

Minutes of the Clay Township Board Meeting held on Monday, October 7, 2002 at 7:30 p.m. in the Clay Township Board Room, 4710 Pte. Tremble Road, Clay Township, MI 48001.

PRESENT: Clerk Michael Pellerito, Treasurer Connie Turner, Trustee Pat Sharrow, Trustee Cindy Kirkpatrick, Trustee Dr. L. Kasperowicz, Trustee Beth Engel.
ABSENT: Supervisor Joseph H. McKoan IV (excused).

Citizens present: Approximately twenty-five (25).

Moved by Sharrow, supported by Dr. Kasperowicz, **MOTION CARRIED**, to appoint the Township Clerk Michael Pellerito to chair the meeting in the absence of the Township Supervisor. AYES: All. NAYS: None. ABSENT: Supervisor Joseph H. McKoan IV.

AMENDMENTS TO THE AGENDA: None.

Trustee Sharrow referred to Downriver Recreation Commission terms, should this be taken care of?

Clerk Pellerito: Send a letter to all board members of terms expiring, bring it up at the next board meeting, all terms should expire November 15th, may have to review the By-Laws.

APPROVAL OF THE SEPTEMBER 16, 2002 MINS. & SYNOPSIS:

Moved by Turner, supported by Engel, **MOTION CARRIED**, to approve the September 16, 2002 Board Minutes with the following corrections:

- Page 3, 5th paragraph; Trustee Kirkpatrick's comment should read as follows: "Chief Edler made a very interesting presentation re: Hazardous Material; commend the Chief on the handling of that. There are more hazardous spills in St Clair County than I realized."
- Page 2, Plante Moran 2002-03 presentation: correct the General Fund to read "2.8 million" and not 1.5.

AYES: All. NAYS: None. ABSENT: Supervisor McKoan IV.

Moved by Turner, supported by Kirkpatrick, **MOTION CARRIED**, to approve the Bills Payable in the amount of \$119,992.68. AYES: All. NAYS: None. ABSENT: Supervisor Joseph McKoan IV.

PETITIONS: None.

COMMUNICATIONS:

Next Township Board Meeting 10-21-2002 will be held on Harsens Island at the Lion's Hall at 7:30 p.m.

Prior to the regular meeting, a public hearing will be held at 7:00 p.m. to review the Beauregard and North Channel Drive rolls for special assessment waterlines.

Thank you notes to the Firemen of Clay Township from Gertrude Droger; thank you for the assistance at the St. Clair River Drive fire from the members of the Algonac Fire Department.

Thank you to the Clay Township Fire Department from the family of David Dreschel.

Mainland Fire Department Open House, Sunday, October 13, 2002 from 10:00 a.m. to 3:00 p.m.

OLD BUSINESS:

COLONY TOWER: Status update per Clerk Pellerito; C.P.A. has agreed to grant a permanent 5' easement and an additional 10' temporary construction easement; a proposal to build a communication's cell tower in conjunction with the Tower has been eliminated, not in the best interest of the community to construct a communication tower; Clay Township will be obtaining Lot 144, the 22' back from the seawall will be maintained by the C.P.A.

Trustee Cindy Kirkpatrick: ZBA granted the variance with the stipulation could never be any type of outside tower structure next to the tower itself.

Moved by Sharrow, supported Kirkpatrick, to approve the Agreement to purchase the Colony Tower from the Colony Park Association for the sum of \$1.00 with the conditions stated in the Agreement to buy and sell this before us.

Discussion:

Trustee Dr. Kasperowicz: Tower will take several hundreds of dollars to repair, later on who will be paying for this, the taxpayers?

Clerk Michael Pellerito: Many engineering studies with various costs, several ways to deal with its rebuilding; agreement with C.P.A. was in the event the Township could not fulfill its restoration project, this land would revert back to C.P.A., currently not on the tax rolls; liability question, needs to be shored immediately, cost will be very high, eligible for grants now not privately owned.

Trustee Kirkpatrick: There are people who want to save the Tower, grants not available for private ownership, Township can't possibly get a grant, it would revert back to the C.P.A.

Trustee Dr. Kasperowicz: Specify in the Agreement that money will not come out of the General Fund to be used for the Tower or tear it down and C.P.A. must pay for the cost.

Lengthy discussion re: abundant cost to repair the Tower, where will the money come from, should go back to C.P.A. to destroy if grant money cannot be attained; explained necessity to have the Tower owned by the Township in order to become eligible for these grants; cell structure built on the Tower is not to be allowed.

R/C VOTE: AYES: Sharrow, Kirkpatrick, Turner, Engel, Pellerito. NAYS: Dr. Kasperowicz. ABSENT: Supervisor Joseph H. McKoan IV.

MOTION CARRIED.

Clerk Pellerito: Will instruct the Supervisor to sign the necessary documentation, per Assessor Schutt will do this under a Quit Claim Deed; will contact MMRA Insurance to place the Tower on the Township's insurance.

TOWNSHIP OFFICE EXPANSION BID AWARDS:

Ted Whittlesey from Whittlesey Development, Limited explained the bids and his recommendations. Detroit Edison will move the primary service and secondary power lines out of the path of the building addition, set price of \$1,740.20; private contractor will not be necessary; eight hour power shutdown will be required on 10-25-2002.

Footings recommended using Superior Construction for \$5,400.

Masonry recommend using Kegler and Thomas for \$40,500.

Structural recommend Metal Worx for \$9,000.

HVAC recommend Wither's Heating and Cooling for \$11,750.

Plumbing recommend R & T Plumbing for \$4,460.

Roofing, not able to get all the bids in time, have time yet.

Trustee Kirkpatrick: All these companies bonded & insured and provide the proof of insurance? Answer: Yes.

Trustee Sharrow: HVAC bids, local electrician only more by \$50, any objections to using a local contractor?

Ted Whittlesey: White Heating and Cooling uses Goodman Equipment which is a bit more residential.

Moved by Turner, supported by Sharrow, **MOTION CARRIED**, to award the low bid to Metal Worx for the steel fabrication and erection for the cost of \$9,000. AYES: All.

NAYS: None. ABSENT: Supervisor Joseph H. McKoan.

Moved by Sharrow, supported by Turner, **MOTION CARRIED**, to award the low bid for footings to Superior Construction in the amount of \$5,400. AYES: All. NAYS: None. ABSENT: Supervisor Joseph H. McKoan IV.

Moved by Turner, supported by Sharrow, **MOTION CARRIED**, to award the low bid for masonry to Kegler and Thomas in the amount of \$40,500. AYES: All. NAYS: None. ABSENT: Supervisor Joseph H. McKoan IV.

Moved by Turner, supported by Dr. Kasperowicz, **MOTION CARRIED**, to award the bid for HVAC to Wither's Heating and Cooling in the amount of \$11,750. AYES: All. NAYS: None. ABSENT: Supervisor Joseph H. McKoan IV.

Moved by Sharrow, supported by Turner, **MOTION CARRIED**, to award the low bid for plumbing to R & T Plumbing in the amount of \$4,460.00. AYES: All. NAYS: None. ABSENT: Supervisor Joseph H. McKoan IV.

Moved by Sharrow, supported by Turner, **MOTION CARRIED**, to approve the cost of \$1,740.20 for Detroit Edison to move the lines under the area where the new addition will be constructed. AYES: All. NAYS: None. ABSENT: Supervisor Joseph H. McKoan IV.

CLAY/IRA CONTRACT WASTE WATER TREATMENT PLANT:

Update results of a meeting two weeks ago, lines running along M-29 from Steir Sub to interceptors 1 & 2 are sufficient and capable of handling the increase volumes; Ira came forward and are interest in redoing the contract where they would split 35% of the construction of the wastewater treatment facilities, breakdown of 35% Clay, 35% Ira & 30% Algonac, Sludge Storage Tanks construction, Ira has said would split that cost with Clay; cost for tanks up to \$742,000; use Fund Balance to pay for the Sludge storage tanks and not put it out to bond; agreement does not affect our relationship with the City of Algonac, merely an addendum to the agreement between us and Ira.

Moved by Sharrow, supported by Kirkpatrick, **MOTION CARRIED**, to approve the addendum to the Sewer Waste Water Treatment Water Agreement with Ira Township regarding the Sewer contract reducing Clay Township's share from 40% to 35% and Ira assumes 35% rather than 30%, costs will also be shared in the construction of the Sludge Storage Tanks. AYES: All. NAYS: None. ABSENT: Supervisor Joseph H. McKoan IV.

DISCUSSION ON MAUSOLEUM LOAN: Originally passed a loan for the full \$325,000, cost for base building is \$265,000, the remaining \$60,000 will pay for the subcontractors, Seaway Community Bank is unable to honor the full \$325,000 at the governmental rate that was established, necessary now to have two separate resolutions, one at the 5% for the \$265,000 and 7% for the \$60,000; if Board prefers Cemetery could borrow from the General Fund; roads on Harsens Island may require a large amount of road work, road budget next year will be very large, loan could be paid off sooner depending on crypt sales and a possible raise in the rates.

Motion by Turner, supported by Sharrow, **MOTION CARRIED**, to adopt the Resolution to allow borrowing of Two Hundred Sixty-Five Thousand and 00/100 Dollars (\$265,000) at 5.10% interest for ten (10) years from Seaway Community Bank for the construction of the Oaklawn Cemetery Mausoleum. R/C VOTE: Sharrow, Kirkpatrick, Turner, Dr. Kasperowicz, Engel, Pellerito. NAYS: None. ABSENT: Supervisor Joseph H. McKoan IV.

Motion by Turner, supported by Kirkpatrick, **MOTION CARRIED**, to adopt the Resolution to allow borrowing of Sixty Thousand and 00/1000 (\$60,000) at 7% from Seaway Community Bank for the subcontractor work to the Oaklawn Cemetery Mausoleum. R/C VOTE: AYES: Sharrow, Kirkpatrick, Turner, Dr. Kasperowicz, Engel, Pellerito. NAYS: None. ABSENT: Supervisor Joseph H. McKoan IV.

PUBLIC COMMENTS: Relating to any New Business on the Agenda.
Paul Bridgeman, 7985 Colony Drive: Code Enforcement Class is needed.

NEW BUSINESS:

INDUSTRIAL FACILITIES EXEMPTION APPLICATION FROM DECKER GEAR, INC.,
2192 FRUIT ROAD, CLAY TOWNSHIP DISCUSSION:

Assessor Schutt explained how the IFT is determined: total value of the building is spread over 12 years for real, 6 years for personal property, charged on their tax bill one-half of the millage rate; Board can set the years for the real and personal property.

Doug Alexander, Economic Development Corporation: Under State Law does not have the discretion to grant the percentage only the years of abatement, percentage is fixed by the State Law at 50%, by law twelve years on the building and six years on personal property.

Motion by Dr. Kasperowicz, supported by Engel, to adopt the Resolution to approve the Industrial Development application for Decker Gear, Inc., 2192 Fruit Road, Clay Township for a twelve (12) year tax abatement on the Real Estate and a six (6) year on the personal property at 50%.

Discussion of motion: Trustee Sharrow remarked that over 12 years we are going to give over \$150,000 of the people's tax money (police and fire) for 11 jobs.

R/C VOTE: AYES: Engel, Dr. Kasperowicz. NAYS: Sharrow, Kirkpatrick, Turner, Pellerito. ABSENT: Supervisor Joseph H. McKoan IV.

MOTION FAILED.

Moved by Sharrow, supported by Turner, to adopt the Resolution to approve the Industrial Development application for Decker Gear, Inc., 2192 Fruit Road, Clay Township, St. Clair, Michigan granting five (5) years on the real property and three (3) years on personal property tax at 50% with the condition the full-time occupational strength would be brought up to twenty-seven (27) full-time people and that will occur two years after plans for the building has been submitted to the Planning Commission.

Discussion: Clerk Pellerito asked Mr. Decker how many current employees?

Mr. Decker: Twenty-two people full time, can't guarantee. The motion to increase five (5) more people cannot guarantee that they would be working there in two years.

Trustee Dr. Kasperowicz: Setting the number of employees is restrictive.

Trustee Sharrow: Tax Abatements are given to create jobs for our people.

R/C VOTE: AYES: Sharrow, Kirkpatrick, Turner, Dr. Kasperowicz, Engel, Pellerito.

NAYS: None. ABSENT: Supervisor Joseph H. McKoan IV.

MOTION CARRIED.

Moved by Sharrow, supported by Kirkpatrick, **MOTION CARRIED**, to award the low bid for heating and cooling of \$4,800.00 to White Heating & Cooling, Algonac for the Oaklawn Cemetery Mausoleum. AYES: All. NAYS: None. ABSENT: Supervisor Joseph H. McKoan IV.

Moved by Kirkpatrick, supported by Turner, **MOTION CARRIED**, to award the low bid for plumbing of \$3,400.00 to Dandelion Plumbing, Fair Haven for the Oaklawn Cemetery Mausoleum. AYES: All. NAYS: None. ABSENT: Supervisor Joseph H. McKoan IV.

Motion by Sharrow, supported by Turner, **MOTION CARRIED**, to transfer \$4,000 from the General Fund to the Police Fund for the purchase the 1995 and 1999 used police vehicles to be used by the Building Department. AYES: All. NAYS: None. ABSENT: Supervisor Joseph H. McKoan IV.

Uniform Traffic Code Act update, the Township will be adopting a new UTC in the near future to comply with the State code.

Moved by Turner, supported by Dr. Kasperowicz, **MOTION CARRIED**, to approve the purchase of a color printer by Hewlett Packard at an approximate cost of \$400.00 for the Zoning Department. AYES: All. NAYS: None. ABSENT: Supervisor Joseph H. McKoan IV.

Update from Ted Whittlesey of Whittlesey Development, Limited regarding the Building Expansion: Sewer lines will be installed this week and pouring of concrete; truck traffic when footings are poured will use the police entrance; structural standpoint do need to replace the storm sewer drains; suggestion to update the fascia around the old building to blend in with the new, approximate cost \$5,000, if interested will pursue it.

Clerk Pellerito: Few unexpected costs have arisen, i.e. tree removed, sidewalk replaced, etc. Figures are still under the projected numbers.

Moved by Kirkpatrick, supported by Dr. Kasperowicz, **MOTION CARRIED**, to allow Building & Zoning Department Code Enforcement Officer Timothy Wiggle to attend the BS & A Software Training Class in Code Enforcement on December 19, 2002 for a cost of \$195.00 and to use the Township vehicle. AYES: All. NAYS: None. ABSENT: Supervisor Joseph McKoan IV.

Moved by Kirkpatrick, supported by Dr. Kasperowicz, **MOTION CARRIED**, to approve Change Order No. 1 Stone Road Sidewalk in the amount of \$2,625.00 to Wes Simons Trucking and Excavating for the additional work done on the Stone Road sidewalk. AYES: All. NAYS: None. ABSENT: Supervisor Joseph H. McKoan IV.

SILENT ACRES: Met with the Horvath's, Supervisor McKoan, Attorney John McNamee and Clerk Pellerito reviewed all the records, went back to the time Mr. Horvath built a barn on the property, made an application for a building permit at 2040 Golf Course Road, he stated at the meeting not allowed to build even though had permits, forced to build a residence inside the barn; in 1999 the barn was put on the tax rolls as a dwelling; Mr. Horvath would like to make things right on his property, agreed to pay for all necessary permits and inspections for the electrical, plumbing and mechanical, use the Twp. inspectors, submit "as built plans", requested an outside building inspector to do the inspecting of the facilities; verified no refunds were returned to Horvath; asking that the bond and permit be applied towards the barn that is now converted to his primary residence to pay for these permits and inspections.

Moved by Kirkpatrick, supported by Dr. Kasperowicz, **MOTION CARRIED**, to approve the \$500.00 Bond that was forfeited for 2040 Golf Course Road will now be re-applied towards the Building Permit for Donna and John Horvath's now declared residence at 2040 Golf Course Road since 1999 and the \$298.00 be applied towards the new permit fee of the building permit.

AYES: All. NAYS: None. ABSENT: Supervisor Joseph H. McKoan IV.

Update to the Board as to Soil Removal Permit for 2040 Golf Course Road, John Horvath: Letter sent to the Twp. Attorney John McNamee regarding what is going on at the property; discussed with John and Donna Horvath do not have a soil removal permit, per John Horvath, through the waterline construction several loads of dirt were dropped at his property; Deputy Chief Don Drake went out and verified the dirt is from the spoils of the waterlines, granted permission to remove those several loads of dirt, since Ordinance 123 has changed and there is no longer the 2 mile radius between soil removal pits, have recommended John Horvath he could re-apply to the Planning Commission under the old application and fulfill the requirements they requested. Explained effort here to work with Mr. Horvath and the various inspectors to have their place certified.

Contract Addendum to the International Union Of Employees, Local 547 to amend the existing DPW Contract under Article XVI, Section 7; Michael Baker, 20 yr. employee of the DPW has received a medical retirement from MERS; DPW Union Contract does not provide a provision for health care for retirement; currently active employee health care includes optical, dental, prescription, Mr. Baker has expressed a desire to have prescription rider, willing to forego the dental and the optical, this addendum shall be a living contract - each contract year the co-pays and deductibles can be decreased/increased as go the active employees; want the Board to be aware of the concerns: monetary, setting precedent here, be aware of future liabilities this can apply to other associates that have not retired and could become disabled tomorrow.

Moved by Kirkpatrick, supported by Turner, **MOTION CARRIED**, grant the Contract Addendum to the I.U.O.E. Local 547 D.P.W. Contract.

R/C VOTE: AYES: Sharrow, Kirkpatrick, Turner, Dr. Kasperowicz, Engel, Pellerito.

NAYS: None. ABSENT: Supervisor Joseph H. McKoan IV.

Moved by Kirkpatrick, supported by Dr. Kasperowicz, **MOTION CARRIED**, to set the Halloween "Trick or Treating" hours in Clay Township from 5:00 p.m. to 7:00 p.m. on Thursday, October 31, 2002. AYES: All. NAYS: None. ABSENT: Supervisor Joseph H. McKoan IV.

Moved by Kirkpatrick, supported by Dr. Kasperowicz, **MOTION CARRIED**, to approve the request from the Police Department to purchase rear window guards for three patrol vehicles, cost per vehicle is \$124.99 from Adamson Industries for the total of \$374.97.

AYES: All. NAYS: None. ABSENT: Supervisor Joseph H. McKoan IV.

Moved by Dr. Kasperowicz, supported by Kirkpatrick, **MOTION CARRIED**, to approve the request from Police Chief Eder to purchase In-Car Repeater Systems for five (5) police vehicles for a total cost of \$6,250.00 from V & W Towers. AYES: All. NAYS: None.

ABSENT: Supervisor Joseph H. McKoan IV.

Moved by Sharrow, supported by Dr. Kasperowicz, **MOTION CARRIED**, to accept Police Chief Eder's recommendation to hire Ms. Deborah Lee Humprey as a new part time Police Officer. AYES: All. NAYS: None. ABSENT: Supervisor Joseph H. McKoan IV.

Moved by Kirkpatrick, supported by Dr. Kasperowicz, **MOTION CARRIED**, to approve the Police Department employee Cheryl Koehn attend the Windows Transition Course on November 4, 2002 at the St. Clair Community College for a cost of \$75.00. AYES: All.

NAYS: None. ABSENT: Supervisor Joseph H. McKoan IV.

Moved by Kirkpatrick, supported by Turner, **MOTION CARRIED**, to approve repair work to the Networking System of the Police Department's computer system by Network Connections of a cost up to \$750.00 to install a 16-Port Desktop Switch and an additional cost of \$300.00 for new wiring if it is deemed necessary by Network Connections. AYES:

All. NAYS: None. ABSENT: Supervisor Joseph H. McKoan IV.

Moved by Engel, supported by Turner, **MOTION CARRIED**, to deny the request from Reserve Police Officer Chris Smith to be reimbursed \$100.00 for his C.C.W. training certificate. AYES: Sharrow, Turner, Engel, Dr. Kasperowicz, Pellerito. NAYS:

Kirkpatrick. ABSENT: Supervisor Joseph H. McKoan IV.

Moved by Sharrow, supported by Engel, **MOTION CARRIED**, to renew the 2002 Membership dues with SEMCOG for a fee of \$1,360.00 for the period October 15, 2002 to October 15, 2003. AYES: All. NAYS: None. ABSENT: Supervisor Joseph H. McKoan IV.

Moved by Turner, supported by Kirkpatrick, **MOTION CARRIED**, to receive and file the Harsens Island Fire Department Reports for July and August and the Water Department July Report. AYES: All. NAYS: None. ABSENT: Supervisor Joseph H. McKoan IV.

Moved by Kirkpatrick, supported by Dr. Kasperowicz, **MOTION CARRIED**, to approve the purchase from Paychex a computerized employee time tracking system model Time Guardian for the cost of \$995.00. AYES: All. NAYS: None. ABSENT: Supervisor Joseph H. McKoan IV.

Moved by Sharrow, supported by Dr. Kasperowicz, **MOTION CARRIED**, to adopt Resolution No. 1 Morris-Sax Drive-Road and Bridge Maintenance, Harsens Island Special Assessment District setting the Public Hearing for October 21, 2002 at 6:30 p.m., Harsens Island Lion's Hall, 263 LaCroix Road, Harsens Island to hear objections to the petition, the proposed improvements or the proposed Special Assessment District.

R/C VOTE: AYES: Sharrow, Kirkpatrick, Turner, Dr. Kasperowicz, Engel, Pellerito.

NAYS: None. ABSENT: Supervisor Joseph H. McKoan IV.

Moved by Kirkpatrick, supported by Turner, **MOTION CARRIED**, to approve the Continued Education Class for Building Inspector Michael Kras on Cold Weather Masonry and Mold for a cost of \$130.00 on October 24, 2002. AYES: All. NAYS: None. ABSENT: Supervisor Joseph H. McKoan IV.

BOARD MEMBER COMMENTS:

Trustee Cindy Kirkpatrick: Township have any interest in purchasing Mr. Gooden's property next door?

Clerk Pellerito: Supervisor McKoan IV has spoke with Mrs. Gooden and she would like to be involved in any communications and negotiations with the Estate Rep.; Twp. has been contacted by the Estate Rep.

Trustee Cindy Kirkpatrick: Questioned Contract negotiations for DPW, Personnel when does that start?

Clerk Pellerito: Command, front office, dispatch expire on 6-30-2003, start reviewing them right after the holidays.

Trustee Cindy Kirkpatrick: Like to see a local municipality wage survey done for those departments before the Holidays; like this survey handled by Supervisor/Clerk from local municipalities, necessity we have those comparables .

Trustee Dr. Kasperowicz: Don't like having Tetra Tech do the work on the sludge storage tanks.

Clerk Pellerito: Explained the engineers are paying Tetra Tech, they are not working for the County, Tetra Tech and MPS are employees of the Tank corporation, tax payers are paying them through the payroll of the tank builders.

Trustee Dr. Kasperowicz: How can we be guaranteed the job they do will be of good quality?

Trustee Sharrow: Clay Township's Ambulance Authority Representative has not given the Board a report in five years, Clay Township is the biggest contributor financially to the Authority.

Trustee Beth Engel: Received a copy of the Harsens Island Fire Department by-laws.

Clerk Pellerito: For the boat we have a single page for standard operating procedures, not what we wanted, needed something more in depth, MMRA Rep. Mike Friar could write them.

Clerk Pellerito: Discussed ceiling tile for the new addition, want 2" x 4" or the 2" x 2"?

Trustee Sharrow: DDA Chairperson is present will there be anything on the DDA meeting re: contribution to the new addition by DDA?

Richard Wagner: Will be discussed, no hard figures.

Trustee Sharrow: \$300,000.

PUBLIC COMMENTS:

Richard Wagner, Jr.: Questioned the asphalt sidewalk along the M-29 strip mall development.

ADJOURNED:

Moved by Dr. Kasperowicz, supported by Kirkpatrick, **MOTION CARRIED**, to adjourn the meeting at 9:47 p.m. AYES: All. NAYS: None. ABSENT: Supervisor Joseph H. McKoan IV.

Michael P. Pellerito

