

Minutes of the Clay Township Board Meeting held on Tuesday, September 3, 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 Beth Engel.

ABSENT: Trustee Dr. Leonard Kasperowicz (excused).

Citizens present: Approximately thirty (30).

AMENDMENTS TO THE AGENDA:

Moved by Pellerito, supported by Kirkpatrick, **MOTION CARRIED**, to amend the Agenda under New Business: #7. Resignation of Dispatcher and Recommendation for a Replacement. AYES: All. NAYS: None. ABSENT: Trustee Dr. L. Kasperowicz.

APPROVAL OF THE REGULAR MEETING MINUTES, SYNOPSIS, PUBLIC HEARING MINUTES AND SPECIAL MEETING:

Moved by Kirkpatrick, supported by Sharrow, **MOTION CARRIED**, to approve the August 19, 2002 Township Board Meeting Minutes and Synopsis with one amendment on page 3, 2/3 down re: comment by Trustee Sharrow; stated should be: "Sheriff Department does have jurisdiction over the land in Clay Township." AYES: All. NAYS: None. ABSENT: Trustee Dr. Kasperowicz.

Moved by Turner, supported by Engel, **MOTION CARRIED**, to approve the August 19, 2002 Public Hearing Minutes for Lazy Lane Special Assessment District and the vacating of an alley on Harsens Island as submitted. AYES: All. NAYS: None. ABSENT: Dr. Kasperowicz.

Moved by Sharrow, supported by Kirkpatrick, **MOTION CARRIED**, to approve the Special Board Meeting Minutes for the Harsens Island Fire/Rescue Boat held on August 23, 2002 as submitted. AYES: All. NAYS: None. ABSENT: Dr. Kasperowicz.

BILLS PAYABLE:

Moved by Turner, supported by Kirkpatrick, **MOTION CARRIED**, to approve the Bills Payable in the amount of \$17,208.30. AYES: All. NAYS: None. ABSENT: Dr. Kasperowicz.

PETITIONS: None.

COMMUNICATIONS:

Special Board of Trustees Meeting will be held on Monday, September 9, 2002 on Harsens Island Lions Hall, 262 LaCroix Road following the public hearings at 7:00 p.m. to hear public comments for or against the creation of the Harsens Island North Channel Section and Beauregard Special Assessment Waterline District.

Notice of Public Hearing Amendments to Haul Route Policy #49: Board of County Road Commissioners of the County of St. Clair will hold a special meeting of the Board on Tuesday, September 10, 2002 at 7:00 p.m. at the Office of the Commission, 21 Airport Drive, St. Clair, MI.

August 23, 2002 Letter from DEQ, Environmental Response Division informing the Township the DEQ is not able to award Clay Township's application for a Clean Michigan Initiative Waterfront Redevelopment Grant for Michigan Lighthouses at this time.

DEQ will be spraying the St. Johns Marsh on 9-06-02 with herbicide, low flying helicopter between the hours of 7:00 a.m. and 10:00 a.m.

OLD BUSINESS:

Motion by Turner, supported by Sharrow, **MOTION CARRIED**, to approve Seaway Community Bank’s bid for financing the construction of the proposed mausoleum at Oaklawn Cemetery for the amount of Three Hundred and Twenty Five Thousand Dollars (\$325,000.00). AYES: All. NAYS: None. ABSENT: Dr. L. Kasperowicz.

Motion by Turner, supported by Sharrow, **MOTION CARRIED**, to adopt the Resolution to allow borrowing of monies from Seaway Community Bank for the construction of the proposed mausoleum at the Oaklawn Cemetery. R/C VOTE: AYES: Sharrow, Kirkpatrick, Turner, Pellerito, Engel, McKoan IV. NAYS: None. ABSENT: Dr. L. Kasperowicz.

Moved by Sharrow, supported by Kirkpatrick, **MOTION CARRIED**, to amend the Resolution previously adopted by the Township Board on 8-19-2002 for the Mausoleum fees and the Chapel Rental, the Interment charges are to be included in the amended Resolution to Ordinance No. 3, effective thirty days after publication:

	<u>Resident</u>	<u>Nonresident</u>
MAUSOLEUM		
Interment	\$ 100.00	\$ 150.00
Interment on Holidays & Weekends	\$ 150.00 Extra	\$ 150.00 Extra

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

Clerk Pellerito explained the building expansion additional costs for tree removal, to tap the sewer line along Ester Green and replace approximately 8,600 sq. ft. of parking lot.

Moved by Kirkpatrick, supported by Engel, **MOTION CARRIED**, to authorize Whittlesey Development, Limited proceed with bid estimates for replacing approximately 8,600 sq. ft. of parking lot and replace it with new 6” concrete for the purpose of the expansion of the Township Offices. AYES: ALL. NAYS: None. ABSENT: Dr. Kasperowicz.

Moved by Kirkpatrick, supported by Turner, **MOTION CARRIED**, to accept the bid of \$600.00 from Gordon & Son’s Tree Removal to remove three (3) trees and grind stumps from the Township property.

Discussion: Trustee Sharrow requested the insurance and bonding are in place with the tree company; per Clerk Michael Pellerito to notify Whittlesey Development.

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

Moved by Pellerito, supported by Turner, **MOTION CARRIED**, to award the demolition of the house at the Oaklawn Cemetery grounds within the City of Algonac to Wes Simons Trucking & Excavating, Inc. for cost of \$5,400.00. AYES: All. NAYS: None. ABSENT. Dr. L. Kasperowicz.

Ordinance No. 123 – “The Clay Township Zoning Ordinance”: Comments from Board – Trustee Kirkpatrick: Met with Planning Commission, voiced opinion regarding a member on the board, Township Boards represent elected officials; satisfied with Planning Commission’s comments regarding Zoning Ordinance, still see some of the rules and regulations different than someone else, will take awhile before it fits the Township.

Moved by Sharrow, supported by Engel, **MOTION CARRIED**, to adopt the Resolution to adopt Ordinance No. 123, known also as “The Clay Township Zoning Ordinance”, effective October 11, 2002, thirty (30) days after publication in The Voice Newspaper. R/C VOTE: AYES: Sharrow, Turner, Pellerito, Engel, McKoan IV. NAYS: Kirkpatrick. ABSENT: Trustee Dr. Kasperowicz.

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

Robert Williams, 2007 Steward Road: Submitted a letter to the Board regarding the proposed Zoning Ordinance, attended the two open houses and wanted to make sure the statement regarding farm buildings only have to meet the setback requirements but not the height and size requirements should be left in the new Zoning Ordinance; upon reviewing the Zoning Ordinance, this statement has not been left in.

Trustee Sharrow: Planning Commission did review your comments, feel the ordinance has the language regarding a bona fide farm can have the accessory buildings larger than the house, not the intent to hurt a bonafide farm, your comments were considered.

NEW BUSINESS:

Moved by Turner, supported by Engel, **MOTION CARRIED**, to set the Public Hearing Industrial Development Application from Decker Gear, Inc. for Industrial Facilities Exemption Certificate for property at 2192 Fruit Road for Monday, October 7, 2002 at 7:00 p.m., Clay Township Board Room for the purpose of owners of real property within the proposed Industrial Development and all residents and taxpayers of Clay Township and tax levying units will be afforded an opportunity to be heard.

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

NAYS: Kirkpatrick, Pellerito.

ABSENT: Dr. Kasperowicz.

Motion by Sharrow, supported by Turner, **MOTION CARRIED**, to accept the Mainland Fire Department Reports May & June 2002 as submitted. AYES: All. NAYS: None
ABSENT: Dr. Kasperowicz.

Motion by Turner, supported by Kirkpatrick, **MOTION CARRIED**, to approve Clay Township Mainland Fire Fighters John Siecinski and Eric VanBelle to attend Fire Fighter II class at St. Clair County Community College at a cost of \$422.00 per person plus mileage. AYES: All. NAYS: None. ABSENT: Trustee Dr. Kasperowicz.

Legal services proposal from Daniel P. Dalton to assist in zoning and building areas, billing rate is \$125.00 per hour, portal charges from Clay Township to the various Courts and meetings, Attorney John McNamee would still be the Township Attorney, Dalton handle the overflow of issues.

Treasurer Turner questioned how will we know which attorney to call?

Attorney McNamee handle the prosecution cases, police issues, union contracts, etc.

Trustee Sharrow: Loyalty to Township Attorney, many zoning, enforcement & building issues Mr. Dalton will have.

Is this a temporary basis?

Supervisor Joseph H. McKoan IV: Deal with the situations at the time; Building Dept. needs some help and that is what this is for; Township growing, zoning enforcement has been needing a little help, no objection try this for a year.

Motion by Kirkpatrick, supported by Turner, **MOTION CARRIED**, to accept the legal services proposal from Attorney Daniel P. Dalton for a year with the Township to perform legal services in connection with zoning, tax liens and various other referred enforcement actions, the hourly billing rate is \$125.00 per hour, charge portal to portal charges from Clay Township to the various Court's and meetings. AYES: All. NAYS: None. ABSENT: Trustee Dr. Kasperowicz.

Moved by Kirkpatrick, supported by Turner, **MOTION CARRIED**, to accept Georgia Williams as Dangerous Building Committee member to fill the vacancy left by Robert Gooden. AYES: All. NAYS: None. ABSENT: Trustee Dr. Kasperowicz.

Moved by Sharrow, supported by Pellerito, **MOTION CARRIED**, to approve the St. Clair County Road Commission Agreement for Local Road Funding Assistance Program for the Phelps and Holland Road Project from end of pavement west of Ainsworth to Starville. Ditching, grading and prepare for paving in 2002. Place 22' x 4" hot mix asphalt surface with 4' limestone shoulders in 2003. The estimated project cost is \$396,270.00; County Road Board Commission shall contribute \$100,000, the amount to be contributed by the Township shall be \$176,996.00 to be billed in 2002; \$119,274.00 to be billed in 2003. AYES: Sharrow, Turner, Pellerito, Engel, McKoan IV. NAYS: Trustee Cindy Kirkpatrick. ABSENT: Trustee Dr. Kasperowicz.

Moved by Pellerito, supported by Sharrow, **MOTION CARRIED**, to accept the resignation of Cheryl Gosselin as Dispatcher effective on or near September 10th. AYES: All. NAYS: None. ABSENT: Trustee Dr. Kasperowicz.

Moved by Pellerito, supported by Kirkpatrick, **MOTION CARRIED**, to accept Police Chief Thomas Eder's request to hire Douglas A. Zielinski as the new Police Dispatcher. AYES: All. NAYS: None. ABSENT: Trustee Dr. Kasperowicz.

BOARD MEMBER COMMENTS:

Clerk Pellerito: Sewer update: At the Meeting proposed the 33-1/3% three-way split for the waste water treatment plant construction, semi-favorable, meeting again on the 18th of September will discuss resolution possible no legal action and go into this with the 30/30/40, reserve the right to go before an arbitrator or a panel, it won't be in litigation because we will have to sign off, we reserve right to arbitrator for 33-13%, no bond selling with any pending litigation. Ira Twp. wants the interceptor and trunk lines increased so that if plant capacity is expanded to them, they can actually use it, will contact H.R.C. to see what kind of volume we will need for our waterfront homes.

Downriver Recreation Meeting update re: Lion's property, City Manager Grady Holmes to allow the DRC to become the administrator of the buildings, booking of the hall and other programs, will be completely ran by the DRC as well as the Lion's Field and the Pool; City of Algonac to provide the building maintenance, electrical, etc. City will receive 25% administrative charge of the revenue or grant monies that are received by the Lion's Hall. The two communities and the school to get back together in approximately 6-months to see how this set-up is coming along. DRC not requesting any increase in personnel; rates the same for Clay and Algonac residents for property use. DRC Office will stay at the middle school. If all goes well great asset for all communities.

PUBLIC COMMENTS:

John and Donna Horvath, 2040 Golf Course Road: Letter 5th request, intent of new ordinance, definition of a legitimate farm.

Trustee Pat Sharrow: One that is farming for a profit, not changed in the draft copy, new is a hobby farm – hobby farm not really a farm.

John Horvath: My Farm is for a profit, want this noted for the record.

Supervisor Joseph H. McKoan IV: Need a further clarification talk to Kras, where do we draw the line?

John Horvath: Each elected Supervisor in the Township has different rules; no one will set down and offer any info, phone called not returned.

Supervisor McKoan IV: Everything has been referred to Mr. Kras.

John Horvath: Believe the Supervisor directs guidelines in the Township, don't think Mr. Kras should be taking all the blame.

Robert Williams: Board please note, representing property owner Mel Alexander of the Harsens Island Hunt Club.

Larry Sikorski, 8442 Anchor Bay Drive: Anything about those rumors on Anchor Bay Drive regarding privacy fences?

Trustee Sharrow: No privacy fence allowed, 3' hedge allowed, water view is still precious; need to know the community attitude.

ADJOURNED:

Moved by Turner, supported by Sharrow, **MOTION CARRIED**, to adjourn at 8:20 p.m.
AYES: All. NAYS: None. ABSENT: Trustee Dr. Kasperowicz.

Michael P. Pellerito
Clay Township Clerk