

Minutes of the Clay Township Board Meeting held on Monday, May 6, 2002 at 7:30 p.m. in the Clay Township Board Room, 4710 Pte. Tremble Road, Clay Township, Michigan 48001.

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

As noted in the first Public Hearing, Clerk Pellerito will chair the regular meeting in the absence of the Supervisor Joseph H. McKoan IV.

For the record there is a quorum to conduct the business meeting.

Citizens present: Approximately fifty (50) people.

AMENDMENTS TO THE AGENDA:

Moved by Turner, supported by Kirkpatrick, **MOTION CARRIED**, to amend the agenda under New Business, add item #24. Request additional services for water line on Harsens Island – District 7C with BMJ conducting the preparation. AYES: All. NAYS: None. ABSENT: McKoan IV, Engel (Excused).

APPROVAL OF MINUTES AND SYNOPSIS:

Moved by Sharrow, supported by Dr. Kasperowicz, **MOTION CARRIED**, to approve the April 15, 2002 Minutes and Synopsis as submitted. AYES: All. NAYS: None. ABSENT: McKoan IV, Engel (excused).

BILLS PAYABLE:

Moved by Turner, supported by Kirkpatrick, **MOTION CARRIED**, to approve the Bills Payable in the amount of \$42,557.09. AYES: Sharrow, Kirkpatrick, Turner, Pellerito, Dr. L. Kasperowicz. NAYS: None. ABSENT: McKoan IV, Engel (excused).

COMMUNICATIONS:

Budget Workshop Meeting will be held Tuesday, May 13, 2002 at 5:30 p.m.

Note from Jacqueline Adelini, 7274 Flamingo Street, thank-you to the Clay Dispatch Operator who assisted during a car accident.

St. John Marsh Clean-Up is Saturday, May 11th from 9:00 a.m. to Noon.

Patrol Officer Herman Montville received two giant Thank you cards from the students at the Algonac High School and Middle School Government Classes, very proud and wanted the Board Members to see the cards that were signed by the students.

OLD BUSINESS:

Dispatcher Contract: Clerk Pellerito explained the upgrade to dental insurance, flex time, vacation, etc. of the Agreement between Clay Township and POLC Union representing the Clay Township Police Dispatchers; mirrors the Command and Patrol Contracts, expire in one year as does the Patrol and Command Contract. Trustee Kirkpatrick: Questioned funeral leave limited to immediate family, should include fellow officer's funeral.

Moved by Kirkpatrick, supported by Turner, **MOTION CARRIED**, to accept the Agreement Between Clay Township And Police Officers Labor Council Representing the Clay Township Police Dispatchers, Effective July 1, 2002 through June 30, 2003. R/C VOTE: AYES: Kirkpatrick, Turner, Dr. Kasperowicz, Sharrow, Pellerito NAYS: None. ABSENT: McKoan IV (excused), Engel (excused).

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Moved by Sharrow, supported by Dr. Kasperowicz, **MOTION CARRIED**, to accept the Township Attorney's recommendation to appeal the right of the arbitrator's ruling regarding Grievance #00-190/Montville/Discipline. AYES: Sharrow, Turner, Dr. Kasperowicz, Pellerito NAYS: Kirkpatrick. ABSENT: McKoan IV (excused), Engel (excused).

Discussion regarding Clay Township Web Site: Proposal for Internet services submitted by Merit Network, Inc. through Michigan Townships Association; Shannon Wilson has submitted a proposal to design the Township's web site and maintain the web site with updates, new ideas, changes, etc., one year contract at \$125.00 a month.

Trustee Kirkpatrick: Would be interested in viewing Shannon's disk for the web.

Moved by Sharrow, supported by Dr. Kasperowicz, **MOTION CARRIED**, to approve a one (1) year agreement with Merit Network, Inc. for a set-up cost of \$412.00 and a monthly cost of \$40.17. AYES: Sharrow, Turner, Dr. Kasperowicz, Pellerito. NAYS: Kirkpatrick. ABSENT: McKoan IV (excused), Engel (excused).

Moved by Dr. Kasperowicz, supported by Turner, **MOTION CARRIED**, to contract with Shannon Wilson (Shannonjean.com) for a one year contract to create a web site for public access to the community of Clay Township for a cost of \$125.00 a month for maintenance of the web site. AYES: All. NAYS: None. ABSENT: McKoan (excused), Engel (excused).

Discussion as to the Zoning Administration position vacancy: need help with zoning enforcement in the Bldg. Dept. need some direction from the Board what we should do; wait for the resume that meets the Township's needs, bring someone in temporarily.

Motion by Sharrow, supported by Turner, **MOTION CARRIED**, to have Trustee Sharrow and Trustee Kirkpatrick review the applications for the Zoning Administrator position and make a report back to the Township Board at the next meeting. AYES: All. NAYS: None. ABSENT: McKoan IV, Engel (excused).

PUBLIC COMMENTS: Relating to any New Business on the Agenda.

John Horvath, Golf Course Road: Referred to Item #19. Planning Commission Report. Public Hearing held 4-17-2002 not allowed to speak, mtg. adjourned while out of mtg.; disagree with zoning change on Island, after agricultural zoning, Plng.Comm. needs to review, want it kept status quo, Zoning map not on display; property is far from being a home owned operation; Planning Commission denied soil removal permit.

Robert Williams, 2207 Stewart Road, Harsens Island: At public hearing on April 17th, like to reiterate some of the items mentioned to the Planning Commission at that time; rezoning from R1 to RS the density changes to an acre, will affect the tax base of the Township.

NEW BUSINESS:

Moved by Dr. Kasperowicz, supported by Turner, **MOTION CARRIED**, to adopt the Resolution to establish an Industrial Development District on its property located in Clay Township described as 2192 Fruit Road, being East 160 feet of South ½ of Lot 1335. R/C VOTE: AYES: Sharrow, Turner, Dr. Kasperowicz, Kirkpatrick, Pellerito. NAYS: None. ABSENT: McKoan IV, Engel (excused).

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Moved by Sharrow, supported by Kirkpatrick, to approve the **Soil Removal Permit #47-6** for Jon McLane, 3601 Rattray Road, Harsens Island with the following conditions:

- the expiring letter of credit be renewed and submitted to the Building Department by May 15, 2002.

Comment by Trustee Dr. Kasperowicz: All required paperwork should be in order before coming to the Board.

VOTE ON THE MOTION: AYES: Sharrow, Turner, Kirkpatrick, Pellerito.

NAYS: Dr. L. Kasperowicz. ABSENT: McKoan IV, Engel (excused).

MOTION CARRIED.

Moved by Turner, supported by Kirkpatrick, to approve the **Soil Removal Permit #47-11** for Donald Dumars, 993 LaCroix Road, Harsens Island pending Mr. Dumars clean up of the property within the next (60) sixty days from the date of approval or all operations will cease and Soil Removal permit be revoked.

Discussion: Trustee Sharrow bonds are suppose to be good until March, Mr. Dumars has a January date, perhaps the applicant could talk to the issuer of the Bond and see if he can get a 3-month extension.

MOTION AMENDED to have applicant extend his bond to expire in March instead of January.

VOTE ON THE MOTION: AYES: Sharrow, Turner, Kirkpatrick, Pellerito. NAYS:

Dr. L. Kasperowicz. ABSENT: McKoan IV, Engel (excused).

MOTION CARRIED.

Moved by Kirkpatrick, supported by Sharrow, to approve the **Soil Removal Permit #47-12** for Vermeulen Enterprises, Inc., Clay Township providing all the updated information on the Compliance List has been submitted within thirty (30) days.

Discussion: Trustee Dr. Kasperowicz: Required paperwork should be cleared up before it comes to the Township Board for our approval; Mr. Vermeulen answered that all items on the compliance list were submitted, Dr. Kasperowicz agreed with the approval.

VOTE ON THE MOTION: AYES: Sharrow, Turner, Kirkpatrick, Dr. Kasperowicz,

Pellerito. NAYS: None. ABSENT: McKoan IV, Engel (excused).

Moved by Sharrow, supported by Kirkpatrick, to approve the **Soil Removal Permit #47-13** for Robert Bryson, 3272 South Channel Drive, Harsens Island for the stockpiling of dredgings.

VOTE ON THE MOTION: AYES: Sharrow, Turner, Pellerito, Kirkpatrick, Dr. L.

Kasperowicz. NAYS: None. ABSENT: McKoan IV, Engel (excused).

MOTION CARRIED.

Moved by Turner, supported by Kirkpatrick, to approve the **Soil Removal Permit #47-16** for Wes Simons Trucking, 6131/6133 Benoit Road with the stipulating that all the Letter of Credit are resubmitted to the Building Department.

VOTE ON THE MOTION: AYES: Sharrow, Turner, Pellerito, Kirkpatrick, Dr. L.

Kasperowicz. NAYS: None. ABSENT: McKoan IV, Engel (excused).

MOTION CARRIED.

Moved by Kirkpatrick, supported by Turner, to approve the **Soil Removal Permit #47-18** for Thomas Volkman, 8500 McKinley Road, Clay Township without stipulation.

VOTE ON THE MOTION: AYES: Sharrow, Turner, Pellerito, Kirkpatrick, Dr. L.

Kasperowicz. NAYS: None. ABSENT: McKoan IV, Engel (excused).

MOTION CARRIED.

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Sludge Storage Tank Bids for the upgrading of the Waste Water Treatment Plant; a bid reward will be made on May 7th; memo from Don Maronde, County Public Works Director two bids were submitted, Clerk Pellerito has concerns re: Tetra Tech pay for handling the project & expense ratio of the upgrade and depreciation of the plant; share of cost breakdown: Clay-40%, Ira & Algonac-30% each; should there be some negotiation or discussion between the three communities to resolve this inadequate dispensing of how the project is to be financed; is the storage tank being put ahead of the renovations of the plant, DEQ will eventually mandate 6-months of storage capacity; need from Board tonight is the direction to go regarding the proposals.

Trustee Sharrow comments: State in process of awarding funds for sewage upgrading at low interest loans or grants, we are being rushed into something prior to that happening and will not be able to take advantage of that; Tetra Tech is not supplying us with complete info what can be done from the DEQ; Ira & Algonac figures indicate using 34% of the sewer sludge system, Clay paying 7-8% more of the use or wear and tear on the system; 3rd bio-disk down, should remove permanent roof, add temporary roof, add two disks and will be able to have a total efficient plant; if Algonac and Ira are not willing to sit down with an arbitrator as to their usage is higher than 30% then it should go before a judge for a decision.

Clerk Pellerito: Unfortunately Clay is outvoted 60% to 40% to move forward with this tank, supporting the tank but not the 40% share for Clay, negotiations should be held, split three ways at 33%, should be investigated the equipment usage charge quarterly, Clay is paying \$10,000 more a year, not using our 40% of the usage, should be subsidizing the equipment replacement fund?

Moved by Kirkpatrick, supported by Sharrow, to inform the County, the Township Board concurs with the awarding of the bid to HTI out of Suttons Bay for the pre-cast 1.1 million gallon tank of additional sludge storage at a cost of \$645,550 for the upgrading of the Waste Water Treatment Plant and instruct the Supervisor and Clerk to negotiate its depreciation and equipment replacement fund contract with the communities of Ira Township and City of Algonac for this upcoming expansion and renovation and also consider some credit to Clay Township for the last five (5) years for the usage charge; if the negotiation is not successful, will move to mediation or appear in front of a judge to make a fair decision as to the three (3) entities share of the costs to the Sludge Storage Plant.

AYES: All. NAYS: None. ABSENT: McKoan IV, Engel (excused).

MOTION CARRIED.

Bio Disk Report: Three of the twelve (12) bio disk shafts are not working, observing a bio disk facility in Windsor tomorrow; the three local communities will meet on the 15th to make a decision; need direction from Board; City of Algonac and Ira are pushing to eliminate the facility and install a new “trickling” system vs. a bio-disk facility; Tetra Tech not supplying the Township with financial advise only sales pitch; majority people talked to inclined towards the bio disk system; big question is what do we do with our existing situation with the three broken disks?

Trustee Sharrow: need to make some plans, believe should replace the roof with the removal one and at the same time to replace those three bio disks

Clerk Pellerito: Explained the history of these bio disks; question is do we replace them with standard technology they are built with today or should be fix what we have, Wait until have viewed the system tomorrow in Windsor. Outcome of Clerk Pellerito and Dr. L. Kasperowicz will report back to the Township Board; Special Meeting on Monday, 5-13-2002.

Discussion concluded.

Moved by Dr. Kasperowicz, supported by Turner, **MOTION CARRIED**, to hire Robert Prather as a DPW employee, he has extensive back hoe and underground experience, his start date will be May 6, 2002. AYES: All. NAYS: None. ABSENT: McKoan IV, Engel (excused).

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Moved by Kirkpatrick, supported by Sharrow, **MOTION CARRIED**, to allow the Mainland Fire Department to purchase one (1) Motorola HT1000 VHF radio from BearCom at a cost of \$755.00 plus freight. AYES: All. NAYS: None. ABSENT: McKoan IV, Engel (excused).

Moved by Kirkpatrick, supported by Turner, **MOTION CARRIED**, to the purchase of three (3) sets of turnout gear for fire fighting from Apollo Fire Equipment for the Mainland Fire Department at a total cost of \$3,225.00 plus freight. AYES: All. NAYS: None. ABSENT: McKoan IV, Engel (absent).

Moved by Kirkpatrick to approve Police Department Secretary Cheryl Koehn to take the Computer Seminar on Excel Level I at St. Clair County Community College on May 17, 2002 at a cost of \$110.

MOTION DIED, NO SUPPORT.

Moved by Turner, supported by Kirkpatrick to amend the 2001-2002 Harsens Island Budget as follows:

EXPENSES

CONTINGENCY FUND – 211-700-988-00

ADD – \$9,000.00 = \$10,000.00

REVENUES

FUND BALANCE – 211-400-401-00

ADD – \$9,000.00 = \$26,461.00

AYES: All. NAYS: None. ABSENT: McKoan IV, Engel (excused).

MOTION CARRIED.

St. Clair County Metropolitan Planning Commission is sponsoring a Spring Workshop on Tuesday, May 21, 2002, 6:45 p.m. to 9:30 p.m., St. Clair County Adm. Building. Please contact the Clerk's Office if interested in attending.

Moved by Kirkpatrick, supported by Sharrow, to table the request from the Algonac Lion's Pool for the annual contribution of \$8,000 until after the 2002-2003 Budget Workshop since a contribution was made for the 2001-2002 Fiscal Year last year in July, 2001.

AYES: All. NAYS: None. ABSENT: McKoan IV, Engel (excused).

MOTION CARRIED.

Motion by Sharrow, supported by Kirkpatrick, **MOTION CARRIED**, to have the Supervisor get information from the City of Algonac as to how the Pool title will be handled and share the information that the Township cannot contribute directly to the City of Algonac project, if the pool came under the authority of the Downriver Recreation Commission could contribute the money that way. AYES: All. NAYS: None. ABSENT: McKoan IV, Engel (excused).

Moved by Kirkpatrick, supported by Turner, **MOTION CARRIED**, to table the request from The Cherry Beach Senior Citizen's for the Township's annual contribution until it has been brought back after the Budget Workshop for the 2002-2003 Fiscal Year.

AYES: All. NAYS: None. ABSENT: McKoan IV, Engel (excused).

Year 2003 Road Commission Budget Project discussion: Board is in agreement Marsh Road needs resurfacing from Smith Street to Township limits, suggest Cottrellville Supervisor Sid Browne also contact the County that Marsh Road be resurfaced through their Township, an effort between the two communities may persuade the County to take a closer look at this section of Marsh Road.

Fruit Road in poor condition from the City of Algonac to Nook Road, it is the City's half of Fruit that is in need of repair. Any response from the City as to splitting the cost to resurface?

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Year 2003 Road Commission Budget Project (continued):

Clerk cited MDOT project in 2003 will be remilling and resurfacing on M-29 from Palms Road to the Bird lanes, DPW Supervisor has requested a waterline be installed across the bridge south of the Crystal Bar and some drainage is scheduled.

Phelps Road will be receiving \$100,000 for the resurfacing this year from the County Road Commission. When the Harsens Island Water lines are completed, M-154 and any roads affected by the water line construction should be reviewed for any necessary work.

Moved by Kirkpatrick, supported by Sharrow, **MOTION CARRIED**, to accept the proposal from JMS Contracting, Inc. to rebrick two doorway areas at the Clay Township Police Department for the cost of \$500.00 for the material and labor. AYES: All. NAYS: None. ABSENT: McKoan IV, Engel (excused).

Planning Commission Report update from Board Rep. Pat Sharrow.

Moved by Sharrow, supported by Turner, **MOTION CARRIED**, to approve the agreements with St. Clair County Road Commission for asphalt surfacing and pave drive approaches to right-of-way line and place 3' limestone shoulders on **Maple & Manavel from Island Drive to end** for a cost of \$59,273 and to do a field survey and office design to reconstruct and pave **Phelps & Holland (end of pavement west of Ainsworth to Starville)** for a cost of \$16,350 and authorize five (5) loads of limestone be put on McKinley Road between Swartout and Genaw Road for an additional cost of \$2,550.60. AYES: All. NAYS: None. ABSENT: McKoan IV, Engel (excused).

Water Front Redevelopment Grant for Michigan Lighthouses: SOS is applying to the Clean Michigan Initiative Waterfront Redevelopment Grant through the Michigan Department of Environmental Quality, 25% match by SOS in the amount of \$125,000, Grant amount is \$450,000, application deadline is May 31, 2002, Chuck Brockman of the SOS stated a resolution from the Township Board stating the Township would act as the government agency and the S. Channel Light renovation would fit into the Township's waterfront restoration plan.

Moved by Sharrow, supported by Pellerito, **MOTION CARRIED**, the Township Board intends to adopt a resolution to act as the government agency for the Save Our South Channel Lights Association (SOS) in applying to The Clean Michigan Initiative Waterfront Redevelopment Grant for Michigan Lighthouses as long as there are no costs to the Township. AYES: All. NAYS: None. ABSENT: McKoan IV, Engel (excused).

Moved by Sharrow, supported by Kirkpatrick, **MOTION CARRIED**, to renew membership fees in the amount of \$595.00 to the Michigan Society of Planning for membership year from July 1, 2002 to June 30, 2003. AYES: All. NAYS: None. ABSENT: McKoan IV, Engel (excused).

Moved by Sharrow, supported by Kirkpatrick, **MOTION CARRIED**, to allow any members of the Zoning Board of Appeals and Planning Commission members wanting to attend the training classes sponsored by the Michigan Society of Planning on June 4, 2002 in Clinton Township. AYES: All. NAYS: None. ABSENT: McKoan IV, Engel (excused).

Confirmation request from BMJ for additional services for field engineering by the hourly for Harsens Island Water Line extension for services on Beauregard/N. Channel, petitioned by N. Channel residents to continue that segment, do not have the DEQ or DNR permits to continue that section or engineers plans, goal is while BMJ equipment is on the Island can do the engineering.

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Moved by Kirkpatrick, supported by Turner, **MOTION CARRIED**, to approve BMJ Engineering to provide the additional engineering services on an hourly basis as per our current contract with BMJ for the Harsens Island Water Project for Beauregard Road and N. Channel Drive. AYES: All. NAYS: None. ABSENT: McKoan IV, Engel (excused).

BOARD MEMBER COMMENTS:

Trustee Dr. Kasperowicz: Turn-Key Developers are calling the strip mall The Algonac Plaza, could Supervisor McKoan IV write a letter objecting to the name.

Clerk Michael Pellerito: Private business nothing we can do.

Trustee Sharrow: Did you hear from the auditors as to the water rates.

Clerk Pellerito: Per Plante Moran everything indicates we are right on, nothing irregular.

Trustee Sharrow: Did Joe McKoan schedule a public hearing in regards to the Comcast merge? Some communities are holding public hearings.

Clerk Pellerito: I believe letter was sent, no public hearings scheduled on the merge, would come under the MPC jurisdiction.

Trustee Pat Sharrow: Some municipalities are holding public hearings.

PUBLIC COMMENTS:

John Horvath, Golf Course Road, Harsens Island: Have been paying my \$150.00, posting my bond, etc. following all the procedures required for a soil removal permit over the years, removing the access dirt from that one pond, not digging as a dirt pit, under agriculture by law don't even need a permit, have three ponds on my property; my question to this Board is why I have not been given my soil removal permit, like that given in writing; personally will give each Board member a copy of my letter.

Also totally against the Planning Commission rezoning on Harsens Island, R-1 area cannot have a soil removal permit in an R1.

Harsens Island Water Bill never received the 1st one, tell me in writing when you send a tax bill out and the water bill.

Written the Supervisor and asked to be put on the agenda three times, asked the Board and the Building Department about my \$1,100.00 for the bond; Mike Kras stated received a ltr. from Mr. Horvath's attorney asking the application be tabled, reviewed by Wade-Trim.

Robert Williams, 2007 Steward Road, Harsens Island: 1,500 acres being rezoned.

Trustee Sharrow: State owned land that cannot be developed.

Herb Meyer, 2675 Krispin Road: Bike path, where are the fishermen going to park?

ADJOURNMENT:

Moved by Turner, supported by Sharrow, **MOTION CARRIED**, to adjourn the meeting at 9:35 p.m. AYES: All. NAYS: None. ABSENT: McKoan IV, Engel (excused).

Michael P. Pellerito
Clay Township Clerk

