

Minutes of the Clay Township Board Meeting held on Monday April 7, 2003 at 7:30 p.m. in the Clay Township Board Room, 4710 Pte. Tremble Road, Clay Township, Michigan 48001.

PRESENT: Supervisor Joseph H. McKoan IV, Clerk Michael P. Pellerito, Treasurer Connie Turner, Trustee Pat Sharrow, Trustee Cindy Kirkpatrick, Trustee Dr. L. Kasperowicz, Trustee Beth Engel. ABSENT: None.

Citizens present: Approximately thirty-five (35).

Thank you to everyone for coming to the Grand Opening of the new Board Room.

Supervisor Joseph H. McKoan IV offered a moment of silence for American Troops overseas in Iraq and on the recent death of Joseph Caimi, Superintendent of the St. Clair County Intermediate School District.

AMENDMENTS TO THE AGENDA:

Moved by Kirkpatrick, supported by Sharrow, to amend the agenda under New Business item #18; include Discussion of the Board meetings on Harsens Island by amending the resolution for the meeting dates. AYES: All. NAYS: None. ABSENT: None.

MOTION CARRIED.

APPROVAL OF THE MINS. & SYN. OF THE MARCH 17, 2003 BOARD MTG.:

Moved by Sharrow, supported by Kirkpatrick, to approve the March 17, 2003 Board Meeting Minutes and Synopsis with the following corrections:

Page 4, 5th paragraph, correct 1st word of the last sentence, should be "Closest"

Page 3, middle of the page re: Ordinance for licensing of Businesses; Trustee Sharrow favored calling it registration.

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

MOTION CARRIED.

BILLS PAYABLE:

Moved by Turner, supported by Engel, to approve the Bills Payable in the amount of \$67,722.68 as submitted.

Discussion: Kasperowicz questioned legal fees. In the future, Pellerito will breakdown prosecution/grievances costs.

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

MOTION CARRIED.

PETITIONS: None.

COMMUNICATIONS:

04-02-03 Letter from County Commissioner Pamela Wall congratulating the Township on the opening of the new Township board room.

Notice of public hearing for Clay, Ira Township, City of Algonac re: the Flood Insurance Study by FEMA will be held on Tuesday, April 22, 2003 at 7:30 p.m.

Township Offices will be closed on Good Friday, April 18, 2003 at Noon.

DEQ workshop on flood plains is scheduled for Tuesday, April 29th at 9:30 a.m. in the Clay Township Board Room.

Downriver Recreation Commission will meet in the Algonac Community Center on April 8, 2003 at 7:00 p.m.

03-28-03 Letter from the family of John McCabe to thank the E.M.S. that responded to the 911 call on March 20, 2003 to 9423 N. River Road.

Township Board Meeting for April 21st to be held on Harsens Island, Lion's Hall, 263 LaCroix Road at 7:30 p.m. North Channel Special Assessment District Public Hearing to confirm the roll will be at 7:00 p.m. prior to the regular meeting.

The St. Clair County Environmental Education Network will have an "Earth Day" at Goodells County Park on Fri. and Sat., April 25th and 26th, 2003.

Thank you to the Township from the Algonac/Clay Historical Society for the \$1,500 generous contribution.

OLD BUSINESS:

Contract negotiation update: Met with Command, Patrol, Dispatch and Office Bargaining units, meeting April 30th and May 20th, may be able to settle soon.

Bids from contractors to move the Radio Communication Tower and pour another concrete base for the Tower, cost to include labor, materials and equipment necessary.

Bids received from: Wes Simons Trucking & Excavating, Inc. - \$6,550.00;
Kip R. Plagens - \$3,190.00;
Ron's Marine - \$9,500.00

Board discussion: Engel questioned if Ron's bid include removal of the tower; Sharrow inclusive the bids all include moving the tower. Kasperowicz what guarantee do we have there will be no extra costs?

Cindy Kirkpatrick: Asked if all bonded and insured? Yes

Motion by Pellerito, supported by Sharrow, to accept the bid from Kip Plagens for the cost of \$3,190.00 to remove the communication tower from its location on the Township property to a new concrete base. AYES: All. NAYS: None. ABSENT: None.

MOTION CARRIED.

Motion by Sharrow, supported by Kirkpatrick, to refer back to the Harsens Island Fire Department the recommendations per the review of the By-Laws by Township Attorney John McNamee and that these modifications be worked back into the Harsens Island Island By-Laws. AYES: All. NAYS: None. ABSENT: None.

MOTION CARRIED.

ADDITIONAL ITEMS FOR THE NEW BUILDING:

Video Projector System:

Discussion: Pellerito, three bids submitted, Dell unit available through the State program for \$800 less, approval to go up to the \$5,950 and the leeway to be able to switch over to the Dell Unit for less.

Moved by Pellerito, supported by Kirkpatrick, to purchase the video projector system from Sundance Systems in the amount of \$5,950 with the flexibility to be able to switch this purchase over to the Dell Unit for an \$800 reduction and \$300.00 to re-do the electrical system. AYES: All. NAYS: None. ABSENT: None.

MOTION CARRIED.

Landscaping Phase I & II discussion:

Sharrow: Existing and new landscaping; no reason to tear it out and replace, beautification committee would be beneficial to the Township, try options first, over budget.

Kirkpatrick: Find out as to help on college student assistance, master gardener program, etc.

Pellerito: suggest sprinkler system fixed, tower moved, possible volunteer to set up a beautification committee and see what kind of help we can get.

Moved by Sharrow, supported by Engel to postpone a decision on the landscaping until the potential citizen volunteer to take over the beautification project has been contacted and an ad can be placed in the local newspaper for volunteers to help with the landscaping of the new addition. AYES: All. NAYS: None. ABSENT: None.

MOTION CARRIED.

Dumpster Enclosure:

Discussion: Dumpster where located now is the best place, remove the recycling bin and move it to another location; money saved to help with the remodeling of the Building Dept.

Moved by Kirkpatrick, supported by Turner, to allow the recycling dumpster be moved to another location and advertise the new location, Township garbage dumpster will remain in the same location on the premises, clean area up and place the dumpster in the present enclosure. AYES: All. NAYS: None. ABSENT: None.

MOTION CARRIED.

Brick/Block Washing:

Moved by Kirkpatrick, supported by Engel to approve the acid wash to the outside of the Township Building for the cost of \$550 by Kegler and Thomas.

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

MOTION CARRIED.

Board Room Wall Sign Display:

Discussion - Kasperowicz: boat building area, much rather see a sailboat than the Tower.

Kirkpatrick: Twp. now owns the tower.

Sharrow: Don't need an emblem or a sign behind the Board, just a luxury, prefer a Zoning map of the Township.

Pellerito: Algonac High School Art students could make use of their talents, a good community project.

Moved by Sharrow, supported by Pellerito, to postpone any decision regarding the interior sign for the Board Room wall until the Supervisor and Clerk have made an inquiry to the Algonac High School as to the possibility of using some of the talents we may have from the Art students. AYES: All. NAYS: None. ABSENT: None.

MOTION CARRIED.

Colony Tower Renovation proposal from Whittlesey Development, Limited:

Ted Whittlesey explained the steps from the engineering standpoint to supervising the work, charges, etc.

Kasperowicz: Bought Tower for a \$1.00, tower restoration was to come from grants, where will be money come from, taxpayers going to have to pay for the whole thing.

McKoan: need someone to oversee the project.

Kirkpatrick: construction manager may not be needed, don't know that as a fact yet, look into a grant before we hire someone to oversee the project, opposed to a commitment.

McKoan: intention is to get as much grant money as we can, survey indicated people want to preserve the Colony Tower, previously owned by a private entity were not allowed access to grants.

Sharrow: Necessary to have a person in charge of grant writing, Planning Consultant could coordinate the project and get started on a grant, place it on the next agenda, need to get organized and not drag our feet.

Moved by Kirkpatrick, supported by Sharrow to postpone a decision to hire a contractor manager to assist the Township in the renovation of the Colony Tower Restoration Project until the Township has done some finalization about hiring a grant writer. AYES: All.

NAYS: None. ABSENT: None.

MOTION CARRIED.

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

Marda Bates, 7525 Colony Drive: Letter to the Township Board was not read in communications.

Supervisor McKoan IV: Apologize for that, will allow you to read your letter under New Business items.

Ben Schulke, 8141 Marsh Road: Referred to #14 Fees reimbursed to Building Inspector, should not receive reimbursement until he has completed his classes.

NEW BUSINESS:

Moved by Turner, supported by Kirkpatrick, to approve the request from ML Fire Chief Rick Edler to add to the department four (4) new trainees: Michael P. Weaver, Scott W. Stay Jr., Daniel H. Stringer and Paul J. LaBelle II upon passing of their medical check out. AYES: All. NAYS: None. ABSENT: None.

MOTION CARRIED.

Moved by Sharrow, supported by Kirkpatrick, to receive and file the following Department Reports: ML Fire Department January 2003, River District Ambulance Authority December 10, 2002 Minutes and the 3/25/03 Agenda and the Algonac/Clay Library Board Minutes for March 6, 2003 and various other reports and correspondence. AYES: All. NAYS: None. ABSENT: None.

MOTION CARRIED.

“Blue Water Area Antique/Yard Sale Trail” – Marine City Chamber of Commerce:

Discussion: \$75.00 entry fee to participate, City of Algonac and Clay belongs to the same Chamber, voiced traffic concerns.

McKoan: asking for our support, don't know whether we have the authority to support.

Moved by Pellerito, supported by Kirkpatrick, to receive and file the correspondence from Marine City Chamber of Commerce regarding a summer event called “Blue Water Area Antique/Yard Sale Trail”. AYES: All. NAYS: None. ABSENT: None.

MOTION CARRIED.

Moved by Turner, supported by Kirkpatrick, to approve the bid from Larry's Discount Office Cleaning to clean the new Board Room for an additional sum of \$18.00 per visit as needed.

AYES: All. NAYS: None.

ABSENT: None.

MOTION CARRIED.

Moved by Sharrow, supported by Kirkpatrick, to approve the hours for the Recycling Yard located at 9625 Ainsworth from April 15th through December 1st as follows:

Tuesday & Thursday	12:00 pm (Noon) to 6:00 pm
Saturday & Sunday	9:00 am to 5:00 p.m.

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

MOTION CARRIED.

Discussion as to participating in the MTA Township Official Exchange Program:

Kirkpatrick in favor, it is a wonderful idea and Twp. should participate.

Moved by Sharrow, supported by Engel, to postpone for one-year the Township participation in the MTA Township Official Exchange Program. AYES: Sharrow, Turner, Pellerito, Dr. Kasperowicz, Engel, McKoan IV. NAYS: Kirkpatrick. ABSENT: None.

MOTION CARRIED.

St. Clair County Board of Commissioners and St. Clair County Office of Emergency Management will host an Emergency Services Breakfast on May 2, 2003. Board members interested in attending contact Clerk Pellerito.

Moved by Pellerito, supported by Dr. Kasperowicz to approve the applicant Nelson Sand Bar, Inc. request for new and transferring On-Premises Licenses by MCL 436.1501 of the Michigan Liquor Control Code of 1998 pending a satisfactory report from the Clay Township Police Department, Building and Zoning Departments.

Discussion of the motion:

Sharrow: reports of outside activities going on and this business does not have site plan permission.

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

MOTION CARRIED.

Moved by Pellerito, supported by Kirkpatrick, to adopt Resolution No. 2 Private Road-Stark Drive Repair and Maintenance Special Assessment District instructing the Supervisor and Assessing Officer to prepare a Special Assessment Roll.

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

MOTION CARRIED.

Moved by Sharrow, supported by Kirkpatrick, to adopt Resolution No. 3 Private Road-Stark Drive Repair and Maintenance Special Assessment District to establish a Public Hearing on Monday, May 5, 2003 in the Clay Township Board Room, 4710 Pte. Tremble Road at 7:00 p.m. for the purpose to review the roll and to make any necessary corrections.

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

MOTION CARRIED.

Marda Bates, 7525 Colony Drive:

Letter submitted to the Township Board on March 17, 2003 re: the Water, Maintenance and Replacement Agreement Between Colony Park Association and the Township of Clay, entered into in 1995 illegally, required a petition for a special assessment per P.A. 188 of 1954, referred to Stark Drive Special Assessment, laws are the same, have something in writing why a private drive should be any different.

Supervisor McKoan IV: Arrange a meeting to resolve the issue, waterline has always been a private waterline and now a public road, \$30.00 charge quarterly for maintenance if there is a break, different than a special assessment district, if something more should sit down and review this with CPA, Township and yourself.

Dr. Kasperowicz: Who governs the money and what will be done with it?

Supervisor McKoan IV: Township manages it, labor and material taken out.

Clerk Pellerito: Lengthy history of the Colony Park, Deed restrictions documented in 1946, reviewed the studies done through the years on a private waterline, road and bridges, 1996 heard before the 72nd District Court, ruling by the Court, proper decision by the C.P.A. are entrusted and empowered to operate and maintain the waterlines.

Supervisor Joseph McKoan IV: Mrs. Bates can set a time and discuss in more depth questions you may have about C.P.A.

Moved by Sharrow, supported by Kirkpatrick, to approve the pre-paid maintenance agreement with DSS Corporation for the BM246 Dual Deck 4 Channel thru 5/21/2004 for the cost of \$125.00. AYES: All. NAYS: None. ABSENT: None.

MOTION CARRIED.

Purchase of the Township Vehicle:

Clerk Pellerito stated after the insurance car credit is \$9,100.00, State prices discussed.

Moved by Sharrow, supported by Dr. Kasperowicz, to approve the purchase of a 2003 white Four Door Sedan Taurus for the Township vehicle through the State Program for the cost of \$15,995.00, the insurance claim of \$9,100.00 will be applied to the cost. AYES: All.

NAYS: None. ABSENT: None.

MOTION CARRIED.

Moved by Kirkpatrick, supported by Turner, to approve the reimbursement of Continuing Education fees in the amount of \$160.00 paid out of pocket by Michael J. Kras, Clay Township Building Official. AYES: All. NAYS: None. ABSENT: None.

MOTION CARRIED.

Clerk Pellerito: Previous classes taken by Kras, not eligible for reimbursement through a scholarship since Twp. is not a member of Power Plan Insurance.

Moved by Turner, supported by Dr. Kasperowicz, to approve fourteen (14) members of the Harsens Island Fire Department to attend a boater's safety class at a cost of \$35.00 per person. AYES: All. NAYS: None. ABSENT: None.

MOTION CARRIED.

Moved by Sharrow, supported by Kirkpatrick, to allow the Harsens Island Fire Department to seek bids for purchasing kitchen cabinets in the fire hall and bring them to the Township Board. AYES: All. NAYS: None. ABSENT: None.

MOTION CARRIED.

Moved by Dr. Kasperowicz, supported by Kirkpatrick, to approve sending Clay Township Police Officer Kuligoski to the Evidence Technician Course at the Macomb Community College, the total cost of this course is \$500.00. AYES: All. NAYS: None.

MOTION CARRIED.

Discussion regarding Township Board meetings not be held at the Harsens Island Lion's Hall, state of the art audio/visual equipment now to broadcast meetings on cable, request amending the Resolution setting the Township Meetings, uncertain weather conditions, suggested hold some informal meetings on the Island to substitute not going over there six times a year or consider a special meeting, public hearings regarding an Island issue could be held on the Island.

Next Board meeting is scheduled for Harsens Island, public hearing has been published and notices mailed out.

Moved by Kirkpatrick, supported by Dr. Kasperowicz, to keep the next Clay Township Board Meeting on Harsens Island as published and to amend the Township Board Meeting schedule after that to have only special meetings dealing with the Island will be on Harsens Island. AYES: All. NAYS: None. ABSENT: None.

MOTION CARRIED.

BOARD MEMBER COMMENTS:

Trustee Dr. Kasperowicz: Voiced concerns for our citizens when FEMA raises the flood plain 1-1/2', public aware it will cause extreme difficulty and problems with future building endeavors, is DEQ going to get involved, involvement with the Corp of Engineers re: guidelines, property owners in a flood plain subject to flood insurance; impact on Clay's tax base and future development of property declared a wetland.

Prescription drugs for Senior citizens, citizens need to contact State legislatures asking for their support regarding allowing our seniors to purchase drugs in Canada.

Trustee Kirkpatrick: State lawmakers should start lowering medication costs in the U.S.

Trustee Dr. Kasperowicz: What is the interest rate for the Township at Seaway?

Treasurer Turner: Directed questions to Dr. K. why he is making these inquiries for the last few board meetings.

Trustee Dr. Kasperowicz: Satisfied with the 1.75% interest, thank you.

Clerk Pellerito: FEMA meeting scheduled the Algonac High School, large crowd expected; Board's permission move the location to the Algonquin Middle School Auditorium, April 22, 2003 at 7:30 p.m.

Trustee Dr. Kasperowicz: Waterline problems on Harsens Island, any remedial action to fix those problems?

Supervisor McKoan IV: Meet several times with contractor, problems are engineers or the contractor's fault, process of getting those things rectified.

Dr. Kasperowicz: Looking into getting another type of eng. Firm to do our work?

Supervisor McKoan IV: Current water project makes sense to keep the same engineering contractor, done all the work up to now, future definitely do some shopping.

Dr. Kasperowicz: Any future projects seek the opinion of another independent eng.firm.

Request from Treasurer the Uniform Bank Performance Report.

Pat Sharrow: Questions to Supv. McKoan: per Rd. Commission mtg. any berm money left to transfer over from last year? Will you be able to attend the Capital Conference mtg.?

Questioned the DARE budget, spent \$300.00 more than income.

Turner: Do have some fund balance.

Pellerito: DARE does have two fundraisers planned in the future.

Supervisor Joseph McKoan IV: Thank you to everyone here for the new Township Board Grand opening.

PUBLIC COMMENTS:

Rocco Prinzivalli Sr., 9938 N. River Road: Comments concerning the Licensing of the business places in Clay Township.

Kirkpatrick: Not licensing, registering; no decision, proposed ordinance before Township Attorney for his review.

Rocco Prinzivalli: If going to charge, it is a license, why not sent to attorney before?

Supervisor McKoan IV: Something we are looking into.

Rocco Prinzivalli: Wasting time, illegal businesses will stay hidden, decision when?

McKoan IV: To be determined yet, appreciate your comments.

Paul Bridgman, 7985 Colony Drive: March 1995 Special Meeting of the C.P.A. re: water line on North Channel side of Colony Drive, spoke for all the people.

Mrs. Marda Bates:7528 Colony Drive: Why is the Township saying a S.A.D. was not needed for the water assessment charges? Why was the Association in the process of collection petition signatures in 1992? Bridge petition was done at the same time, 66% for bridge, 43% of signatures for water fund. P.A. 188 of 1954 same law should apply, \$30.00 a quarter, Association did not receive enough signatures in August 1993 , C.P.A. put the water fee on, came in through the backdoor, should have found out if that was legal. Your solution to meet and resolve the issue will not work, assessed those citizens illegally, will resolve the issue in Court.

Supervisor Joseph McKoan IV: Willing to listen to you.

Marda Bates: Just because a homeowner belongs to an association should not be treated any different than other special assessments within the Township.

Supervisor McKoan IV: Went to Court and the Judge gave his opinion, tell me something different, willing to listen to you, right to your civil remedies.

Pat Sharrow: Not assessing these people anything, Township is only the caretaker, that money is audited.

Herbert DeLong, 7524 Colony Drive: Been on Colony Drive location for many years, knew Will St. Johns who developed Colony Dr., he was the originator of many documents, anything that was voted on was to go to everyone 100%, not by Board only, closed environment.

Mark Pyszora, 9034 Field Road: Filed a lawsuit for having a fuel tank on a residential property, questioned why he was served?
Explained was approved nine years ago, lawsuit is wasting the Township's money; trucks leave at 8:00 a.m. back by 5-6:00 p.m., not bothering anyone, in compliance with the DEQ.

Ben Schulke, Marsh Road: Township spending \$6,000 on Attorney Dan Dalton's law firm, a waste of money, scrap yard for years, all of a sudden do not comply, money would be better spent for the Police Department to prosecute the people, not accomplishing anything by filing lawsuits, Township Board should look into what has been spent rather than prosecuting the Township residents.

Al Kodet, 8945 Marsh Road: Proud to be a Clay Township resident, landscaping of the Township grounds, Master Gardner Program in St. Clair County, contact the Extension Program, Fox Fire Farms would be happy to donate flowers to the cause.
Business licensing value to having people register their business, steps to open up a business, think it is good, business owners affected by people coming in and taking business away from our Township, protect the people in the community, tax base businesses.
Glad to see this beautiful Township Hall and being a part of the community; presented a 1976 Collectors Edition Plate of Norman Rockwell called "Freedom of Speech" to the Township Board.

ADJOURNMENT:

Moved by Kirkpatrick, supported by Turner, **MOTION CARRIED**, to adjourn the meeting at 10:00 p.m. AYES: All. NAYS: None. ABSENT: None.

Michael P. Pellerito
Clay Township Clerk