

Minutes of the Clay Township Board Meeting held on Monday, January 7, 2002 at 7:30 p.m. in the Clay Township Board Room, 4710 Pte. Tremble Road, Clay Township, MI 48001.

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

ABSENT: None.

### **AMENDMENTS TO THE AGENDA:**

Moved by Turner, supported by Kirkpatrick to correct Agenda Item #5: Request to approve ML Fire Trainee Angela Smith to read Trainee to full membership status. AYES:

All. NAYS: None. ABSENT: None.

**MOTION CARRIED.**

### **APPROVAL OF THE BOARD MINS. & SYN.. PUBLIC HEARING AND SPECIAL MTG:**

Moved by Turner, supported by Sharrow to approve the December 17, 2001 Board Meeting and Synopsis and the Public Hearing Minutes for Bayview Shores Dredging and the Special Meeting held on December 18, 2001. AYES: All. NAYS: None. ABSENT: None.

**MOTION CARRIED.**

### **BILLS PAYABLE:**

Moved by Turner, supported by Engel to approve the Bills Payable in the amount of \$90,697.58 as submitted. AYES: All. NAYS: None. ABSENT: None.

**MOTION CARRIED.**

**PETITIONS: None.**

### **COMMUNICATIONS:**

12-20-2001 Letter to the Members of the Board of Review thanking them for granting a hardship exemption on the taxes for July and December 2001. John J. O'Brien, 3230 S. Channel, Harsens Island.

Supervisor Joseph H. McKoan IV communication:

Colony Drive Show Cause Hearing for the purpose of creating Colony Drive to a County Road will take place on January 23, 2002.

Update on Township Building expansion: will be meeting with French & Associates on Thursday.

### **OLD BUSINESS:**

Command contract update: meet this week with Command Officer Patrick Foster to settle a couple issues, hopefully will ratify the contract next meeting.

Planning Zoning Administrator discussion: Supervisor Joseph McKoan IV and Trustee Pat Sharrow interviewed Karen Missavage for the position, very impressed with her qualifications, \$34,000 salary based on a 40 hours, recommend for a one-year period and

benefits after 180 days.

Clerk Pellerito: Suggested she attend Planning Commission, ZBA and Board Meetings to get a little familiar with the community; those days should plan to start later at the office, can change that after.

Moved by Sharrow, supported by Dr. Kasperowicz to hire Karen Missavage as the Planning Zoning Administrator to head up a new department in Clay Township, independent of any others, called Planning-Zoning Department with a full time department head as director and part time clerical assistance as proves necessary. The Department head is hereby given authority to be the Zoning Enforcement Official of Clay Township. All applications for building or use permits will be approved by the Planning Zoning Department for compliance with the Zoning Ordinance and Master Plan of Clay Township, as well as by the Building Department for compliance with all Building codes before the permit can be issued. All Certificate of Occupancy or use temporary or permanent must also be approved by both Departments before they can be issued. Signatures of both Department heads must appear on all applications and C of O's.

The Planning-Zoning Department head will be compensated at an annual salary of \$34,000 per year plus benefits for one-year at 180 day probationary period, if work is satisfactory to the Board, her salary *will increase to \$36,000 for the 2<sup>nd</sup> year*. The Department Head will be expected to attend two (2) regular Planning Commission meetings per month, one (1) regular ZBA meeting per month plus any special Commission Board meetings, Township Board Meeting and a monthly report will be supplied to the Township Board. Attendance at these meetings will be considered two (2) hours work. This plus office time and field inspections and court time will total at least forty (40) hours per week.

Job duties in addition to review of applications and final inspections will include investigation of all Zoning violations, issuance of warning letters, working with the public to correct problems, issuing of citations and court appearance tickets, if necessary, building cases, serving as an expert witness and assisting Township attorney in any way possible.

Department Head will review simple site plans for Planning Commission and make reports working with firm of Planning Consultants. Notices for publication and mailing will become responsibility by Department Head.

Realizing this is a new Department and sometime will be needed to create a smooth working environment, a gradual phasing in of duties will occur during the first sixty (60) days.

VOTE ON THE MOTION: AYES: All. NAYS: None. ABSENT: None.

**MOTION CARRIED.**

Worswick vs. Clay Township Zoning Board of Appeals discussion: Letter from Township Attorney John McNamee updating the Board. Judge Deegan ruled in favor of the Plaintiff the property at 8784 Folkert Road was still used as light industrial and the nonconforming use would continue; if Township Board plans to appeal the Judge's decision, we have 21 days in which to file a claim of appeal with the Michigan Court of Appeals. Board discussion followed:

Trustee Kirkpatrick: Should not appeal the Court decision.

Supervisor McKoan IV: If appeal, the same result would occur and Township would lose again.

Trustee Dr. Kasperowicz: Let them have the nonconforming use on the property.

Trustee Sharrow: Expanded more than it should have, firmly believe the use was abandoned; nonconforming as the Worswick used it should disappear and be gone, should be appealed, not fair to the residents living around the area; contact MTA for legal assistance and Township may be eligible for financial help.

Supervisor McKoan IV: Supposedly property for sale and alleging not allowing them to sell it if the nonconforming use is not given.

Mike Kras. Building Inspector: light industry storage can be done anywhere in the Township, if he is allowed to be designated as nonconforming light industrial, would be setting examples for other businesses in the Township.

Trustee Kirkpatrick: ZBA left it in the Courts.

Trustee Sharrow: They have not proved to us they are conforming, a small amount to go to the Court of Appeals, check with MTA for financial help and legal backing; nonconforming use is the headache of many communities, detrimental to residential homes.

Mike Kras: Should never have been allowed to build the house.

Trustee Kirkpatrick: Township appeals and Plaintiff may bring lawsuit against the Twp.; have to look at the appeal in front of us.

Motion by Kirkpatrick, supported by Dr. Kasperowicz to not file a claim of appeal with the Michigan Court of Appeals in order to attempt to overturn Judge Deegan's decision re: Worswick vs. Clay Township Zoning Board of Appeals for the property at 8784 Folkert Road. AYES: Kirkpatrick, McKoan IV, Dr. Kasperowicz, Engel. NAYS: Pellerito, Turner, Sharrow. ABSENT: None.

**MOTION CARRIED.**

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

### **NEW BUSINESS:**

Motion by Sharrow. supported by Turner to adopt the Resolution to allow the Township of Clay in the County of St. Clair, Michigan to make public improvements, namely, to operate & maintain water & sewer lines which requires certain operations within and upon the right-of-way of County highways known as all roads which are under the jurisdiction of the Board of the County Road Commissioners. R/CVOTE: AYES: Sharrow, Kirkpatrick, Turner, Pellerito. Dr. Kasperowicz. Engel. McKoan IV. NAYS: None. ABSENT: None.

**MOTION CARRIED.**

Moved by Turner, supported by Kirkpatrick to receive and file the Mainland Fire Department Month End October and November 2001 Reports, River District Ambulance Authority September Minutes. Algonac/Clay Library Board December Reports and Harsen's Island

December Report. AYES: All. NAYS: None. ABSENT: None.

**MOTION CARRIED.**

Moved by Sharrow. supported by Turner, to approve the Miss Dig 2002 Annual Membership fee in the amount of \$345.12. AYES: All. NAYS: None. ABSENT: None.

**MOTION CARRIED.**

Motion by Kirkpatrick, supported by Engel to approve the request from Mainland Fire Department Trainee Guy Turner #55 to attend a medical first responder course at Richmond Lenox E.M.S. on Feb. 17<sup>th</sup> through April 21.2002 for the cost of \$300.00.

AYES: All. NAYS: None. ABSENT: None.

**MOTION CARRIED.**

Moved by Turner, supported by Dr. Kasperowicz to accept Mainland Fire Department Trainee Angela Smith #54 as a full member of the department. AYES: All. NAYS: None. ABSENT: None.

**MOTION CARRIED.**

**BOARD MEMBER COMMENTS:**

Treasurer Connie Turner remarked Dolores Nelson would like to be considered in the Township Office as a contingent person, would only get paid for the hours she works, think it is a good idea, will need the help during employee vacations, sick leaves, extra heavy work load, etc.

Clerk Pellerito: Should wait until the new employee starts working, she may want to do a little hands on.

Supervisor Joseph McKoan IV: Will take it under advisement between Clerk, Treasurer and myself and see what will be the best way to go.

Clerk Pellerito: Can call someone in anytime we need help or be on call.

Trustee Dr. Kasperowicz: Sidewalk along Marsh Road just before Millside Elementary is very close to the edge of the road, need guard rails, very serious condition.

Clerk Pellerito: Guardrails were already disapproved. Trustee Sharrow: Speed traps from

Mill to City of Algonac limits helps to slow cars down.

Trustee Dr. Kasperowicz: Questioned Police and Fire Departments have sexual harassment policies.

**PUBLIC COMMENTS:**

Director Donald M. Maronde, St. Clair County Public Works and Kenneth Kingsley of Tectra Tech spoke to the Township Board concerning the Waste Water Treatment Plant maintenance operation issues:

1. DEQ has sent a district compliance letter to the County regarding additional sludge storage, need to bring this into compliance with the DEQ whereby there would be a 6-month capacity for storage, need to respond to the DEQ by January 22<sup>nd</sup> what our proposal and have it in place by January 1. 2003;
2. Bio Disk Building discussed, additional alternatives how to build, replacement, etc.; currently 2.7 million gallons of capacity, need to increase the gallons to 4.0 million; continue the bio disc process, replace the shafts at \$100,00 each, option to do the trickling feature;

County Board of Commissioners meets on the 15<sup>th</sup> of January, important we bring us into compliance with the DEQ 6-month storage capacity and the DEQ has notification of a work plan to increase the Plant's holding capacity.

Board discussion: What would it cost to keeping the bio discs and putting new covers on them? Demolish building cost 2.7 million;

Board consensus in favor of additional sludge storage; problem is the discrepancy with Clay paying the largest percentage, not using 40% of the usage, less than 30%, City of Algonac using 39%, not fair Clay taxpayers should pay and not using our capacity; work out this problem with the other communities.

Clerk Pellerito: Unofficial green light to the County to proceed with the expansion for sludge storage.

Trustee Dr. Kasperowicz: Questioned the Harbor Club easement cost for the outfall pipe.

Don Maronde: Co. attorney has written the Harbor Club asking for them to justify their request for compensation for the cost, waiting for their response, using the outfall and not paying anything.

Clerk Pellerito: Update on the modular house next door to the sewer lift plant.

Don Maronde: Between the two insurance companies right now, not heard anything.

Richard Baker, Stone Road: Ira Township Waste Water Plant won their suit; comments regarding Sewer plant usage and expansion; developers come in here and they benefit, should be careful how the sell our community.

Worswick property on Folkert Road: disappointed in the Board's decision not to appeal the Judge's decision; neighbors should have been notified, Board not standing up for individual persons; no public parks available in this Township.

Deputy Chief Don Drake: Police Dispatch will be have the new communications system install tomorrow, thank you to the DDA again.

### **ADJOURNMENT:**

Moved by Dr. Kasperowicz, supported by Turner, **MOTION CARRIED**, to adjourn the meeting at 8:37 p.m. AYES: All. NAYS: None. ABSENT: None.



Michael P. Pellerito Clay  
Township Clerk