

Minutes of the Clay Township board Meeting held on Monday, June 3, 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 eighteen (18).

**AMENDMENTS TO THE AGENDA:**

Moved by Turner, supported by Kirkpatrick, **MOTION CARRIED**, to amend the agenda under Old Business: #4. Harsens Island Fire Truck Purchase; #5. Chamber of Commerce Dues; New Business: #12. Hire Temporary Help DPW. AYES: All. NAYS: None. ABSENT: None.

**APPROVAL OF MINUTES & SYNOPSIS:**

Moved by Kirkpatrick, supported by Turner to approve the May 20, 2002 Board Meeting Minutes and the Synopsis with the subsequent changes:

- Page 2, motion to allow pursuing quotes for Hars. Is. Pumper, support was by Kirkpatrick, not Dr. Kasperowicz.
- Page 2, Treasurer Turner's comment asked auditors if the fire truck purchase this budget year was okay: change to read ".....no problem, ordering the pumper this budget year."
- Page 3, ¾ down, re: motion in support of the shut down of Gull Island; R/C vote changed to indicate: Pat Sharrow voted "Aye" and not a "Nay".

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 \$15,543.84. AYES: All. NAYS: None. ABSENT: None.

**PETITIONS:** None.

**COMMUNICATIONS:**

Clerk Pellerito announced the Regular School Election of the Algonac Community Schools will be held on Monday, June 10, 2002, polls open at 7 O'Clock A.M. and close at 8 O'Clock p.m.

Public Hearings and a Workshop Meeting of the Township Board:

1. June 10, 2002, 5:30 p.m. Budget Workshop Meeting, Township Hall.
2. June 17, 2002, 6:00 p.m. Public Hearing, Harsens Island Lions Hall, 263 LaCroix Road; Special Assessment improvements for Road maintenance for Lazy Lane Road.
3. June 17, 2002, 6:30 p.m. Public Hearing, Harsens Island Lions Hall, 263 LaCroix Road; 2002-2003 Fiscal Year Budget.

St. Clair County Household Hazardous Waste Collection – Clay Township drop-off site, located at the Clay Twp. Fire Department, 9620 Ainsworth Road, Clay Township. Dates for the household hazardous waste collection – June 15, 2002, August 10, 2002, September 21, 2002 and October 19, 2002. Call for an appt. 810-367-3061.

**OLD BUSINESS:**

Contract Negotiations: Command Contract signing has been delayed due to Item #16.2 re: procedure for promoting.

Discussion of sewer outfall extension: Ira Township Board has decided not to proceed in the lawsuit against the Harbour Club and will settle for 30% of the \$75,000 (\$22,500) the Algonac Harbour Club is seeking in settlement; Supervisor's opinion it will not get any cheaper, if proceed with the lawsuit and lose, would be paying \$75,000 plus attorney fees; attorney fees would be high, if Board wishes based on principal, could send a letter to County to start the condemnation proceedings, owners of Harbor Club will not back down, need to get this resolved.

City of Algonac Council will discuss tomorrow at their meeting.

Trustee Sharrow: Assuming in the original contract agreement between the three municipalities there was no method of resolving; if settle, do not want to offer 40%, questioned was the 1970 contract reviewed for a clause as to sewer outfall?

Supervisor McKoan IV: Only way to resolve it other than settling it, is proceed to Court. Direction from the Board how you want me to proceed with the County, do we settle out of court or proceed with the lawsuit.

Supervisor updated the Board of recent mtg. held at the County with Ira, Algonac & Clay; Co. lawyer requested from Harbour Club a verification letter stating what was the amount of money lost, to this date have not received anything.

County decision is to proceed with a lawsuit or settle it with the figure as presented.

Questions: Why would County file lawsuit, if Harbour Club is claiming they are owed?

Sewer outfall between the three communities, it is in their portion of property, allowing us to use w/o an easement; as a municipality, could condemn the property.

If the County files, it would be using a national condemnation using an imminent domain.

Supervisor McKoan IV gave our options, could win the suit, Judge could give the easement for a \$1.00, would be on the hook for the attorney fees, Board wants to take that chance, if lose, would be paying 33% of the \$75,000 plus attorney fees.

Questioned paperwork would be disclosed if there is a lawsuit, couldn't the attorney settle at that point in time?

Supervisor Joe McKoan IV: Could file the suit, Harbour Club may not be able to prove they lost money or they could bring in some information that we could not verify.

Original amount was \$150,000, through negotiations it has been lowered to \$75,000.

Why was there never an easement gained when the original outfall went in?

Clerk Pellerito: Original outfall ran into the Dana Drain, Algonac Harbour Club got a permit to put in a breakwall, once it was created, the Waste Water Treatment Plant was not allowing the water to dissipate in all directions; DEQ ordered the community to extend the outfall, disagreed with DEQ breakwall built by Harbour Club is the cause, pipe was indicated on the plan; as a result had to extend the outfall through the breakwall, low water period, dredge work and reconstruction occurring at that time, with the condition occurring at low water period, dredge work and reconstruction going on, some valid reasons how much revenues lost even if we hadn't been there.

Trustee Sharrow: businesses don't receive compensation when sewer, water, roads, bridges, etc. are installed.

Moved by Kirkpatrick, supported by Sharrow, to postpone a decision of the Sewer Outfall Extension Algonac Harbour Club issue until the June 10, 2002 Board Meeting after the City of Algonac Council has meet and discussed the issue.

Discussion: Per Clerk Board Meeting on June 17<sup>th</sup> is a regular meeting.

AMENDED MOTION:

Moved by Kirkpatrick, supported by Sharrow, **MOTION CARRIED**, to postpone a decision of the Sewer Outfall Extension issue regarding the Algonac Harbour Club and the settlement they are asking for until the June 17, 2002 Regular Board Meeting, after the City of Algonac Council has met to discuss the possible settlement or to proceed with the lawsuit.

AYES: All. NAYS: None. ABSENT: Dr. Kasperowicz (excused).

Moved by Engel, supported by Kirkpatrick, **MOTION CARRIED**, to send the City of Algonac a letter in support of the Skate Park Grant application in their efforts to obtain a \$10,000 Grant with the understanding that Clay Township is not telling the City of Algonac that we are committing any dollar amount of any sort. AYES: All. NAYS: None. ABSENT: Trustee Dr. Kasperowicz.

Discussion of the Harsens Island Fire Department proposal to purchase a fire truck: Two bids submitted, one from Toyne, Inc. and the other from Ferrara Fire Apparatus, Inc.; Daryl DuPuge explained to the Board two models, commercial vs. custom chassis difference, custom chassis is far superior and much easier to maneuver; choice is by Toyne, Inc.; if they pay up front the whole amount will save \$7,978.00, original price is \$272,435.00, cost with the discount is \$264,457.00.

Trustee Sharrow: Questioned 5-year loan, rather see it at seven, \$16,000 difference a year, don't want to have to raise the special assessment tax for Fire on the Island.

Questioned when the pre-paid would have to be paid.

Treasurer Turner: Bank would do the pre-paid, Twp. would not make a payment until July, 2003.

Motion by Kirkpatrick, supported by Turner, to approve the Harsen's Island Fire Department purchase the Toyne 1,500 GPM pumper complete with 2003 HME P2-T custom chassis and arrange the finances through Fifth Third Bank for a seven-year loan at a matched interest rate (4.16%) for the pre-paid amount of \$264,457.00.

Discussion:

Clerk Pellerito: Like to see the motion authorize the purchase, omit the finance portion until other lending institutions can quote on the loan.

Daryl DuPage: In order to get the discount have to put the financing in place.

Clerk Pellerito: Just received the paperwork, perhaps should wait until the 17<sup>th</sup>.

Daryl DuPage: With seven years, aren't the people paying taxes longer?

Trustee Sharrow: Why should the people living on Harsens Island over the next 4-5 years pay in full for this truck and then it will be enjoyed by others for the next 20 years who have not paid for it.

**MOTION CARRIED. AYES: All. NAYS: None. ABSENT: Trustee Dr. Kasperowicz.**

Discussion on the Chamber of Commerce dues: Supervisor McKoan IV has sent a letter to the Chamber indicating the Township's decision, no response; Clerk Pellerito spoke with City Manager Grady Holmes, may have a solution that will be beneficial to both entities.

Confusion as to whom has the authority of the boat launch.

City of Algonac is allowing the Chamber to use boat-launching fees to assist in the Chamber of Commerce.

Supervisor McKoan IV: If a City launch, then should charge everybody or if giving the proceeds to the Chamber, don't charge Clay Township residents; Greater Algonac Chamber of Commerce at one time was in Clay Township, 90% of the businesses are in Clay.

Trustee Kirkpatrick: Clay Township people should receive a discount on launch fees.

Trustee Sharrow: Trying not to hurt the Chamber if the decision is in the City's hands; if City is still working on a solution, can wait.

Motion by Sharrow, supported by Engel, to pay the Chamber of Commerce dues of \$100.00.

R/C VOTE: AYES: Engel, Sharrow. NAYS: Kirkpatrick, Turner, Pellerito, McKoan IV. ABSENT: Dr. Kasperowicz.

Discussion: Supervisor McKoan IV: Bring it up next week, wait until get some communication from the City of Algonac.

**MOTION FAILED.**

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

Norman Rhodes, 7488 Venice Hwy., Harsens Island: Funding to landscape the Township, like to see the DDA pay for it.

Answer: Sign is not in the DDA district.

**NEW BUSINESS:**

Moved by Pellerito, supported by Turner, **MOTION CARRIED**, to approve the hiring of David Burley as a part time Police Officer. AYES: All. NAYS: None. ABSENT: Trustee Dr. Kasperowicz.

Moved by Sharrow, supported by Pellerito, **MOTION CARRIED**, to extend the service contract with Network Connections, Inc. for the cost of \$2,200.00 for twenty (20) hours. AYES: All. NAYS: None. ABSENT: Dr. Kasperowicz.

Discussion of Clay Township Survey results: 522 returned, mailed out 5,400; #1 priority was recycling, build bike paths and contribute to Colony Tower were very close; citizens want to see the Board proceed with the Colony Tower project, many calls of support. Curbside recycling high on the list, issue we will need to pursue heavier at the next garbage contract. People want bike paths, send more direction to the DDA to continue the Bay to Bridge Program in the District.

Survey results definitely helped the Board decide these as the three (3) top priority projects for Clay Township.

Colony Tower grant information: Clerk received a call from a lady that already has a lot of information regarding a grant; Wade Trim may be able to assist in grant proposals. The Colony Tower is a unique item that needs to be assisted one way or another.

Moved by Turner, supported by Kirkpatrick, **MOTION CARRIED**, to place the notice in the Times Herald and The Voice Newspaper for the sale of the house at 1169 Smith Street to be moved, sealed bids accepted through June 24, 2002. AYES: All. NAYS: None. ABSENT: Dr. Kasperowicz.

Moved by Sharrow, supported by Kirkpatrick, **MOTION CARRIED**, to accept the Clay Township Police Department April 2002 Incident Summary, School Liaison Officer's Report and the St. Clair County Road Commissioners Meeting Minutes for May 7, 2002. AYES: All. NAYS: None. ABSENT: Dr. Kasperowicz.

Moved by Sharrow, supported by Kirkpatrick, **MOTION CARRIED**, to approve the sum of up to \$225.00 to purchase two trees, landscaping stones, peat and topsoil for fill, perennial flowers and paint for the landscaping and clean-up of the entrance sign area entering into Clay Township and extend the Board's appreciation for the volunteering from Clay Township resident Dorothy DeBoyer and her sister to do this project. AYES: All. NAYS: None. ABSENT: Dr. Kasperowicz.

Moved by Sharrow, supported by Kirkpatrick, **MOTION CARRIED**, to postpone the 2002-2003 payment dues to Michigan Townships Association until after the 2002-2003 budget year and bring it back at the July meeting. AYES: All. NAYS: None. ABSENT: Dr. Kasperowicz.

Discussion School Liaison Officer Reimbursement proposal: Verbal commitment of \$20,000 from Superintendent of Schools, Dr. Dennis Guiser, not willing to budge from that number; per Supervisor willing to negotiate further if Board would want me to.

Moved by Pellerito, supported by Kirkpatrick, **MOTION CARRIED**, to accept the \$20,000 offer from the Algonac Superintendent of Schools Dr. Dennis Guiser for the School Liaison Officer Reimbursement for this year and request reimbursement for the last three years at \$5,000 for each year the School Liaison Officer was at the school. AYES: All. NAYS: None. ABSENT: Trustee Dr. Kasperowicz.

Moved by Turner, supported by Engel to authorize Police Chief Thomas Eder to attend the Michigan Municipal Risk Management Summer Meeting on June 19, 2002 at the Marsh Ridge Resort in Gaylord, MI at a price of \$82.50 for one (1) overnight lodging stay. AYES: All. NAYS: None. ABSENT: Dr. L. Kasperowicz.  
**MOTION CARRIED.**

Discussion: He should take the Township Police car.

Moved by Turner, supported by Kirkpatrick, to authorize Chief Tom Eder to drive the Township Police car to the MMRMA Summer Meeting. AYES: All. NAYS: None. ABSENT: Dr. L. Kasperowicz.

**MOTION CARRIED.**

Moved by Sharrow, supported by Turner, **MOTION CARRIED**, to close Township Offices and the D.P.W. on Friday, July 5, 2002 to allow for an extra long weekend providing each employee uses a vacation or personal day or a day without pay for the extra day. AYES: All. NAYS: None. ABSENT: Dr. Kasperowicz.

Set waste water rates 2002-2003 discussion: New tank installed at the Waste Water Treatment Plant, bids going out for a biodisk system or the trickling system, cost excess money, residents are still receiving the sewer credit; Board discussion whether to alleviate credit assist in the payment of the tank, also improvements/renovations of the Sewer Treatment Plant.

Clerk Pellerito: Explained the analysis page of the breakdown of the numbers; balance of \$912,485,000 (6-30-2002); short fall \$84,546,000, sewer credit will reduce our reserve total by \$239,700.00 or a working surplus of \$672,785; should stop with the credit allowing us to have enough money to pay our share; several years raised the rates and the credit has been offsetting that raise; rates per 20,000 gallons is \$20.00, after that it is a \$1.00 per thousand, essentially that will raise .32 cents to have the average homeowner have a \$4.80 raise besides the \$15.00 for a total of \$80.00 per year; resulting in having enough money to pay for that sludge tank. The proposed expansion improvements will cost \$1,850,000.00, don't want to bond out, use cash within.

Trustee Sharrow: If State offers a 2% for bonding, foolish not to bond out.

Clerk Pellerito: 2% interest is for expansion only; if on the hook for 40% of the expansion cost, sewer rates would go to \$2.59 per thousand, if 33-1/3% sewer rates would go to \$2.16 per thousand total cost, if remove the \$15.00 and go to the \$1.32 per thousand would be your increase of 13%.

Treasurer Turner: If we remove the credit, the initial amount will be \$1.76 not really going towards the whole amount.

Trustee Sharrow: The money refunded collected for a debt service charge can it be used for capital improvement?

Clerk Pellerito: Yes it can, according to Plante Moran Joe Heffernan, first thing to do is stop the refund, wait and see how it goes, not tax the people for something that has not occurred; are committed to the storage facility.

Supervisor McKoan IV: By deleting the sewer debt refund, not increasing the rates.

Moved by Pellerito, supported by Engel, **MOTION CARRIED**, to discontinue the sewer rate rebate effective July 1, 2002. AYES: All. NAYS: None. ABSENT: Dr. Kasperowicz.

Comment: Will bring back a resolution to establish the new fees, won't do that until we get some more concrete numbers from the RPF that are out there right now.

Permission to hire a couple of guys on a part time basis in the D.P.W.; seasonal help to assist Supervisor Jon DeBoyer through the summer; Board in favor of this idea.

Moved by Kirkpatrick, supported by Turner, **MOTION CARRIED**, in favor of the concept to employ two part time laborers in the D.P.W. to perform seasonal help, i.e. clean-up areas on the Island after waterline installations and other miscellaneous tasks; authorize Supervisor Jon DeBoyer to convey to the Township Board the two part time laborers for their consideration to hire at the next Board Meeting. AYES: All. NAYS: None. ABSENT: Dr. Kasperowicz.

**BOARD MEMBER COMMENTS:**

Trustee Cindy Kirkpatrick: Brought up the May 20, 2002 minutes, page 4, issue regarding reserve officers to assist the City of Algonac at the Pickerel Tournament; motion was to indicate “extra reserve officers necessary”. Amended motion referred to the “availability of the reserve officers”, which indicates more than two; whatever Officer Joe Doan needs, it will work out.

Trustee Sharrow: Any info on disposing of old LP tanks?  
Clerk Pellerito: Recycling center will be taking propane tanks.

Trustee Sharrow: Downriver Recreation is having a bike registration through City of Algonac Police Department, any intentions to have one in Clay Township or on the Island? Also free bike locks were to be given away to the first 100, funding for this coming out of the Downriver Rec budget, maybe these free locks should be split up between Clay and Harsens Island.

Trustee Engel: Not at last meeting, attended the budget mtg., will talk to Cindy Babisz.

**PUBLIC COMMENTS:**

Rich Baker, Stone Road: Comment regarding the drainage was not turned over to the County, shouldn't it be up to the Harbour Club to initiate the lawsuit?

Supervisor Joseph McKoan IV: Catch “22” situation, it will become public property and we would get the easement, property was altered when pipe was put in, disturbed the water.

Rich Baker: Boat launch in City of Algonac, road to the River is a County State Highway, City does not have sovereign over it.

Herb Meyer, Harsens Island: Questioned the green belt put in by San Souci in front of the building, no parking, can they do that legally?

Trustee Sharrow: Site plan and there was no street blocked, whatever the Planning Commission approved on the site plan, it is recorded in the Township Office.

Trustee Kirkpatrick: Michael Kras needs to be alerted to the situation.

Supervisor Joseph McKoan IV: Will address it with Mr. Kras tomorrow.

Daryl DuPage: Granted them the easement on both sides for parking; grass in front of the store.

Roy Bianchini, 3164 N. Channel Drive: The waterline past us up, how can we have the waterline come down our street, representing thirteen residents.

Supervisor Joseph McKoan IV: Your parcels were not in the district, addressed; your concerns with the engineers and contractors, don't have an avenue to finance it like the others had; no special assessment available, all involved would have to pay up front in full; the Township has no legal authority to assist if not everyone can pay, a letter coming to you indicating what the options are.

Supervisor Joseph H. McKoan IV: Like to appease you, but will need your assistance; can get that done while contractors are still there, we cannot fund it or lend the money, we have no recourse, the price is going to be more.

Clerk Pellerito: the diameter of the pipe may not be sufficient pressure. The pipe efficient to handle that capacity; no tax dollars pay for water and sewer lines.

Supervisor McKoan IV: Appreciate the residents from North Channel at the meeting, obtain 100% compliance it can be done.

Frank DuPage, Bates Highway: Water comment.

Supervisor Joseph McKoan IV: Contract that area, we are going to need a pump station. Cost would be excessive.

Marilyn Dunn, 7284 South Channel: We put a petition in several months ago and have never received a response.

Clerk Pellerito: We cannot get any more extension from the DEQ or the Corp; that would have to be a new district, they want to see a model pump station, South Channel would have to be a complete new project, would not be able to get that ready until next Spring.

Mary Peters, 7207 South Channel: Sent a petition Goodrich Hwy. And requested action be given to us and to this date have not received a response to our petition. May 6: cost for an extension would like to know what the cost would be, like that in writing. The Township has an obligation to promote the health and welfare to its residents and should be able to provide the water to all. Why hasn't the Township moved forward to establish a district? Would very much like some answers to these questions.

Marilyn Dunn: Why are we excluded what about everyone else? Responsible for paying for a booster station on our part of the Island, don't understand.

Supervisor Joseph H. McKoan IV: It was already put into place previously, not going down Bates Highway cannot meet the chloride and standards required.

Norman Rhodes: Questioned petition needed to create a special assessment district, how much percent do you need? Something should have been built into the capability to include those other lots. Island should have been treated as one happy home; like someone to find out what the expansion considerations are and is it capable of handling those lots and if not to increase that load and service their problem.

Supervisor Joseph H. McKoan IV: Majority of the people on Goodrich Highway did not want the water, unless majority in area want water, will go a full blown special assessment, Township can help with a petition, up to the residents whether you still want to proceed with it.

Marilyn Dunn: Questioned when it would have to be paid up front.

**ADJOURNMENT:**

Moved by Kirkpatrick, supported by Sharrow, **MOTION CARRIED**, to adjourn the meeting at 9:39 p.m. AYES: All. NAYS: None. ABSENT: Dr. L. Kasperowicz.

Michael P. Pellerito  
Clay Township Clerk