

Minutes of the Clay Township Board Meeting held on Monday, August 19, 2002 at 7:30 p.m. in the Harsen's Island Lion's Hall, 263 LaCroix Road, Harsen's Island, MI 48028.

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: Approximately thirty-five (35).

AMENDMENTS TO THE AGENDA: None.

APPROVAL OF THE 8-5-2002 Mins. & Synopsis and the Public Hearing Minutes:

Moved by Sharrow, supported by Kirkpatrick, to approve the August 5, 2002 Minutes and Synopsis with the following corrections:

- page 3, bottom of page, add the words "on loan" to the statement the 1859 map will be on loan to the Township,

- page 5, Board Member Comments, 2nd item under Supervisor's update should read "Wastewater Plant" and not Water Plant.

Approved the 8-5-2002 Public Hearing Minutes re: millage rates for special assessment district for police, fire and Russell Island.

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

MOTION CARRIED.

BILLS PAYABLE:

Moved by Kirkpatrick, supported by Turner, **MOTION CARRIED**, to approve the Bills Payable in the amount of \$103,282.28. AYES: All. NAYS: None. ABSENT: None.

PETITIONS: None.

COMMUNICATIONS:

Notice of a Public Hearing re: Dana Drain Drainage District will be held Thursday, August 22, 2002 at 7:00 p.m. at the Clay Township Hall.
Fred Fuller, St. Clair County Drain Commissioner.

Notice to submit a sealed bid to demolish the house located at 1169 Smith Street, Algonac, MI; bids must be submitted to the Township Clerk by 5:00 p.m., August 28, 2002.

8/15/02 Memo from Planning Commission Chair Mark Getman thanking the Township Board for the opportunity to review the Twp. Office plans for an addition; only request was a table long enough for nine (9) Planning Commission members to sit at.

Twp. Offices will be closed Monday, September 2, 2002 for Labor Day, regular Twp. Board meeting will be on Tuesday, September 3, 2002.

St. Clair Flats Historical Encampment will be in The Algonac State Park, September 14 and September 15, 2002 – Sat., 10:00 am to 5:00 pm and Sun., 10:00 am to 4:00 pm.

The DNR and Water Fowl USA will be hosting an open house or "open marsh" at Macomb & Swartout Road a hayride tour of the St. John Marsh will be held on Saturday, August 24, 2002 at 11:00 a.m. to 3:00 p.m., sponsored by the DNR and Water Fowl USA, lunch and beverages will be served, representatives from the Fire Dept. and DNR Biologists will be doing a presentation on the area.

OLD BUSINESS:

BMJ request for revised budget in Engineering contract: Earl DesJardins explained the extra costs incurred by BMJ concerning the engineering for the Harsens Island Water System, original contract did not include work for preparing the right of way and soil borings, project was bid before the bonds were sold, contract went from \$610,000 to \$625,000 (\$15,000 difference), right of way work and obtain assistance from attorney \$30,000, right to use the contingency funds in the amount of \$29,245.

Motion by Pellerito, supported by Dr. Kasperowicz, **MOTION CARRIED**, to amend BMJ Engineering service agreement in the amount of \$75,000. AYES: Sharrow, Dr. Kasperowicz, Turner, Pellerito, Engel, McKoan IV. NAYS: Kirkpatrick. ABSENT: None.

Moved by Pellerito, supported by Dr. Kasperowicz, **MOTION CARRIED**, to approve the Stone Road Sidewalk Extension bid of \$53,100.00 to Wes Simons Trucking & Excavating, Inc. AYES: All. NAYS: None. ABSENT: None.

Harsen's Island Fire Department requesting the proposed purchase of a 2001 Zodiac aluminum foam collar boat with twin 150 horsepower outboard motors and a new EZ load trailer from West Shore Fire Equipment/Zodiac of North America for the total price of \$40,000.00.

Discussion followed: Daryl DuPage explained the financing, additional \$13,000 for this purchase; the Zodiac rib boat that was originally to be purchased will not meet the needs of the Harsen's Island Fire Department fire and rescue procedures.

Clerk Pellerito: In order to maintain revenue sharing, purchases over \$20,000 must be put out to bid.

Trustee Dr. Kasperowicz: Excellent piece of equipment.

Treasurer Turner: Same company that bid the other boat.

Clerk Pellerito: Issue is violation of the State of Michigan procedure for items over \$20,000.

MOTION BY SHARROW, SUPPORTED BY DR. KASPEROWICZ, TO POSTPONE A DECISION TO UPGRADE THE FIRE BOAT PURCHASE UNTIL THE FACTS HAVE BEEN RESEARCHED AS TO REVENUE SHARING AFFECTS AND THE STATE OF MICHIGAN STATUTE TO BID TOWNSHIP PURCHASES OVER \$20,000.

Discussion: Trustee Beth Engel and Treasurer Connie Turner will investigate the legality to upgrade the fire boat based on its cost.

Trustee Kirkpatrick: Can remember a purchase approved w/o bids.

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

MOTION CARRIED.

Sewer Filtration Plant financing discussion:

Per letter from Township Attorney John McNamee advising amending the 3rd Whereas paragraph to read:

“WHEREAS, the projects are to be utilized by the City of Algonac, Clay Township and Ira Township, County of St. Clair, Michigan and the local units have agreed to pay their costs in proportion to whatever benefits accrue to the City and the Townships.”

Trustee Dr. Kasperowicz: Insist would like to see a bid what it would cost for renovating the biodisk plant in comparison for a trickling filter method; want it to be part of the resolution.

Supervisor Joseph H. McKoan IV: Resolution is for financing purposes.

MOTION BY PELLERITO, SUPPORTED BY SHARROW, **MOTION CARRIED**, TO ADOPT THE RESOLUTION REQUESTING ASSISTANCE OF THE DEPARTMENT OF PUBLIC WORKS OF THE COUNTY OF ST. CLAIR IN FINANCING AND CONSTRUCTION PUBLIC WORKS PROJECTS AS AUTHORIZED BY ACT 185, PUBLIC ACTS OF 1957, AS AMENDED WITH AN AMENDED THIRD “WHEREAS” PARAGRAPH PER TOWNSHIP ATTORNEY JOHN MCNAMEE’S LETTER DATED AUGUST 16, 2002.

Discussion: Trustee Dr. Kasperowicz wants to see bids for the rotating disks, 2.7 million is a lot of money.

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

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

NEW BUSINESS:

MADD PRESENTATION: Representatives from Mothers Against Drunk Drivers are here to discuss public safety issues surrounding Gull Island and the upcoming Jobbie Nooner party. Township Board did not vote to close Gull Island for a June party that took place, video was viewed displaying excessive drinking, drugs, nudity, etc. on Gull Island. The Island was very crowded and would be impossible to bring any rescue help, police could not patrol, etc.; it was a very dangerous situation and don’t want to see this again in September. According to the Corp of Engineers, will not close the Island unless have the support of the local municipality.

MOTION BY DR. KASPEROWICZ, SUPPORTED BY SHARROW, TO RECOMMEND THAT THE TOWNSHIP OF CLAY SUPPORTS THE CORP OF ENGINEERS CLOSING GULL ISLAND FOR AN UPCOMING JOBBIE NOONER PARTY IN SEPTEMBER.

Discussion: Presentation, out of order of business to make a motion; add it to the next agenda on September 3rd.

MADD Representative Susan Hiltz stated September 3rd is too late, very important a letter is directed to the Corp of Engineers from the Township Board of Directors.

Need the Island shut down during the high-risk time.

Trustee Sharrow: Clay Township is a General law Township, our own police enforcement is our choice.

Susan Hiltz: Letter from your Township stating will work in cooperation to enforce the law, prohibitive steps taken at Sugar Island and it worked very successful.

Supervisor Joseph McKoan IV: Clay Police Department personnel would not even be able to get to the Island, no water boat, not a large force.

VOTE ON THE MOTION:

AYES: SHARROW, KIRKPATRICK, TURNER, PELLERITO, ENGEL, DR. L. KASPEROWICZ, MCKOAN IV. NAYS: NONE. ABSENT: NONE.

Moved by Sharrow, supported by Kirkpatrick, **MOTION CARRIED**, to approve Lot Split #02-07 for 9568 Island View owned by William Rees II. AYES: All. NAYS: None. ABSENT: None.

Moved by Sharrow, supported by Turner, **MOTION CARRIED**, to approve Lot Split #02-08 for 8351 Colony Drive to align a property adjustment for property owned by Gerald H. Gordon . AYES: All. NAYS: None. ABSENT: None.

Motion by Kirkpatrick, supported by Turner, **MOTION CARRIED**, to adopt Resolution #1 to set the Public Hearing of Necessity to hear objections to the creation of the Beauregard Special Assessment Waterline District for Monday, September 9, 2002 at 7:00 p.m., Harsen's Island Lions Hall, 263 LaCroix Road, Harsens Island, MI 48028. R/C VOTE: AYES: Sharrow, Kirkpatrick, Turner, Pellerito, Dr. Kasperowicz, Engel, McKoan IV. NAYS: None. ABSENT: None.

Motion by Sharrow, supported by Kirkpatrick, **MOTION CARRIED**, to adopt Resolution #1 to set the Public Hearing of Necessity to hear objections to the creation of the North Channel Special Assessment Waterline District for Monday, September 9, 2002 at 7:00 p.m., Harsen's Island Lions Hall, 263 LaCroix Road, Harsens Island, MI 48028. R/C VOTE: AYES: Sharrow, Kirkpatrick, Turner, Pellerito, Dr. Kasperowicz, Engel, McKoan IV. NAYS: None. ABSENT: None.

Motion by Sharrow, supported by Dr. Kasperowicz, **MOTION CARRIED**, to adopt the Resolution to vacate an alley between Coney Avenue and Narragansett, being within Wm. And A. T. Fisher's Subdivision, Harsens Island, Clay Township, St. Clair County, Michigan. R/C VOTE: AYES: Sharrow, Turner, Pellerito, Dr. Kasperowicz, Engel, McKoan IV. NAYS: Kirkpatrick. ABSENT: None.

Motion by Turner, supported by Kirkpatrick, **MOTION CARRIED**, to adopt Resolution #4 for the Lazy Lane Road Maintenance Special Assessment District confirming the roll prepared for the purpose of Road Maintenance, inclusive of gravel and grading for Lazy Lane, fronting on Lots 2 through 6, Lots 13 through 16 and Lots 77 through 134 inclusive of Joe Bedore Syndicate Subdivision of Lot 461, part of lots 462 and 464 South Channel, Harsens Island, MI, total cost to be \$7,500.00. Cost of \$1,500.00 to be spread each year over a five (5) year period. Cost per property owner of \$53.64 per year. This dollar amount will be placed on the December tax bill without interest. R/C VOTE: AYES: Sharrow, Kirkpatrick, Turner, Pellerito, Dr. Kasperowicz, Engel, McKoan IV. NAYS: None. ABSENT: None.

Moved by Kirkpatrick, supported by Turner, **MOTION CARRIED**, to receive and file the month department reports for Police, Downriver Recreation Skate Park, Road Commission Meeting Minutes, Algonac/Clay Library Board, Hars.Is. Fire Report, Assessor, Building & Zoning. AYES: All. NAYS: None. ABSENT: None.

Moved by Turner, supported by Kirkpatrick, **MOTION CARRIED**, to amend the 2002-2003 budget for General and Cemetery: transfer \$88,300.00 out of Expenses/General and deposit in the Revenue/General; Capitol Improvement of \$88,300.00 for Expenses/Cemetery and transfer in \$88,300.00 to Revenue/Cemetery. Trustee Dr. Kasperowicz excused from 8:55 p.m. to 9:00 a.m. VOTE ON THE MOTION: AYES: All. NAYS: None. ABSENT: Dr. Kasperowicz (excused).

Discussion to amend Oaklawn Cemetery rates: Financing the cemetery with mausoleum charges, budget meeting figures per Treasurer Turner, mausoleum inside/outside rates; Updated resolution would assist a lending institution with the financing plan for paying for the mausoleum.

Moved by Turner, supported by Kirkpatrick, **MOTION CARRIED**, to adopt the Resolution, Oaklawn Cemetery Charges for Mausoleum and Chapel Rental, Ordinance No. 3, amendment No. 1 authorizes the Township by Resolution to fix charges for the opening and closing of gravesites and to defray expenses for care and maintenance of the Oaklawn Cemetery. A Mausoleum and Chapel will be constructed in the Oaklawn Cemetery, Mausoleum Charges are as follows:

		<u>CLAY TOWNSHIP</u>	<u>NONRESIDENTS</u>
C.	MAUSOLEUM	\$	\$
	Inside	3,000.00	6,000.00
	Outside	2,000.00	4,000.00
D.	CHAPEL RENTAL		
	Monday through Friday	150.00	150.00
	Holidays & Weekends (extra)	150.00	150.00

The Resolution amending Ordinance No. 3 is effective thirty (30) days after publication. R/C VOTE: AYES: Sharrow, Kirkpatrick Turner, Pellerito, Engel, Dr. Kasperowicz, McKoan IV. NAYS: None. ABSENT: None.

Moved by Kirkpatrick, supported by Dr. L. Kasperowicz, **MOTION CARRIED**, to accept James William Bell as a new trainee on the Harsens Island Fire Department. AYES: All. NAYS: None. ABSENT: None.

Moved by Sharrow, supported by Kirkpatrick, **MOTION CARRIED**, to adopt the Resolution on adjustment of the Sewer Consumption Fees: sewer minimum rate charge will remain at \$35.20 per quarter and the sewer consumption fee (rate per thousand gallons) to remain at \$1.76 per thousand gallons as provided under Section E, paragraph 1, Section 3 and remove the sewer rate reduction credit of \$5.07 per month (or \$15.20 per quarter), the rates prescribed shall begin with the billing cycle commencing on October 1, 2002. R/C VOTE: AYES: Sharrow, Dr. Kasperowicz, Turner, Pellerito, Engel, Dr. Kasperowicz, McKoan IV. NAYS: None. ABSENT: None.

Moved by Pellerito, supported by Sharrow, **MOTION CARRIED**, to receive and file the notice from the State of Michigan, Liquor Control Commission informing the Township Board an application was filed by Susie's Deli and Bake Shoppe, Inc. requests a new SDM license to be located at 3634 Pointe Tremble, Algonac, Clay Township, St. Clair County. AYES: All. NAYS: None. ABSENT: None.

The Township Auction will be held on Saturday, September 21, 2002 at 9:00 a.m., DPW Facility, 9625 Ainsworth Road, Clay Township, MI.

Harsens Island Fire Hall Water Service discussion.

Moved by Turner, supported by Kirkpatrick, **MOTION CARRIED**, to charge the Harsens Island Fire Department \$1,313.00 for parts and service to connect to the water service on Harsens Island. AYES: All. NAYS: None. ABSENT: None.

Moved by Kirkpatrick, supported by Dr. Kasperowicz, **MOTION CARRIED**, to open up the Office Contract for just the Assistant Assessor position and salary. AYES: All. NAYS: None. ABSENT: None.

Building Inspector Michael Kras updated the Township Board re: the unlawful structure, parcel 74-14-847-0411-000 on Harsens Island, building, code and zoning violations are numerous.

Moved by Sharrow, supported by Kirkpatrick, **MOTION CARRIED**, to authorize the Township Attorney to apply to the court of equity to abate the nuisance created by the construction of this unlawful structure as defined in Section 1204 of the Clay Township Zoning Ordinance 89 the Building Department suggestion and contact the Township Attorney and abate the unlawful structure, parcel 74-14-847-0411-000 located next to 7286 South Channel on Harsens Island. AYES: All. NAYS: None. ABSENT: None.

Downriver Recreation Commission Director Cindy Babisz letter to Supervisor Joseph H. McKoan IV to invite all respective Boards to attend a meeting on Wednesday, August 28, 2002 at 7:00 p.m. in the Community Room of the Algonac Board of Education Building to discuss recreational use of the Lions property.

BOARD MEMBER COMMENTS:

Clerk Pellerito: Legal Attorney Dan Dalton represented the Township with MMRMA has gone independent, with the Board's approval would like to have him submit a proposal, numerous legal issues such as zoning, personal property tax and civil infractions that need attention, Township Attorney John McNamee is very busy with Township lawsuits, negotiations, etc; will talk to Township Attorney John McNamee before an agreement comes before the Board, portal charge will be from the Township to the Court; per Clerk will talk to both men and will have them submit a written proposal and come to the next meeting.

Trustee Pat Sharrow: Dana Drain to be cleaned out, hearing on Thursday, plans for retention ponds at tax payers expense, Clay Township did not budget \$100,000 for their share.

Trustee Pat Sharrow: Did thank you letters go out to the applicants that interviewed for the Zoning/Planning position?

Trustee Cindy Kirkpatrick: Complimented Mr. Kras and Tim Wiggle have been working very well together.

Tim Wiggle, Building Enforcement Officer: Encouraged the Board members to call him if have any questions, legal assistance will be a big help, our threats are hollow w/o support, your support is appreciated.

PUBLIC COMMENTS:

Arnold Mikolowski, 5472 Middle Channel Drive: Concerned what is going to happen to this Island when all the dirt pits are going to be dug out, master plan indicating what will happen to the land after the soil has been removed; when a sand permit is issued, applicant would need to show the master plan when it is empty. Comment regarding the condition of the Ferry lot on Harsens Island.

Herb Meyer, 2675 Krispin Road: St. Clair County Road Commission has notified Sans Souci Landing have to remove the parking blocks.

Trustee Sharrow: Road Commission has jurisdiction to the roads.

Herb Meyer: parking is on private property, why did the Planning Commission force them to put that green belt in? For years could park there, now have to go around the corner to park.

Trustee Sharrow: Rezoned the property.

Building Inspector Michael Kras: Mr. Crown has stated no problem with customers or tourists using the lot, problem with others parking there all day for eight hours while they work at other establishments.

Supervisor Joseph McKoan IV: Need cooperation, difficult situation.

ADJOURNMENT:

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

Michael P. Pellerito
Clay Township Clerk