

Minutes of the Clay Township Board Meeting held on Monday, July 1, 2002 at 7:30 p.m. at 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 Beth Engel.
ABSENT: Dr. Leonard Kasperowicz (excused).

Citizens present: Thirty (30).

AMENDMENTS TO THE AGENDA:

Moved by Pellerito, supported by Kirkpatrick, **MOTION CARRIED**, to amend the Agenda under New Business add item #9. Discussion of Electrical Work in the Police Department. AYES: All. NAYS: None. ABSENT: Trustee Dr. Kasperowicz.

APPROVAL OF THE 6-17-2002 MINUTES & SYNOPSIS AND PUBLIC HEARING MINUTES:

Moved by Turner, supported by Kirkpatrick, **MOTION CARRIED**, to approve the June 17, 2002 Board Meeting Minutes & Synopsis with the following amendments:

- Page 4, motion to adopt Resolution establishing Supervisor's salary; Trustee Engel voted in favor of the Supervisor's annual salary.
- Page 4, motion to adopt Resolution establishing the Trustee's salary of \$2,280.00 to remain the same as last year.

Public Hearing Minutes for Lazy Lane Road Special Assessment District and Public Hearing Minutes to hear comments for or against the 2002-2003 Fiscal Year Budget were accepted as presented.

AYES: All. NAYS: None. ABSENT: Trustee Dr. Kasperowicz.

BILLS PAYABLE:

Moved by Turner, supported by Kirkpatrick, **MOTION CARRIED**, to approve the Bills Payable in the amount of \$73,651.03. AYES: All. NAYS: None. ABSENT: Trustee Dr. Kasperowicz.

COMMUNICATIONS:

Township Offices will be closed on Thursday, July 4th and Friday, July 5th in observance of the July 4th Holiday.

State of Michigan, Department of Environmental Quality, Notice of Public Hearing: Clay Township Hall, 4710 Pte. Tremble Road on Tuesday, July 16, 2002 at 7:00 p.m. Purpose to hear comments concerning application for Permit 02-74-0059-P applicant proposes to place approximately 1,550 linear feet of fence within wetlands contiguous to the St. Clair River.

Notice of Close of Registration for the August 6, 2002 Primary Election is Tuesday, July 8, 2002.

Supervisor Joseph McKoan IV introduced Fire Chief Rick Edler to acknowledge Firefighter John Papiez for fifteen (15) years of service with a plaque and a commemorative engraved fire axe.

OLD BUSINESS:

Proposed contracts for the Department Heads:

MICHAEL KRAS, BUILDING OFFICIAL/ZONING ADMINISTRATION:

Mr. Kras has submitted a memo objecting to the contents of the contract; can vote on it today or defer it for further negotiations and bring it back at the next meeting; salary the same from last year.

Treasurer Connie Turner feels Mr. Kras has done an excellent job and deserves an increase.

Clerk Pellerito: cut responsibilities and duties from contract, Zoning Adm. title put there back in there as a way to have him continue on until the replacement for that portion is in there, program was to bring someone in here to relieve him of the Zoning duties.

Supervisor McKoan IV: Update on the status of hiring an assistant for Mike Kras; have no problem with negotiating with Mr. Kras and bringing it back.

Motion by Turner to bring Michael Kras' contract at the next Board Meeting with a new proposal and allow Supervisor McKoan IV and Mr. Kras to negotiate further on his contract.

NO SUPPORT, MOTION DIED.

Moved by Sharrow that negotiating for Michael Kras' contract be done for a temporary increase in salary while the Township is without zoning enforcement. When and if it does happen there would be a change.

Discussion: Temporary increase in Mr. Kras' salary for performing the two jobs as Building Official/Zoning Enforcement, condition in contract specifying the salary for both jobs or if only handling the building official's responsibilities would be a change in salary. A clause in contract if the person hired decided to quit, would Mr. Kras' salary go up again, would need to be clarified.

NO SUPPORT, MOTION DIED.

Supervisor Joseph H. McKoan IV: is there any more motions from the floor? No action taken on this contract at this meeting.

JON DEBOYER, DEPARTMENT OF PUBLIC WORKS SUPERVISOR:

Motion by Turner, supported by Sharrow, **MOTION CARRIED**, to accept the Public Works Supervisor Jon DeBoyer's Contract effective July 1, 2002 through June 30, 2005.

R/C VOTE: AYES; Sharrow, Kirkpatrick, Turner, Pellerito, Engel, McKoan IV.

NAYS: None. ABSENT: Dr. Kasperowicz.

Trustee Kirkpatrick: Would rather have a bigger increase for him, DPW workload has doubled.

DONALD DRAKE, DEPUTY CHIEF OF POLICE – CLAY TOWNSHIP POLICE DEPT.

Moved by Sharrow, supported by Kirkpatrick, **MOTION CARRIED**, to accept the one-year contract for Donald Drake, Deputy Chief of Police, Clay Township Police Department, effective July 1, 2002, amendment to Item #15, Termination of Contract should read contract shall be in effect for a period of one year.

R/C VOTE: AYES: Sharrow, Kirkpatrick, Turner, Pellerito, Engel, McKoan IV.

NAYS: None. ABSENT: Dr. Kasperowicz.

RICK EDLER, FIRE CHIEF AND FIRE OFFICIAL – CLAY TOWNSHIP MAINLAND FIRE DEPARTMENT:

Moved by Turner, supported by Engel, to accept the two-year contract for Rick Edler, Fire Chief and Fire Official for Clay Township Mainland Fire Department as presented.

Discussion: Increase appears very large, former salary included extra money for calls and overtime, this increase does not, all rolled into this contract. Chief Edler is very good in his profession, all agree he is a value to our Township.

Trustee Kirkpatrick: Chief Edler is very dedicated and deserves a larger increase.

R/C VOTE: Ayes: Sharrow, Kirkpatrick, Turner, Pellerito, Engel, McKoan IV. NAYS:

None. ABSENT: Dr. Kasperowicz.

MOTION CARRIED.

Demolition of the 1169 Smith Street house discussion: no response from notices placed in newspaper to remove the house; suggestion auction building materials of the house on July 14th when another home will be auctioned off on Colony Drive; the money could go to the Habitat for Humanity if we desire; questioned the legality of being able to give the money to Habitat for Humanity.

Clerk Pellerito: auction is the best way to go, cheaper than spending several thousand to demolish it, don't want the money to go Humanity, have it go back to the Township as a non-profit 501C3. Suggested put it back into the cemetery, replacement of a fence, fill in holes, etc.

Moved by Pellerito, supported by Kirkpatrick to allow Mid Thumb Auctioneers the ability to sell the Township house at the Oaklawn Cemetery with the proceeds to go to the Cemetery, if does not work out successfully will bring it back to the Township Board. AYES: All. NAYS: None. ABSENT: Dr. Kasperowicz.

Colony Tower update: Committee met last week, topics considered purchase of tower by the Township, time frame considerations for restoration, consensus no time frame, seawall area, potential of splitting off the lot, preparation of an agreement, essentially waiting for a draft agreement to be brought to the Township Board for their consideration; Assoc. did not want a separate cell tower standing next to the Colony Tower, etc. We can look over agreement and bring it back to the next meeting.

Moved by Pellerito, supported by Turner, **MOTION CARRIED**, to approve the hiring of Albert Farrow as a full time D.P.W. laborer to start work July 15, 2002. AYES: All. NAYS: None. ABSENT: Dr. Kasperowicz.

Response from the seventeen (17) letters sent to the property owners on Maynard Court regarding a ditching project; majority of the owners are not in favor of the special assessment project, would want it done if the Township pays for it.

Moved by Sharrow, supported by Engel, **MOTION CARRIED**, to notify Mr. Wrightner, 9276 Maynard Ct. that since the neighbors are not interested in a special assessment district and Township feels they should not pay for the entire project, would he consider the simple way of granting an easement and the cost and bring that back to the Township Board and see if the Board may share the cost with him. AYES: Sharrow, Kirkpatrick, Turner, Pellerito, Engel, McKoan IV. NAYS: None. ABSENT: Dr. Kasperowicz.

Update on the Township Building addition with revisions from Whittlesey Development: larger meeting hall, seat approximately 104 people, bathroom facilities, storage and conference area, old mtg. hall could be used for building dept. offices, Treasurer goes to the Building Dept., complete the phases in next year's budget; Trustee Sharrow inquired if heard from DDA as to their support on a portion of the building.

Like the concept of the new Twp. meeting room; did expand the new bldg. 5' wider, lose one (1) parking space; will cost approximately \$50,000 more to expand it and raise the ceiling flush with the Police Dept.

Moved by Turner, supported by Kirkpatrick, **MOTION CARRIED**, to continue on with the new building expansion design as presented by Whittlesey Development. AYES: All. NAYS: None. ABSENT: None.

Moved by Sharrow, supported by Engel, **MOTION CARRIED**, to award Wade-Trim the contract not to exceed \$14,000 to update the Master Plan prior to the end of this calendar year. AYES: Sharrow, Turner, Pellerito, Engel, McKoan IV. NAYS: Kirkpatrick. ABSENT: Dr. Kasperowicz.

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

NEW BUSINESS:

Leonard Uschwald on behalf of the Algonac Knights of Columbus Council 7227 presented a beautiful wood podium to the Township of Clay Board.

Moved by Pellerito, supported by Sharrow, **MOTION CARRIED**, to set the Special Meeting for holding a Public Hearing on the Truth and Taxation of the 2002-03 Special Assessment Levy for Police Department, Mainland Fire Department, Harsen's Island Fire Department and Russell Island Fire Protection on Monday, the 5th day of August, 2002 at 7:00 p.m. in the Clay Township Board Room, 4710 Pte. Tremble Road, Clay Township, MI. AYES: All. NAYS: None. ABSENT: Dr. Kasperowicz.

Motion by Turner, supported by Kirkpatrick, **MOTION CARRIED**, refund the Building Performance Bond of \$500.00 to George Sementkowski for new home Building Permit No. PB98-0261 at 8450 Middle Channel Drive, Harsens Island. AYES: All. NAYS: None. ABSENT: Dr. L. Kasperowicz.

Building Official Mike Kras: F.Y.I. in the future, under the new code, the building permit is good forever and bond is good for only two years.

Moved by Kirkpatrick, supported by Turner, **MOTION CARRIED**, to approve the Michigan Municipal League annual fee for 2002-2003 in the amount of \$3,494.00. AYES: All. NAYS: None. ABSENT: Dr. L. Kasperowicz.

Moved by Turner, supported by Kirkpatrick, **MOTION CARRIED**, to approve the May 2002 Water Department Maintenance Report as submitted. AYES: All. NAYS: None. ABSENT: Dr. L. Kasperowicz.

Moved by Kirkpatrick, supported by Sharrow, **MOTION CARRIED**, to pay Mainland Fire Chief Rick Edler the vacation and sick days not used for 2001/2002 paid period for a total of twenty-one (21) days. AYES: All. NAYS: None. ABSENT: Dr. L. Kasperowicz.

Moved by Sharrow, supported Pellerito, **MOTION CARRIED**, to recommend the Land Use Law Update in Michigan training class sponsored by National Business Institute be put back in the file, the seminars from Michigan Society of Planning, MML and MTA are preferable. AYES: All. NAYS: None. ABSENT: Dr. L. Kasperowicz.

Moved by Sharrow, supported by Turner, **MOTION CARRIED**, to reappoint Donald J. Verslype and Gilbert Konkell to the Harsens Island Transportation Authority (HITA) Board for a three year term to expire June 15, 2005, the reason would like to see the HITA remain in affect should something happen, they are our communication link with the government. AYES: Sharrow, Turner, Pellerito, Engel. NAYS: McKoan IV, Kirkpatrick. ABSENT: Dr. Kasperowicz.

Moved by Sharrow, support by Kirkpatrick, to allow the Algonac-Clay Township Historical Society to place a garage on the Log Cabin site for a storage area, work room and covered patio area and the Historical Society will decorate the building to fit in with the surrounding area.

Discussion: What about the waiving of fees?

Should pay, charged fees at the boat launch.

Waiving of fees should be included in the motion.

Moved by Sharrow, supported by Kirkpatrick, to withdraw original motion.

AYES: All. NAYS: None. ABSENT: Dr. Kasperowicz.

Motion by Sharrow, supported by Turner, **MOTION CARRIED**, to allow the Algonac-Clay Township Historical Society to place a garage on the Log Cabin site for a storage area, work room and covered patio area and to rely on the Historical Society to decorate the building to fit in with the surrounding area and to waive the necessary building fees as required by the Township for the building.

VOTE ON THE MOTION: AYES: Sharrow, Turner, Pellerito, Engel, McKoan IV. NAYS: Kirkpatrick. ABSENT: Dr. Kasperowicz.

MOTION CARRIED.

Moved by Pellerito, supported by Kirkpatrick, **MOTION CARRIED**, to approve the bid from Hunter Electric for a total price of \$2,375.00 to upgrade the electrical system in the Police Department building. AYES: All. NAYS: None. ABSENT: Dr. Kasperowicz.

BOARD MEMBER COMMENTS:

Supervisor Joseph McKoan IV: Harsens Island Water update on further expansion on areas that were not in the original special assessment: met with the thirteen property owners on North Channel, willing to pay up front for those water lines; Beauregard Road; installation of water lines will not be possible, attempt to pursue a special assessment district; Bates Highway – approximate cost for the water has not been completed yet, waiting for the engineering estimate.

Waste Water Treatment Plant: St. Clair Co. Dept. of Public Works decided will go with the trickling filter system, DEQ put pressure on them to increase the plant capacity to 4.0 million gallons per day, Twp. does not need that, percentages need to be discussed strongly, our share now is 40%, do not need 40% of 4.0 million gals.

Trustee Sharrow: Suggest send the County DPW with copies to Ira, Algonac stating now that decision has been made to expand or create a new sewage plant we want to enter into immediate negotiations about a new contract.

Supervisor Joseph H. McKoan IV: Talked about this with Ira Supv. and his response was as long as we are bidding this out the current contract should remain the same think contract should be opened up since County has made the decision, willing to pay for what we need, but discontinue subsidizing the other two communities.

Received from the County proposed resolution supporting the bonding situation for the Waste Water Treatment Plant just last Friday, not in favor of bonding attorney and engineer, don't think should this should be promoted; sample resolution will copy for the board members, something we will have to take on and enter into some serious communications and contracting.

Sewer Outfall update: County voted on that as well, pay the \$75,000; Co. DPW made the decision to pay it and bring the Township out of the loop.

Trustee Sharrow: May need to save our legal fees for this bigger million dollar project for the sewer expansion that the citizens of Clay Twp. do not need and will not use.

Supervisor McKoan IV: Agree with you, the opinion of the Townships seems to fall on deaf ears when meeting with the County.

Clerk Pellerito: Tax Tribunal board could hurt the Township, if everyone with a sewer line were to appeal to the Tribunal Board for an unfair tax.

Supervisor McKoan IV: Sewer Outfall issue is a moot issue, not a lot of money in our percentage, spending more money even if we won.

Waste Water Treatment plant is a whole different story, paying for more than what we need.

Trustee Cindy Kirkpatrick: Sewer Outfall issue, think the Township should fight this.

Supervisor Joseph McKoan IV: Explained to the Board his opinion why the decision to settle the Outfall issue was the right one.

Brian Stone Lawsuit update: The Township wanted the original arbitrator and the Union did not agree with that; MERS will appoint another arbitrator or give Supervisor McKoan IV the authority to go into Circuit Court and get an injunction and let the Judge decide whether the initial arbitrator should hear this arbitration.

Legal fees are coming out of Police budget.

Water Algonac Flushing 1.7 million gallons a day:

Supervisor Joseph McKoan IV update: Received a call from water operator in Algonac last week, told DeBoyer & Marvin to stop flushing hydrants on the Island; entitled to 1.7 million gallons a day, last month using 850 gallons a day; spoke with Tom Marvin, Project eng. on site, don't do more than 2 hydrants a day, use 7,500 to 100,000 per flushing cycle; Twp. records last Aug. were 1.1 million gallons, most we have ever used, peak, entitled to 1.7 million a day, pump running at 75% capacity, met on the 18th with

METCORE who constructed the plant and have some answers, operator telling us not a 2.7 million gallon day plant.

Clerk Pellerito: Immediate issue is Clay Township is entitled to the 1.7 million gallons per day, paid 67% of the plant's construction for those arrangements and now can't get our product.

Trustee Sharrow: Court injunction that would stop the flow for Algonac & Ira when they hit their capacity into the sewer plant it would be shut down.

Trustee Kirkpatrick: Why are there so many hydrants in areas on the Island where no one lives?

DPW Jon DeBoyer: Has more to do with maintaining the lines than it does for fire fighting, helps in preventing a stale product by moving the water across the loop and keep the chlorine level up.

Trustee Kirkpatrick: Suggestion a letter be written in the Delta News Letter explaining about the hydrants.

Boat Launch:

Trustee Sharrow: Regarding boat launch in late 1970's or 80's Federal State Grant was obtained for the park and the launch; usually when State Grant money is used for any park is suppose to be open to everyone, perhaps City of Algonac should research that.

Trustee Kirkpatrick: Bayly said in his letter that mailing addresses are all Algonac.

Clerk Pellerito: They have the right to operate it and charge, easement from Smith Street, grant may have been put in when the City was a Village it would not matter.

Trustee Sharrow: Questioned notice of a public hearing for July 16th re: Oak Grove is that accessible to a road?

Yes, can be accessed from River Road.

PUBLIC COMMENTS:

Richard Baker, Stone Road: Home Rules Road, State & County roads, cannot be changed, main thoroughfare. Township had the legal right to some of that money, how can they annex a public park that is not our Township and sell it privately.

Discussion continued about the past history of the Chris Craft property sale.

Henry Denolf, 8344 Benson Highway: What is the approach the Township is going to take to extend the water?

Supervisor Joseph H. McKoan IV: Eng. study done, Assessor will furnish maps to BMJ, BMJ will calculate costs.

Herb Meyer, Harsens Island: Questioned San Souci Landing will have roof top dining.

Rocco Prinzivalli Sr.: Building expansion, need to plan for the future. Maybe the Township should start thinking about going Charter. Township needs to look into hiring a profession business manager.

ADJOURNMENT:

Moved by Kirkpatrick, supported by Engel, **MOTION CARRIED**, to adjourn the meeting at 9:05 p.m. AYES: All. NAYS: None. ABSENT: Dr. Kasperowicz.

Michael P. Pellerito
Clay Township Clerk

