

Minutes of the Clay Township Board Meeting held on Monday, August 5, 2002 at 7:30 p.m. in 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:

Moved by Turner, supported by Kirkpatrick, **MOTION CARRIED**, to amend the agenda under New Business: Item #15. Mainland Fire Department Request and Item #16. Hire Dispatcher Cheryllyn Gosselin. AYES: All. NAYS: None. ABSENT: None.

APPROVAL OF THE 7-15-2002 MINUTES AND SYNOPSIS:

Moved by Kirkpatrick, supported by Engel, **MOTION CARRIED**, to approve the July 15, 2002 Board Meeting Minutes as submitted. AYES: All. NAYS: None. ABSENT: None.

BILLS PAYABLE:

Moved by Turner, supported by Pellerito, **MOTION CARRIED**, to approve the Bills Payable in the amount of \$87,360.36. AYES: All. NAYS: None. ABSENT: None.

PETITIONS: None.

COMMUNICATIONS:

July 15, 2002 Thank You letter from the Algonac/Clay Historical Society to the Township Board especially Pat Sharrow, Connie Turner and Michael Pellerito for their assistance with arrangements for the Log Cabin Day.

Township Offices will be closed on Monday, September 2, 2002 for Labor Day, regular Township Board Meeting will be held on Tuesday, September 3, 2002.

July 10, 2002 Thank you to the Police Chief for their follow-up after receiving a call from my mother. Nancy DeRoven and Bernard Licata, 1825 South Channel Drive.

No Date, Thank you from M/M DeLange for the help from Supervisor McKoan IV with a seawall problem.

The next Township Board Meeting will be held on Harsens Island at the Lion's Hall, 263 LaCroix Road, Harsens Island on 8-19-2002, two public hearings, 1st one at 6:30 p.m., followed with one at 7:00 p.m., regular meeting begins at 7:30 p.m.

St. Clair County Clerk's Office will put the election results as reported on the web page.

Primary Election will be held on Tuesday, August 6, 2002, polls open at 7:00 a.m. close at 8:00 p.m.

OLD BUSINESS:

Contract update for Building/Zoning Adm. Michael Kras: Two-Year Contract, 2-1/2% increase per year; Item IV – Duties of Employee: daily work sheets done weekly will be required at the discretion of the Township Board.

Moved by Kirkpatrick, supported by Dr. Kasperowicz, **MOTION CARRIED**, to accept the Two-Year Contract as proposed for Michael Kras, Building Official/Zoning Administration. AYES: All. NAYS: None. ABSENT: None.

Skate Park Contribution discussion: Budgeted \$5,000 additional for Downriver Recreation Commission; Trustee Engel: why do we have to have a letter, DRC could do with the money as they choose.

Trustee Sharrow: Letter should not state "...in support of the Skate Park Project." Lengthy discussion as to "earmarking" the money for the skate park project and liability concerns.

Motion by Engel, supported by Kirkpatrick to release \$5,000 to the Downriver Recreation Commission to do as what they choose.

Discussion of motion:

Clerk Pellerito: By approving a contribution for specifically the skate park makes the Township liable for any lawsuit.

Trustee Kirkpatrick: Money allocated to DRC to be used anyway DRC Director Cindy Babisz feels is necessary with approval.

Clerk Pellerito: Disagree, not a true line item within their budget, right now it is a straight \$5,000, not split 50/50.

Trustee Kirkpatrick: It was discussed at the budget meeting, had to go through DRC.

Clerk Pellerito: There is a line item for skate park maintenance, not all three entities have contributed the same.

Trustee Sharrow: DRC is not an organization under State Law, an intergovernmental agreement; Lion's Field and Pool would need to be reviewed by Supervisor, Clerk and Twp. Attorney, agreement would need to be revised

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

Waste Water Treatment Issue:

The Resolution if adopted will begin the process for holding a bond sale to finance the improvements necessary at the Wastewater Treatment Plant.

Consensus of the Board is to reject the resolution, Clay Twp. citizens are being charged for too much usage.

Moved by Sharrow, supported by Dr. Kasperowicz, **MOTION CARRIED**, to reject the Resolution regarding the Wastewater Treatment Plan per Township Attorney John McNamee's letter of July 31, 2002 to the St. Clair County Department of Public Works. AYES: All. NAYS: None. ABSENT: None.

Moved by Dr. Kasperowicz, supported by Turner, to authorize holding the Building Department Clerk position open for Patricia Watson upon her return from a medical leave to September 2, 2002 per the medical letter submitted.

Discussion: Trustee Kirkpatrick: Voiced concerns as to Pat Watson able to keep up with a full day at work.

VOTE ON THE MOTION: AYES: All. NAYS: NONE. ABSENT: NONE.
MOTION CARRIED.

Ordinance No. 123 – Zoning Ordinance discussion:

Trustee Kirkpatrick: Concerns: allow an accessory building before the home is built; sheds allowed on canal lots; RS Zoning vs. residential, large lots may not be able to be developed on the Island, different zoning for each residential area, parking requirements.

Trustee Sharrow: Zoning Ordinance is ready to go, need to work on the Master Plan; comment regarding Trustee Kirkpatrick's thoughts and opinions.

Trustee Dr. Kasperowicz: Agree with Ms. Kirkpatrick like to allow the homeowner to build the accessory building sometime before the home is completed.

Trustee Sharrow: These are issues should have been brought up prior to this meeting, have apprised the Township Board of the Zoning Ordinance's progress with a report.

MOVED BY SHARROW, SUPPORTED BY PELLERITO, TO ADOPT THE RESOLUTION BY THE CLAY TOWNSHIP BOARD OF TRUSTEES TO ADOPT ORDINANCE NO. 123 KNOWN ALSO AS "THE CLAY TOWNSHIP ZONING ORDINANCE."

Discussion:

Supervisor McKoan IV: Hate to adopt ordinance and soon after have amendments to it.

Trustee Sharrow: Not one citizen has complained, Zoning Ordinance is a living document.

Trustee Kirkpatrick: unique area, should be different type of zoning for our community depending on the different area, separate zoning ordinance that pertains to those area only.

Trustee Sharrow: Unique situations should go to the ZBA; addressed concerns in their community meetings.

Supervisor Joseph McKoan IV: Questioned map to indicate recreational lands.

VOTE ON THE MOTION TO ADOPT THE RESOLUTION TO ADOPT ORDINANCE NO. 123:

R/C VOTE:

AYES: SHARROW, TURNER, PELLERITO.

NAYS: KIRKPATRICK, ENGEL, DR. KASPEROWICZ, MCKOAN IV.

MOTION DENIED.

Moved by Sharrow, supported by Pellerito, **MOTION CARRIED**, to forward the Zoning Ordinance to the Planning Commission for their review of the Board's issues and report back to the Township Board within thirty (30) days. AYES: All. NAYS: None. ABSENT: None.

Trustee Sharrow: Planning Commission would have thirty (30) days to review any Township Board member's comments, please put them in writing and send it to the Planning Commission. Deeply disappointed in the Township Board's decision, wait until it is finished and then find a fault.

RE: Stone Road Sidewalk Extension, notification of the bid notice, no motion is necessary.

Moved by Pellerito, supported by Dr. Kasperowicz, **MOTION CARRIED**, to advertise for bids to demolish the cemetery house at 1169 Smith Street and bring it back to the Township Board on September 3, 2002. AYES: All. NAYS: None. ABSENT: None.

Motion by Pellerito, supported by Sharrow, **MOTION CARRIED**, to accept the construction services with Whittlesey Development, Limited for the expansion of the Township Offices at a 15% overhead and profit on the actual charges incurred.

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

Motion by Kirkpatrick, supported by Dr. Kasperowicz, **MOTION CARRIED**, to approve the deposit of \$88,300.00 for the 1/3 deposit to build a 128 Crypt Buildings with Chapel to Jones Monument Company in order to secure completion of the project in 2002. AYES: All. NAYS: None. ABSENT: None.

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

NEW BUSINESS:

Conan Fisher, President for the Algonac/Clay Historical Society presented the Township Board with a 1859 Map of St. Clair County, Trustee Sharrow's Paternal Grandmother

had received the map as a gift 143 years ago. The map will be loaned to the Township and kept on display in the Township Hall.

Moved by Dr. Kasperowicz, supported by Kirkpatrick, **MOTION CARRIED**, to adopt the Resolution for Special Assessment for the Clay Township Police to be set at 4.35 Mills based on Taxable Value estimated to be \$1,596,633.00 before TIFA and DEQ dollar amount removed for 2002. R/C VOTE: AYES: Sharrow, Kirkpatrick, Turner, Pellerito, Dr. Kasperowicz, Engel, McKoan IV. NAYS: None. ABSENT: None.

Moved by Sharrow, supported by Turner, **MOTION CARRIED**, to adopt the Resolution for Special Assessment for the Clay Township Mainland Fire Department to be set at 1.3750 Mill based on Taxable Value estimated to be \$360,416.00 before TIFA and DEQ dollar amount removed for 2002. R/C VOTE: Sharrow, Kirkpatrick, Turner, Pellerito, Dr. Kasperowicz, Engel, McKoan IV. NAYS: None. ABSENT; None.

Moved by Turner, supported by Sharrow, **MOTION CARRIED**, to adopt the Resolution for Special Assessment for the Harsen's Island Fire Department to be set at 1.750 Mill based on Taxable Value estimated to be \$163,559.00 before TIFA and DEQ dollar amount removed for 2002. R/C VOTE: AYES: Sharrow, Kirkpatrick, Turner, Pellerito, Engel, Dr. Kasperowicz, McKoan IV. NAYS: None. ABSENT: None.

Moved by Sharrow, supported by Turner, to adopt the Resolution for Special Assessment for the Russell Island Fire District to be set at .9000 Mill based on Taxable Value estimated to be \$4,282.00 for 2002.

Discussion: Clerk Pellerito, Russell Island Special Assessment was requested by homeowners, if wants to raise it would have to be done before the budget is set.

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

MOTION CARRIED.

Motion by Pellerito, supported by Turner, **MOTION CARRIED**, to receive and file the application from the Liquor Control Commission for applicant: Borman's Inc. request a new SDM License to be located at 2600 Pointe Tremble, Algonac, MI 48001, Clay Township, St. Clair County. AYES: All. NAYS: None. ABSENT: None.

St. Clair County Road Commission has made available the 2003 Local Road Funding Assistance Program documents: Supervisor McKoan asked if any Board Members have a request for the 2003 Local Road Funding Assistance to contact him.

Moved by Dr. Kasperowicz, supported by Turner, **MOTION CARRIED**, to approve Lot Split 02-06 Norma Halkias for the Industrial Property on Fruit Road. AYES: All. NAYS: None. ABSENT: None.

Moved by Kirkpatrick, supported by Turner, **MOTION CARRIED**, to accept the Water Department June Report and the County Road Commission July minutes as presented. AYES: All. NAYS: None. ABSENT: None.

Russell Island Match Monies Request: Fred Hamel and Joe Moosekian, members of the Russell Island Property Owners Association were present. The cost involved to maintain the roads on Russell Island have been very expensive for the homeowners. Requesting an increase in the amount of funding earmarked for the repair and maintenance of Russell Island roads.

Supervisor Joseph McKoan IV: Matched \$500 in the past.

Fred Hamel, President of R.I. Association: Requested \$500, no response from Twp.

Supervisor McKoan: Cannot contribute to private roads; Road Match Money Program would allow 35 homes or more - \$2,000 over 3-year period.

Joe Moosekian: Only service we get is trash and emergency services.

Moved by Dr. Kasperowicz, supported by Kirkpatrick, **MOTION CARRIED**, to authorize Russell Island Property Owners Association the \$2,000 road match money over a three-year period. AYES: Sharrow, Kirkpatrick, Turner, Dr. Kasperowicz, Engel, McKoan IV. NAYS: Pellerito. ABSENT: None.

Moved by Kirkpatrick, supported Engel, **MOTION CARRIED**, to approve Mr. Matthew Lee Puwal for a trainee with the Mainland Fire Department. AYES: All. NAYS: None. ABSENT: None.

Moved by Sharrow, supported by Kirkpatrick, **MOTION CARRIED**, to approve Harsens Island Fire Department Firefighters Brian Sears and Bill Tackonis to attend the St. Clair County Community College Drivers Training Class for an emergency vehicle driver training program for a cost of \$35.00 each. AYES: All. NAYS: None. ABSENT: None.

Moved by Kirkpatrick, supported by Turner, **MOTION CARRIED**, to allow Harsens Island Fire Fighters Daryl DuPage, Michael Harry and Peter Nalezty to attend the Firefighter I & II Class at the Berlin Township Fire Department from Sept. 3rd to March 22nd, the cost is \$1,595.00 per person and includes books, mileage to and from classes will be reimbursed. AYES: All. NAYS: None. ABSENT: None.

Moved by Kirkpatrick, supported by Turner, **MOTION CARRIED**, to approve the purchase of a new Heartstream FR2 AED Defibrillator for the Harsens Island Fire Department from West Michigan Health & Safety, Grand Rapids, MI for the cost of \$3,201.37. AYES: All. NAYS: None. ABSENT: None.

Moved by Sharrow, supported by Engel, **MOTION CARRIED**, to approve Dustin Boyd as a full member of the Clay Township Mainland Fire Department. AYES: All. NAYS: None. ABSENT: None.

Moved by Dr. Kasperowicz, supported by Kirkpatrick, **MOTION CARRIED**, To approve hiring Cheryllyn Gosselin as the new Police Department Dispatcher. AYES: All. NAYS: None. ABSENT: None.

BOARD MEMBER COMMENTS:

Supervisor McKoan IV update on the following issues:

- Colony Tower: Colony Homeowners Association waiting for legal answers from their lawyers as to how this should be pursued to have the Township procure the Tower.
- Water Plant: Letter from Attorney McNamee to the County, proceed accordingly.
- Beaugard/North Channel Water Line, Harsens Island: August 19th Board Meeting Harsens Island will set the public hearing for a special meeting.

Trustee Kirkpatrick: Asked if Supervisor McKoan IV had spoke with the Chamber of Commerce re: boat launching fees; need it clarified who is deciding the charge, is it the City or the Chamber?

What was the outcome from the public hearing held on the acreage on North River?

Supervisor McKoan IV: Not a hearing, goes through the proper procedure will be addressed at that time.

Trustee Sharrow: Protect the right of everyone and appears to be a lot of controversy, recommend it go to Linda Anderson and have it on paper, within zoning laws, send it to a professional and have her put it down in paper.

Clerk Pellerito: Not adopting Zoning Ordinance, denied your opportunity to have to deny on the basis of a hobby farm.

Trustee Dr. Kasperowicz: Waste Water Treatment Plant comments.

Supervisor Joseph McKoan IV: Stated that is why the letter from the Attorney will be sent to the County.

Trustee Kirkpatrick: Skate Park, not in favor of what is going on over there, promises are not being enforced, D.R.C. should not be denied the money granted them at budget time.

Trustee Engel: Liability issue if there was supervision, park policed.

Trustee Dr. Kasperowicz: When will we revisit the Colony Tower issue? Residents do not want it on their taxes.

Supervisor McKoan IV: Township has not taken over the Tower yet.

Trustee Sharrow: Cutting State Revenue, a letter written to State Rep. Gilbert and State Senator Dan DeGrow, small communities budget without revenue sharing.

Trustee Sharrow: Re: letter from MMRMA to the Fire Departments, send a letter back to each Department and give them thirty days and have them inform us if they can put any of those suggestions to work, bring it back as an agenda item.

Trustee Sharrow: Request that Plante Moran review the Township's portfolio of investments for legitimate investments for the Township, report back to the Township Board.

Lights out at Taft Road and Island Drive; possible the police could make a report when they see a light out while on duty.

Trustee Dr. Kasperowicz: Questioned if the Police Department have an alert system to find missing persons?

Police Chief Tom Eder: Police Department has something like that, will explain the system to the Board at a future meeting.

PUBLIC COMMENTS:

Ted Sarns, 8151 South Channel Drive: spending a lot of money for water installation down in the Flats; don't want the water, think sewers should be installed 1st, have the cart before the horse.

Mark Getman, Chairman of Planning Commission: Disappointed in the Board's decision to not adopt the Resolution to adopt the Zoning Ordinance, Planning Commission had a special meeting with the Township Board, none of these issues were a concern, will appreciate all the Board's issues in writing back to the Planning Commission, want to know ahead of time what to start reviewing, Planning Commission will revisit all your concerns and according to the statute will send it back to the Township Board.

Dorothy DeBoyer, Co-Chairperson of Planning Commission: Disappointed there were several meetings held, St. Clair County Planning Commission comments re: zoning amendment is a courtesy; we need to keep our citizen's concerns in mind and not the County's opinion; remember our citizens first.

ADJOURNMENT:

Moved by Kirkpatrick, supported by Engel, **MOTION CARRIED**, to adjourn the meeting at 9:15 p.m. AYES: All. NAYS: None. ABSENT: None.

Michael P. Pellerito
Clay Township Clerk