

Minutes of the Clay Township Board Meeting held on Monday, November 18, 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, Treasurer Connie Turner, Trustee Pat Sharrow, Trustee Cindy Kirkpatrick, Trustee Dr. L. Kasperowicz, Trustee Beth Engel.
ABSENT: Clerk Michael Pellerito.

Citizens Present: Approximately fifteen (15).

AMENDMENTS TO THE AGENDA:

Moved by Sharrow, supported by Kirkpatrick, **MOTION CARRIED**, to amend the Agenda under New Business: #7 Ordinances Not Discussed by the Board. AYES: All. NAYS: None. ABSENT: Pellerito.

APPROVAL OF NOVEMBER 4, 2002 MINUTES:

Moved by Turner, supported by Engel, **MOTION CARRIED**, to approve the November 4, 2002 Minutes and Synopsis as presented. AYES: All. NAYS: None. ABSENT: Pellerito.

BILLS PAYABLE:

Moved by Turner, supported by Kirkpatrick, **MOTION CARRIED**, to pay the Bills Payable in the amount of \$64,862.65. AYES: All. NAYS: None. ABSENT: Pellerito.

PETITIONS: None.

COMMUNICATIONS:

11-4-2002: Letter from Dr. Dennis Guiser, Superintendent of Schools thank you to the Township Supv. and Board for having the sidewalk extension on Smith Street completed over the summer.

11-6-2002: Note from William Walker thank you for the opportunity to present the Discovery Years Program during the November 4, 2002 Election

11-14-2002: A Bingo will be held November 21, 2002 at the Pearl Beach Lion's Hall at 7:30 p.m. A portion of the profit will be donated to the Clay Township ML Fire Dept. equipment fund.

St. Clair County Townships Association annual dinner meeting Thursday, 1-9-03, Crystal Gardens, Marysville.

Thank you card from the New Baltimore Fire Department for the Township Fire Dept. assistance at the Bay Shore Village Apt.

Thank you card from the Algonac Fire Department for Township Fire Dept. assistance at a fire at 1029 Fruit Street.

Township Offices will be closed on Thursday, Nov. 28, 2002 and Friday, Nov. 29, 2002 for the Thanksgiving Holiday.

OLD BUSINESS:

Moved by Dr. Kasperowicz, supported by Turner, **MOTION CARRIED**, to appoint Leroy Barrickman to serve on the Downtown Development Authority Board for a four-year term, 11-15-2002 to 11-15-2006. AYES: All. NAYS: None. ABSENT: Pellerito.

Moved by Sharrow, supported by Dr. Kasperowicz, **MOTION CARRIED**, to re-appoint Trustee Cindy Kirkpatrick to the Zoning Board of Appeals as the Board Representative for a year, expiring 11-15-2003. AYES: All. NAYS: None. ABSENT: Pellerito.

Moved by Turner, supported by Sharrow, **MOTION CARRIED**, to re-appoint Joanne Shirkey to the Zoning Board of Appeals Board for a three-year term, 11-15-2002 to 11-15-2005. AYES: All. NAYS: None. ABSENT: Pellerito.

Moved by Sharrow, supported by Dr. Kasperowicz, **MOTION CARRIED**, to re-appoint Marianne Diss to the Zoning Board of Appeals Board for a three-year term, 11-15-2002 to 11-15-2005. AYES: All. NAYS: None. ABSENT: Pellerito.

Moved by Dr. Kasperowicz, supported by Sharrow, **MOTION CARRIED**, to re-appoint Edward Keller II to the Planning Commission Board for a three-year term, 11-15-2002 to 11-15-2005. AYES: All. NAYS: None. ABSENT: Pellerito.

Moved by Turner, supported by Engel, **MOTION CARRIED**, to re-appoint John Makuch to the Planning Commission Board for a three-year term, 11-15-2002 to 11-15-2005. AYES: Sharrow, Turner, Pellerito, Engel, Dr. Kasperowicz, McKoan II. NAYS: Kirkpatrick. ABSENT: Pellerito.

Moved by Sharrow, supported by Dr. Kasperowicz, **MOTION CARRIED**, to re-appoint Sandra O'Conner to the Planning Commission Board for a three-year term, 11-15-2002 to 11-15-2005. AYES: None. NAYS: None. ABSENT: Pellerito.

Moved by Dr. Kasperowicz, supported by Turner, **MOTION CARRIED**, to re-appoint Pat Sharrow to the Planning Commission Board as the Township Board Representative for a one-year term expiring on 11-15-2003. AYES: All. NAYS: None. ABSENT: Pellerito.

Moved by Dr. Kasperowicz, supported by Turner, to approve the recommendation from Supervisor Joseph H. McKoan IV to appoint Tonna W. Osko to the Planning Commission to fill Mr. Getman's term to November 15, 2004.
Discussion of the matter to appoint.

R/C VOTE ON THE MOTION: AYES: Engel, Turner, McKoan IV. NAYS: Dr. Kasperowicz, Kirkpatrick, Sharrow. ABSENT: Pellerito
MOTION FAILED.

Supervisor McKoan IV: Motion be presented to the Board to request Mr. Getman to step down from the Planning Commission and that his term expired a year ago.
Trustee Sharrow: Mr. Getman can remain on Board until re-appointed or replaced.
Supervisor McKoan IV: Planning Commission is operating as a de facto board.

Moved by Sharrow, supported by Dr. Kasperowicz, **MOTION CARRIED**, to approve the change work order for \$500.00 additional to add a masonry parapet wall to the existing building to replace a studded wall in the new building expansion. AYES: All. NAYS: None. ABSENT: Pellerito.

Moved by Sharrow, supported by Dr. Kasperowicz, **MOTION CARRIED**, to approve the low bid of \$23,679.00 from Murdock, Inc. for the cost for walls and ceiling materials for the new building expansion. AYES: All. NAYS: None. ABSENT: Pellerito.

Moved by Kirkpatrick, supported by Dr. Kasperowicz, **MOTION CARRIED**, to approve the low bid of \$3,504.00 from Wes Simons Trucking & Excavating, Inc. for the excavating for the new addition, sand, dozing and rolling. AYES: All. NAYS: None. ABSENT: Pellerito.

Moved by Sharrow, supported by Dr. Kasperowicz, **MOTION CARRIED**, to reiterate the cost of \$10,737.00 from Stanley's Roofing Inc. with a 12-year warranty by Johns Manville Roofing Products for the new building roof. AYES: All. NAYS: None. ABSENT: Pellerito.

Moved by Turner, supported by Engel, **MOTION CARRIED**, to approve the request from Whittlesey Development for the 2nd draw of \$63,247.63 for the new Township Building Expansion. AYES: All. NAYS: None. ABSENT: Pellerito.

Supervisor Joseph H. McKoan IV update on Waste Water Treatment Plant Project; attended a meeting last week, decided would re-bid the project with different specs, hopefully can save approximately \$300,000, bid draw will be done early December.

Trustee Dr. Kasperowicz: Want to see the plans.

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

NEW BUSINESS:

Moved by Turner, supported by Engel, **MOTION CARRIED**, to receive and file the Department October Reports for Assessing, Building, Zoning, Police Misc. Reports, Algonac-Clay Library, Water, Downriver Recreation Commission and Board of County Road Commissioners Minutes as presented. AYES: All. NAYS: None. ABSENT: Pellerito.

Moved by Sharrow, supported by Engel, **MOTION CARRIED**, to pay the St. Clair County Townships Association membership dues of \$25.00 for the year 2003. AYES: All. NAYS: None. ABSENT: Pellerito.

Discussion – Equipment replacement fund for the Water Plant; there is a separate equipment replacement fund in each municipality, Algonac’s City Manager would like them deposited into one account; Board’s comments.

Fund was created before any idea of a new plant.

New plant now, warranties in existence, questioned why would this equipment fund have to be this large.

Township should keep control of the money, if there is a breakdown, we would pay our share.

Agreed several years ago between the City and Clay to handle the fund this way.

Treasurer Turner: Gave info to City of Algonac per audit, pooling funds would create a better interest rate, require signatures on checks from both communities, Clay’s share a month is \$4,500, total as of 10-31-2002 is \$234,000.

Trustee Sharrow: Water Tower paid in cash, depreciation we should be paying, are we following up on that? Do we a final cost on the water plant?

Trustee Dr. Kasperowicz: Board be provided with reports on maintenance and expenditures for taking care of the equipment.

Motion by Sharrow, supported by Kirkpatrick, to authorize Supervisor Joseph McKoan IV to inform the City Manager Brady Holmes of the Township Board’s discussion to leave the water plant equipment replacement fund as is in separate accounts, Township has always cooperated in any equipment breakdown to share the cost and would like the final figures on the Water Plant construction.

Amendment to the Motion: Review the equipment maintenance fund, possibly the monthly cost could be reduced as the water plant is brand new.

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

Moved by Sharrow, supported by Dr. Kasperowicz, **MOTION CARRIED**, to approve the cost from Wadhams Fence Co. of \$2,955.00 to complete the fence at the Oaklawn Cemetery for the Mausoleum location. AYES: All. NAYS: None. ABSENT: Pellerito.

Moved by Dr. Kasperowicz, supported by Turner, **MOTION CARRIED**, to approve sending Fire Chief Rick Edler to classes in Lansing at the Michigan Department of State Police Emergency Management Division, cost only will be for meals and fuel. AYES: All. NAYS: None. ABSENT: Pellerito.

Board Comment: Congratulations to Chief Rick Edler for the honor to be selected to be invited to these special State classes.

Motion by Dr. Kasperowicz, supported by Turner, **MOTION CARRIED**, to approve the purchase of seventeen (17) Weathertech EMS jackets for the estimated cost of \$4,476.00 plus shipping for the Clay Township Mainland Fire Department. AYES: All. NAYS: None. ABSENT: Pellerito.

Discussion regarding Township Ordinances not approved by the Township Board; Trustee Sharrow: Board approved Attorney Dan Dalton to help the Building/Zoning Department out with legal issues; Board has never asked Mr. Dalton to write ordinance and incur cost to this Township, no conferring with Planning Commission about the sign ordinance, should be done with the Planner, lack of communication, need to reiterate what Mr. Dalton's duties are.

Building Inspector Michael Kras: Explained Mr. Dalton not writing the ordinances, merely attempting to enforce it on a better scale, abandoned vehicle ordinance need a procedure in place between the Police and the Township; hazardous waste ordinance not a collectible ordinance, several occasions this year has occurred.

Trustee Sharrow: Going one step beyond, not conferring with the Board; Attorney John McNamee is still the Township Attorney, Mr. Dalton should confer with Supervisor Joseph H. McKoan and Clerk Michael Pellerito.

Supervisor McKoan: Mike Kras is not trying to circumvent the procedure, your comment is well taken.

BOARD MEMBER COMMENTS:

Trustee Dr. Kasperowicz: South Channel Drive turnaround is in very poor condition, junk piled up, looks terrible.

Building Inspector: Mike Kras every weekend there is a burn; garbage removed, something that would have to be addressed with Clerk Pellerito when he returns.

PUBLIC COMMENTS:

Norman Rhodes, Harsens Island: Questioned procedure followed as to a citizen can only make one comment at a public hearing.

Supervisor Joseph H. McKoan IV: Policy decision something that each Board could enforce.

Norman Rhodes: Planning Commission held a public hearing on the Master plan, explained problem with the Chairman: limited to number of public comments, future land use map denied access to the map, etc.

Trustee Sharrow: Planning Commission does set their own laws, Chairperson does have the control of the meeting; Chairperson acknowledged error on land use map you had concerns over; complaint should be addressed to the Planning Commission.

Richard Wagner, DDA Chairman: Update as to DDA Projects - the Pte. Tremble/Ainsworth lighting; no formal denial from the DEQ Grant Application; M-29 road survey is completed; thank you for filling the vacancies on the Board; S.O.S. information about the Colony Water Tower

Trustee Sharrow: DDA Board been presented with an official request for money sharing yet?

Richard Wagner: Could not have a meeting in November, will be on agenda, review the budget on capital improvements.

John Makuch, Planning Commission member: Thank you to the Board for renewing my position on the Planning Commission board; don't know why Trustee Kirkpatrick has made personal attacks on me; Norman Rhodes was not disruptive at all, explained Chairman Getman handled the meeting properly, could not see a problem.

Dennis Schaible, 6186 Swartout Road: Board aware of employment status, as of 11-11-2002 employment is questionable, confused on the permissible benefits or what is entitled to.

Supervisor Joseph H. McKoan IV: Letter explaining the status should be received by you in a couple days, if do not receive let me know.

Dennis Schaible: Don't want to create any problems, important for the Board to be fully informed.

Tonna Osko, 9327 Maple Road: Appreciate the opportunity for the consideration to serve on the Planning Commission.

ADJOURNMENT

Moved by Dr. Kasperowicz, supported by Sharrow, **MOTION CARRIED**, to adjourn the regular meeting at 8:36 p.m. AYES: All. NAYS: None. ABSENT: Pellerito.

Michael P. Pellerito
Clay Township Clerk

