

Minutes of the Clay Township Board Meeting of the Clay Township Board of Trustees held on Monday, April 21, 2003 p.m. in the Harsens Island Lion's Hall, 263 LaCroix Road, Harsens Island, Michigan 48028.

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

ABSENT: None.

Citizens present: Approximately thirty (30).

AMENDMENTS TO THE AGENDA:

Moved by Turner, supported by Kirkpatrick to amend the agenda under New Business, Item #7; Harsens Island Road Gravel Approval. AYES: All. NAYS: None. ABSENT: None. **MOTION CARRIED.**

APPROVAL OF THE 4-07-03 MINUTES AND PUBLIC HEARING MINS.

Moved by Sharrow, supported by Kirkpatrick to approve the April 7, 2003 Board Meeting Minutes and Synopsis with correction on page 7, Pat Sharrow's comment ½ page down, remove the word "not" from the sentence: "..... money is audited." Public Hearing Minutes of April 7, 2003 for Stark Drive Special Assessment District was approved as presented. AYES: All. NAYS: None. ABSENT: None. **MOTION CARRIED.**

BILLS PAYABLE:

Moved by Turner, supported by Kirkpatrick to approve the Bills Payable in the amount of \$23,414.28 as submitted.

Discussion: Kasperowicz questioned is money recouped from zoning violators? Lengthy discussion re issue.

VOTE ON MOTION: AYES: All. NAYS: None. ABSENT: None.

MOTION CARRIED.

PETITIONS: None.

COMMUNICATIONS:

Notice of Public Hearing for Clay Twp., Ira Twp., City of Algonac on 4-22-03, 7:30 p.m. Algonquin Middle School Auditorium re: FEMA flood insurance study, floodplain elevation changes.

Recycling Hours, 9625 Ainsworth, Tues.& Thurs. Noon to 6:00 p.m.; Sat. & Sun. 9:00 a.m. to 5:00 p.m.

Recycling bin has been moved from the Township parking lot to the DPW, 9625 Ainsworth.

Last day of registration School Election is May 12, 2003 for the June 9, 2003 Annual Algonac Community Schools.

4-18-03 Letter to Supervisor McKoan from Marda Bates, 7528 Colony Drive re at the meeting last week was told there would be a response letter from Attorney McNamee on the subject why Colony Dr. residents were treated differently when the Water Maintenance Fee was established.

4-21-03 Letter from Paul Bridgman, Colony Drive re: objections to statements made at the April 7, 2003 Board Meeting.

Supervisor Joseph H. McKoan IV will address the issue at Board Member Comments.

OLD BUSINESS:

Contract negotiation update: meet with Union Rep. April 30th and May 20th.

Township landscaping update: Dorothy DeBoyer's sister is a Master Gardener, she will survey and determine what has to be done and inform the Board; volunteer help from members of the Algonac Junior High School National Honor Society (NJHS), St. Clair County Public Offenders, contact the college for credit donation with helping with the landscaping.

Moved by Pellerito, supported by Kirkpatrick, to adopt the Resolution to approve submission of the Coastal Grant application for the Colony Tower improvements.

Discussion: Strong objection by Kasperowicz.

R/C VOTE: AYES: Sharrow, Kirkpatrick, Turner, Engel, Pellerito, McKoan IV.

NAYS: Dr. L. Kasperowicz. ABSENT: None.

MOTION CARRIED.

Trustee Sharrow: Commend Dorothy DeBoyer for writing this grant application for the Township without having to hire a grant writer.

PUBLIC COMMENTS: None.

NEW BUSINESS:

Historical Society Rep. Bud Ziegler present. Addressed the Board regarding new storage building and Tall Ships coming in this Summer.

Tall Ships scheduled to arrive July 21 through July 23, 2003.

Motion by Sharrow, supported by Pellerito to have the Algonac/Clay Historical Society bring in a site plan for the new storage building to be built on the lot adjacent to the Police Department for review by the Planning Commission and waive the fee.

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

MOTION CARRIED.

Moved by Pellerito, supported by Kirkpatrick, to adopt Resolution No. 4 confirming the roll for North Channel Section-Road Maintenance Harsens Island, Special Assessment District, total cost to be \$5,000.00, spread over a five (5) year period, \$1,000 per year, cost per front foot to be approximately \$2.57, dollar amount will be placed on the December tax bill without interest.

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

MOTION CARRIED.

Moved by Kirkpatrick, supported by Engel, to approve amending the budget for General as follows:

- Remove \$65,000.00 from the Colony Tower Restoration Fund – Expense
Disperse in the Expense Funds:
 - Office Supplies - add \$5,000 to the budget line – total \$17,000.00
 - Building Maintenance - add \$35,000 to the budget line – total \$55,000.00
 - Construction Expense - add \$25,000 to the budget line – total \$275,000.00

Vote on the motion: AYES: All. NAYS: None. ABSENT: None.

MOTION CARRIED.

Moved by Kirkpatrick, supported by Engel, to allow The Old Club, Harsens Island permission to hold its annual fireworks display on Saturday, July 5, 2003. AYES: All. NAYS: None. ABSENT: None.

MOTION CARRIED.

Moved Kirkpatrick, supported by Turner, to approve the Department Reports for March, 2003: Assessors, Building, Planning, Zoning and Code Enforcement, Downriver Recreation Commission, Water Maintenance, HISCFA Water Station Report and Clay Township Mainland Fire Reports for February and March 2003.

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

MOTION CARRIED.

Moved by Sharrow, supported by Turner, to call for a special Clay Township Board of Trustees meeting for the purpose of holding a Budget Workshop on Monday, May 12, 2003 at 5:00 p.m. in the Clay Township Board Room, 4710 Pte. Tremble Road, Clay Township. AYES: All. NAYS: None. ABSENT: None.

Moved by Pellerito, supported by Turner, to approve the St. Clair County Road Commission work order for limestone applied to Steward, Krispin, Columbine and Voakes Roads on Harsens Island in the amount of \$19,918.80. AYES: All. NAYS: None. ABSENT: None.

MOTION CARRIED.

BOARD MEMBER COMMENTS:

Supervisor Joseph H. McKoan IV: Response to the latest letter from Marda Bates on Colony Drive, Waterline update Colony Park Association agreement; quoted portions of several letters into the record concerning legal opinions stating the C.P.A. waterline is private, Township is only acting in a fiduciary manner for collecting funds to repair the line if there is a waterline break, belief is Twp. is not in the wrong, your civil right to go to Court if you wish, if you can prove to me different, willing to listen.

Addressed Paul Bridgman's letter re: the water main leak Gordon's property.

Sharrow: Township acting in a trustee capacity.

Dr. Kasperowicz: Reiterated the necessity for citizens to attend the FEMA Public Hearing re: floodplain elevations.

Voiced his objection to spending Township money to renovate the Colony Tower.

PUBLIC COMMENTS:

Whitey Simon, Harsens Island: Questioned Township already using the 580 feet elevation mark.

Michael Kras, Building Inspector Adm. Presently only using the 578.5 elevation.

John Horvath, 2040 Golf Course Road: Complaint made regarding waterline installation created problems on his property, cannot get any water out of pond.

FEMA already in place?

Tim Wiggle, Zoning Enforcement Officer: Depends on what FEMA Rep you talk to.

Herb Meyer, 2675 Krispin Road: Colony Park Association is the Township collecting a fee for services rendered?

Answer: Money collected goes back into the General Fund, interest collected goes back to C.P.A.

Marda Bates, 7525 Colony Drive: Don't care about correspondence received prior to the Water Agreement of 1995, are you going to honor my request?

Supervisor Joseph McKoan IV: In your letter you wanted a letter from the Attorney, presented three letters that said the same thing.

Marda Bates: Request a letter from John McNamee from 1995 why the Water agreement was not handled as a special assessment under P.A. 188-1954, this is what is wanted from the Attorney.

Motion by Kirkpatrick, supported by Dr. Kasperowicz to have Supervisor Joseph H. McKoan IV request from Township Attorney Jon McNamee a letter as to a clarification the Colony Water Agreement made in 1995 did not follow the procedure under P.A. 188-1954 for special assessments. AYES: All. NAYS: None. ABSENT: None. **MOTION CARRIED.**

Paul Bridgman, Colony Drive: Reiterated how many people were at the March 11, 1995 C.P.A. special meeting, only thirteen people present out of 154 parcels, members were not notified what the special meeting was for, referred to Court Case. Money from ZBA violations, ZBA has never turned anyone down, cannot have bathrooms and stairwells in accessory building.

Marda Bates: Clarify the special meeting date for the water agreement was 03-11-95, agreement signed 02-06-95.

Judy Hotchkiss, 120 Petoskey, Harsens Island: Referred to her letter was it read into the minutes?

Supervisor McKoan IV: Yes your letter was read at the Public Hearing for North Channel, forwarded letter to the Township Attorney for legal your F.O.I. request.

Alice Morrison, 2208 Columbine, Harsens Island: Does the Township recognize the Harsens Island St. Clair Flats Association as a legal corporation? Why it is never acknowledged by this Board?

Judy Hotchkiss: North Channel Road maintenance is not the Township's responsibility, it is through H.I.S.C.F.A., did not have the authority to lend them the money according to Frank Kelley, documentation addressing this issue cannot be found, Charter of Corporation, Harsens Island is not part of Clay Township or of the U.S.

Dr. Kasperowicz: Questioned if you consider the Island part of the U.S.

Lengthy discussion continued regarding the history of Harsens Island, incorporated documents, etc.

Norman Rhodes, 3206 South Channel, Harsens Island: Does the Twp. collect civil infractions?

Supervisor McKoan IV: Yes, if the citizen does not comply with the Ordinance, citizen is noticed prior to the civil infraction enforced.

Rhodes: Problem with the 2nd notice mailed re: rezoning of property on the Island followed?

John Horvath: Questioned Church sign on Harsens Island was a temporary sign and had to be moved, sign at the Middle Channel Golf Course should be cited.

Tim Wiggle, Zoning Enforcement Adm.: Remarks re: Golf Course sign, applied for permits.

Alice Morrison: What authority does the Township have to trespass on our corporation to do business without a contract? Waterline question.

Supervisor McKoan IV: Question has to be addressed to the highest Court Federal.

Clerk Pellerito: All of us take the Office to follow the Constitution of the U.S. and the Michigan Constitution. Township considers Harsens Island as part of the United States, you are in Michigan, corporate if you want, same Federal, State and Township laws are followed for Island residents, does everyone on this Board agree?

Dr. Kasperowicz: I disagree.

ADJOURNMENT

Moved by Pellerito, supported by Kirkpatrick, **MOTION CARRIED**, to adjourn the meeting at 8:47 p.m. AYES: All. NAYS: None. ABSENT: None.

Michael P. Pellerito
Clay Township Clerk