference in Grand Rapids on January 14 through January 18,2002.
AYES: All. NAYS: None. ABSENT: None.

BOARD MEMBER COMMENTS:

Trustee Sharrow: Possible to get the sewer usage ran through the meters for the past six months during the heavy rainstorms?

PUBLIC COMMENTS:

Richard Earle, Harsens Island: Questioned article in The Voice concerning H.I.Bike Path.

Richard Baker, Stone Road: What if the Colony Tower Association turned the Tower over to the Historical Society, would this help? Township is under rated, no parks within ten miles; Board should realize how valuable water property is, need to buy property for a park; unique area, need viewing areas, boat launch, park, etc.

Carlo Farrugia, 2231 N. Channel Drive: Member of Citizens for Harsens Island For Better Government; questioned Trustee Kirkpatrick regarding the Hatch Act, did you receive letter from Joanne Adams regarding a federal employment and running for Office. Stated civil duty to bring this out.

Bruce Wenk, Wright Drive: Questioned Trustee Kirkpatrick if letter was seen by her.

Supervisor Joseph McKoan IV: No evidence the election was null and void.

John Horvath, Golf Course Road, Harsens Island: Farm is owned by wife Donna Horvath, representing for her; letters sent to the Township, not responded to by Township, following all the steps Township is asking.

ADJOURNMENT:

Moved by Turner, supported by Sharrow, **MOTION CARRIED**, to adjourn the meeting at 9:40 p.m. AYES: All. NAYS: None. ABSENT: None.

Michael P. Pellerito

Clay Township Clerk