

Minutes of the Clay Township Board Meeting held on Monday, September 15, 2003 at 7:30 p.m. in the Clay Township Board Room, 4710 Pte. Tremble Road, Clay Township, Michigan, 48001.

PRESENT: Supervisor Joseph McKoan IV, Clerk Michael P. Pellerito, Trustee Pat Sharrow, Trustee Cindy Kirkpatrick, Trustee Dr. L. Kasperowicz, Trustee Beth Engel.
ABSENT: Treasurer Connie Turner.

AMENDMENTS TO THE AGENDA:

Moved by Pellerito, supported by Kirkpatrick, **MOTION CARRIED**, to amend the agenda under For Your Information: Summation of Supreme Court ruling and letter to Dr. Guiser, Superintendent of the Algonac Schools and add under New Business, #6. Request to attend the Michigan Society of Planning Officials Oct. 15-18, 2003.
Ayes: All. NAYS: None. ABSENT: Turner.

APPROVAL OF THE SEPTEMBER 8, 2003 BOARD MINUTES AND EXECUTIVE MINUTES:

Moved by Sharrow, supported by Kirkpatrick, **MOTION CARRIED**, to approve the September 8, 2003 Board Meeting Minutes and Synopsis and the Executive Minutes of September 8, 2003 as presented. AYES: All. NAYS: None. ABSENT: Turner.

BILLS PAYABLE:

Moved by Sharrow, supported by Engel, to approve the Bills Payable in the amount of \$30,766.66.
Discussion: Trustee Dr. Kasperowicz inquired about bills for SBC, Port Huron Hospital and Voyager Fleet cars.

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

PETITIONS: None.

COMMUNICATION:

Clerk Pellerito reviewed meetings set for Monday, September 22, 2003, Harsens Island Lion's Hall, 263 LaCroix Road:

- 6:30 p.m. Columbine proposed waterline extension informal hearing.
- 7:00 p.m. Public Hearing for Martz Dr. & North Channel Dirt Section.
- 7:30 p.m. Public Hearing Road & Bridge Replacement Bruckner's Island.
- Special Meeting immediately following previous meetings to discuss waterline extension, adoption of Resolutions to confirm special assessment district for Martz and North Channel, Resolution to set the 2nd public hearing Bruckner's Island.

9-10-03 Letter from Kathleen Peterson, 7752 Anchor Bay Drive to Michael Pellerito re: thank you for addressing the broken glass issue on Anchor Bay Drive.

OLD BUSINESS:

Clerk Pellerito: Update on contracts: Patrol Contract ready for signature and implementation; Office Contract met with the Union Steward and the Board's counter proposal disallowing part time associates from participating in the Union has been accepted, can move forward with the signature copy; Command Contract have the 2nd draft, reviewed by Mr. McNamee and will forward it to the Union rep, next meeting should be ready for signatures.

Following the implementation of the Union Contracts will settle the management positions.

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2004 Local Road Funding Discussion:

Supervisor Joseph McKoan IV: Quotes for roadwork in the Township (Morrow Road, Taft Road from Island Dr. to Ainsworth, Ainsworth Rd. from M-29 to Taft, Folkert Road from Taft to Holland).

Trustee Sharrow: Questioned if the apron approaches for Benoit and High off of Marsh Road can still be approved for this year while the County is doing asphaltting.

Clerk Pellerito: County would pay the Township back 50% under the Safety Program.

Motion by Sharrow, supported by Dr. Kasperowicz, **MOTION CARRIED**, to approve 50% of the sums of \$5,036 and \$4,936 for the asphalt approaches to Benoit and High Road under the Road Commission's Safety program. AYES: All. NAYS: None. ABSENT: Turner.

Clerk Pellerito: Quotes from the County to resurface Taft Road from Island Dr. to Ainsworth for \$69,540.50; Ainsworth Road from M-29 to Taft for \$18,286.75 and Folkert Road from Taft to Holland for \$146,524.60; Morrow Road estimate is \$170,837.47; DeSnyder recommendation is the resurfacing of the three.

Sharrow: Road budget for 2004 could go to \$700,000, agree apply for County assistance through the funding program for these three roads, definitely need to consider the Island roads next year.

Clerk Pellerito: Additional information to the Board re: Taft Road waterline middle of the road, County match funds available for next year, Morrow Road pricing is good, berm money left, etc.

Motion by Pellerito, supported by Kirkpatrick, **MOTION CARRIED**, to apply for the grant under the 2004 Local Road Funding Assistance Program for the purpose paving of Morrow Road at half of the \$170,837.47 and to continue with the repaving of Ainsworth and Taft Road as part of the Township's regular road campaign. R/C VOTE: AYES: Sharrow, Kirkpatrick, Engel, Dr. Kasperowicz, Pellerito, McKoan IV. NAYS: Turner.

Township Insurance Presentations from MMRMA and St. Paul:

Clerk Pellerito introduced each of the insurance companies' representatives:

Stephen Saph Sr. and Steven Saph Jr. from Nichol & Saph, Inc. agents of record for St. Paul; Craig Manser from IBEX, agent of record for the Michigan Municipal Risk Management Authority.

Lengthy presentation by each representative defining their companies program and the benefits to the Township.

Board Members voiced concerns re: deductibles, lawsuits coverage, premium cost, coverage for claims made at a later time, umbrella coverage, etc.

Trustee Dr. Kasperowicz: St. Paul premium will save taxpayer's money.

Craig Manser, MMRMA: Can offer a 2-year contract with a 10% cap.

Motion by Dr. Kasperowicz to proceed with St. Paul as the Township's insurance company.

MOTION DIED, NO SUPPORT.

Motion by Sharrow, supported by Kirkpatrick, **MOTION CARRIED**, to renew the Township's insurance policy with Michigan Municipal Risk Management Authority for one year with the quoted price.

R/C VOTE: AYES: Sharrow, Engel, Kirkpatrick, Pellerito.

NAYS: Dr. Kasperowicz, McKoan IV.

ABSENT: Treasurer Connie Turner.

Review of the Harsen's Island Fire Department By-Laws:

The word "Sargent" is misspelled on page 1, 5, 9, "Sergeant" is correct.

Article VIII, page 7, A.: Paragraph 1 to read as follows:

An applicant must have attained the age of 18 and be a resident of Clay Township for membership in the Department.

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Board had differences of opinion on page 7, regarding “Applicants must meet”, Item A.

Cannot limit residency to Harsens Island, it is still a Clay Township Fire Department.

Page 7, Membership Description: Board members disagree with the word “Honorary”, Section D. Honorary Member is very vague. The last sentence in Section D. should probably be eliminated.

Page 8, bottom of the page “Retired member are required to” need some clarification does not read right with the paragraph following at the top of page 9.

Page 10, Article X, Discipline – Item A. “Intoxicated.” Too broad of a word to use, discussion followed.

Page 10, Article X, Item G. Trustee Kirkpatrick disagree with this statement, add the words “unless an emergency occurs”, discussion followed.

Motion by Pellerito, supported by Kirkpatrick, **MOTION CARRIED**, to send the Harsen’s Island Fire Department By-Laws back to the Fire Commission to finalize and bring it back to the next Board Meeting. AYES: All. NAYS: None. ABSENT: Turner.

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

NEW BUSINESS:

Discuss County Wide Central Dispatch Meeting update from Clerk Pellerito: If Township decides not to go with the County Wide Dispatch System, our residents would not be subject to a telephone surcharge or a millage increase, County Grants if awarded would help with cost, Clay Dispatch is very efficient already, system would not be to our advantage, County Authority offered the Township two places on the Board. County will be present at our next Board Meeting to make their presentation, 45 days to either come on board or stay independent. Disadvantages to our community: lose the lein terminal and breath analyzer, holding cells. If the City of Algonac would accept the Township’s proposal for dispatching services, save their residents a \$2.40 increase in phone bills.

Board appears to be in favor of staying independent.

Clerk Pellerito: Request the Board to listen to the County to present all the facts to make sure this Board has not been left out of any information, decision can be made at that time.

Early Warning Alert System purchase by the DDA from West Shore Services, Inc. for the cost of \$62,000.00, include three sirens within the DDA District and software installed in Clay Twp. Dispatch, to complete the system would need the financial support of the Township.

Discussion: Trustee Sharrow: Concerns re: an emergency policy for the mobile home park exit, tower height and location would require a variance.

Richard Wagner: Board’s consensus was start a program within the District hoping Township Board could complete the program sometime in the future, DDA paying for the software. Committed to the \$61,380, still has to be coordinated with the Fire Chief about locations, access and utilities.

Clerk Pellerito: Expressed opinion DDA not specifically working towards bettering the community for the development of businesses.

Richard Wagner: Rebuttal re: projects the DDA has accomplished, explained road blocks with building a bikepath/sidewalk on M-29, doing other possible projects i.e. infrastructure, helping Fire/Police Dept., community become a good safe place to life and work, more businesses will follow.

Supervisor Joseph H. McKoan IV: Explained viewpoint re: early alert sirens in the Twp.

Clerk Pellerito: What is the Board to do tonight?

Trustee Kirkpatrick: Citizens interested in parks & community centers, DDA to pursue.

Clerk Pellerito: DDA gives back money to Police & Fire in projects, budgets run short, blame DDA, concern is don't know if the purchase of sirens is the right direction for the DDA to be heading in.

Richard Wagner: Explained in detail what steps the DDA is planning in the future to assist businesses and the professionalism of an architect/planner to develop a theme, Zoning Ordinance section for businesses per the DDA coordination. Defended the siren alarm system by the DDA and nice to get it started.

No action taken by the Board.

Motion by Kirkpatrick, supported by Engel, **MOTION CARRIED**, to accept and file the Department Reports for Assessing, Building, Planning, Zoning and Code Enforcement, Water and Algonac/Clay Library Board for August. AYES: All. NAYS: None. ABSENT: Turner.

Motion by Kirkpatrick, supported by Engel, to accept the recommendation of establishing a Bond Fee of Five Thousand Dollars (\$5,000.00) plus if there is any additional cost that this be charged to the owner, and or placed on the property taxes in the event the Township had to remove the structure.

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

MOTION DIED.

Discussion:

Trustee Sharrow: \$5,000 sufficient, what if temporary remains after 6-months, like to see another \$1,000 or \$1,500 additional charge for another 6-month delay.

Trustee Dr. Kasperowicz: Disagree not fair to the person building.

Motion by Kirkpatrick, supported by Sharrow, **MOTION CARRIED**, to accept the recommendation of establishing a Bond Fee of Five Thousand Dollars (\$5,000.00) plus an additional percent charge per year for each year the structure is not finished. AYES: Sharrow, Kirkpatrick, Engel, Pellerito, McKoan IV. NAYS: Dr. Kasperowicz.

ABSENT: Turner.

MMRMA Workshop – Ethics in the Workplace, October 7, 2003 at 2:30 P.M.

Mandatory the whole Board should attend, Clerk Pellerito will send the names.

Motion by Sharrow, supported by Kirkpatrick, **MOTION CARRIED**, to approve Dorothy DeBoyer and one other Planning Commission member to be allowed to attend the Michigan Society of Planning Seminar on October 15-18, 2003. AYES: All. NAYS: None. ABSENT: None.

BOARD MEMBER COMMENTS:

Clerk Pellerito: 2nd Annual 2003 Joint Governmental Entities Workshop will be held on Thursday, September 18, 2003 at Goodells Community Center, Goodells Park.

Trustee Dr. Kasperowicz: St. John Marsh sprayed with Roundup to control the growth of the fragmitties, lady walking on the path in the Marsh and she was sprayed, public should be notified before the spraying is done and what the toxic content is.

Tom Santos: 30 years developing the St. John Marsh, Water Fowl USA is in its 20th year to preserve this Marsh, seminar in school explained how the phragmites would be controlled and wanted the people to be made aware, introduced Ernie Kaftis, Biologist with the Michigan DNR and John Schaefer of the DNR.

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Ernie Kafcus, DNR: September 10 the Marsh sprayed to control the phragmites, did not spray down the trail, pilot is certified in pest control, explained the chemical used is approved.

John Schafer, DNR: Roundup is used in communities, does not require a license to sell it, did not cause any risk to her, signs will be put up before we would spray in the area again.

Tom Santos: A Board member taking contaminant gas station materials and putting them into the Marsh, does he need a permit to do that?

Trustee Dr. Kasperowicz: It has clean closures, documents are there.

Tom Santos: This man is in violation and about time somebody looks at this.

Trustee Sharrow: Reported the meeting she attended for the St. Clair County Purchase of Development Rights Program, farmland usually generates more in taxes than it uses in services compared to a single family on a small lot, 1.2 million acres of farm land has been lost to development in Michigan over past 15 years, purpose of the program is to preserve very large blocks of agricultural land and help insure success to Farmers, Ordinance will be presented for the Township at a later time.

John Horvath, Golf Course Road: Problems again with going to Court, problems with the Building Department, can't get past approval for my Certificate of Occupancy.

ADJOURNMENT:

Moved by Kirkpatrick, supported by Sharrow, **MOTION CARRIED**, to adjourn the meeting at 9:57 p.m. AYES: All. NAYS: None. ABSENT: Turner.

Michael P. Pellerito
Clay Township Clerk