

Minutes of the Clay Township Board Meeting held on Monday, May 20, 2002 at 7:30 p.m. at the Clay Township at the Clay Township Hall, 4710 Pte. Tremble Road, Clay Township, MI 48001.

PRESENT: Supervisor Joseph H. McKoan IV, Clerk Michael P. Pellerito, Treasurer Connie Turner, Trustee Pat Sharrow, Trustee Cindy Kirkpatrick, Trustee Dr. Leonard Kasperowicz, Trustee Beth Engel. ABSENT: None.

Citizens present: Approximately 80 people.

**AMENDMENTS TO THE AGENDA:** None.

**APPROVAL OF MINUTES & SYNOPSIS:**

Moved by Sharrow, supported by Turner to approve the Minutes & Synopsis of the 5-6-2002 Board Meeting, Public Hearing Minutes for an Establishment of an I.D.D. and Review of the Soil Removal Permits as submitted; Budget Workshop Minutes held on 5-14-2002 approved with the following amendments:

- Page 1, #206 ML Fire Department: change to read as “suggested all Departments start building a Fund balance.....”
- Page 2, #209 Oaklawn Cemetery: Sharrow’s comment changed to read “we need to raise our non-resident rate;”
- Page 6, #225 Garbage Fund: Pellerito’s comment: change to read “Need to discuss propane tanks, recycling yard might take it.”

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 \$109,922.02. AYES: All. NAYS: None. ABSENT: None.

**PETITIONS:** None.

**COMMUNICATIONS:**

Note from Chris Engels Greenhouse to Harsens Island Fire Department flowers for Lisa White, no charge for all the good things the Dept. does for Harsen’s Island.

The Township Offices will be closed on Monday, May 27, 2002 for Memorial Day Holiday.

Thank you to Police Chief Eder and Officer Brian Stone for the advice and direction in a family crisis. Dennis Christiaens, 7397 Aqua Isle.

Supervisor Joe McKoan IV recognized Mainland Fire Assistant Chief George Rose. He presented a plaque and a brass ax to Fire Chief Rick Edler for fifteen (15) years of service on the Mainland Fire Department.

**OLD BUSINESS:**

Supervisor Joseph H. McKoan IV have an agreement for a contract with Command, some grammatical, additions and deletions in order to mirror the Patrol Contract as noted by the Supervisor:

- Section 20.1- add to the end of the first sentence “based on forty two (42) hours a week **for one year.**
- Section 24.2 - Personal Leave pay-off as stated in Patrol Contract.
- Section 26.2 - Last sentence was omitted “sick time will be repaid at the rate of 1-1/2 day per month.”
- Section 29.3 – Holiday Pay 72 hours payable 12-1 of each calendar year; Patrol paid in June; leave as is, bargaining group will decide if leave it to June or change it to December.

- Section 30.1 - Vacation Eligibility; omitted the following: “....will earn vacation with **full year’s of service.**”
- Section 32.2 - Add to Command Contract: “If an employee dies his beneficiary shall be paid for any unused vacation credits as of July 1 each year.”
- Section 33.2 - (Missing) After 90 days.
- Section 33.4 - (Renumbering)
- Section 34.1 – Include ties in the uniform cost. Also, Non-uniformed members may use their allowance to purchase clothing with the approval of the Chief.
- Section 36.1 - (Missing) After 90 Days
- Section 37.1 - Computation of benefits to medical change in order to mirror the Patrol Contract.
- Section 38.1 – “Job openings shall be for a period of one year.....” sentence should be included for the purpose of the “mirror contract.”
- Section 38.1 – “..... enrolled .....Michigan Municipal Employees Retirement system under the .....benefit plan with an employee contribution rate of 4.8%.” The E-2 Rider will be eliminated.

Moved by Turner, supported by Dr. Kasperowicz, **MOTION CARRIED**, to approve the Command Contract with the changes as stated above from July 1, 2002 through June 30, 2003.

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

Harsens Island Pumper discussion: Treasurer Turner spoke with the auditors regarding the financing, no problem making 1<sup>st</sup> payment in this budget year.

Moved by Turner, supported by Dr. Kasperowicz, **MOTION CARRIED**, to allow the Harsens Island Fire Department to pursue quotes for a new pumper.

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

Moved by Sharrow, supported by Kirkpatrick, **MOTION CARRIED**, to adopt the Resolution to jointly file the Clean Michigan Initiative Waterfront Redevelopment Grant for Michigan Light Houses with the Save Our South Channel Lights Association.

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

Waste Water Treatment Plant: Supervisor Joseph McKoan IV update: met with the three (3) communities to discuss the plant’s dire need for repair, could not come up with how to proceed, City of Algonac is in favor of a “trickling system” and bond this project out. County will meet tomorrow and they will decide which way we should go. Like to see it bid out in the alternative to find out what it will cost. Biodisk system seems to do a good job, may be cheaper to refurbish.

Trustee Dr. Kasperowicz: Don’t want us getting railroaded, should go out for bids.

Clerk Pellerito: Road Commission’s 1<sup>st</sup> order of business will be to advertise.

Supervisor McKoan: Severe problem with the plant, want the cost to be as minimal as possible with the best system.

Moved by Sharrow, supported by Turner, **MOTION CARRIED**, set the next Board of Trustees Workshop to review the 2002-2003 Fiscal Year Budget will be held Monday, June 10, 2002 at 5:30 p.m. in the Clay Township Board Room and on June 17, 2002 will hold a Public Hearing at 6:30 p.m. prior to the Regular Township Board Meeting for the purpose of hearing public comments for or against the 2002-2003 Fiscal Year Budget.

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

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

Richard Baker, Stone Road: Item pertaining to the Chamber Of Commerce; object to Clay residents charged to launch a boat, if Clay residents have to pay, should not pay a membership fee to the Chamber.

**NEW BUSINESS:**

Lt. William Krul of the St. Clair County Sheriff's Department on behalf of the Prevention Coalition of Southeast Michigan is requesting the support of the Township in working with the United States Army Corps of Engineers to shut down Gull Island from June 20-23, 2002 and a weekend in September around Labor Day due to the "JobbieNooner" weekend history of illegal activities such as underage drinking, drunk driving/boating, violence and public indecency. Coalition would like to support of the Township because Gull Island falls within the jurisdiction of Clay Township. It is a public safety issue, thousands of people and boats congregate and if there is an emergency, the St. Clair County Marine Division cannot even get through the boats around the Island to give assistance.

Board discussion:

Supervisor McKoan IV: Respect your concern, the Corp could close the Island without our support, Island is State owned.

Lt. Krul: Island is owned by the government but because it falls within the boundaries of the Township and State of Michigan.

Clerk Pellerito: Why couldn't the date be changed to another date?

Motion by Dr. Kasperowicz, supported by Kirkpatrick to direct the Supervisor to write a letter to the United States Army Corps of Engineers indicating the Township's support of the shut down of Gull Island from June 20-23, 2002 and a September weekend.

Discussion of the motion:

Clerk Pellerito: When did government start shutting down Islands, next they'll move controlling Fisher Bay and Muskamoot Bay in "their efforts to try to remedy the situation." When do we stop chasing people off of federal land.

Lt. Krul: Trying to prevent potential problems.

Clerk Pellerito: Set-up an access to the Island prior.

Lt. Krul: U.S. Coast Guard turned it town.

Police Chief Eder: Making the effort to do something before trouble starts.

Trustee Engel: Are we going to post it again?

Supervisor Joseph McKoan IV: U.S. Coast Guard should open up an area so that the Sheriff Department can assist the Marine Division.

Lt. Krul: Coast Guard has no jurisdiction on the land, restricted only to the water, us in local enforcement would have to handle problems on the land.

Supervisor McKoan IV: Respect the position the Coalition is in, the pressure should be put on the Corp and the Coast Guard especially because they own the property; do not feel a letter of support from the Township is necessary, these two U.S. units can do what they want regardless.

R/C VOTE ON THE MOTION: AYES: Kirkpatrick, Dr. Kasperowicz. NAYS: Turner, Sharrow, Pellerito, Engel, McKoan IV. ABSENT: None.

**MOTION DEFEATED.**

Lt. Krul will report back to the Coalition and tell them the Corp and the Coast Guard should have that responsibility to issue the closing of the Island; they have to know they are the ones that are responsible and put the pressure on them.

Moved by Sharrow, supported by Engel, **MOTION CARRIED**, to approve the Lot Split 01-13 for Robert Colman, vacant lot on Genaw Road, lot is in agreement with the Zoning Ordinance. AYES: All. NAYS: None. ABSENT: None.

Assistance to Algonac Police Department for Pickerel Tournament in Algonac discussion:

Trustee Kirkpatrick: In favor of sending assistance to support the Algonac Police Dept.

Supervisor Joseph McKoan IV: Good time to get our reserves out there.

Clerk Pellerito: Two reserves for 3-hour shifts, reserves cannot arrest but can detain until an arresting officer can get there; reminder should not allow any vacation time for the Police Officers from June 30 through July 10.

Motion by Dr. Kasperowicz, supported by Kirkpatrick, to agree to supply two (2) reserve officers for assistance to the City of Algonac during the Lion's Club Pickerel Tournament to be held July 3, 2002 to July 7, 2002.

**AMENDED MOTION:** Contact Officer Joe Doan as to the availability of the reserve officers during the Pickerel Tournament and work around the police schedule of the Township and of Chief Eder's discretion.

APPROVAL OF THE AMENDED MOTION: AYES: All. NAYS: None. ABSENT: None.

**MOTION CARRIED.**

Moved by Sharrow, supported by Kirkpatrick, **MOTION CARRIED**, to accept the April Department Reports for Building, Zoning, Dangerous Bldg., Planning Code Enforcement, Assessor, County Road Minutes, ML Fire Year End 2001, ML Fire March Report as submitted. AYES: All. NAYS: None. ABSENT: None.

Moved by Kirkpatrick, supported by Dr. Kasperowicz, **MOTION CARRIED**, to hire Donald McLeod as a part-time Police Officer. AYES: All. NAYS: None. ABSENT: None.

Chamber of Commerce Membership fee discussion: Non-residents are being charged \$4.00 to launch boats, money received from the Boat Launch is going to the Chamber and not the City of Algonac; Clay Township has been a member since its inception and paid every year.

Township has donated in excess of \$2,500 in the last couple of years.

Clerk Pellerito: Assisted in the paying of the Chamber pamphlets in the last two years.

Trustee Engel: Has anyone talked to the Chamber and let them know the Twp. viewpoint?

Motion by Engel, supported by Sharrow, **MOTION CARRIED**, to direct the Supervisor to convey a letter to the Algonac Chamber of Commerce requesting them to re-evaluate the system they are using to charge the Township membership fee.

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

Moved Pellerito, supported by Kirkpatrick, **MOTION CARRIED**, to approve the St. Clair County Parks and Recreation Commission 2002 Request for Local Millage Distribution of \$33,296.58. AYES: All. NAYS: None. ABSENT: None.

Downtown Development Authority project discussion as to what the Township Board feels should be projects the DDA should do; newsletter surveys have indicated sidewalks/bikepaths as #1, followed by curbside recycling, DDA could be influential with the bike project; the Township is in need of a building expansion, something the DDA might be able to assist in the expansion.

Trustee Kirkpatrick: Extend a sidewalk from the new mall to the City of Algonac.

Trustee Sharrow: Like to see the DDA pay for the bldg. expansion and free up General Fund money to help with the Colony Tower renovation and extend sidewalk.

Motion by Pellerito, supported by Engel, **MOTION CARRIED**, to direct the Supervisor to assemble a "wish list" to present the Downtown Development Authority Board at their next meeting in June that would include extending a sidewalk from the new Mall East to the City of Algonac boundary and pay for the Township Building expansion. AYES: All. NAYS: None. ABSENT: None.

Colony Tower discussion: Paul Johnson, President of the Colony Park Association Board of Trustees gave an update as to the condition of the Tower, need of extensive repairs/restoration, Assoc. has spent over \$40,000 on structural repairs and actively involved in raising money to fund this project, approximately \$19,000 is in a special account of the Township from money raised by volunteers from the Colony Park Association to help restore the tower. Colony Drive homeowners over the past five years have paid for bridges on their street and the road was redone to meet county specifications, costing each homeowner on the average \$9,500.00. Requesting that Clay Township consider taking ownership of the Colony Tower, grant money more readily available for public projects.

Supervisor Joseph McKoan IV: Suggested a subcommittee be formed to arrive with a solution.

Trustee Dr. Kasperowicz: Disagree with saving the Colony Tower, can't see making Clay residents spend more tax dollars.

Questioned if the Algonac/Clay Historical Society can help out?

Don't have the funds, can assist in grant writing, etc.

Wade-Trim could help out in applying for grants.

Comments from Colony Drive residents:

Dan Ketz: Why couldn't the question be put on a ballot before the people to see if they would like to keep the Tower?

Mrs. Bates: Colony Drive residents don't want to spend any more money on the tower, upset because Association never asked us the people that live on that street what we wanted.

Paul Johnson: We do need to go back to the residents, am here to see if the Township would even be interested in taking over ownership of the Tower.

Mark Thompson: Algonac Historical Society has discussed the Tower at length, willing to support the efforts to save it, willing to help with the grant writing; joint effort between the Township, DDA and Historical Society.

Supervisor McKoan IV: If we can save it, it should be saved, have a lot of information here; suggest get a 2-3 person subcommittee to sit down and negotiate some kind of agreement and bring it back to this Board and talk to the Historical Society what can be done that would not burden the tax payers too much.

Moved by Sharrow, supported by Engel, to have a committee of 2-3 Township Board Members meet with the Colony Park Association Board of Trustees and contact an official planner to furnish us advise and proceed towards the idea of pursuing the ownership of the Colony Tower land and the legal issues at hand.

Discussion: Cindy Kirkpatrick, Michael Pellerito and Joe McKoan IV were willing to serve on the committee.

VOTE ON THE MOTION: AYES: Sharrow, Kirkpatrick, Turner, Pellerito, Engel, McKoan IV. NAYS: Dr. L. Kasperowicz. ABSENT: None.

**MOTION CARRIED.**

Moved by Pellerito, supported by Engel, **MOTION CARRIED**, in accordance with the MERS Plan Document of 1996, the Township of Clay, Unit #7706, adopts the Resolution for changing benefits for DIV 21 Dispatch Department from the benefit multiplier of C-1 New to B-2, F55/20, employee contribution rate of 4.8% with additional benefits of FAC 3, effective date 07-01-2002. R/C VOTE: AYES: Sharrow, Kirkpatrick, Turner, Pellerito, Dr. Kasperowicz, Engel, McKoan IV. NAYS: None. ABSENT: None.

Moved by Pellerito, supported by Engel, **MOTION CARRIED**, in accordance with the MERS Plan Document of 1996, the Township of Clay, Unit #7706, adopts the Resolution for changing benefits for DIV 11 Elected Officials from the benefit multiplier of C-1 New to B-2, F55/15, employee contribution rate of 4.8% with additional benefits of FAC 3, V-8, effective date 07-01-2002. R/C VOTE: AYES: Sharrow, Kirkpatrick, Turner, Pellerito, Dr. Kasperowicz, Engel, McKoan IV. NAYS: None. ABSENT: None.

Moved by Pellerito, supported by Engel, **MOTION CARRIED**, to adopt the Resolution establishing the dates for the 2002-2003 Township Board of Trustees Board Meeting schedule from July 1, 2002 to June 30, 2003. R/C VOTE: AYES: Sharrow, Kirkpatrick, Turner, Pellerito, Dr. Kasperowicz, Engel, McKoan IV. NAYS: None. ABSENT: None.

Colony Bowl Golf Course Project Refund request, a discussion ensued: Trustee Sharrow stated do not see a reason there should be a refund, explained process followed by applicant; Clerk Pellerito explained per Mike Kras the reason the applicant had to have a special ZBA was due to internal errors.

Trustee Sharrow: nothing was slowed down.

Trustee Kirkpatrick: an opinion letter was presented and it set them back.

Clerk Pellerito: Previous Zoning Administrator made an error by putting it on the agenda.

Motion by Dr. Kasperowicz to refund the applicants for the Colony Bowl Golf Course Project the \$250.00 fee paid for a Special Meeting.

**MOTION DIED, NO SUPPORT.**

Moved by Sharrow, supported by Engel, **MOTION CARRIED**, to postpone the request from the applicants of the Colony Bowl Golf Course Project for their request for a refund of a Special ZBA Meeting until the Township Board has all the information and dates necessary to make a decision. AYES: All. NAYS: None. ABSENT: None.

Motion by Kirkpatrick, supported by Dr. Kasperowicz, **MOTION CARRIED**, to appoint Karla Orlando to the Downtown Development Authority Board for a four-year term that will expire 12-31-2005. AYES: All. NAYS: None. ABSENT: None.

Fruit Road Landfill – Brownsfield Grant discussion:

Need more information, what happens is the Township is found liable, could be a problem, Wade-Trim has a representative familiar with the Brownsfield plans.

Supervisor Joseph McKoan IV: Yes could be a liability there, well aware of the situation, need some type of opinion.

Treasurer Turner: Procedure required to go through in order to apply for the grant, would not cost the Township.

Motion by Kirkpatrick, supported by Engel, **MOTION CARRIED**, to do some looking into the Fruit Road Landfill Brownsfield Grant and obtain an opinion from an environmental attorney as to Clay Township possible liabilities. AYES: All. NAYS: None. ABSENT: None.

Maynard Ct. Ditching Project discussion: 1,500 ft. of ditching, 14 driveway culvert replacement, 1 cross road pipe, replace four (4) driveways with asphalt and four (4) driveways with concrete, 50 tons of limestone, seed & mulch.

Maynard Ct. homeowners need to be notified of this work in this area.

Moved by Dr. Kasperowicz, supported by Engel, **MOTION CARRIED**, to send a letter to the Maynard Ct. property owners regarding the ditching project on Maynard Ct. between M-29 and the dead end. AYES: All. NAYS: None. ABSENT: None.

Moved by Dr. Kasperowicz, supported by Engel, **MOTION CARRIED**, to hire Michael Richardson as a laborer in the Water Department. AYES: All. NAYS: None. ABSENT: None.

### **BOARD MEMBER COMMENTS:**

Trustee Sharrow: Zoning Administration opening, 6-7 applicants would like to interview.

Trustee Dr. Kasperowicz: Algonac Harbor lawsuit where are we at?

Trustee Sharrow: What is the update regarding the property appearance ordinance, will Mike Kras bring it back to the Board?

Supervisor McKoan IV: It is quite restricted as presented, need to change it a little to conform to our Township.

Trustee Pat Sharrow: Algonac Lion's Pool donation, have you heard anything?

Supervisor Joseph McKoan IV: Spoke with City Manager Grady Holmes, no response yet.

Trustee Kirkpatrick: Questioned the additional \$23,000 spent for piping on Green Drive, have you come up with anything?

Clerk Pellerito: \$80,000 more they want from us.

Trustee Kirkpatrick: Rumors from people on Island are very unhappy with the over cost of the waterline project is costing; a suggestion is maybe the Township could prepare an information sheet on the water line, where we are at, cost, etc., perhaps could quiet them down.

Supervisor Joseph McKoan IV: The Waterline installation seems to be progressing quite smoothly.

Trustee Dr. Kasperowicz: Referred to the Police Officer and how he handled the two drunk drivers, similar case and not shown the same courtesy.

Deputy Chief Don Drake: Officer overstepped his boundary.

**PUBLIC COMMENTS:**

Mike Wrightner, 9276 Maynard Ct.: Asked what work will the County do?

Clerk Pellerito: Stated the description of the project per the St. Clair County Road Commission agreement; assume it is both sides. Notify these people and they can come to the next meeting and can discuss it.

Herb Meyers, Harsens Island:

Paul Bridgman, Colony Drive: Road bridges.

Supervisor Joseph McKoan IV: One bridge that has to be rectified before the County will take over the road.

Josh (student), 480 Frank St.:

Chris Riedel, 8999 Stone Road: Opinion regarding the sewer plant system renovation/repair, the trickling water system cost less to operate, energy efficient, it may be a better idea than a quick fix.

Supervisor Joseph H. McKoan IV: Looking at the best system.

Steve Skarbek, 9244 Maynard: All the water sits on my property and Mike Wrightner's property, will still be stuck with the same amount of water on the property, how are we going to resolve that?

Clerk Pellerito: Two ways: East to the Canal an easement or drain on his own towards the canal.

Mike Wrightner: How do we know if the culverts north of me are correct?

Clerk Pellerito: All the culverts will be set, it will be constructed right.

Mark Thompson: Regarding the \$4.00 charge for boat launching for non-residents, need to attend a meeting and voice your opinion. DDA comments re: expand boundaries, many legal opinions how to spend that money on the Colony Tower.

Richard Baker, Stone Road: Voiced opinion regarding Mr. Thompson being appointed to the Algonac DDA Board, opinion he should not be on Clay Township DDA.

Mark Thompson: Algonac DDA is not overlapping Clay, open public meetings, and do not feel it is a conflict of interest.

Trustee Kirkpatrick: Called Township Attorney regarding a ZBA question, was told would have to go through one of the elected officials, have a problem cannot call our attorney, how do I go about that, does it need to be in writing?

Supervisor McKoan IV: Don't need everyone calling the attorney and spending Township money.

Trustee Sharrow: Called Mr. McNamee many times and never have asked for permission and don't intend to, appears like there was a miscommunication.

Supervisor McKoan IV: Consensus from the Board members is your question should have been answered, will call John McNamee and get it straightened out, will bring it to the next Board meeting and set a policy.

**ADJOURNMENT:**

Moved by Sharrow, supported by Pellerito, **MOTION CARRIED**, to adjourn at 9:45 p.m. AYES: All. NAYS: None. ABSENT: None.

Michael P. Pellerito  
Clay Township Clerk