

Minutes of the Clay Township Board Meeting held on Monday, December 1, 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, Treasurer Connie Turner, Trustee Pat Sharrow, Trustee Cindy Kirkpatrick, Trustee Beth Engel, Trustee Dr. L. Kasperowicz.  
ABSENT: Clerk Michael Pellerito (excused).

**AMENDMENTS TO THE AGENDA:**

Moved by Sharrow, supported by Dr. Kasperowicz, **MOTION CARRIED**, to amend the agenda under New Business to add the following items:

14. Mainland Fire Department Turnout Gear Price Increase
15. Mainland Fire Department Request to Purchase Hand tools
16. Algonac Fire Dept. request to sell Goodfellow papers
17. Holiday Decorations for the Colony Tower
18. Discussion to hire an Eng. to review the Wendy's final eng. drawings

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

**APPROVE THE NOVEMBER 17, 2003 MINUTES AND SYNOPSIS:**

Moved by Turner, supported by Engel, **MOTION CARRIED**, to approve the November 17, 2003 Minutes and Synopsis as presented. AYES: All. NAYS: None. ABSENT: Pellerito.

**BILLS PAYABLE:**

Moved by Turner, supported by Kirkpatrick, to approve the Bills Payable in the amount of \$14,801.02. AYES: All. NAYS: None. ABSENT: Pellerito.

Discussion: Trustee Dr. Kasperowicz questioned the Willow Ent: Ind. Health Clinic Bill for ML Fire.

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

**MOTION CARRIED.**

**PETITIONS:** None.

**COMMUNICATIONS:**

11-4-03 Thank you letter from Millside Elementary School Principal Martha Szymanski to the ML Fire Department Chief for their participation in the annual "Harvest Day" activities.

Notice - Residents of Township Offices closed for the Christmas/New Years Holidays.

**OLD BUSINESS:**

Contract Negotiations: Nothing to report.

Attorney John McNamee addressed the Township Board regarding his proposal for representation for Clay Township, qualifications, history how he started to work for Clay Township, has been representing Clay Township for over 20 years. Like the people here, the Boards, citizens and representing this Township. Summarized breakdown of legal charges to the Township since 1998 forward, lowest \$6,167.00 to the highest \$33,775.00; surprised your legal fees for this year up to \$80,000, handle labor and litigation matters, statutory obligations and take those very seriously, if not doing so, would like to know. My legal fees for over 20 years are well within your budget., representation has been quite successful. Generalized the legal issues handled for the Township in the past, results, cost kept down, etc.

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Questioned status as the Township Attorney, have not raised my rates or work under a retainer, answer all calls and questions from Board members, if a law issue needs to be answered, let me know, prioritize certain issues, hands on attorney, don't delegate, take this job very seriously. Appreciate the chance to address the Board regarding the position as Township Attorney.

Discussion re: DRC Director retro pay, benefits.

Treasurer Turner explained the DRC 2003-04 Fund balance if the revenues come in as budgeted, no objection to the raise, if retro amount is paid would only leave about \$500.00 fund balance; suggestion would be if the City of Algonac and Clay can both increase their contribution.

Discussion of budget line items.

Motion by Sharrow, supported by Dr. Kasperowicz, Clay Township has no objection to the Downriver Recreation Commission Director Cindy Babisz contract as presented and the retro pay if the funds are available, based upon review of the DRC Budget it appears the funds would only be available if the City of Algonac and Clay Township contribute at least another \$1,200 each, if the City is agreeable, a final decision will be decided at the next Board Meeting. AYES: All. NAYS: None. ABSENT: Pellerito.

Chuck Michel asked permission to address the Township Board regarding the next agenda item.

Supervisor Joseph H. McKoan IV agreed.

Chuck Michel addressed the Board regarding the reasons Mark Getman should continue to serve on the Planning Commission, his leadership, knowledge, experience, hope you will take all that into consideration when making your decision.

Moved by Sharrow, supported by Kirkpatrick, **MOTION CARRIED**, to approve the reappointment of William Seifert to serve on the Downtown Development Authority Board for a four-year term expiring on 12-31-2007. AYES: All. NAYS: None. ABSENT: Pellerito.

Moved by Kirkpatrick, supported by Turner, **MOTION CARRIED**, to approve Trustee Beth Engel to serve on the Downriver Recreation Commission as the Board Representative for one year (11-15-03 to 11-15-04). AYES: All. NAYS: None. ABSENT: Pellerito.

Moved by Dr. Kasperowicz, to recommend reappointment of Chuck Michel to serve as the ZBA Representative for the Planning Commission.

Discussion:

Pat Sharrow: Chuck Michel would have to be appointed to the Planning Commission first, municipal rules still members until replaced.

Supervisor Joseph McKoan IV stated will not make his recommendations to the Planning Commission Board/ZBA until a full Township Board is present.

Forego the reappointment of Chuck Michel at this time to the ZBA.

**MOTION FAILED FOR LACK OF SUPPORT.**

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

**NEW BUSINESS:**

Moved by Turner, supported by Kirkpatrick, **MOTION CARRIED**, to allow three (3) Dispatchers to attend the Emergency Medical Dispatch Training and Certification for the amount of \$3,463.00, 911 Dispatch Training Funds will cover \$2,021.42 of the cost.

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

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Moved by Sharrow, supported by Kirkpatrick, **MOTION CARRIED**, to allow the Girl Scouts of this community to conduct their annual cookie sale starting in January, 2004 and waive the charge for the Peddler's Permit. AYES: All. NAYS: None. ABSENT: Pellerito.

Moved by Turner, supported by Kirkpatrick, **MOTION CARRIED**, to approve the MTA 2004 Annual Membership Fee in the amount of \$25.00. AYES: All. NAYS: None. ABSENT: Pellerito.

Moved by Turner, supported by Engel, **MOTION CARRIED**, to allow any Township Board Members that want to attend the 2004 Michigan Townships Association, St. Clair County Chapter Annual Dinner Meeting on January 8, 2004. AYES: All. NAYS: None. ABSENT: Pellerito.

Moved by Sharrow, supported by Turner, **MOTION CARRIED**, to approve the 2004 Membership Fee of \$25.00 due to the Algonac-Clay Township Historical Society. AYES: All. NAYS: None. ABSENT: Pellerito.

Moved by Turner, supported by Engel, **MOTION CARRIED**, to approve the proposal from T.L.C. in the amount of \$852.54 to install the carpet in the Cemetery Mausoleum. AYES: All. NAYS: None. ABSENT: Pellerito.

Motion by Turner, supported by Engel, **MOTION CARRIED**, to accept the October Department Reports from Mainland Fire, Police (October and November) and the County Road Commissioners Minutes of November 4, 2003. AYES: All. NAYS: None. ABSENT: Pellerito.

Motion by Kirkpatrick, supported by Dr. Kasperowicz, **MOTION CARRIED**, to approve the bid cost of \$1,470.02 from Diamond Roll-Up Door, Inc. for roll up shutter installed on the Building Department counter. AYES: All. NAYS: None. ABSENT: Pellerito.

Motion by Kirkpatrick, supported by Turner, **MOTION CARRIED**, to reimburse the Harsens Island Fire Department for the Troy Auction purchases in the amount of \$563.55. AYES: All. NAYS: None. ABSENT: Pellerito.

Motion by Dr. Kasperowicz, supported by Kirkpatrick, **MOTION CARRIED**, to approve the Ice Rescue Class January 31, 2004 for the Harsens Island Fire Department Firefighters for a cost not to exceed \$850.00. AYES: All. NAYS: None. ABSENT: Pellerito.

Motion by Turner, supported by Engel, **MOTION CARRIED**, to approve the Harsens Island Fire Department purchase of Hurst Tool Hoses/Anchor plate from Apollo Fire Equipment for the cost of \$1,135.45. AYES: All. NAYS: None. ABSENT: Pellerito.

Motion by Sharrow, supported by Dr. Kasperowicz, **MOTION CARRIED**, to adopt Ordinance No. 123-03 amending the Zoning Ordinance for the property located on Harsens Island, Lot 1254 Supervisors Roy T. Gilbert Plat #14 and Lot 1247 Supervisors Roy T. Gilbert Plat #14, Clay Township to re-zone from R-1 One Family Residential to RS-1 Residential Suburban, Ordinance shall become effective on the 10<sup>th</sup> day of December, 2003. R/C VOTE: AYES: Sharrow, Kirkpatrick, Turner, Engel, Dr. Kasperowicz, McKoan IV. NAYS: None. ABSENT: Pellerito.

Macomb Drain: Board of Determination on November 19, 2003 ordered and determined improvements to the drain were necessary, no action at this time by the Township Board.

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Motion by Turner, supported by Kirkpatrick, **MOTION CARRIED**, to approve the Mainland Fire Department the purchase of the twelve sets of turnout gear as included in the FEMA grant and the four sets of turnout gear included in the DNR grant for a total cost of \$17,840.00 plus shipping, the estimated cost for the department is \$4,014.00 as was included in the 2003/2004 budget.

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

Moved by Kirkpatrick, supported by Engel, **MOTION CARRIED**, to approve the Mainland Fire Department purchase of one set of Dewalt 18 volt cordless combo kit from Lowe's for the cost of \$499.00 as was included in the FEMA grant received in October 2003. AYES: All. NAYS: None. ABSENT: Pellerito.

Moved by Sharrow, supported by Dr. Kasperowicz, **MOTION CARRIED**, to allow the Algonac Goodfellow's to sell their Goodfellow papers on December 13<sup>th</sup> and 14<sup>th</sup> within Clay Township. AYES: All. NAYS: None. ABSENT: Pellerito.

Moved by Kirkpatrick, supported by Turner, **MOTION CARRIED**, to allow the Colony Park Association permission to decorate the Colony Tower for the upcoming holiday season. AYES: All. NAYS: None. ABSENT: Pellerito.

Discussion to consider the hiring of an engineer to review Wendy's final engineering drawing, may be the right time to bring a local engineer in. In contact with Project Control Engineer and appear qualified to do the engineering. Talk to John Monte and place on the next agenda for consideration.

**BOARD MEMBER COMMENTS:**

Trustee Dr. Kasperowicz: Phelps Road access drain is flooding my land and Mr. Kollmorgan, need to open up the drain across Ainsworth. Very dissatisfied with the amount of legal fees the Township is spending.

Trustee Kirkpatrick: Board cannot take any action, conflict of interest; need to remove your hat.

Trustee Sharrow: Private land and not a public drain.

**PUBLIC COMMENTS:** None.

**ADJOURNMENT:**

Moved by Kirkpatrick, supported by Turner, **MOTION CARRIED**, to adjourn the meeting at 9:00 p.m. AYES: All. NAYS: None. ABSENT: Pellerito.

Michael P. Pellerito  
Clay Township Clerk