

Minutes of the Clay Township Board Meeting of the Clay Township Board of Trustees held on Monday, June 2, 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 twenty-five (25).

#### **AMENDMENTS TO THE AGENDA:**

Moved by Pellerito, supported by Kirkpatrick, to amend the Agenda under New Business: Item #14. City of Algonac Police Chief requesting the Township Police Department provide some assistance during the July 4th Pickerel Tournament. AYES: All. NAYS: None. ABSENT: None.

**MOTION CARRIED.**

Trustee Sharrow: Clarification re: Item #13 under New Business, "Executive Session", rather should state "Consideration of property acquisition."

#### **APPROVE MAY 19, 2003 MINUTES & SYNOPSIS & PUBLIC HEARING MINS.**

Moved by Turner, supported by Engel, to approve the May 19, 2003 Minutes and Synopsis with an amendment to the moment of silence offered in the memory of Donald Dodge should move to Board Member Comments requested by Trustee Kirkpatrick to have a moment of silence and to approve the Public Hearing minutes held on May 19, 2003. AYES: All. NAYS: None. ABSENT: None.

**MOTION CARRIED.**

#### **BILLS PAYABLE:**

Moved by Turner, supported by Kirkpatrick, **MOTION CARRIED**, to approve the Bills Payable in the amount of \$42,802.26. AYES: All. NAYS: None. ABSENT: None.

**PETITIONS:** None.

#### **COMMUNICATION**

May 27, 2003 memo from Larry O'Keefe, St. Clair Co. Smith Creek Landfill Manager Re: Harsens Island Recycle Container Contamination.

State Senator Jud Gilbert will have General Office hours in the Clay Township Boardroom, June 6, 2003 from 4:00 p.m. to 5:00 p.m.

May 28, 2003 letter from Lee Masters, County Commissioner Chairperson re: Habitat for Humanity of Michigan as the possible host for the Jimmy Carter Work Project of 2005.

Clerk Pellerito found the following News Release dated 9/17/2001:  
Immediate Release Contact: Washington, D.C.- Congressman David Bonior today announced that at his request new flood maps have been drawn by the Federal Emergency Management Agency (FEMA) in St. Clair County within Michigan's 10<sup>th</sup> District to more accurately reflect potential flood hazards for homeowners and businesses. The reclassification of the area means that property owners in this area of the 10<sup>th</sup> District are no longer required to purchase flood insurance.

#### **OLD BUSINESS:**

Contract negotiations: Patrol, Command, Dispatch and Office will meet on June 18<sup>th</sup>, Office Staff and Command on June 24<sup>th</sup> if need be, close to resolving issues.

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**Building Department Renovation**

Moved by Pellerito, supported by Kirkpatrick, **MOTION CARRIED**, to accept the bid price of \$825 from Withers Heating and Cooling to complete the air ductwork on the old Board Room for the Building Department renovation. AYES: All. NAYS: None. ABSENT: None.

Moved by Pellerito, supported by Engel, **MOTION CARRIED**, to accept the bid price of \$3,550 from Mueller Electric to do the electrical work on the old Board Room for the Building Department renovation. AYES: All. NAYS: None. ABSENT: None.

Trustee Kirkpatrick: Cost efficient to look into installing the glass doors into the bldg. Dept. area.

Moved by Kirkpatrick, supported by Dr. Kasperowicz, to accept the bid price of \$685 from Mt. Clemens Glass & Mirror Co. to furnish and install the original front glass doors into the existing jamb of the old Board Room for the Building Department renovation. Vote on the Motion: AYES: Kirkpatrick, Turner, Engel, Dr. Kasperowicz, Pellerito. NAYS: Sharrow, McKoan IV. **MOTION CARRIED.**

Moved by Pellerito, supported by Kirkpatrick, to accept the bid of \$955 from Interior Exterior Details/Dan Starick to perform the exterior caulking of the new addition of the Township Hall. AYES: All. NAYS: None. ABSENT: None. **MOTION CARRIED.**

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

Paul Bridgman, 7985 Colony Drive: Interested in Item #11 re: Surveys, permission to talk at that time.

Marda Bates, 7525 Colony Drive: Why her issue was not put on the agenda?

Supervisor McKoan IV: Not on Agenda for appropriate reasons, will discuss later and you will have the time to respond.

**NEW BUSINESS:**

Moved by Pellerito, supported by Kirkpatrick, to purchase one (1) replacement “No Wake Buoy” from Mike’s Marine Supply for \$229.95 for the North Channel. AYES: All. NAYS: None. ABSENT: None. **MOTION CARRIED.**

Moved by Kirkpatrick, supported by Engel, to receive and file the Planning Commission Report and County Road Commission Report. AYES: All. NAYS: None. ABSENT: None. **MOTION CARRIED.**

Moved by Kirkpatrick, supported by Dr. Kasperowicz, to approve the purchase of Intercom/Headsets for the Harsens Island Fire Department rescue boat in the amount of \$940.00 from Apollo Fire Equipment Company. AYES: All. NAYS: None. ABSENT: None. **MOTION CARRIED.**

Moved by Dr. Kasperowicz to approve the reimbursement for Harsens Island Fire Fighters Jerry Doan and Kevin Allen for attending Fire Officer class that began on January 11, 2003 for registration and mileage costs for a total of \$2,399.20.

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Discussion of motion: Last class is the first week of June, suggest wait until have completed the course, Officer class was turned down by the Board originally, Firefighters paid for the class and now requesting reimbursement.

**MOTION DIED FOR LACK OF SUPPORT.**

Moved by Sharrow and supported by Kirkpatrick to approve the reimbursement of the Fire Officer Class after the classes are successfully completed for Jerry Doan and Kevin Allen in the amount of \$2,399.20 for class registration and mileage.

Discussion:

Questioned if Officer Classes were originally turned down by the Board, circumnavigate the procedure that should be followed.

AMENDED MOTION BY Sharrow, supported by Kirkpatrick to reimburse Harsens Island Fire Fighter Jerry Doan and Kevin Allen for their Fire Officer I, II, III Class in the amount of \$2,399.20 for registration and millage with the condition this reimbursement is for one time only, it is the Board's opinion the Officer Class is needed for the Department's benefit and with the condition the Harsens Island Fire Department is not to make purchases or sign up for training classes without prior approval from the Township Board.

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

**MOTION CARRIED.**

Moved by Pellerito, supported by Kirkpatrick, **MOTION CARRIED**, to approve paying the Michigan Township Online Services Dial-In Package for the cost of \$200.38 for the period 5/15/03 – 9/30/03 through the University of Michigan. AYES: All. NAYS: None. ABSENT: None.

Moved by Sharrow, supported by Turner, **MOTION CARRIED**, to approve the Michigan Municipal League Workers' Compensation Fund 1<sup>st</sup> Quarterly for \$7,979.00. AYES: All. NAYS: None. ABSENT: None.

Moved by Sharrow, supported by Kirkpatrick to approve the Agreement for planning services with Community Planning & Management, P.C. for a three (3) year period commencing on July 1, 2003 and ending June 30, 2006. AYES: All. NAYS: None. ABSENT: None.

**MOTION CARRIED.**

Moved by Pellerito, supported by Turner, to adopt the resolution approving the Downriver Recreation Commission of Algonac, County of St. Clair, Michigan is recognized as a nonprofit organization operating in the community for the purpose of obtaining a charitable gaming license with the State of Michigan.

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

**MOTION CARRIED.**

Moved by Sharrow, supported by Turner, **MOTION CARRIED**, to approve the Michigan Townships Association Annual Dues covering 07/01/03 through 06/30/2004 plus voluntary legal defense fund contribution for a total of \$4,847.38. AYES: All. NAYS: None. ABSENT: None.

Moved by Pellerito, supported by Sharrow, to appropriate \$14,400.00 for the base price to Municipal Code Corporation for the codification of all the Township Ordinances includes the legal review, typesetting and proofs, indexing, printing and binding, additional services regarding placing the code on computer will be considered at a later time. AYES: All. NAYS: None. ABSENT: None.

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Motion by Sharrow, supported by Engel, **MOTION CARRIED**, to allow the Zoning Board of Appeals the authority to request a legal opinion from Attorney John McNamee re: Surveys for appeals be no more than ten (10) years old. AYES: Sharrow, Kirkpatrick, Turner, Engel, Pellerito, McKoan IV. NAYS: Dr. Kasperowicz. ABSENT: None.

Motion by Kirkpatrick, supported by Turner, **MOTION CARRIED**, to approve Lot Split 2003-04, 5340 Harcus Ct. for William Farr. AYES: All. NAYS: None. ABSENT: None.

Moved by Pellerito, supported by Kirkpatrick, **MOTION CARRIED**, to adjourn at 8:07 p.m. into an Executive Session for the purpose of discussing a possible purchase of land in the Township. R/C VOTE: AYES: Sharrow, Kirkpatrick, Turner, Dr. Kasperowicz, Engel, Pellerito, McKoan IV. NAYS: None. ABSENT: None.

Moved by Kirkpatrick, supported by Turner, **MOTION CARRIED**, to reconvene the regular meeting at 8:25 p.m. AYES: All. NAYS: None. ABSENT: None.

Moved by Kirkpatrick, supported by Turner, **MOTION CARRIED**, to authorize the Township Supervisor and Clerk to continue researching the possibility of a land purchase in Clay Township. AYES: All. NAYS: None. ABSENT: None.

Moved by Pellerito, supported by Kirkpatrick, to authorize the Clay Township Police Chief be allowed to utilize overtime for the 4<sup>th</sup> of July Algonac Pickerel Tournament as he sees fit and also allow complete use of our Reserve Officer Program to the City for the additional patrolling.

Discussion of motion:

Trustee Dr. Kasperowicz: Reimbursement from the City.

Clerk Pellerito: Not asking for any, merely giving assistance to our sister community.

Trustee Cindy Kirkpatrick: Very serious problem with illegal entry at the Border, Chief should allow all the extra officers we can spare at this time.

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

**MOTION CARRIED.**

**BOARD MEMBER COMMENTS:**

Supervisor Joseph H. McKoan IV: Reminder cell phones affect the audio since the meetings are now being video taped.

Trustee Dr. Kasperowicz: Phelps Road swale how are we progressing.

Supervisor Joseph H. McKoan IV: Will be in touch with you and let you know what the County agenda will be.

Trustee Dr. Kasperowicz: How is the waterline coming along.

Supervisor McKoan: Meeting with contractor and working on those problems.

Trustee Dr. Kasperowicz: Twp. needs to consider another engineering firm, local firm paying taxes in Clay Township.

**PUBLIC COMMENTS:**

Herb Meyer, 2675 Krispin Road, H.I.: Addressed Harsens Island waterlines installed, complaint process to request a work order to correct a problem.

Clerk Pellerito: What kind of complaint was made, DPW or contractor responsible.

Herb Meyer: Compliant from Lynn Decker, hydrant right in middle of her property.

Pellerito: Will find out the facts and have DPW Supervisor Jon DeBoyer follow up.

Herb Meyer: How come the waterlines keep breaking.

Pellerito: Working with the contractor on these problems.

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Marda Bates, 7525 Colony Drive: why her issue was not on the Agenda.  
Lengthy discussion between Ms. Bates and Supervisor McKoan IV. Supervisor has informed her received an opinion from the Township Attorney McNamee and there was a decision from the Circuit Court Judge. Township cannot do anymore for you.

Have forwarded your recent letter to the Township Attorney, requesting he explain the items you took issue with, he has not gotten back with me as of today.

Paul Bridgman, 7985 Colony Drive: Attended the 3/11/95 C.P.A. meeting, only 13 residents there out of 154 property owners, refused to pay the quarterly bill, owe \$1,600.

Connie Turner: Not the Township's money, it is the Colony Association's money, holding it for the C.P.A. in case there is a major waterline break, you and Mrs. Bates should be taking your argument to the Association.

John Horvath, 2040 Golf Course Road: Issues addressed were his Court Case, water bill problem, requested a key to shut off my water and soil removal permit for Silent Acres Farm, Inc.

**ADJOURNMENT:**

Moved by Turner, supported by Pellerito, **MOTION CARRIED**, to adjourn the meeting at 9:12 p.m. AYES: All. NAYS: None. ABSENT: None.

Michael P. Pellerito  
Clay Township Clerk