

Minutes of the Clay Township Board Meeting held on Monday, July 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 Pellerito, Treasurer Connie Turner, Trustee Pat Sharrow, Trustee Cindy Kirkpatrick, Trustee Beth Engel.
ABSENT: Trustee Dr. L. Kasperowicz.

Citizens present: Twenty.

AMENDMENTS TO THE AGENDA: None.

APPROVAL OF THE MINUTES:

Moved by Turner, supported by Engel, **MOTION CARRIED**, to approve the June 16, 2003 Board Minutes and Synopsis as presented. AYES: All. NAYS: None. ABSENT: Dr. Kasperowicz.

BILLS PAYABLE:

Moved by Kirkpatrick, supported by Engel, **MOTION CARRIED**, to pay the 2002-2003 and 2003-2004 Bills Payable in the amount of \$60,181.09. AYES: All. NAYS: None. ABSENT: Dr. Kasperowicz.

PETITIONS: None.

COMMUNICATIONS:

Meet and Greet reception will be held at the Seaway Community Bank, 5-8:00 p.m., July 8th to meet and welcome the new Algonac Police Chief Richard Torongeau.

Algonac/Clay Township Historical Society will be sponsoring the Tall Ships will return to the Algonac City Park on July 21, 2003.

Letter from County of St. Clair Parks and Recreation Commission Director Mark Brochu with the 2003 Local Millage Distribution check.

OLD BUSINESS:

Contract Negotiations: Met with Command, Patrol, Dispatch and the Office Union Representatives. POAM has a proposal for the Board.

Moved by Kirkpatrick to proceed into executive session to discuss the POAM contract proposal.

MOTION DIED FOR NO SUPPORT.

Clerk Pellerito presented the proposal from POAM for Patrol: 3%-3%-3% raise over three years, 2% increase in the MERS contribution, Management offered a 5% increase 1st year, 3% 2nd year, 3% 3rd year, allowing them to purchase the B-4 Rider with the 25 year service/50 years of age, detailed the MERS B-2 program vs. the B-4 and what it would cost the Township, drug policy was acceptable, family continuation eliminated, allow 50-55 coverage for employee only with \$125 co-pay for spouse.

Board's opinion re: pension program.

Trustee Sharrow: Township cannot afford to increase benefits, approaching the limit of the millage in the Police Department; Twp. will be obligated to pay for benefit even if there is not a police department.

Clerk Pellerito: Board in favor of the offer to Patrol of 3/3/3%, they pay for the MERS benefit upgrade.

Trustee Kirkpatrick: Pension maintains the level that has been in place; want the increase they pay for it.

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Clerk Pellerito: Reviewed the front Office and Command so far.

Board agrees with management's offer to POAM of 3/3/3% and they pay for the MERS Pension upgrade and the non-economic portion is acceptable.

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

None.

NEW BUSINESS:

Moved by Kirkpatrick, supported by Turner, **MOTION CARRIED**, to set the Special Meeting for holding a Public Hearing on the Truth and Taxation of the 2003-2004 Special Assessment Levy with NO INCREASE FROM THE 2002 LEVY for the Police Department, Mainland Fire Department, Harsen's Island Fire Department and Russell Island Fire Protection on Monday, the 4th day of August, 2003 at 7:00 p.m. in the Clay Township Board Room, 4710 Pte. Tremble Road, Clay Township, MI. AYES: All. NAYS: None. ABSENT: Dr. Kasperowicz.

Moved by Sharrow, supported by Kirkpatrick, **MOTION CARRIED**, to approve Lot Split 03-01 Walter Williams/Kevin Williams, 9468 Pearl Beach Blvd., it was sent to the ZBA for a variance because of a building and an attorney's opinion obtained which will affect future lot splits, there is a split and the parent parcel remains under control of the owner it would not be subject to a depth to width ratio. AYES: All. NAYS: None. ABSENT: Dr. Kasperowicz.

Moved by Sharrow, supported by Turner, **MOTION CARRIED**, to approve Lot Split 03-05 for Gerald/Ann Meldrum, 5870 Jankow Road. AYES: All. NAYS: None. ABSENT: Dr. Kasperowicz.

Moved by Kirkpatrick, supported by Turner, **MOTION CARRIED**, to approve Lot Split 03-07 for Henry Amama, 8071 Morrow Road. AYES: All. NAYS: None. ABSENT: Dr. Kasperowicz.

Moved by Turner, supported by Kirkpatrick, **MOTION CARRIED**, to receive and file the Status letter from Attorney Dan Dalton concerning the various building and zoning files, St. Clair County Road Commission meeting minutes, Police Reports for May and June and School Liaison Monthly Activity Report. AYES: All. NAYS: None. ABSENT: Dr. Kasperowicz.

Moved by Kirkpatrick, supported by Sharrow, **MOTION CARRIED**, to accept the resignation from Leroy Barrickman as a Downtown Development Authority board member due to a down turn in health. AYES: All. NAYS: None. ABSENT: Dr. Kasperowicz.

Moved by Kirkpatrick, supported by Turner, **MOTION CARRIED**, to renew the agreement between Clay Township Offices and Shannon Wilson (Shannonjean.com) with respect to the creation of a web site for public use to the community of Clay Township as presented. AYES: All. NAYS: None. ABSENT: Dr. Kasperowicz.

Moved by Sharrow, supported by Pellerito, **MOTIN CARRIED**, to adopt Resolution No. 1 to hold a special meeting at the Harsens Island Lion's Club, 263 LaCroix Road, Harsen's Island, MI on Monday, at 7:00 p.m., August 11, 2003 for the purpose of a public hearing to hear objections to the petition of the proposed improvements or the proposed Special Assessment District to North Channel, Dirt Section, Road Maintenance, Harsens Island Special Assessment District.

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

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Supervisor Joseph McKoan IV received a letter in regard to the dirt piles on the property next to Ferry entrance owned by Mr. Bryson from the residents from the Algonac Mobile Home Park across the street. As residents in Clay Township asking for immediate help in ridding the Township of these dirt piles.

Tim Wiggle, Zoning Enforcement Officer: Update to the Board and public, met with Mr. Bryson, Supervisor McKoan at the site, 4-6 weeks ago he was going to resolve the problem, since have seen new piles of dirt.

Clerk Pellerito: This has turned into a soil removal operation.

Trustee Sharrow: Planning Commission requirements and has not complied, lot of violations, enforcement needs to be done.

Trustee Kirkpatrick: Turn it over to Township Attorney McNamee to see what can be done.

Clerk Pellerito: Letter needs to be sent out giving them 10 days to comply, time to start the steps in the Building Department, if no result contact Township Lawyer, take it to Court if need be.

Moved by Kirkpatrick, supported by Pellerito, to direct the Zoning Enforcement Official Timothy Wiggle to begin communication procedures between the Township and the property owner concerning the stock piling of dirt at Champion Auto Ferry, 3647 Pte. Tremble Road, owner David Bryson. AYES: All. NAYS: None. ABSENT: Dr. Kasperowicz.

Lengthy discussion regarding the legal services proposal from Tomkiw Dalton Attorneys at Law.

Moved by Pellerito, supported by Kirkpatrick to accept the Legal Services Proposal from Tomkiw Dalton Attorneys At Law for a monthly retainer of \$2500.00 for legal services in assisting the Building Department with zoning enforcement and civil infraction issues, \$125.00 per hour for attending Board or committee meetings, litigation or trials in Court at a rate of \$135.00 per hour for labor counsel with twelve (12) meetings inclusive of retainer.

Discussion:

Trustee Sharrow: Too expensive of a proposal, pleased with Mr. Dalton's work, like to see civil infraction tickets issued before it proceeds to the Attorney.

Supervisor Joseph H. McKoan IV: Dalton hired since McNamee was not able to attend to all the cases promptly; if Board wants can ask Dalton to review his cost offer.

Trustee Kirkpatrick: Cases before the ZBA and Plng. Comm. Should be an attorney present.

Clerk Pellerito: Exercise the proposal for one year, now is the time to enforce the zoning laws, spending far more now on legal fees, would have control over the cost.

Zoning Enforcement Official Wiggle explained the Court considered a civil infraction a nuisance, not a priority.

VOTE ON THE MOTION TO APPROVE THE LEGAL SERVICES PROPOSAL FROM TOMKIW DALTON TO BE REVIEWED ANNUALLY.

AYES: Kirkpatrick, Turner, Engel, Pellerito, McKoan IV. NAYS: Sharrow.

ABSENT: Dr. Kasperowicz.

Invitation to Host a Board of Commissioner's Meeting: The Board discussed the dates available; notify the Commission would prefer hosting a meeting for the following quarter.

Ordinance No. 123-1 Amendments: Trustee Sharrow noted some text has been omitted.

Motion by Kirkpatrick, supported by Turner, to postpone the adoption of Ordinance No. 123-1 Amendments for further text information. AYES: All. NAYS: None. ABSENT: Dr. Kasperowicz.

MOTION CARRIED.

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Motion by Turner, supported by Engel, **MOTION CARRIED**, to appoint Daryl DuPage as the Harsens Island Fire Chief. AYES: All. NAYS: None. ABSENT: Dr. Kasperowicz.

Motion by Sharrow, supported by Turner, **MOTION CARRIED**, to accept the recommendation of Police Chief Tom Eder and Deputy Chief Don Drake to hire Karen F. Rickert as a Part-Time Police Officer. AYES: All. NAYS: None. ABSENT: Dr. Kasperowicz.

BOARD MEMBER COMMENTS:

Clerk Michael P. Pellerito: Reported a Biodisc shaft failure.

Trustee Sharrow: Colony Tower application for a grant, Federal Highway proposal grant money available, letter out to the St. Clair County Community Foundation, Planning Consultant could go to work on applying for grant available. Perhaps on the next agenda should bring back the subject of a Colony Tower Project Manager.

PUBLIC COMMENTS:

Eric Stanczak, 7385 Venice Hwy. Harsens Island: Owns the video store, rezoned from commercial to residential, not notified of this change, always been commercial, how can this get rescinded and put it back the way it was?

Supervisor McKoan IV: Will follow up with you.

Gary Smith, Harsens Island Firefighter: Received a notice from the Fire Chief dismissed from the fire department, came as a real shock to me.

Arlene Cranston, 3812 Pte. Tremble #7: Wrote the letter to the Board re: Champion's Ferry property with the dirt stockpiling, an eyesore to the public, dirt particles in the air, medical hazard to many, etc. Don't even know what kind of material is in the dirt or where it comes from, why can't the dirt be put on their property on the Island side.

John Horvath, 2040 Golf Course Road: Comment regarding property taxes. Subpoena back to Court on a Miscellaneous charge, what is that. Started with that little building out front, here we are going again, really need to get that addressed. Don't want to have to go to Port Huron again on this miscellaneous charge. Spoke with a Philip Dade at the State Building Inspectors, told certificate could be issued on an "as built plan", not trying to hide anything, just want closure. Planning Commission Chair would not allow me to be on the agenda.

Pat Sharrow: Planning Commission requires a special approval and a site plan, meeting referred to an Attorney was there, it was postponed until these requirements were submitted.

Supervisor McKoan IV: Remark regarding Planning Commission handling the situation with Mr. Getman.

ADJOURNMENT

Moved by Turner, supported by Kirkpatrick, **MOTION CARRIED**, to adjourn the meeting at 8:55 p.m. AYES: All. NAYS: None. ABSENT: None.

Michael P. Pellerito
Clay Township Clerk