

Minutes of the Clay Township Board Meeting held on Monday, July 15, 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 Dr. L. Kasperowicz, Trustee Beth Engel.

ABSENT: None.

Citizens present: Twenty (20).

AMENDMENTS TO THE AGENDA: None.

APPROVAL OF THE 7-1-2002 MINUTES AND SYNOPSIS:

Moved by Kirkpatrick, supported by Turner to approve the July 1, 2002 Minutes and Synopsis with the following amendments:

- Page 2, Comment regarding DPW Jon DeBoyer's contract was by Trustee Kirkpatrick and not Treasurer Turner.
- Page 2, Comment regarding Fire Chief Rick Edler's contract made by Trustee Kirkpatrick was "Chief Edler is very dedicated and like to see more money for him."
- Page 6, Board Member Comments: under Boat Launch typo in 4th line down should read "that" and not "tat".

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

MOTION CARRIED.

BILLS PAYABLE:

Moved by Turner, supported by Kirkpatrick, **MOTION CARRIED**, to approve the Bills Payable in the amount of \$130,159.55. AYES: All. NAYS: None. ABSENT: None.

PETITIONS: None.

COMMUNICATIONS:

Notice to Registered Electors of Clay Township, Primary Election is August 6, 2002, Voting Precincts in Clay Township, Polls open from 7:00 a.m. to 8:00 p.m.

Absent Voter Ballots for the August 6, 2002 Primary Election are available at the Clerk's Office. Clerk's Office will be open Saturday, August 3, 2002 from 9:00 a.m. to 2:00 p.m. for the purpose of submitting an application for an absentee ballot.

July 15, 2002 Memo from Rick Edler, Fire Chief to Clay Township Mainland and Russell Island Residence regarding burning; no burning permits will be issued until there has been rain.

July 15, 2002 Memo from Rick Edler, Fire Chief: Marsh fire on July 8, 2002 behind Flamingo; many fire departments, auxiliary, dispatchers, Sheriff Department, State Police, Red Cross, Tri-Hospital EMS and the County Marine Division were called in to help fight the fire; thank you to everyone that helped.

July 15, 2002 Memo from Fire Chief Rick Edler: a car wash will take place on Sunday, July 28, 2002 at 9620 Ainsworth Street to benefit the Clay Township Firefighters Association.

July 15, 2002 Letter to the Township Board from the Dangerous Building Committee: Requesting the Township Board to consider the adoption of the International Property Maintenance Code for the general well-being of our community.

OLD BUSINESS:

Building/Zoning Adm. Michael Kras Contract update to revisit his contract at the next meeting.

Motion by Sharrow, supported by Engel, **MOTION CARRIED**, to approve the sum of \$8,000.00 to the Algonac Lions Pool with the condition prior to any contribution next year, whether it be directly from Clay Township or to the Downriver Recreation, the Township Board/ Legal Council will review any agreement with the City of Algonac. AYES: All. NAYS: None. ABSENT: None.

Skate Park contribution discussion; during budget discussion increased our amount of money to the DRC by \$5,000; Township cannot make any contribution to the project; Board has questions as to the contract.

Moved by Engel, supported by Dr. Kasperowicz, **MOTION CARRIED**, to postpone the decision on the Skate Park contribution until we have more information from the Downriver Recreation Commission. AYES: All. NAYS: None. ABSENT: None.

Moved by Dr. Kasperowicz, supported by Kirkpatrick, **MOTION CARRIED**, to not allow Donald Dumars, Soil Removal Permit #47-11 the right to operate as a Soil Removal Operation until he has complied with the conditions as stated in a motion on May 8, 2002. . AYES: All. NAYS: None. ABSENT: None.

Zoning Enforcement personnel discussion: Supervisor Joseph McKoan IV stated candidates interviewed were not an official planner, need direction from the Board how you want me to pursue this; still could be a Planner and Zoning Administrator, great deal of work as code enforcer, gradually work into more planning, emphasized code enforcement and the gradual working into the planning of it.

Moved by Sharrow, supported by Kirkpatrick, to hire Timothy Wiggle as a Department Head for Planning/Zoning Administrator at a salary of \$32,000 for the first year, one-year contract to start within the next two weeks. AYES: All. NAYS: None. ABSENT: None. **MOTION CARRIED.**

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

NEW BUSINESS:

Moved by Turner, supported by Kirkpatrick, **MOTION CARRIED**, to approve the Department Reports of the Assessor, Building, Zoning, Dangerous Building, Planning & Code Enforcement, Downriver Recreation Commission, Police, County Road Commission and Harsens Island Fire. AYES: All. NAYS: None. ABSENT: None.

Moved by Kirkpatrick, supported by Dr. Kasperowicz, **MOTION CARRIED**, to approve Police Deputy Chief Don Drake to attend the grant writing workshop on August 19-20, 2002 at a cost of \$295.00. AYES: All. NAYS: None. ABSENT: None.

Moved by Kirkpatrick, supported by Turner, **MOTION CARRIED**, accept the list of Harsens Island Fire Department 2002/2003 New Officers as presented with a change in the title for Daryl DuPage from Engineer to Engineer/Secretary/Treasurer:

Chief: Bruce Schweikart
Assistant Chief: Jon Burby
Engineer/Secretary/Treasurer: Daryl DuPage
Captain: Bill Tackonis
Lieutenant: Rick Neitzer
Sergeant: Kevin Allen

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

Request from ML Fire Chief for a Support Person in Department: Could not receive any compensation, he will not get paid, bring support out to the scene.

Moved by Turner, supported by Kirkpatrick, **MOTION CARRIED**, to accept Joseph J. Doan to become a support person with the Clay Township Mainland Fire Department. AYES: All. NAYS: None. ABSENT: None.

Moved by Sharrow, supported by Kirkpatrick, **MOTION CARRIED**, to approve the Lot Split #02-04 for Robert Schutt, Jr., 9391 Island Drive, Clay Township, MI. AYES: All. NAYS: None. ABSENT: None.

Moved by Turner, supported by Kirkpatrick, **MOTION CARRIED**, to approve the Lot Split #02-05 for Bernard Licata, 1825 South Channel Drive, Harsens Island, MI 48028. AYES: All. NAYS: None. ABSENT: None.

Moved by Turner, supported by Kirkpatrick, **MOTION CARRIED**, to approve Network Connections install the seven (7) new computers for the Police Department in the amount of \$455.00. AYES: All. NAYS: None. ABSENT: None.

Motion by Dr. L. Kasperowicz, supported by Sharrow to adopt the Clay Township Zoning Ordinance No. 123.

Discussion:

Trustee Pat Sharrow expounded on comments from St. Clair County Planning Commission review of the Zoning Ordinance does not agree with the County's reasoning.

Trustee Cindy Kirkpatrick: Rough draft from the County, prefer to have the whole Zoning Ordinance before we make a motion to accept, review final draft before make a decision.

Pat Sharrow: Only thing changed was land acreage to the 2-acres in the country and the rezoning on the Island to RS.

Protocol with the County reviewing.

VOTE ON THE MOTION TO ADOPT ORDINANCE NO. 123.

R/C VOTE: AYES: SHARROW, DR. KASPEROWICZ. NAYS: KIRKPATRICK, TURNER, PELLERITO, ENGEL, MCKOAN IV. ABSENT: None.

MOTION DIED.

MOTION BY PELLERITO, SUPPORTED BY TURNER, **MOTION CARRIED**, TO BRING BACK THE RECONSIDERATION OF ADOPTING ORDINANCE NO. 123, ZONING ORDINANCE AT THEIR NEXT BOARD MEETING ON AUGUST 5, 2002. AYES: ALL. NAYS: NONE. ABSENT: NONE.

LENGTHY DISCUSSION REGARDING THE REQUEST TO EXTEND THE LEAVE OF ABSENCE FOR BUILDING DEPARTMENT CLERK PATRICIA WATSON.

Clerk Pellerito stated six months is up, per the contract Board approval is required to extend an additional six months Leave of Absence and to provide additional benefits; also Board's consideration as to employee accumulating benefits (i.e. raises, vacation, sick time, etc.) while on a medical leave and same job position when she returns; associate states will be back in September, no medical notice to confirm a date; motion to allow her a leave of absence up to six months.

Lengthy discussion re: leave, job position, start date, full time capacity, benefits, etc.

Treasurer Turner: Should leave the position open to September, deserves the chance to come back., give her that courtesy.

Trustee Kirkpatrick: Concerned employee capable to work full time, make the 6-month leave available so can come back in a full capacity, clarify she is entitled to a job if there is an opening after her six month leave.

Motion by Kirkpatrick, to extend Patricia Watson's Leave of Absence for six-months for the medical coverage and if able to return in a full-time capacity at the end of those six months will bring her back in a position that is open in the Township.

Supervisor McKoan IV: Questioned Trustee Kirkpatrick's motion, position open when she returns, verbally told she will come back in September; she entitled to her job back if it is still open; can't see any problem to extend leave to October 1st with benefits.

Trustee Kirkpatrick: Rather see the six month extension in case cannot return by Oct. 1st.

Supervisor McKoan IV: Entitled to a job if there is an opening.

Treasurer Turner: Patricia Watson should be given the chance to come back.

Clerk Pellerito: Explained motion could accomplish the 6-month leave of absence with the continuation of the BS/BC and a job would be available if the position were here, don't meet again for two-weeks, motion satisfies the 6-month leave of absence and have two weeks to have Patricia bring in a doctor's medical letter with an okay to work full time.

Motion did it address the remainder of the benefits?

Supervisor Joseph McKoan IV: Need a specific motion.

TRUSTEE KIRKPATRICK RESCINDED MOTION.

Discussion: Clarification of her job availability depending on how long the leave should be specified.

Clerk Pellerito: Leave it as it is for two weeks and see what she is going to do in two weeks.

Motion by Kirkpatrick, supported by Dr. Kasperowicz to adopt the Resolution as presented by the Township Attorney John McNamee to grant additional Leave of Absence to Patricia Watson for six-months pursuant to Article 82 of the Agreement between the Township of Clay and the Clay Township Professional Staff.

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

BOARD MEMBER COMMENTS:

Supervisor Joseph H. McKoan IV: Meeting with the Algonac Water Plant Operator, Developer of the plant, DEQ, etc. with our engineers regarding not allowing us to flush any hydrants, Algonac is saying plant does not have the capacity to handle the flushing, this is holding up the DEQ permit, homes will be needing these waterlines shortly, no operator at the plant from Midnight to 6:00 a.m.; Clay is entitled to 1.75 m.g.d., operator is saying plant can only produce 2.1 mgd., contracted for 1.75 m.g.d., hoping to have a resolve at the meeting.

Trustee Sharrow: If Water Plant was built under capacity, County should be reminded of this re: the sewer plant expansion.

Clerk Pellerito: Explained Tetra Tech did not design the plant, MemCore sold the City a package that did not require going out to bid because of its special reverse osmosis technology.

Trustee Dr. Kasperowicz: Comments as to cost for sewer sludge plant expansion, outfall settlement, etc.

Clerk Pellerito: Township has a signed contract with the City, paid 72% of expansion, no negotiation, ultimately will proceed to the Circuit Court.

Supervisor McKoan IV: Met with County regarding Central Dispatch, still in the infancy stages.

Trustee Kirkpatrick: Letter sent to the Greater Chamber of Algonac re: business owners in Clay Township and the boat launch charge.

Trustee Dr. Kasperowicz: Colony Tower issue, talked to homeowners and they would rather see it torn down and use the money for other endeavors.

PUBLIC COMMENTS:

Richard Wagner, Jr. DDA Chairperson: DEQ Grant applied for by the DDA, notification letter have been informed will be mailed out on 7-22-2002; Township building expansion more specific information what the Board is looking for, DDA August agenda.

ADJOURNMENT:

Moved by Dr. Kasperowicz, supported by Kirkpatrick, **MOTION CARRIED**, to adjourn the meeting at 9:00 P.M. AYES: All. NAYS: None. ABSENT: None.

Michael P. Pellerito
Clay Township Clerk

