

Minutes of the Clay Township Board Meeting held on Monday, September 16, 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: Approximately Fourteen (14).

**AMENDMENTS TO THE AGENDA:**

Moved by Pellerito, supported by Kirkpatrick, **MOTION CARRIED**, to add under Old Business, Item #2. Discussion on the Waste Water Treatment Plant. AYES: All. NAYS: None. ABSENT: None.

**APPROVAL OF THE SEPTEMBER 9, 2002 BOARD MEETING & SYNOPSIS AND PUBLIC HEARING MINUTES AND SPECIAL BOARD MEETING MINS.**

Moved by Turner, supported by Pellerito, **MOTION CARRIED**, to approve the September 3, 2002 Meeting Minutes and Synopsis with an amendment to the Public Comments: Trustee Pat Sharrow's comment should read "Personal opinion, appears to be a working farm according with the terms and conditions from the Court order and consent judgement." AYES: All. NAYS: None. ABSENT: None.

Moved by Sharrow, supported by Turner, **MOTION CARRIED**, to approve the September 9, 2002 Public Hearing Minutes for the North Channel Section and Beauregard Waterline District Extensions and the Minutes of the Special Board Meeting on September 9, 2002 for the consideration of adopting the resolutions. AYES: ALL. Nays: None. ABSENT: None.

**BILLS PAYABLE:**

Moved by Turner, supported by Sharrow, **MOTION CARRIED**, to approve the Bills Payable in the amount of \$148,896.19. AYES: All. NAYS: None. ABSENT: None.

**PETITIONS:** None.

**COMMUNICATIONS:**

09-11-02 Letter from St. Clair County Cherry Beach Senior Center thank you to the Township Board for the \$1,000 contribution. Director Debbie Heraty.

Safely dispose of your household hazardous wastes at our Clay Twp. drop-off site, located at the Clay Township Fire Department, 9620 Ainsworth Road, Clay Township, MI 48001 will be held on Saturday, September 21, 2002 from 8:00 am – 12:00 pm by appointment only.

Notice of Close of Registration for the November 5, 2002 – General Election: October 7, 2002 is the last day to register to vote or change your address for the General Election.

**OLD BUSINESS:**

Moved by Sharrow, supported by Dr. Kasperowicz, **MOTION CARRIED**, to approve the bid from Lakeside Excavating of \$52,000 for the concrete work for the beginning construction of the Expansion of the Township Offices. AYES: All. NAYS: None. ABSENT: None.

Waste Water Treatment Plant update: Stated position the Township is willing to enter into 40/30/30 with the understanding the parties would reimburse each other retroactively after a decision by a fact finder or a court; Ira is willing to work with us, City of Algonac is not willing to negotiate or enter into any agreement other than the 40/30/30 percentages. Meeting with the three communities this Wed., if the City of Algonac still is not willing to agree, need the Board's authority to proceed with filing a suit against the City of Algonac.

Motion by Kirkpatrick, supported by Sharrow, to authorize Supervisor Joseph H. McKoan IV to file a suit against the City of Algonac if the City does not deviate from the 40/30/30-percentage agreement when the three communities meet on September 18, 2002. AYES: All. NAYS: None. ABSENT: None.

Discussion of motion:

Trustee Dr. Kasperowicz: adamant needed bids on the bio disks.

Supervisor McKoan IV: Have to do what we have to do for our constituents.

Trustee Sharrow: City of Algonac's duty is fight for their citizen's money; change in mutual benefits and this contract needs to be reopened, rather work with them than against them, no other choice right now.

Clerk Pellerito: DEQ has mandated this plant be renovated; Resolution pending litigation could be a problem; inform the Board, DEQ may impose fines and penalties to us, bonding may not be available.

Supervisor Joseph McKoan IV: Alternative accept the Bond Notes; County does not want to take that liability, strong position, nothing that is out of the ordinary, fair within three communities. This is an avenue and if County does not want to go ahead, than we have a decision to make as a Board.

Trustee Kirkpatrick: County has mandated quite a bit, no action back, have to take a stand.

Clerk Pellerito: Plant being rebuilt to 2.7 Million – capacity will be able to go to 4M, a lot of that money is going to be paying for the that future growth today.

Clerk Pellerito: Ira Township is interested in expanding their capacity.

Supervisor Joseph H. McKoan IV: We want what is fair and equitable, just agree to negotiate with a 3<sup>rd</sup> party source, we have tried and tried, with no results, want to do what is best for our citizens, hopefully, the City will have a different perception of what is going on, putting themselves in a corner.

VOTE ON THE MOTION: AYES: ALL. NAYS: NONE. ABSENT: NONE.  
**MOTION CARRIED.**

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

**NEW BUSINESS:**

Plante Moran 2002-2003 Audit presentation was by Joe Heffernan and Brent Smith. Brent explained the graphs representing revenue and expenses Summary of the Township and the Financial Report dated June 30, 2002; Auditor Joe Heffernan remarked the Township has a very healthy General Fund of 2.8 million; explained the Water and Sewer Fund Operations, reviewed the two-page letter of recommendations resulting from the audit to the Board, Township investments have been reviewed by the Auditors and approved; Police and Fire are all positive fund balances, they are still in great shape. Telecommunication: Township may have the authority to assess fees on telecommunication providers using municipal rights-of-way. New Reporting Model GASB 34 will begin the year beginning July 1, 2002.

Supervisor Joseph H. McKoan IV expressed thanks to Plante Moran Auditors for the excellent presentation of the 2002-2003 Audit.

Moved by Kirkpatrick, supported by Turner, to accept the Algonac-Clay Township Library Report, Assessor, Police, Building, Dangerous Building, Planning, Zoning and Code Enforcement Department Reports as submitted. AYES: All. NAYS: None. ABSENT: None.

Clerk Pellerito: Comment regarding the total number of people that entered the library during the month of August, 7,156, just great, shows the community is working together well in this respect.

Supervisor Joseph McKoan IV: Acknowledge the library staff and the fine job they are doing.

VOTE ON THE MOTION: AYES: All. NAYS: None. ABSENT: None.

**MOTION CARRIED.**

Moved by Dr. Kasperowicz, supported by Turner, **MOTION CARRIED**, to send Mainland Fire Department Chief Rick Edler to the WMD Hazardous Material Technician training course from October 28, 2002 thru November 1, 2002 to be held by Center for Domestic Preparedness, Department of Justice in Alabama, no cost to the Township for the course, only request is to be paid to attend. AYES: All. NAYS: None. ABSENT: None.

Trustee Dr. Kasperowicz: Questioned Fire and Police Departments in radio contact with each other during a crisis.

Chief Edler: Fire Department could not work on the same channel.

Trustee Kirkpatrick: Attended a presentation by Chief Edler re: Hazardous Material; commended the Chief on the handling of that, there are more spills in St. Clair County than I realized.

VOTE ON THE MOTION: AYES: All. NAYS: None. ABSENT: None.

Fire Chief Rick Edler explained what is a support person; no money will be paid until he becomes a trainee, auxiliary person, would observe for awhile until he decides if he would want to become a full member; require Hepatitis Shots.

Moved by Kirkpatrick, supported by Dr. Kasperowicz, **MOTION CARRIED**, to approve the Fire Chief's recommendation to bring James G. Skorupski on as a support person with the Mainland Fire Department. AYES: All. NAYS: None. ABSENT: None.

Moved by Kirkpatrick, supported by Dr. Kasperowicz, **MOTION CARRIED**, to approve Assessor Barbara Schutt and Assistant Assessor Robin Martin attending a Commercial/Industrial Seminar instructed by BS & A for a cost of \$195.00 per person plus meals on November 8, 2002. AYES: All. NAYS: None. ABSENT: None.

Discussed a request from a candidate for the 81<sup>st</sup> District House of Representative to hold a "Meet the Candidates" evening in October at the Clay Township Hall; don't know if Township can initiate the gathering, Township Hall can be made available for the evening, consensus was to contact the Chamber of Commerce for their follow-up.

Moved by Pellerito, supported by Sharrow, **MOTION CARRIED**, to contact the Chamber of Commerce saying the Township Hall would be made available for a "Meet the Candidates" evening on October 16, 2002. AYES: All. NAYS: None. ABSENT: None.

Moved by Pellerito, supported by Kirkpatrick, to approve returning the bond money back to Joseph P. Stocking for a home he was going to move to 9268 Folkert Road in Clay Township.

Discussion hold \$15.00 from the \$500.00 bond for adm. Fee.

Moved by Pellerito, supported by Kirkpatrick, to amend the motion to approve returning the bond money of \$500.00 minus \$15.00 for the Administration fee to Joseph P. Stocking for a house never moved on 9268 Folkert Road in Clay Township, work never took place. AYES: All. NAYS: None. ABSENT: None.

**MOTION CARRIED.**

Moved by Sharrow, supported by Kirkpatrick, **MOTION CARRIED**, to waive the building permit fees to the Historical Society for the construction of a building on the Township property. AYES: All. NAYS: None. ABSENT: None.

**BOARD MEMBER COMMENTS:**

Trustee Dr. Kasperowicz: Questioned the chemical used on the Marsh for spraying; children were getting on school buses, exposed to the spray.

Clerk Pellerito: DNR John Schaeffer informed the Township, Chief Eder and Chief Edler of the spray, Township cannot regulate the Marsh.

Trustee Dr. Kasperowicz: Think we should have control, don't believe in those government studies; Waste Water easement how much will the Township pay?

Trustee Sharrow: Update as to the Master Plan is on schedule, revisions of the old one, if the Board Members have any comments what you want Clay Township to be in 20 years, please contact the Planning Commission.

Supervisor Joseph H. McKoan IV: Questioned the Wendy's development: traffic study by engineer will take a look at it again, not allowing an exit onto the highway from Wendy's, landlocked by not having an ingress/egress to Pte. Tremble.

Trustee Sharrow: Negotiations are not going well between Turn-Key and Wendy's owner; future goal will be to try to reduce cuts on M-29 and use service drives, engineers will look at the study.

Trustee Kirkpatrick: Date set for the Colony Tower meeting.

Trustee Sharrow: Should look into the telecommunications resolutions.

Clerk Michael Pellerito: Spoke with State Rep. Jud Gilbert regarding the Telecommunications Rights-Of-Way Oversight Authority, MTA legal staff is reviewing.

**PUBLIC COMMENTS:**

Police Chief Eder: Update on the Jobbie Nooner situation at Gull Island, met with the Army Corp and their stance was not to close the Island, had 1/3 of the boats out there; post meeting was held and several issues brought up, web site removed, next year like to see additional access routes to the Island, first aid stations on the Island and providing their own security on the Island, wait and see attitude for next year.

Trustee Sharrow: Questioned if the Marine Patrol has boats in after Labor Day?

Chief Eder: Through October and November, boats are decreased.

**ADJOURNMENT:**

Moved by Kirkpatrick, supported by Engel, **MOTION CARRIED**, to adjourn the meeting at 8:37 p.m. AYES: All. NAYS: None. ABSENT: None.

Michael P. Pellerito  
Clay Township Clerk

