

Minutes of the Clay Township Board Meeting held on Monday, July 21, 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 Dr. L. Kasperowicz.

ABSENT: Trustee Beth Engel.

Citizens present: Twenty-five.

AMENDMENTS TO THE AGENDA:

Moved by Dr. Kasperowicz, supported by Pellerito, **MOTION CARRIED**, to amend the agenda in New Business, Item #16. Discussion of the formation of a Police Commission. AYES: All. NAYS: None. ABSENT: Engel.

Moved by Dr. Kasperowicz, supported by Kirkpatrick, **MOTION CARRIED**, to amend the agenda in New Business, Item #17. Discussion to hire a new Engineering Firm. AYES: All. NAYS: None. ABSENT: Engel.

APPROVAL OF THE JULY 7, 2003 MINUTES:

Moved by Turner, supported by Kirkpatrick, **MOTION CARRIED**, to approve the July 7, 2003 Minutes and Synopsis as submitted. AYES: All. NAYS: None. ABSENT: Engel.

BILLS PAYABLE:

Moved by Turner, supported by Kirkpatrick, to approve the Bills Payable in the amount of \$64,933.38.

Discussion: Trustee Kasperowicz inquiry what Attorney McNamee bill was for and the Isco Industries LLC.

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

MOTION CARRIED.

PETITIONS: None.

COMMUNICATION:

Public Hearing on the Police, ML Fire, H.I. Fire and Russell Is. Fire Protection will be held on 8-4-03 at 7:00 p.m. for the purpose of hearing objections to the spread of special assessment levy for 2003-2004.

Notice of hearing on special assessment for North Channel, Dirt Section, Harsens Island is to be held on Monday, 11th of August, 2003, 7:00 p.m. in the Lions Hall, 263 LaCroix Road, Harsens Island.

May 19, 2003 Letter from M.K.Simon (Whitey), President of HISCFA regarding the Twp. Board's support of St. Paul's Episcopal Church concerning the sign regulation.
May 18, 2003 letter from St. Paul's Episcopal Church, Jean Weber, Jr. Warden re: Church Advertising Sign.

June 19, 2003 Letter from ComCast informing the Twp. Officials re: franchise fees.

Trustee Dr. Kasperowicz: Questioned the ½% added to customers is going to amount to how much, how do we check where that money goes?

JULY 21, 2003 BOARD MEETING MINUTES – Page 2

OLD BUSINESS:

Contract negotiations update: Patrol and Dispatch meeting July 23; Office meeting scheduled for July 31, 2003.

Colony Tower Manager Agreement discussion:

Trustee Dr. Kasperowicz: Twp. took tower over for \$1.00, intention was to obtain the money from grants, object to engineering agreement, percent too high, contractor responsible, why do we have to have a manager; are we going to have a limitation.

Trustee Sharrow: Do need someone to oversee project, question is does Mr. Whittlesey have the experience in building water towers.

Ted Whittlesey, Vice President: Structurally could write the bid spec, certified eng. to verify the work, previously two engineering studies, clear what we need to do.

Pellerito: Proposal is to hire a project manager, your concern on costs is legitimate, update with the grant proposals as of today; contractor, who would he report back to, needs to go to somebody with expertise in field.

Trustee Dr. Kasperowicz: Object to the 10% overhead and profit on the actual charges incurred and the 5% charge on the total restoration costs.

Motion by Dr. Kasperowicz, supported by Kirkpatrick, to authorize the Supervisor and Clerk to discuss with Ted Whittlesey, Vice President of Whittlesey Development, Ltd. the possibility of lowering the percentage charges on the restoration costs and for overhead and profit on the actual charges incurred to renovate the Colony Tower. AYES: All. NAYS: None. ABSENT: Engel.

MOTION CARRIED.

Motion by Kirkpatrick, supported by Dr. Kasperowicz, to proceed into an Executive Session to discuss the consideration of property acquisition.

VOTE ON THE MOTION: AYES: Kirkpatrick, Kasperowicz. NAYS: Sharrow, Turner, Pellerito, McKoan IV. ABSENT: Engel.

MOTION FAILED.

Supervisor Joseph H. McKoan IV: Update to the Board re: Property; Estate wants it all sold in a full parcel, direction from the Board as to offer buying ½ the parcel and all they can do is refuse or accept.

Trustee Sharrow: Not urgent the Township buy the property.

Trustee Dr. Kasperowicz: Need this land, good community property.

Pellerito: Wait to hear what the Estate has to say, number of lots needs to be discussed would lower the valuation.

Trustee Sharrow: Expense to fill the property, 6" of water on some parts.

Motion by Pellerito, supported by Sharrow, to postpone a decision on the property until we have heard from the Estate concerning the proposal to develop the property into future sites. AYES: Sharrow, Kirkpatrick, Turner, Pellerito, McKoan IV. NAYS:

Kasperowicz. ABSENT: Engel.

MOTION CARRIED

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

Mr. Pyszora, 9034 Field Road: Halkias land split, own 1200' in the area, was not notified of this lot split.

Robert Hall & Kathy Engelhart, 130 St. Clair Blvd, lot on Russell Island: Referred to the Garbage Resolution.

Supervisor McKoan IV: Your letter has been received; you have preserved your right to appeal to the Tax Tribunal.

JULY 21, 2003 BOARD MEETING MINUTES – Page 3

Robert Hall: Comments on the Island only several months of the year, we don't get a garbage truck over the, take our own garbage to the barge, feel we do not utilize the garbage service should not have to pay the whole assessment.

Trustee Sharrow: Township receives \$3,000 from Russell Island, majority to the school tax, \$2,500 the Township pay for the barge to bring the garbage to the mainland.

NEW BUSINESS:

Moved by Pellerito, supported by Kirkpatrick, **MOTION CARRIED**, to adopt Resolution No. 1 to designate a Special Assessment District for Martz Drive fronting on parts of Lots 456 through 470 inclusive, St. Clair Flats, South Channel, Harsens Island, Clay Township, St. Clair County, MI, being parcels 74-14-847-0456-000 through 74-14-847-0476-000 for road maintenance and set the public hearing date for Monday, August 11, 2003 at 7:00 p.m. in the Lion's Hall, 263 LaCroix Road, Harsens Island for the purpose to hear objections to the petition.

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

Moved by Pellerito, supported by Sharrow, **MOTION CARRIED**, to adopt Resolution No. 4 - Clay Township Garbage and Refuse Removal and Collection Special Assessment District confirming the assessment roll and setting the fee for solid waste and removal within the Special Assessment District to establish one annual payment shall be made as part of the December General Tax Billing, Annual Assessment amount shall be determined by the Clay Township Board, residential per dwelling unit Special Assessment costs to be assessed in the December 2003 Tax Billing will increase to \$93.00, future special assessment amount not to be raised more than \$120.00 per year.

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

Moved by Pellerito, supported by Sharrow, **MOTION CARRIED**, to reappoint the following members to serve on the **Harsen's Island Transportation Authority** for a 3-year term to expire on 06-15-2006:

Robert D. Baldwin
John J. Fannon, III
Jon E. Manos

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

Moved by Sharrow, supported by Kirkpatrick, **MOTION CARRIED**, to approve the Lot Split 03-09 for Richard Mroz for vacant property on Pearl Beach Boulevard as it meets all requirements of the Land Division Act and the Zoning Ordinance. AYES: All. NAYS: None. ABSENT: Engel.

Moved by Sharrow, supported by Pellerito, **MOTION CARRIED**, to approve the Lot Split 03-10 for Norma Halkias, vacant Fruit Road property with the condition the split is Parcel 1 and Parcel 2 & 3 combined. AYES: Sharrow, Turner, Dr. Kasperowicz, Pellerito, McKoan IV. NAYS: Kirkpatrick. ABSENT: Engel.

Moved by Turner, supported by Kirkpatrick, **MOTION CARRIED**, to approve the Department Reports as presented for Colony Tower Grant, Algonac/Clay Library Board, Assessor, Building Report, Planning, Zoning & Code Enforcement, Water and County Board Road Commission Minutes. AYES: All. NAYS: None. ABSENT: Engel.

Moved by Pellerito, supported by Dr. Kasperowicz, **MOTION CARRIED**, to approve the request from Officer Deborah Humphrey regarding the upcoming D.A.R.E. Horse Ride Fundraiser on 9-27-03 to purchase the liability insurance for \$211.00 from Equine Insurance Specialists. AYES: All. NAYS: None. ABSENT: Engel.

JULY 21, 2003 BOARD MEETING MINUTES – Page 4

Moved by Sharrow, supported by Pellerito, **MOTION CARRIED**, to authorize the Township pay \$765.32 to Ms. Marge Hamlin, 2630 South Channel, Harsens Island and \$1,595.00 to Mr. Ross Focht, 1258 Circuit Drive, Harsens Island for damage caused by the water service installation and withhold that amount back from the final payment from the 10% retainer fee. AYES: All. NAYS: None. ABSENT: Engel.

2004 Local Road Funding Assistance Program:

Clerk Pellerito: Board's review and will bring it back at the next Board Meeting for some suggestions on which roads in the Township for the Road Assistance Program.

Trustee Sharrow: Benoit Road paved, deep ditches filled in, a road to consider.

Clerk Pellerito: Consider some roads on Harsens Island.

Motion by Turner, supported by Kirkpatrick, **MOTION CARRIED**, to approve the purchase of the Intercom/Headsets HI 32 for a total cost of \$1,425.00 from Appollo Fire Equipment co. for the Harsens Island Fire Department. AYES: All. NAYS: None. ABSENT: Engel.

Motion by Kirkpatrick, supported by Turner, to authorize the Harsens Island Fire Department personnel assist at the Offshore races to be held on August 3, 2003, City of St. Clair and per the request from the St. Clair Area Fire Department that the rescue boat 92 and medical/diver personnel for the day be available for the day, providing this mutual aid assistance will not intervene with the Fire Department's work needed on the Island.

Discussion:

Clerk Pellerito: Want the Board to be aware in the event an emergency does occur here, we would not have the rescue boat in the area.

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

MOTION CARRIED.

Moved by Turner, supported by Kirkpatrick, **MOTION CARRIED**, to accept the Harsen's Island Fire Department's Officers for the fiscal year 2003/2005 as presented:

Chief:	Daryl DuPage
Assistant Chief:	Bruce Schweikart
Engineer:	Jon Burby
Captain:	Bill Tackonis
Lieutenant:	Rick Neitzer
Sergeant/Sec.:	Kevin Allen

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

Moved by Kirkpatrick, supported by Kasperowicz, **MOTION CARRIED**, to approve the purchase of six (6) Nextel phones and service for the officers of the Harsens Island Fire Department splitting the cost 20/20 with the Township and any minutes over what is included in the package will be paid by the officer. AYES: None. NAYS: None. ABSENT: Engel.

Moved by Turner, supported by Kirkpatrick, **MOTION CARRIED**, to amend the Harsens Island Fire Budget for 2003/2004 as follows:

<u>EXPENSES</u>	211-700-852-01	NEXTEL	
ADD	\$3,000.00	NEW BALANCE	\$3,500.00

<u>REVENUES</u>	211-400-694-04	NEXTEL	
ADD	\$1,440.00		
	211-400-401-0	FUND BALANCE	
ADD	\$1,560.00	NEW BALANCE	\$3,000.00

VOTE ON THE MOTION: AYES: All. NAYS: NONE. ABSENT: Engel.

JULY 21, 2003 BOARD MEETING MINUTES – PAGE 5

DPW TRUCK PURCHASE: Budgeted for the truck, authorize to order, why not diesel, etc.

Motion by Dr. Kasperowicz, supported by Kirkpatrick, **MOTION CARRIED**, DPW Supervisor Jon DeBoyer is authorized to order the ¾ ton pickup truck as budgeted for the cost of \$19,288.00 from Oakland County bid specs. The cost will be split between Water and Sewer Budget.

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

Discussion on a creation of a Police Commission:

Trustee Dr. Kasperowicz: Several residents have expressed a desire to form a Citizen's Committee to help with costs to run the department, units of government should have overseers.

Clerk Pellerito: A Police commission as a Liaison between the Police Chief and citizens/patrol, or to work on benefit reduction or benefits? Two different things. If citizens feels can't go to Chief then they can go to Supervisor or to the Board.

Trustee Kirkpatrick: Stated her opinion, agree committee is needed, citizens can't always reveal their opinion to the Police, committee would be another avenue.

Supervisor Joseph McKoan IV: Can come to anyone on this Board if they wanted to.

Trustee Kirkpatrick: Police Dept need a go between.

Clerk Pellerito: Chief is management and he serves at the pleasure of this Board, Police Commission may be needed if we had a weak chief. If there is a personality conflict we have a Deputy Chief and a Detective.

Trustee Sharrow: Police came in under budget, costs much more under control, against the creation of a Citizens committee. Problems in a neighborhood should start up a Neighborhood Watch Program without any commission needed.

Trustee Kirkpatrick: Comment on remarks received from some citizens concerning Police.

Discussion consideration hiring a new engineering firm:

Trustee Dr. Kasperowicz: Problems with Boldt, McLeod & Johnson, have a good local engineering firm here in Clay Township, let them bid for the work.

Supervisor Joseph McKoan IV: Let BMJ complete the waterline project, have the knowledgeable information of the Township and the expertise; future projects in the Township can consider bidding out for a new engineering firm.

Clerk Pellerito: Update on repair Parmar, Eng. And Parmar to split the cost, Township is not liable, BMJ would like to work on those repairs now, DeBoyer suggests hold off until the water temperature is 50 degrees; will be bring this issue back. Concur that we need to re-evaluate our engineering in the future, right now like to have an ally rather than an adversary.

BOARD MEMBER COMMENTS:

Trustee Sharrow: Dana Drain maintenance, any idea what Fred Fuller, Drain Commissioner intends to do, are we going to be charged a drain maintenance.

Clerk Pellerito: Drain Commissioner looking into grants to help his budget.

Trustee Sharrow: Would like to have a Comcast representative at a future Board Meeting to clarify the fee charge to customers for the franchise fee.

Trustee Dr. Kasperowicz: Update on the swale in back of his property, Road Commission will set up a determination meeting, 2-1/2' higher than the N. Channel.

Trustee Kirkpatrick: Letter to inform the Planning Commission, ZBA and DDA Chairs Attorney Dan Dalton can be contacted for certain questions re: policy issues and attend meetings.

Clerk Pellerito: Will be contacted with a letter explaining the policy; a meeting will be arranged with Board Chairs, Municipal Code, Building Department officials, Attorney Dalton and Planner Meagher to discuss Ordinance problems and procedures.

JULY 21, 2003 BOARD MEETING MINUTES – PAGE 6

Trustee Sharrow: How long before we will have the corrections completed to Ordinance 123?

Clerk Pellerito: In-House cleaning right now.

Trustee Dr. Kasperowicz: FEMA comments. Videotapes of the meetings. DNR should be paying their fair share of Police and Fire protection.

PUBLIC COMMENTS:

Bernard Jocuns, Attorney with Black & Black & Black, Port Huron: Representing individuals in the Clay area.

Questioned the legal service budget, appears to be exceeding the budget.

Clerk Pellerito: Explained the bottom line budget of the Township.

Bernard Jocuns: Paying a lot of money for legal fees, attorney not even in St. Clair Co.

Clerk Pellerito: Stop by the Office and will be able to show you a breakdown of these legal fees.

Bernard Jocuns: Questioned why are there eighteen issues within the zoning manual

Supervisor McKoan IV: Submit a Freedom of Information Act and glad to supply you with the information.

Rodney Makowski, 9097 Maple Road: Wrote a complaint to the State about Mr. Kras and he answered his own letter, nothing done about those complaints with the State of Michigan. Permit issued and three months before he paid the Township.

Tim Wiggle, Enforcement Official: Pole barn meets all the requirements.

Mrs. Schulke, 8141 Marsh Road: No respect from Township Officials, using first name, staring, etc. Do not appreciate it. Referred to several properties in the Township that appear to be illegal, i.e. trailers, pole barn height, fences, etc., no law suits against these people.

Mr. Pyszora, 9034 Field Road: Pole barn built by Mr. Kras, never received a variance, Gary Turner's pole barn, nothing went to the ZBA, Al Richardson okay for him and not for me. Take me to Court; wasting taxpayer's money, double standard here.

ADJOURNMENT:

Moved by Turner, supported by Kirkpatrick, **MOTION CARRIED**, to adjourn at 8:50 p.m. AYES: All. NAYS: None. ABSENT: Engel.

Michael P. Pellerito
Clay Township Clerk