

Minutes of the Clay Township Board Meeting of the Clay Township Board of Trustees held on Monday, May 5, 2003 at 7:30 p.m. in the Clay Township Board Room, 4710 Pte. Tremble Road, Clay Township, Michigan 48001.

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 fifty (50), majority Algonac High School Students.

**AMENDMENTS TO THE AGENDA:**

Moved by Pellerito, supported by Kirkpatrick to amend the agenda under New Business, Item #17. Discussion to waive the fees for the H.I.S.C.F.A. electrical permit for sign maintenance. AYES: All. NAYS: None. ABSENT: None.

Moved by Dr. L. Kasperowicz, supported by Kirkpatrick to amend the agenda to adopt a Resolution of Nonsupport of the flood plain elevation.  
AYES: None. NAYS: All. ABSENT: None.

**MOTION FAILED.**

Moved by Dr. Kasperowicz to amend the agenda for the flooding of the swale south of Phelps Road.  
**MOTION FAILED FOR LACK OF SUPPORT.**

Moved by Dr. Kasperowicz to amend the agenda to request Citizens Federal to make a presentation to the Township.  
**MOTION FAILED FOR LACK OF SUPPORT.**

Moved by Dr. Kasperowicz to amend the agenda to advertise for a new engineering firm.  
**MOTION FAILED FOR LACK OF SUPPORT.**

**APPROVAL OF THE APRIL 21 MINUTES AND PUBLIC HEARING MINS. FOR NORTH CHANNEL SPECIAL ASSESSMENT ROAD MAINTENANCE**

Moved by Turner, supported by Engel to approve the April 21, 2003 Minutes with the following corrections:

- page 4, Alice Morrison address changed to 2208 Columbine
- page 4, comment by Clerk Pellerito, "All of us take the Office following the Constitution of the U.S. and the Michigan Constitution."

And the Public Hearing Minutes for North Channel Road Maintenance Special Assessment as presented. AYES: All. NAYS: None. ABSENT: None.

**BILLS PAYABLE:**

Moved by Turner, supported by Kirkpatrick, to approve the Bills Payable in the amount of \$37,392.78.

Discussion: Kasperowicz questioned Attorney Dalton fees.

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

**MOTION CARRIED.**

**PETITIONS:** None.

**COMMUNICATIONS:**

4-25-03 Letter from K Of C, Algonac Council for the successful Annual Tootsie Roll/Mental Retardation Drive.

Clay Township Planning Commission Notice of a Public Hearing on May 7, 2003.

Budget Workshop will be held on Monday, May 12, 2003 at 5:00 P.M.

**TOWNSHIP BOARD MEETING – May 5, 2003**

Township Offices will be closed on Monday, May 26, 2003 for Memorial Day.

Algonac/Clay Library Board thanks to Treasurer Turner for her assistance with the budget.

4-23-03 Pamela Leidlein, 5720 Pte. Tremble Road re: Planning Commission motion to rezone the vacant property on Pte. Tremble Road.

**OLD BUSINESS:**

Contract Negotiation update: Did not meet on the 30<sup>th</sup> of April as intended since the request for the actuaries were not in, next meeting is scheduled for May 20<sup>th</sup>.

FEMA UPDATE: Letter forwarded to Congresswoman Candice Miller and State Representative voicing our opposition to the FEMA proposals.

Clerk Pellerito: Per Congresswoman Miller's Aide, our Board should refrain from passing a resolution for now until Ms. Miller has met with the Corp.

Gage data covers January 1985 through January 2003, water level has never gone to 578' in the last 18 years, Congresswoman Miller will be meeting with the Corp to review any other data.

Corp could perform a topographical study of the affected flood plain areas, paid by a State Assisted Program, FEMA maps in good shape, study would not address the Base Flood Elevation issue, next agenda can take back to the Board.

90 Day limit will occur after the 2<sup>nd</sup> publication in the newspaper of record.

Three points to address the Corp:

- data on map is out of date
- social economical factors occurring within geographic boundaries
- low water conditions

Sharrow: Notify U. S. Senators of the situation to get their attention; citizen groups that can be very helpful in our area and be a strong support with the Township.

Pellerito: Agree citizen and citizen groups should be addressing the B.F.E. to FEMA and their State officials.

Board's consensus is wait until the next Township Board meeting to present any resolution.

Attorney response re: Colony Park Association Water Agreement:

The Agreement was not part of P.A. 188 as it was for a private waterline and the Township was merely a facilitator of that agreement in handling the monies.

Algonac Water Treatment Plant Update: Letter from the DEQ is requiring an addition of the fourth array to the membrane plant and an updated reliability study.

Motion by Pellerito, supported by Engel to approve the Clerk to authorize a contract with BMJ to do the reliability study as required by this permit.

Discussion: Dr. Kasperowicz: Object to using BMJ, use local engineer.

Pellerito: BMJ installed all waterlines in the Twp., have all the information, paperwork, etc.

VOTE ON THE MOTION: AYES: Sharrow, Turner, Pellerito, Engel, McKoan IV.

NAYS: Kirkpatrick, Dr. Kasperowicz. ABSENT: None.

**MOTION CARRIED.**

**PUBLIC COMMENTS:** Relating to any new Business on the Agenda:

John Horvath, 2040 Golf Course Road: As a member of the H.I.S.C.F.A. like to thank the Board for considering our request to waive the permit fees for lighting improvements to the Harsens Island Welcome sign at the foot of the ferry landing.

Judy Hotchkiss, 120 Petoskey: Like to request a copy of the Minutes tape.

**TOWNSHIP BOARD MEETING – May 5, 2003**

Clerk Pellerito: Submit a FOIA request.

**NEW BUSINESS:**

Motion by Kirkpatrick, supported by Turner to authorize Whittlesey Development, Limited to proceed with the Building Department renovation at a total cost of \$30,642.00.

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

**MOTION CARRIED.**

Discussion of interior sign for the back of the new township hall meeting room. Thought Board in agreement to ask High School students in the Art classes to submit a design.

Moved by Kirkpatrick, supported by Turner, to give the opportunity to any Algonac High School students interested in submitting a sign that can be displayed on the wall behind the Board table, if after two weeks there is no interest, the Township can revisit this logo provided by Phillips Sign & Lighting. AYES: All. NAYS: None. ABSENT: None.

**MOTION CARRIED.**

Moved by Pellerito, supported by Kirkpatrick, to adopt Resolution No. 4 to confirm the roll for the Private Road-Stark Drive Road Repair and Maintenance Special Assessment District, total cost to be \$8,000.00, spread over a five-year period, \$1,600.00 per year, cost per parcel of \$50.00 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.

**MOTION CARRIED.**

Moved by Sharrow, supported by Pellerito, to set the Soil Renewal Public Hearing date for Monday, May 19, 2003 at 7:00 p.m. for the following applications:

- Jon McLane 3601 Rattray Lane
- Vermeulen Enterprises Vacant Lot Folkert Road
- Robert Bryson 3272 South Channel Drive
- Wes Simons Trucking 6131/6133 Benoit
- Thomas Volkman 8500 McKinley

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

**MOTION CARRIED.**

Moved by Pellerito, supported by Turner, to authorize any interested Township Board member, Planning Commission or ZBA members to attend the Michigan Townships Association Workshops on Zoning offered in Port Huron on June 24 for Part One and Part Two on July 22 for the cost of \$110.00 for the series or \$60.00 single workshop.

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

**MOTION CARRIED.**

Moved by Sharrow, supported by Kirkpatrick, to approve Lot Split 03-02, 1100 LaCroix Road, 74-14-618-0003-000, Harsens Island owned by Melvynn Alexander. AYES: All. NAYS: None. ABSENT: None.

**MOTION CARRIED.**

Moved by Sharrow, supported by Kirkpatrick, to approve Lot split 03-03 for 2855 Fruit Road owned by Allan Zakrzewski, ZBA granted the variance for an accessory building without a house and a bond was collected to assure a house would be built. AYES: All. NAYS: None. ABSENT: None.

**MOTION CARRIED.**

Moved by Kirkpatrick, supported by Turner, to approve the ZBA refund for Keith Seidel (Schneider Marine Services) in the amount of \$250.00. AYES: All. NAYS: None. ABSENT: None.

**MOTION CARRIED.**

**TOWNSHIP BOARD MEETING – May 5, 2003**

Moved by Kirkpatrick, supported by Turner, to approve the ZBA refund for Repolis/Alexander, 1100 LaCroix Road, the airport property, Harsens Island for the application fee in the amount of \$100.00. AYES: All. NAYS: None. ABSENT: None  
**MOTION CARRIED.**

Moved by Sharrow, supported by Kirkpatrick, to approve the cost of \$1,620.00 to repair the Oaklawn Cemetery Fence by Wadhams Fence.  
Discussion: Received Police Report, will go after Farmer's Insurance for reimbursement.  
AYES: All. NAYS: None. ABSENT: None.  
**MOTION CARRIED.**

Moved by Pellerito, supported by Turner, to authorize the Website Mistress up to \$1,400.00 to freshen the Township web page as it has been a year since it was initiated.  
AYES: All. NAYS: None. ABSENT: None.  
**MOTION CARRIED.**

Moved by Pellerito, supported by Kirkpatrick, to approve the request from the Clean Water Action, a national environmental organization working for clean and safe water, waste prevention, and funding for enforcement for environmental protection, has been approved to do door-to-door canvassing within our community between the hours of 4:00 p.m. and 9:00 p.m. AYES: All. NAYS: None. ABSENT: None.  
**MOTION CARRIED.**

Moved by Sharrow, supported by Kirkpatrick to send the amount budgeted to St. Clair County Council on Aging, Inc. Cherry Beach Senior Center.  
Discussion: Budget money was already sent for the 2002-2003 Fiscal Year, this letter would cover the 2003-2004 Fiscal Year request.

**WITHDRAW MOTION.**

Moved by Sharrow, supported by Kirkpatrick, to consider the St. Clair County Council on Aging, Inc. request for funds at the May 12<sup>th</sup> Budget Workshop discussion of the 2003-2004 Fiscal Year Budget. AYES: All. NAYS: None. ABSENT: None.  
**MOTION CARRIED.**

Moved by Sharrow, supported by Pellerito, to approve the cost of \$100.00 for the 2003-2004 membership fee to the Greater Algonac Chamber of Commerce. AYES: All. NAYS: None. ABSENT: None.  
**MOTION CARRIED.**

Moved by Dr. Kasperowicz, supported by Turner to hire Jerry Doan in the Department of Public Works as a Laborer. AYES: All. NAYS: None. ABSENT: None.  
**MOTION CARRIED.**

Moved by Turner, supported by Kirkpatrick to hire Robert Schultz in the Department of Public Works as an Operator. AYES: All. NAYS: None. ABSENT: None.  
**MOTION CARRIED.**

**Clay Township Five Year Goals:** Board members complete the written survey for the May 12<sup>th</sup> budget review meeting.

Moved by Turner, supported by Kirkpatrick, to amend the Cemetery Budget for 2002-2003 for the loan money for the Mausoleum as followed:

<u>EXPENSES</u>	209-700-989-01	CAPITOL IMPROVEMENT
ADD	\$325,000.00	
<u>REVENUE</u>	209-400-695-00	LOAN PROCEEDS/MAUSOLEUM
ADD	\$325,000.00	

VOTE ON THE MOTION: AYES: All. NAYS: None. ABSENT: None.  
**MOTION CARRIED.**

## **TOWNSHIP BOARD MEETING – May 5, 2003**

Moved by Pellerito, supported by Turner, to waive the necessary permit fees to the Harsens Island St. Clair Flats Association for the improvements to the Harsens Island Welcome sign at the foot of the ferry landing. AYES: All. NAYS: None. ABSENT: None.

**MOTION CARRIED.**

### **BOARD MEMBER COMMENTS:**

Clerk Pellerito: Announcement re: Colony Grant.

Dorothy DeBoyer: DEQ today informed the Township will be coming out May 15<sup>th</sup> to visit the site as a result of receiving the Grant Application.

Trustee Dr. Kasperowicz: Questioned if there will be a cap on Colony Tower repairs. Board's response: Depends on the grant money.

Trustee Dr. Kasperowicz: Swale on property is 1-1/2' higher than the N.Channel, has to be addressed, breeding area for the West Nile, problems with this flooding. Comment re: the Zoning Map corrections.

Trustee Sharrow: Asked Supervisor McKoan if at the next meeting he would consider appointing a committee to create a code of conduct for Township Board Members.

Clerk Pellerito: World Waste starting June 1, 2003 will be offering recycling and composting separate billing from the regular garbage collection, still will provide the recycling bin and composting area.

Saturday, May 17<sup>th</sup> is St. Johns Marsh 14<sup>th</sup> Annual Clean-up, 9:00 a.m. to Noon, meet at the DNR site across from Cheers.

Pellerito: Don't want to see the Township's engineering firm changed right now, maybe later can consider taking a bid for a new engineering firm, BMJ working very hard to satisfy the Township's needs.

Kirkpatrick: Voiced how she feels about BMJ and the mistakes already made.

Dr. Kasperowicz: Have the tape of the FEMA Public Hearing Meeting available.

### **PUBLIC COMMENTS:**

President of the HISCFA expressed a thank you to the Board for waiving the permit fees.

Debra Heraty, Director for the Cherry Beach Senior Citizen Center: Discuss the budget, appreciate the Township's donation and support throughout the year; Center is self supporting, April brought in 700 Clay Seniors signed up for programs most free, we are there to help the Clay Township Seniors. Thank you.

Marda Bates, 7525 Colony Drive: Not satisfied with the response received from the Township Attorney John McNamee re: Colony Park Association Water Agreement, don't believe he addressed my concerns; request Clay Township Board to place this issue on the next regular schedule Board Meeting agenda under new business.

Supervisor McKoan IV: Have to do this in writing.

Paul Bridgman, 7985 Colony Drive: Lengthy comments re: Colony Park Association ethics, things changed on the Colony 15 yrs. ago, accessory homes built, many things were overlooked, etc., cited his work experience in dealing with people.

Mark Pyszora, 9034 Field Road: Fuel tanks and trucks on property next to ours, runs a tree cutting service, property backs up to me, why aren't they cited.

## **TOWNSHIP BOARD MEETING – May 5, 2003**

Mike Kras, Building Inspector Adm. That business has been there for a number of years, your fuel tanks are not the problem, you are running a business without a special approval land use.

Trustee Dr. Kasperowicz: Like to know why this man is not treated fairly.

Trustee Sharrow: Property issues not settled at Twp. Board level, under the authority of the Zoning and Building Inspector.

Supervisor Joseph H. McKoan IV: You are in litigation with the Township and should not be discussed at this time, he is represented by Council, resolved in the appropriate forum.

Mark Pyszora: Referred to a proposal he has, Board should see it.

McKoan IV: Explained the legal ramifications.

Mark Pyszora: Questioned why was Dan Dalton hired. Comments against Attorney Dan Dalton and the amount of money the Township is paying him. Background checks done when anyone is hired by the Township.

Pellerito: If something disqualifies an applicant, they would not make it to the Board level.

Joseph McKoan IV: Warned Mr. Schulke about his pending lawsuit.

Ben Schulke, 8141 Marsh Road: Comments re: tire recycling center, cited for not having the proper permits, tire problem is adjacent to my property, Township paying excessive money to Dan Dalton to persecute the people in the township, remarks re: Police incident, money spent on a lawyer could be used to help people clean up junk and debris, continued complaints re: public water way runoffs, solid waste, other ways the Township could help rather than spend the legal fees to persecute the people; business has been here for 40 years, fits all the state requirements except for the fence, Twp. returned bond money.

Michael Kras: Permit expired, did not want to forfeit his money.

Kasperowicz: We need to be user friendly to our taxpayers, fairness and good common sense.

Judy Hotchkiss, 120 Petoskey: Letter sent to Board April 21<sup>st</sup>, have not received a response yet.

McKoan IV: Letter from Attorney McNamee was just received today.

Richard Baker, Stone Road: Comments re a new flood elevation level, Public Insurance Commission is the real culprit, letters should be sent to them beside the DNR & Corp.

John Horvath, Golf Course Road: Waterline complaint on my property was fixed, Water Department did a fine job, should have been Parmar's responsibility and not the Twp. Brought up a problem on the Island for an older lady was cited for a 10 x 10 shed, Zoning Enforcement Department needs to cut her a little slack, shed there since the late 1970's, lady has health problems, money, etc., unfair to enforce.

Received a court document referred to "miscellaneous", don't understand, sent in the adequate papers and permits for where we live now.

Kras: Following up with McNamee and will get back with you.

Horvath: Authorized an outside building inspector to do an inspection, 5-6 months now and nobody has showed up, if that is the case let's just close this.

Kirkpatrick: would you reconsider having Mr. Kras look at your property.

**TOWNSHIP BOARD MEETING – May 5, 2003**

Horvath: Unbiased person from somewhere else.

Kras: Required “as built” plans.

Horvath: Will submit the plans after receiving a request from your department.

Kras: Explained Dan Dalton is called on only as a last resort when a property owner has not complied with the Ordinance and the State laws, cleaning up the township’s illegal junk yards and illegal businesses; stated reasons why Mr. Schulke and Mr. Pyszora are cited, not picking on their businesses in the Township, doing what we are hired to do.

Kasperowicz: Other properties have fuel tanks how are they being prosecuted?

Kras: State regulates fuel tanks.

Tim Wiggle, Zoning Enforcement Adm. : Comments re: Ms. Howard’s shed on the Island; Dan Dalton is involved only if have no alternative, can stand behind any time we have had to bring Mr. Dalton in, never spending money foolishly, if these residents would comply, we can stop spending money.

Norman Rhodes, 3206 Bayview: Does the Board give the authority to the Building Department to initiate a lawsuit.

McKoan IV: Detailed the procedure followed.

Rhodes: Does the Building Department have the authority to initiate a legal action against a party without the authority of the Board or is the authority of the Board to issue a lawsuit?

Lengthy discussion.

Kasperowicz: Zoning should not have that much authority.

Sharrow: It is a policing power within the zoning ordinance.

Mrs. Pyszora: Comments regarding the issue with the fuel tanks, etc.

McKoan: Reiterating the same issues, resolve these issues at the court level.

**ADJOURNMENT**

Moved by Kirkpatrick, supported by Turner, **MOTION CARRIED**, to adjourn the meeting at 9:30 p.m. AYES: All. NAYS: None. ABSENT: None.

Michael P. Pellerito  
Clay Township Clerk