

Minutes of the Clay Township Board Meeting held on Monday, December 16, 2002 at 7:30 p.m. in the Harsens Island Lion's Hall, 263 LaCroix Road, Harsens Island, MI 48028.

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

ABSENT: None.

Citizens Present: Approximately fourteen (14).

AMENDMENTS TO THE AGENDA: None.

APPROVAL OF THE DECEMBER 2, 2002 MINS. AND SYNOPSIS:

Moved by Turner, supported by Kirkpatrick, **MOTION CARRIED**, to approve the December 2, 2002 Minutes and Synopsis as presented. AYES: All. NAYS: None. ABSENT: None.

BILLS PAYABLE:

Moved by Turner, supported by Kirkpatrick, **MOTION CARRIED**, to pay the Bills Payable in the amount of \$67,795.78. AYES: All. NAYS: None. ABSENT: None.

PETITIONS: None.

COMMUNICATIONS:

Thank you card from the Boy Scout Troop to Police Chief Eder and the Police Department for the tour of the Police Department. Kelly Renshaw

Township Office will be closed for the Christmas Holiday on Tuesday, December 24th and Wednesday, December 25, 2002 and the following week on Tuesday, December 31, 2002 and Wednesday, January 1, 2003 for the New Year's holiday.

OLD BUSINESS:

Moved by Sharrow, supported by Turner, **MOTION CARRIED**, to award the lowest bid to Superb Exterior Wall Systems at a cost of \$4,000 for the exterior insulation and finish system to the Township building expansion. AYES: All. NAYS: None. ABSENT: None.

Moved by Turner, supported by Dr. Kasperowicz, **MOTION CARRIED**, to approve the cost of \$8,900 to construct the new front entrance on the existing building to have a similar design to the additions front entrance. AYES: All. NAYS: None. ABSENT: None.

Moved by Turner, supported by Dr. Kasperowicz, **MOTION CARRIED**, to approve the EIFS covering of masonry panels for the front of building only at a cost of \$8,005 to the new building expansion. AYES: All. NAYS: None. ABSENT: None.

Ted Whittlesey, construction engineer for the new building expansion presented a short video from Dingeman Associates demonstrating the audiovisual system and broadcast video plan used at the East China Schools. Quote to the audio by BSB Communications out of St. Clair Shores for a cost of \$9,839.24. The broadcast video provided by Dingeman Associates for a cost of \$14,999. Need to hire someone to operate the equipment, students from the high school, college internship, etc. Another company interested in quoting the project. Trustee Kirkpatrick like to consider other bids.

Motion by Kirkpatrick, supported by Sharrow, **MOTION CARRIED**, to postpone a decision on an audiovisual system for the new boardroom until the next meeting in January for additional bids. AYES: All. NAYS: None. ABSENT: None.

Trustee Sharrow remarked: DDA to fund part of the expansion, need some figures indicating what it will cost and what we have spent.

Ted Whittlesey: front and back walls in the new boardroom would be a painted cement blocks, option is could drywall the cement walls for a cost of \$2,260.00 by Murdocks.

Trustee Sharrow: object to dry walling over the cement block, waste of money.

Treasurer Turner: Personally feel it would look better.

Moved by Turner, supported by Engel, **MOTION CARRIED**, to approve the cost of \$2,260.00 to drywall all four walls of the new boardroom by Murdocks. AYES:

Kirkpatrick, Turner, Pellerito, Engel, Pellerito, McKoan IV. NAYS: Dr. Kasperowicz, Sharrow. ABSENT: None.

Wastewater Treatment Plant Update:

Bid awarded to Skyline Construction, Inc. was awarded to the lowest bid in the amount of \$2,786,000.

Algonac Harbour Waste Water Treatment Plant Outfall Extension:

Attorney Houle for St. Clair County advised Donald M. Maronde, Managing Director St. Clair County Board of Public Works have not received documentation in support of the settlement demand; Ira Township decided to pay \$75,000 to the Harbour Club and obtain the easements at issue; Clay Township and the City of Algonac will not pay the \$75,000 to settle this case until have received reasonable verification of expenses and losses incurred by the Harbour Club because of the Outfall Extension.

Supervisor Joseph McKoan IV: What is the Board's intention and what do we want to see happen? We can side with Ira to pay the \$25,000 or file a condemnation proceedings against the Algonac Harbour Club?

Trustee Dr. Kasperowicz: Want to see documentation of income tax losses on the property.

Motion by Dr. Kasperowicz, supported by Turner, to not pay our share of the \$75,000.00 and to proceed into condemnation proceedings and to direct Supervisor Joseph McKoan IV to inform Donald M. Maronde of the Board's intention.

Discussion:

Clerk Pellerito: It is not \$25,000, 40/30/30 split, willing to pay our share providing the Harbour Club provides verification of loss of revenue, could proceed to a Court Settlement, think should see the records first and than go to condemnation.

Supervisor McKoan IV: Force them through filing the lawsuit and taking depositions, falling on deaf ears at this time.

Clerk Pellerito: Not paying anything yet, \$75,000 is sitting in the bank for the last 2-3 years now.

VOTE ON THE MOTION TO PROCEED WITH THE CONDEMNATION LAWSUIT:

R/C VOTE:

AYES: Kirkpatrick, Turner, Engel, Dr. Kasperowicz.

NAYS: Sharrow, Pellerito, McKoan IV.

ABSENT: None.

MOTION CARRIED.

Raw Sewage Pump Repair/Replacement:

Sewage pumps are in need of replacement, Don Maronde, Managing Director recommends replacement of the two main pumps this budget year and to replace the remaining two next year, recommend bid from HydroDynamics. Action not required, County to purchase and three entities will pay their share.

Trustee Sharrow: Agreement with Ira was to be 35/35/30 split, when can we make this initial changeover and not paying 40%?

Clerk Pellerito: Going back to the County for their approval, part of that money in there from years past, from this point forward the "equipment replacement" fund will be at 35%.

Trustee Dr. Kasperowicz: Questioned the budgeted electricity and natural gas that will be used to run the proposed new trickling towers.

Trustee Kirkpatrick: Can't budget if not built yet.

Clerk Pellerito: Mandated by the DEQ testing.

Trustee Dr. Kasperowicz: Insurance for the rotating disk why is our insurance premium still the same?

Clerk Pellerito: General liability is still the same; if were to privatize this plant costs would be unbelievable. Like to procure something in writing that we are paid in full.

The County does not want to be in the waste water treatment business; eventually could go back to the community will have to create an authority at that time.

DDA appointment: After investigating the terms of office, it was determined William Seifert's term will not expire until 12-31-2003, no action is required.

Harsen's Island Fire Department By-Laws: Treasurer Connie Turner reported Assistant Fire Chief Jon Burby has been ill and have not been able to meet with him; Trustee Beth Engel and Connie will meet with him on Wednesday or Thursday, submit the By-Laws to the insurance company.

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

John Horvath, 2040 Golf Course Road: Received a letter from the Building Department regarding building permit, received it on the 11th, due date is the 15th, personally delivering response to you tonight.

NEW BUSINESS:

SEMCOG PRESENTATION MEETING THE FEDERAL STORMWATER REGULATIONS BY KRISTEN O'REILLY, STORM WATER COORDINATOR, ST. CLAIR COUNTY HEALTH DEPT. AND AMY MANGUS, AICP, SENIOR PLANNER SEMCOG:

Storm water run off and new regulations that affect the Township as National Pollutant Discharge Elimination System Phase II in 2003 covers industrial sites, construction sites over 1 acre and ALL public entities (municipalities and institutions) operating separate storm sewer systems AND contained within the U.S. Census Urbanized Area. In Michigan, Clay Township has to obtain a permit for storm waters by March 10, 2003. Jurisdictional vs. watershed as permitting options through public education, illicit discharge elimination and public participation, developing ordinance to protect wetlands, another spot for infiltration, Township's own activities, such as Master Plan, fertilizing our lawns, etc. Made possible under a \$200,000 grant that the St. Clair County Planning Commission received. Wide range of options Clay Township as a community can pick through, involve a large amount of the Building & Zoning Department involvement and public education, consult with your Planner Consultant for direction in completing the application.

Motion by Sharrow, supported by Kirkpatrick, **MOTION CARRIED**, to adopt Resolution No. 4 Morris-Sax Drive-Road and Bridge Maintenance Special Assessment District to confirm the roll for a cost of \$7,800.00, \$1,560.00 to be spread each year over a five (5) year period, cost per property owner of \$30.00 per lot per year, dollar amount will be placed on the December tax bill without interest. R/C VOTE: AYES: Sharrow, Kirkpatrick, Turner, Pellerito, Engel, Dr. Kasperowicz, McKoan IV. NAYS: None. ABSENT: None.

Moved by Kirkpatrick, supported by Sharrow, **MOTION CARRIED**, to adopt the Resolution authorization to sponsor a transportation enhancement fund grant application through the St. Clair County Road Commission and commitment to provide required local matching funds for construction and funds for maintenance of nonmotorized facilities (multi-use bicycle/pedestrian trail) on Harsens Island.

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

Moved by Turner, supported by Engel, to accept the Department November Reports for Assessor, Building, Zoning & Enforcement, Water, Police and Downriver Recreation Commission.

Discussion:

Trustee Kirkpatrick: Zoning Enforcement List of inspections does not state the address where inspection was performed, does not tell me anything.

Zoning Enforcement Officer Tim Wiggle: In the process of trying to get that field in place.

Trustee Dr. Kasperowicz: Questioned Police Chief on the report indicating several sexual incidents, is there an influx of sex offenders in this area? Forced burglary on the rise.

Police Chief Eder: Cannot comment, can get you some comparisons with other communities.

VOTE ON THE MOTION:

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

MOTION CARRIED.

Moved by Turner, supported by Engel, **MOTION CARRIED**, to accept David J. Danielson as a trainee with the Clay Township Fire Department. AYES: All. NAYS: None. ABSENT: None.

Moved by Turner, supported by Kirkpatrick, **MOTION CARRIED**, to approve the Mainland Fire Department Officers for 2003/2004 for the next two-years as follows:

Assistant Chief	George Rose #45
Captain	David Danielson #33
Lieutenant	Edward Fowke #41
Sergeant	Beverly Besaw #34
Sec./Treas.	John Papiez #39

The ML Fire Department By-Laws will be amended to state a change in the Election of Officers Section: the office of captain, Lieutenant and sergeant will change after each two-year term to allow all personnel an opportunity to become an officer and to move them up the chain of command.

AYES: ALL. NAYS: None. ABSENT: None.

Moved by Sharrow, supported by Dr. Kasperowicz, **MOTION CARRIED**, to approve the Lot Split #02-14 for Richard Pringle, 8524 Little Fisher Highway, Harsens Island, MI. AYES: All. NAYS: None. ABSENT: None,

Moved by Sharrow, supported by Dr. Kasperowicz, **MOTION CARRIED**, to approve Lot Split #02-15 for Carl Colman, 8080 Marsh Road. AYES: All. NAYS: None. ABSENT: None.

Moved by Turner, supported by Kirkpatrick, **MOTION CARRIED**, to approve Bill Tackonis and Kevin Allen of the Harsens Island Fire Department to attend Firefighter II Class for a cost of \$550.00 per firefighter plus the cost of books and mileage. AYES: All. NAYS: None. ABSENT: None.

Moved by Kirkpatrick, supported by Turner, to approve Daryl DuPage, Jerry Doan and Kevin Allen of the Harsens Island Fire Department to attend Fire Officer I, II, III Class for a cost of \$3,440.00.

Discussion by the Board as to the budget for education, are the classes required, what training courses have been done so far, Jerry Doan with the City of Algonac Fire Department, etc.

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

MOTION FAILED.

Moved by Kirkpatrick, supported by Turner, to send Kevin Allen and Daryl DuPage Of the Harsens Island Fire Department to the Fire Officer I, II, III Class, lower cost for the class by sending only two to the Fire Officer class bringing the cost lower and be within the budget.

Discussion: Clerk Pellerito: Like the opportunity to review the budget.

Trustee Sharrow: Does the Fire Department want the citizens on Harsen's Island taxes to go up? Six more months left in the 2002-03 budget.

Daryl DuPage: \$17,000 in contingency.

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

MOTION FAILED.

Moved by Pellerito, supported by Engel, **MOTION CARRIED**, to postpone a decision on the Fire Officer I II, III Class until the January 6, 2003 Board Meeting. AYES: All. NAYS: None. ABSENT: None.

Moved by Sharrow, supported by Kirkpatrick, **MOTION CARRIED**, to approve the purchase of the Police and dispatch uniform patches in the amount of \$324.00 from Emblem Enterprises, Inc. with the condition as Police Officers and Dispatch use the patch it will be deducted from their uniform allowance. AYES: All. NAYS: None. ABSENT: None.

Moved by Kirkpatrick, supported by Turner, **MOTION CARRIED**, to approve the purchase of a new furnace for the storage barn at Oaklawn Cemetery from White Heating & Cooling, Inc. for the cost of \$1,100.00. AYES: All. NAYS: None. ABSENT: None.

BOARD MEMBER COMMENTS

Supervisor Joseph H. McKoan IV: Snow removal for the sidewalk by the school, talked to Dr. Guiser and he will arrange someone at the school to maintain it.

Applying for a Watershed Permit appears to be the way the Township should proceed with our Permit.

Trustee Sharrow: New Zoning Ordinance has in it a number of zoning plans, cluster housing, lot average, etc.

Treasurer Turner: When permit is submitted and the Watershed ideas are stated must make sure the Township following their plans.

Clerk Pellerito: Township recently adopted Hazardous Prevention Ordinance and soil erosion fees.

Trustee Cindy Kirkpatrick: Commend the Police Department on a recent incident when her son's car broke down.

Clerk Pellerito: Anchor Bay WaterShed, John Jones, Ira Township Supervisor responsible for obtaining the grants.

Trustee Sharrow: After the 1ST of the year, the Township will loose revenue sharing, work on some budget saving ideas.

Supervisor Joseph H. McKoan IV: Questioned Building Permit letter received by Mr. Horvath, Zoning Enforcement Officer will present the letter to Building Inspector Mike Kras.

PUBLIC COMMENTS:

Norman Rhodes, 3206 S. Channel, Harsens Island: In favor of installing an audiovisual system in the new Township Board Room, makes for a good community.

It was mentioned the installation of an audiovisual system will end the meetings on the on the Island, don't want to see Township Board meetings end on the Island.

Like to wish all the Board members and office staff a Merry Christmas and a Happy Holiday.

John Horvath, Golf Course Road: DEQ is the biggest violators on the Island re: stormwater pollution; please keep that in mind when submitting the application, DEQ has been exempt from the cost of the waterline and the Middle Channel Road costs.

Arnold Mikolowski, 5472 Middle Channel Drive: Object to using the phrase “Happy Holiday”, celebration of Christ’s birthday.

Jim Johnson, 9444 South Channel Drive: Incident what happened last Wednesday before a Planning Commission meeting, Tim Wiggle asked to see me and verbally attacked me, told me had built a fence in a wetland, had a farm application and a permit was not required, very unprofessional the way Mr. Wiggle handled it.

Tim Wiggle, Zoning Enforcement Officer: Did not attack him verbally, Linda Anderson was a witness, a letter sent to him stating the fence was in a wetlands, informed him of this, stand behind my action, gentleman was upset; part of his fence has been there for years, did nothing inappropriately.

John Horvath: If you are operating as a farm and are under the Right to Farm Act; this Act supercedes that as long as you are farming.

ADJOURNMENT:

Moved by Kirkpatrick, supported by Turner, **MOTION CARRIED**, to adjourn the meeting at 9:27 p.m. AYES: All. NAYS: None. ABSENT: None.

Michael P. Pellerito
Clay Township Clerk