

Minutes of the Clay Township Board Meeting held on Monday, October 21, 2002 at 7:30 p.m. in the Harsen's Island Lion's Hall, 263 LaCroix Road, Harsens Island, St. Clair County, MI 48028.

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 thirty (30).

Moved by Dr. Kasperowicz, supported by Turner, **MOTION CARRIED**, to have the Township Clerk chair the meeting in the absence of the Supervisor. AYES: All. NAYS: None. ABSENT: McKoan IV (excused).

Clerk Pellerito informed the citizens Supervisor Joseph H. McKoan IV's father died this morning. I respectfully request a moment of silence for Joseph H. McKoan III. Mr. McKoan had served this Township as Supervisor from 1964 through 1974.

### **AMENDMENTS:**

Moved by Sharrow, supported by Kirkpatrick, **MOTION CARRIED**, to amend the 10-21-02 Agenda under New Business: No. 21. Dispatch Request to attend T.A.C. training in Lansing and No. 22. Discussion of Detroit Waster Water Plans. AYES: All. NAYS: None. ABSENT: McKoan IV.

### **APPROVAL OF THE OCT. 7, 2002 MINS. & SYNOPSIS AND PUBLIC HRG.**

Moved by Turner, supported by Dr. Kasperowicz, **MOTION CARRIED**, to approve the October 7, 2002 Minutes and Synopsis with these corrections: page 2: 5<sup>th</sup> paragraph should read "...if Township can't obtain a grant, it would revert back to the C.P.A."; Page 7: half-way down page, Trustee Engel's comment should say "Have not received a copy of the Harsens Island Fire Department By Laws." AYES: All. NAYS: None. ABSENT: McKoan IV.

**PETITIONS:** None.

### **COMMUNICATIONS:**

Oct. 2, 2002 letter of appreciation from Cpl. Don Berg of the St. Clair County Sheriff Dept. to Police Chief Eder for the assistance from Clay Officers Brian Stone, David Burley and Sergeant Greg St. Coeur on a situation near Rose Marina.

Downriver Recreation Commission will now meet at the former Algonac Lions Clubhouse starting October 14, 2002.

Halloween "Trick or Treating" hours in Clay Twp. will be 5:00 p.m. to 7:00 p.m. on October 31, 2002.

Election Notices: Absent voter ballots available for the 11/5/02 General Election at the Office of the Twp. Clerk. Clerk's Office hours for Saturday, November 2, 2002 from 9:00 a.m. until 2:00 p.m.

Public Accuracy Test will be conducted on Thursday, October 24, 2002 at 1:00 p.m. in the Township Board Room to test the accuracy of the tabulating equipment and programs, which will be used to tabulate, voted ballots for the General Election, November 5, 2002.

### **OLD BUSINESS:**

Moved by Sharrow, supported by Dr. Kasperowicz, **MOTION CARRIED**, to award the glass and glazing work to Mt. Clemens Glass and Mirror, Clinton Twp., MI in the amount of \$11,320 for the Township Building expansion project. AYES: All. NAYS: None. ABSENT: McKoan IV.

Moved by Dr. Kasperowicz, supported by Sharrow, **MOTION CARRIED**, to award the low bid to Mueller Electric in the amount of \$12,000 to do the electrical work on the Township Building expansion project. AYES: All. NAYS: None. ABSENT: McKoan IV.

Trustee Kirkpatrick: Questioned the bidding process used by Whittlesey Development.

Moved by Turner, supported by Sharrow, **MOTION CARRIED**, to adopt the Resolution approving installment purchase contract between the Township of Clay and the Jones Monument Company for the acquisition of a mausoleum and all necessary appurtenances for a price of not more than \$265,000 payable in annual installments, an interest rate to be determined in accordance with Section 2 of the Contract for three years; Contract to be assigned to Seaway Community Bank and to authorize the Township Supervisor and the Township Clerk to execute the Contract and other necessary documentation.

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

Moved by Turner, supported by Kirkpatrick, **MOTION CARRIED**, to adopt the Resolution declaring the Mausoleum Contract to be a “qualified tax exempt obligation” within the meaning of the Internal Revenue Code of 1986, as amended.

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

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

#### **NEW BUSINESS:**

Eagle Scout Philip LaLonde would like the Township Board’s permission to clean-up the Oaklawn Cemetery, overgrown shrubs, grass around the headstones, general clean-up, etc. and apply the work to his Eagle Scout Project.

Clerk Pellerito: Also advertise for any other residents that may like to lend a hand in the clean-up, target date November 9, 2002.

Moved by Sharrow, supported by Kirkpatrick, **MOTION CARRIED**, to have the Clerk’s Office work with Eagle Scout Philip LaLonde in his undertaking to beautify the Township’s Oaklawn Cemetery by placing an add in The Voice Newspaper requesting volunteers to help him clean-up the Cemetery on Saturday, November 9, 2002 with an alternate date, the Township to pay the cost of the publication. AYES: All. NAYS: None. ABSENT: McKoan IV.

Moved by Sharrow, supported by Dr. Kasperowicz, **MOTION CARRIED**, to adopt Resolution No. 2, Morris-Sax Drive-Road and Bridge Maintenance Special Assessment District to instruct the Supervisor and Assessing Officer to prepare a Special Assessment Roll containing the names of the respective owners and a total amount to be assessed against each property owner. R/C VOTE: AYES: Sharrow, Kirkpatrick, Turner, Dr. Kasperowicz, Engel, Pellerito. NAYS: None. ABSENT: McKoan IV.

Moved by Turner, supported by Kirkpatrick, **MOTION CARRIED**, to adopt Resolution No. 3, Morris-Sax Drive-Road and Bridge Maintenance Special Assessment District to set the Public Hearing for Monday, December 16, 2002 at 7:00 p.m. in the Harsen’s Island Lion’s Hall, 263 LaCroix Road, Harsen’s Island, MI for the purpose of reviewing the roll. R/C VOTE: AYES: Sharrow, Kirkpatrick, Turner, Dr. Kasperowicz, Engel, Pellerito. NAYS: None. ABSENT: McKoan IV.

Moved by Sharrow, supported by Dr. Kasperowicz, **MOTION CARRIED**, to adopt Resolution No. 4, Harsen’s Island, Clay Township Special Assessment Water District No. 7C, North Channel Section to confirm the roll in the amount of \$124,600.24, divided into five (5) equal annual installments, first installment due March 31, 2003, following installments due on March 31<sup>st</sup> of each and every year thereafter; installments will bear interest from and after April 1, 2003, at the rate of 6.50 percent (%) per annum.

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

Moved by Sharrow, supported by Turner, **MOTION CARRIED**, to adopt Resolution No. 4, Harsen's Island, Clay Township Special Assessment Water District No. 7D, Beauregard to confirm the roll in the amount of \$72,866.25, divided into three (3) equal annual installments, first installment due March 31, 2003, following installments due on March 31<sup>st</sup> of each and every year thereafter; installments will bear interest from and after April 1, 2003, at the rate of 6.50 percent (%) per annum.

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

NAYS: None. ABSENT: McKoan IV.

Moved by Kirkpatrick, supported by Turner, **MOTION CARRIED**, to approve the Mainland Fire Department purchasing of three (3) sets of turn-out gear from Apollo Fire Equipment at a cost of \$1,300.00 for each set - total cost of \$3,900.00 plus shipping. AYES: All. NAYS: None. ABSENT: McKoan IV.

Moved by Sharrow, supported by Dr. Kasperowicz, **MOTION CARRIED**, to approve the Fire Chief Edler's request to bring Allen T. Kurrle on as a Trainee with the Mainland Fire Department starting November 5, 2002. AYES: All. NAYS: None. ABSENT: McKoan IV.

Moved by Sharrow, supported by Kirkpatrick, **MOTION CARRIED**, to set the price for the new Zoning Ordinance books at \$15.00, the cost for the large 24" x 36" Zoning Maps separately is \$6.00; Zoning Ordinance and map set is \$21.00. AYES: All. NAYS: None. ABSENT: McKoan IV.

Discussion as to renewing the State of Michigan Department of Management and Budget Extended Purchasing Program for Fiscal Year 2003 Membership; Township has not been buying from the State under this plan other than vehicles, not advantageous to renew our membership.

At this time there will be NO ACTION BY THE TOWNSHIP BOARD TO RENEW THE FISCAL YEAR 2003 MEMBERSHIP INVOICE.

Colony Road Special Assessment Refund discussion:

Clerk Pellerito: Don't know what Legal fees will cost for Tax Tribunal case outstanding, could have the potential of being expensive, should hold back a portion if would go to trial.

Trustee Sharrow: How is this prorated to those that have paid in full?

Treasurer Turner: Still would receive their portion of the special assessment refund; fee will be used over the course of this collection.

Paul Johnson, Colony Drive: Agreement with the County Road Agreement that the money should not be released for one year.

Motion by Sharrow, supported by Kirkpatrick, **MOTION CARRIED**, to postpone a decision by the Township Board the Colony Road Special Assessment Refund for a month. AYES: All. NAYS: None. ABSENT: McKoan IV.

Moved by Dr. Kasperowicz, supported by Kirkpatrick, **MOTION CARRIED**, to bring Mr. Jerald Gschwender on as part time Dispatcher. AYES: All. NAYS: None. ABSENT: McKoan IV.

Moved by Kirkpatrick, supported by Sharrow, **MOTION CARRIED**, to approve the insurance coverage from Michigan Municipal Risk Management Authority for the Builder's Risk Coverage will be an additional \$350.00 for the Township's building expansion estimated at \$250,000 and an additional premium of \$500.00 per year to insure coverage for the Colony Tower valued at \$350,000. AYES: All. NAYS: None. ABSENT: McKoan IV.

Moved by Sharrow, supported by Kirkpatrick, **MOTION CARRIED**, to approve the Lot Split 02-12 for Timothy Fiorani, 6838 Swartout Road, it meet all the conditions of the Zoning Ordinance. AYES: All. NAYS: None. ABSENT: McKoan IV.

Moved by Kirkpatrick, supported by Turner, **MOTION CARRIED**, to approve Lot Split 02-09 for the Colony Park/Tower Property. AYES: All. NAYS: None. ABSENT: McKoan.

Moved by Sharrow, supported by Kirkpatrick, **MOTION CARRIED**, to transfer the credit fee to the new Building Permit for the Clay Commons project on Nook Road. AYES: All. NAYS: None. ABSENT: McKoan IV.

Moved by Sharrow, supported by Dr. Kasperowicz, **MOTION CARRIED**, to deny Police Officer Herman Montville's request to attend a seminar in Livonia, MI regarding behavior disorders in children in adolescents. AYES: Sharrow, Turner, Dr. Kasperowicz, Engel. NAYS: Kirkpatrick. ABSENT: McKoan IV.

Moved by Turner, supported by Engel, to receive and file the Assessors Report – September; Planning, Zoning and Code Enforcement – September; Building Department – September; Downriver Recreation Commission various reports, Township Roads and Bridges Advisory Committee and the Police September Reports.

Discussion: Trustee Kirkpatrick questioned Zoning Officer regarding the Enforcement List has lots of doubles.

Tim Wiggle: Explained, flaw in the computer system, haven't figured out why yet.

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

Township Board Appointments: Trustee Sharrow cannot do anything with appointments to Planning Commission and DDA, law requires the Supervisor to put that name in nomination.

Motion by Kirkpatrick to wait for the next meeting to make appointments to the various Boards except for the Board Representatives without Supervisor Joseph H. McKoan IV present.

Discussion: Supervisor has a lot going right now, good idea to get this out of the way.

**MOTION DIED, NO SUPPORT.**

Moved by Sharrow, supported by Dr. Kasperowicz, **MOTION CARRIED**, to reappoint Harsens Island Fire Chief Bruce Schweikart to the River District Ambulance Authority and Rick Edler as the alternate, 2-year term expiring on 11-15-2004. AYES: All. NAYS: None. ABSENT: Supervisor Joseph H. McKoan IV.

Moved by Sharrow, supported by Dr. Kasperowicz, **MOTION CARRIED**, to appoint Sandra Malik as the Township's Citizens Rep. to the Downriver Recreation Board for a 3-year term expiring on 12-31-2005 and Township Board member Beth Engel as Board Rep. for a one-year term. AYES: All. NAYS: None. ABSENT: McKoan IV.

Moved by Sharrow, supported by Turner, **MOTION CARRIED**, to reappoint Lesly Cahill to the Building Authority for a 5-year term from 12-31-2000 to 12-31-2005 and bring back the issue of resolving the Building Authority at a later time as an Agenda item. AYES: All. NAYS: None. ABSENT: McKoan IV.

Moved by Turner, supported by Kirkpatrick, **MOTION CARRIED**, to postpone the Downtown Development Authority, Planning Commission and Zoning Board Of Appeals appointments until the next Board Meeting in order to allow the Supervisor's input on the positions. AYES: All. NAYS: None. ABSENT: McKoan IV.

Moved by Dr. Kasperowicz, supported by Turner, **MOTION CARRIED**, to accept the renewal appointments to the Construction Board of Appeals for the following:

Joe Stephenson - Building Contractor

Tom Perkowski - Building Contractor

Randy Beyer - Electrical Contractor

Appointment of the following people as alternate members to the Clay Township Construction Board of Appeals:

John Monte - Engineer

Gary White - Mechanical Contractor

Jim Stiltner - Plumbing Contractor

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

Trustee Sharrow: ZBA should have an alternate member, worked out before, law requires so many day notice to the alternate.

Trustee Kirkpatrick: Reason ZBA members are not in favor of an alternate.

Moved by Kirkpatrick, supported by Engel, **MOTION CARRIED**, to approve any Board Members, Planning Commission and ZBA members wishing to attend the St. Clair County Metropolitan Planning Commission Annual Fall Workshop on Wednesday, October 30, 2002. AYES: All. NAYS: None. ABSENT: McKoan IV.

Moved by Sharrow, supported by Turner, **MOTION CARRIED**, to adopt the Resolution urging the Local, Urban and State Affairs Committee of the Michigan State Senate to approve House Bills 4720-25. R/C VOTE: AYES: Sharrow, Kirkpatrick, Turner, Dr. Kasperowicz, Engel, Pellerito. NAYS: None. ABSENT: Supervisor Joseph H. McKoan IV.

Moved by Dr. Kasperowicz, supported by Kirkpatrick, **MOTION CARRIED**, to allow Police Dispatcher Kathy Shew to attend a T.A.C. update school in Lansing, MI on October 28<sup>th</sup> and 29<sup>th</sup> for \$95.00 which includes the cost of the hotel and meals and the use of the Township car. AYES: All. NAYS: None. ABSENT: McKoan IV.

Moved by Dr. Kasperowicz, supported by Kirkpatrick, **MOTION CARRIED**, to authorize the Township Clerk to send a letter to the Director of Detroit Water & Sewerage Department of the City of Detroit stating the Township is at this time not interested in being included in the 50-year Wastewater Master Plan. AYES: All. NAYS: None. ABSENT: McKoan IV.

#### **BOARD MEMBER COMMENTS:**

Trustee Sharrow: Congratulations to Sgt. Foster and K-9 Dingo for their investigation that resulted in a \$2,500 check to the Clay Township Police Department forfeiture account.

Trustee Engel: Harsen's Island Fire Department should have their By-Laws to us within two weeks.

Trustee Sharrow: St. Clair County Road Commission Plans for next year, like to arrange Don DeSnyder to go with some of the Board members and get some idea of the road conditions in Clay.

Clerk Michael Pellerito: Already on it and talking with Don DeSnyder, work on Marsh Road will start next year, Harsens Island roads will be a high target next year, will have Don give us a list, will have a good idea in the next month.

#### **PUBLIC COMMENTS:**

Dave Mason, 7821 Inglewood: Code Enforcement Officer has been giving warnings down the road against code; variance obtain 13 years ago, park my boat in my driveway, don't store it, use it 3-4 times a week to get to Harsens Island, received a warning my boat is not 10' from the road, there is not 10' from the road, asking for permission to keep my boat there, never had a problem with the boat before, asking for permission or a variance to keep my boat there.

Norman Rhodes, 3206 South Channel: Zoning map incorrect, notified the Township Office, what is the status of that?

Trustee Sharrow: Planner Linda Anderson was notified and under investigation.

Norman Rhodes, 3206 South Channel: Asking the Township Board to strongly consider stopping this lawsuit before it comes up on the 29<sup>th</sup> of October when the trial will start, for a year have been bringing this up and because it is coming to a head again, my concern is do not believe this Board understands what they have done and what they are doing and the damages that will occur form this situation, asking the Board to drop it.

Clerk Michael Pellerito: Explained the easements that were requested for the Harsens Island Waterline, ordered it put on stay, Judge Deegan to see if any awards should be given.

Norman Rhodes: It is not the property, it is the approach that was used, the declaration and the command, not one person was asked to give their property, they were sent a demand notice.

Clerk Pellerito: Easement would be used by the Township if there is a break in the waterline, not a permanent easement, it is only for transmission lines under the ground, public hearings, over 100 easements were filed into the Courts, several that are still out there not filed, if the Court decision is the Township should pay, it will.

Trustee Kirkpatrick: Why would you want it stopped if it could go in your favor?

Norman Rhodes: Don't incur any damage until the smoke settles from this lawsuit, don't want to cause undue damage, don't really have a personal liability to this situation, personal liability is being credited by not knowing what is going on.

Joanne Shirkey, Harsens Island; What damages are you talking about?

Trustee Dr. Kasperowicz: A group looking out for the welfare of property values increase and the safety and health of the Island in common good.

Clerk Pellerito: Issue is the procedural deficiency procedure used.

Mark Kvocka, 7809 Inglewood: Violation received for shrubs that have been there for 20 years, don't want a \$100 ticket as my neighbor Jim Odam received, hedges for 30 years and now too tall.

Trustee Sharrow: Prior to Ordinance 88, look into this.

Clerk Pellerito: Look at the pictures, 10'-15' of shrubs, look at the whole area.  
Jim Odam brought his pictures up to the Board.

Motion by Pellerito, supported by Dr. Kasperowicz to dismiss the ticket for William Odam, 7840 Inglewood. AYES: All. NAYS: None. ABSENT: McKoan IV.  
**MOTION CARRIED.**

Denise Tilly, 7886 Inglewood: Agree the Township needs code enforcement, blight, garbage, etc., same enforcement needs to apply to businesses, not only the residential areas, like the ordinance to go along with the business enforcement, junk yards, etc.

Trustee Kirkpatrick: Zoning Officer is following up on complaints, trying to do a good job.

Mr. Osgood, 1178 S. Channel Drive: Bad problem with Fragnities, any information on this?

Clerk Michael Pellerito: Ernie Kafgas and John Schaefer of the DNR sprayed several acres on the Island to destroy fragmities, those lots will be monitored to see what happens.

Trustee Dr. Kasperowicz: Spray material used does cause cancer, DNR needs to come to a meeting and explain.

Al Kodet, Summer Street, own property on Marsh Road: Not happy with Zoning Officer's attitude, something the Board could do to help one of our employees, could work with this person, needs help on his mannerism.

Trustee Kirkpatrick: Committee that hired this person needs to review this and discuss with the Zoning Officer, resolve some of these people complaints and concerns.

Dave Mason: Asked is there a solution to my problem with the boat storage?

Clerk Pellerito: Contact the Office in a few days, 10' is physically impossible form your house, will discuss the issue. Will be discussing issues with Mr. Wiggle tomorrow, these shrubs were there prior to Ordinance 89. Confer with the attorney how to legally handle these issues.

Building Inspector Michael Kras: Mr. Odam installed a fence up to the water; Zoning Enforcement Officer doing his job, cleaning up cars, blight, etc.; not right to be dismissing tickets.

Trustee Engel: All citizens need to be treated with respect, agree the Zoning Enforcement's position is to give these citizens that courteous respect.

Trustee Sharrow: Agree a committee should meet with him and it should be talked over, not done at a public meeting; citizens need to take a bigger interest in the community, that is where it originates; zoning has to apply to all streets, can't zone for a particular street, procedure in place for Zoning Officer to follow and should be reiterate to him; citizens need to cooperate too if they want the kind of community they want to live in.

John Makuch, Planning Commission member: Public comes to our meetings complaining want enforcement and there is none, need to get some backbone and let the Zoning Officer do his job; don't think the Township Board can dismiss the ticket.

Deputy Police Chief Don Drake: Zoning Officer was given the authority to write tickets as the Police Officers have that right, in error for dismissing that ticket, dismissed by a Judge.

Norman Rhodes: Civil Infraction formed to keep the tickets out of the Court, determine what those fines are and do with them what they want.

Al Kodet: Remarks regarding Zoning Enforcement's attitude towards the public, hope he would be reviewed, committee work with this individual and develop a more harmonious community.

### **ADJOURNMENT**

Moved by Dr. Kasperowicz, supported by Turner, **MOTION CARRIED**, to adjourn at 9:25 p.m. AYES: All. NAYS: None. ABSENT: Supervisor Joseph H. McKoan IV.

Michael P. Pellerito  
Clay Township Clerk