

Minutes of the Clay Township Board Meeting of the Clay Township Board of Trustees held on Monday, May 19, 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).

A moment of silence by the Township Board and public was offered by Supervisor Joseph McKoan IV on the recent passing of Donald Dodge.

**AMENDMENTS TO THE AGENDA:**

Moved by Dr. Kasperowicz to discuss the flooding of the Phelps Road swale.

**MOTION FAILED LACK OF SUPPORT.**

Moved by Dr. Kasperowicz to allow Citizen's Federal to make a presentation to the Township Board.

**MOTION FAILED LACK OF SUPPORT.**

Moved by Dr. Kasperowicz, supported by Kirkpatrick to advertise for a new engineering firm.

Discussion:

Kirkpatrick: behoove us to think about another eng. firm for future projects coming up.

Pellerito: voiced his outlook on changing engineers midstream.

VOTE ON THE MOTION: AYES: Kirkpatrick, Dr. Kasperowicz.

NAYS: Sharrow, Turner, Engel, Pellerito, McKoan. ABSENT: None.

**MOTION DIED.**

Moved by Dr. Kasperowicz, supported by Kirkpatrick to discussion having a Police Commission consisting of Board Members and the public.

Discussion: Board consensus disagree, Police Dept. run their department.

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

**MOTION DIED.**

**APPROVE THE MAY 5, 2003 MINS., SYNOPSIS AND PUBLIC HEARING:**

Moved by Sharrow, supported by Kirkpatrick to approve the May 5, 2003 Minutes with the following amendments to the minutes: page 2, 7<sup>th</sup> paragraph from the bottom, change line to read as follows: "The Agreement was not part of P.A. 188 as it is a private waterline....."; page 6, 3<sup>rd</sup> paragraph down; Trustee Sharrow: Building and Zoning issues not settled.....", approve the May, 5, 2003 Synopsis and the Public Hearing Minutes for Stark Drive.

AYES: All. NAYS: None. ABSENT: none. **MOTION CARRIED.**

**BILLS PAYABLE:**

Moved by Turner, supported by Sharrow to approve the Bills Payable in the amount of \$89,133.07.

Discussion:

Dr. Kasperowicz: Questioned Attorney fees.

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

**MOTION CARRIED.**

**PETITIONS:** None.

**COMMUNICATIONS:**

4-28-03 Letter from Chesterfield Police Department to Fire Chief Edler thank you for the assistance in fighting a large brush fire on Saturday, April 26th in their Township.

5-8-03 Letter to Fire Chief Edler from Algonac Community Schools Randy Baker, Supervisor of Buildings & Grounds thanking him for the custodial staff training in fire fighting and emergency preparedness.

Township Board will hold a budget workshop on June 9<sup>th</sup> at 5:00 p.m.

Groundbreaking Ceremonies for the new St. Clair County Sheriff's Office, Detention and Intervention Center, May 21, 2003 at 10:00 A.M.

St. Clair County Planning Conference, Thurs., May 29, 2003 at Goodells Park.

Informal Workshop for community leaders understanding the concept of how a trunked 800 mhz. Radio system would benefit all of our communities and emergency responders will be on May 22, 2003, St. Clair County Adm. Bldg., 200 Grand River, Pt. Huron.

Household Hazardous Waste Collection will be held Saturday, June 14<sup>th</sup>, 9 a.m. to Noon, at the Fire Department.

St. Clair County Solid Waste Management Planning Committee, Monday, June 2, 2003, 3:00 p.m.

Public Meeting Notice, 2003 Southeast Michigan Transportation Certification Review.

#### **OLD BUSINESS:**

##### **Building Department Renovation**

Moved by Pellerito, supported by Kirkpatrick to approve the masonry work in the amount of \$1,275 by Kegler and Thomas Mason Contractors to install 7' lintel for the building department in the old boardroom cement wall. AYES: All. NAYS: None. ABSENT: None. **MOTION CARRIED.**

Moved by Pellerito, supported by Turner to approve the low bid from Craftmaster Construction in the amount of \$7,998 for the carpentry work to the building department renovation. AYES: All. NAYS: None. ABSENT: None. **MOTION CARRIED.**

Moved by Pellerito, supported by Dr. Kasperowicz to approve the outside of the building painting quote of \$642.00 by Ted's Painting. AYES: All. NAYS: None. ABSENT: None. **MOTION CARRIED.**

##### **Interior Sign**

Supervisor McKoan IV update re sign design and built by an Algonac High School student, no response, end of the school year, recommend go forward with the Sign Lighting Co.

Moved by Kirkpatrick, supported by Dr. Kasperowicz to approve the quote from Phillips Sign Lighting for the amount of \$929.39 to build and attach the sign on the inside wall behind the Township Board table.

Amend motion by Kirkpatrick, supported by Dr. Kasperowicz to approve the cost minus the \$44.12 for sales tax, cost for the sign will be \$885.27. AYES: All. NAYS: None. ABSENT: None. **MOTION CARRIED.**

Moved by Pellerito, supported by Kirkpatrick, to approve the cost of \$5,938.00 from Vistisen Landscape Co. to install a new lawn sprinkler system for the Township Offices. AYES: All. NAYS: None. ABSENT: None.

**MOTION CARRIED.**

Moved by Kirkpatrick, supported by Kasperowicz, to adopt the Resolution in opposition to the proposed change to the base flood elevation by Federal Emergency Management Agency. R/C VOTE: AYES: Sharrow, Kirkpatrick, Turner, Engel, Dr. Kasperowicz, Pellerito, McKoan IV. NAYS: None. ABSENT: None. **MOTION CARRIED.**

Discussion: May 15<sup>th</sup> letter to Honorable Candice Miller from US Army Corp indicates the appropriate contact person is Linda Sacia, Public Information Officer, Congressional Liaison, FEMA Region V, (312) 408-5515.

Moved by Pellerito, supported by Kirkpatrick to support the Police Department applying for any grants available through the Homeland Security Overtime Program. AYES: All. NAYS: None. ABSENT: None. **MOTION CARRIED.**

Moved by Kirkpatrick, supported by Dr. Kasperowicz to support the State of Michigan Board Resolution Federal Surplus Assistance Program designating Clay Township Fire Chief Rick Edler as the authorized coordinator responsible for accepting Federal Surplus Property. R/C VOTE: AYES: Sharrow, Kirkpatrick, Turner, Dr. Kasperowicz, Engel, Pellerito, McKoan IV. NAYS: None. ABSENT: None. **MOTION CARRIED.**

Moved by Dr. Kasperowicz, supported by Pellerito to authorize the Township to sell the used Township Board Room table to the Downriver Recreation Commission for a \$1.00. AYES: All. NAYS: None. ABSENT: None. **MOTION CARRIED.**

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

**NEW BUSINESS:**

Supervisor Joseph McKoan IV presented to Officer Keith Ballor and Reserve Officer James Gilchrist a commendation for their actions on Friday, April 4, 2003 that resulted in Jeffrey Mccutcheon being arraigned for Murder.

Moved by Kirkpatrick, supported by Dr. Kasperowicz to approve the renewal of Soil Removal Permit #47-6 for Jon McLane, 3601 Rattray Lane, Harsens Island. AYES: All. NAYS: None. ABSENT: None. **MOTION CARRIED.**

Moved by Sharrow, supported by Kirkpatrick to approve the renewal of Soil Removal Permit #47-12 for Vermeulen Enterprises, vacant lot, Clay Township. AYES: All. NAYS: None. ABSENT: None. **MOTION CARRIED.**

Moved by Sharrow, supported by Turner to approve the renewal of Soil Removal Permit #47-13, 3272 South Channel Drive for Robert Bryson, Harsens Island for the purpose of stockpiling and removal of the dredge spoils. AYES: All. NAYS: None. ABSENT: None.

**MOTION CARRIED.**

Moved by Turner, supported by Dr. Kasperowicz to approve the renewal of Soil Removal Permit #47-16 for Wes Simons Trucking & Excavating, Wes Wood Lake Phase I & II. AYES: All. NAYS: None. ABSENT: None. **MOTION CARRIED.**

Moved by Kasperowicz, supported by Kirkpatrick to approve the renewal of Soil Removal Permit #47-18 for Thomas Volkman, 8500 McKinley Road, Clay Township. AYES: All. NAYS: None. ABSENT: None. **MOTION CARRIED.**

Moved by Pellerito, supported by Turner to adopt the Resolution of Participation in the Anchor Bay Watershed Steering Committee and to authorize the Chief Executive of the Legislative Body to sign on its behalf the operating agreement of the Anchor Bay Watershed Steering Committee as proposed. R/C VOTE: AYES: Sharrow, Kirkpatrick, Turner, Dr. Kasperowicz, Engel, Pellerito, McKoan IV. NAYS: None. ABSENT: None. **MOTION CARRIED.**

Moved by Kirkpatrick, supported by Engel to renew the Michigan Municipal League Annual fee for the period ending 05/31/2004 in the amount of \$3,684.00. AYES: All. NAYS: None. ABSENT: None. **MOTION CARRIED.**

Moved by Kirkpatrick, supported by Dr. Kasperowicz to adopt the Resolution setting the 2003-2004 Board Meeting Schedule as presented. R/C VOTE: AYES: Sharrow, Kirkpatrick, Turner, Dr. Kasperowicz, Engel, Pellerito, McKoan IV. NAYS: None. ABSENT: None. **MOTION CARRIED.**

Moved by Sharrow, supported by Kirkpatrick, to approve the Clay Township Treasurer requesting the 2003 funds for the Local Millage Distribution of \$37,421.82 from St. Clair County Parks & Recreation Commission. AYES: All. NAYS: None. ABSENT: None. **MOTION CARRIED.**

Moved by Sharrow, supported by Engel to approve the epoxy application to half of the Mainland Fire Hall apparatus floor for a cost of \$9,443.85 by Jarvis Painting, Inc., the cost of \$5,000.00 will be applied to this budget and finish the 2<sup>nd</sup> half next budget period. AYES: All. NAYS: None. ABSENT: None. **MOTION CARRIED.**

Moved by Kirkpatrick, supported by Turner to accept and file the Department Reports for April: Downriver Recreation Commission, St. Clair County Road Commission Minutes, Harsens Island Fire Department, Assessor, Planning, Zoning & Code Enforcement; Building Department and Water Reports. AYES: All. NAYS: None. ABSENT: None. **MOTION CARRIED.**

Moved by Kirkpatrick, supported by Turner, **MOTION CARRIED**, to return the bond money of \$215.00 to Mike Kras for Building Permit #PB 99-0421. AYES: All. NAYS: None. ABSENT: None. **MOTION CARRIED.**

#### **BOARD MEMBER COMMENTS:**

Dr. Kasperowicz: Legal fees for Attorney Dan Dalton, how much spent, used Dalton when not necessary.

Supervisor McKoan: Contact the Office during regular hours to obtain those figures, discussed already at the last budget meeting.

Dr. Kasperowicz: Questioned the bank used by the Township.

Sharrow: Wetland issue re: the swale drain.

McKoan: County and Drain Commission issue, if have a personal statement can do it at public comments as a private citizen.

McKoan: Idea regarding future public comments procedure.

#### **PUBLIC COMMENTS:**

Whitey Simon, 4722 Green Drive, Harsens Island: Issues with the Township Sign Ordinance, St. Paul's Church on Harsens Island has a temporary sign displayed.

Supervisor McKoan IV: Building Department not trying to single out the Churches on H.I., Township Ordinance has to be enforced.

Judy Hotchkiss, 120 Petoskey: Many requests for under FOIA re: Charter Corporation, comments regarding a private platt, show me proof this is ever been owned by Clay Township.

Norman Rhodes: Spoke of the Sign Ordinance issue, requesting it be an agenda item to discuss this.

McKoan: Problem with that part of the new ordinance, will address it.

Paul Bridgman, Colony Drive: Violations of the Township Ordinances and deed restrictions, requesting the Township to enforce the ordinance.

Building Inspector Adm. Mike Kras comments re: what the ordinance allows.

Police Chief Tom Eder: Restate appreciation to Officers Gilchrist and Officer Ballor for their excellent police work; the Reserve and Part Time Police Program has been very good and appreciate the support of this Board.

Barbara Persyn, 3455 Green Drive: Spoke on the Sign Ordinance and the enforcement with the sign at the Church, against the Township enforcing their ordinance.

Alice Morrison: HISC Corporation, State of Michigan is a legal corporation, Township recognizes Colony Drive Association, why aren't you recognizing our organization?

Supervisor McKoan: We as a Board have jurisdiction over Harsens Island, until the federal courts makes a decision it will not be decided here today.

Alice Morrison: Prove me wrong.

Ben Schulke, 8141 Marsh Road: Being sued for operating my junkyard, home occupancy since 1946, registered license, still being sued.

Supervisor McKoan IV: can show through the Court system you are right, any new statements to address the Board.

Ben Schulke: Retaliation against me, statements made re: Mr. Kras' pole barn, site plan approved by Mr. Wiggle.

Supervisor McKoan IV: Papers to back up your allocations, please submit them to my office.

Ben Schulke: public records through your office, stated upset with the money spent for a lawyer, pay police officers to do the job.

Barbara Persyn: Sign Ordinance states 21 days.

Dorothy DeBoyer: Colony Tower grant update.

Norman Rhodes: Status of the Business-licensing ordinance. Twp. Budget mtg. did they address funds for lawsuits, money allocated for the water lawsuits.

McKoan IV: Easement not discussed in the last budget hearing, meeting June 9<sup>th</sup> again.

Rhodes: Billed contract private, Three Million dollars billed for easement, what is the status, do I move to foreclose.

McKoan IV: Fundamental disagreement, don't feel we have contracted with you, it is your right to foreclose.

Rhodes: Questioned Planning Commission Chairman's status on the Board, he needs to be replaced.

9:20 p.m. Trustee Dr. L. Kasperowicz stepped down as a Trustee and addressed the Board at the podium.

Explained the Phelps Road swale problem, history since he bought the property.

Supervisor McKoan IV: Not the Township Board issue, more a County issue and DEQ.

Dr. Kasperowicz: Until the property is drained cannot do anything with the property, has to be improved so I can get property back, Board can pass a resolution.

## **ADJOURNMENT**

Moved by Sharrow, supported by Engel, **MOTION CARRIED**, to adjourn the meeting at 9:25 p.m. AYES: All. NAYS: None. ABSENT: None.

Michael P. Pellerito  
Clay Township Clerk