

Minutes of the Clay Township Board Meeting held on Monday, January 5, 2004 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, Trustee Pat Sharrow, Trustee Cindy Kirkpatrick, Trustee Dr. L. Kasperowicz, Trustee Beth Engel.
ABSENT: Treasurer Connie S. Turner (excused).

Citizens present: Twenty.

AMENDMENTS TO THE AGENDA:

Moved by Pellerito, supported by Kirkpatrick, **MOTION CARRIED**, to amend the agenda under New Business, #14. Harsens Island Fire Dept. Request to Purchase Ice Rescue Equipment. AYES: All. NAYS: None. ABSENT: Turner.

Moved by Pellerito, supported by Engel, **MOTION CARRIED**, to amend the agenda under New Business, #15. Mainland Fire Department Request Approval to Attend Training for EMT Courses. AYES: All. NAYS: None. ABSENT: Turner.

APPROVE THE DECEMBER 15, 2003 MINUTES AND SYNOPSIS:

Moved by Kirkpatrick, supported by Sharrow, **MOTION CARRIED**, to approve the December 15, 2003 Board Meeting Minutes and Synopsis as submitted. AYES: All. NAYS: None. ABSENT: Turner.

BILLS PAYABLE:

Moved by Sharrow, supported by Engel, **MOTION CARRIED**, to approve the Bills Payable in the amount of \$56,273.56. AYES: All. NAYS: None. ABSENT: Turner.

PETITIONS: None.

COMMUNICATIONS:

Leonard Uschwald with the Algonac Knights of Columbus presented to the Township Board an oak podium he made for the Oaklawn Cemetery Mausoleum, the K Of C donated the lumber.

Supervisor Joseph McKoan IV and Clerk Michael Pellerito thanked Mr. Uschwald and the K of C for their donations to the Township.

OLD BUSINESS:

CONTRACTS:

Professional Office Staff Agreement update by Clerk Pellerito, all details worked out.

Moved by Pellerito, supported by Kirkpatrick, to accept The Professional Staff Agreement effective July 1, 2003 through June 30, 2006.

Discussion:

Trustee Dr. Kasperowicz: Questioned contract language covering drug testing.

Clerk Pellerito: Through State of Michigan have the right to test if a problem.

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

Deputy Police Chief Contract update: 5% over top paid Command hourly wage, increase will follow in line when Command settles, only difference in contract is he asked for an additional week's vacation

Trustee Dr. Kasperowicz: Questioned the police budget.

Supervisor McKoan IV: Defended the Police, their professionalism, respect by Officers for Management.

Trustee Sharrow: Explained how a Chief and Deputy Chief have helped control the budget.

Clerk Pellerito: Management very professional, slashed overtime, professional staff, etc.

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Moved by Pellerito, supported by Engel, **MOTION CARRIED**, to approve the Deputy Chief of Police two-year contract July 1, 2003 through June 30, 2005. AYES: All. NAYS: None. ABSENT: Turner.

Clay Township Planning & Zoning Official and Assessor Contract: Clerk Pellerito explained would be an upgrade in the MERS from C-1 New to B-2 New w/F55, FAC 3 with a 4.8% employee contribution rate.

Moved by Sharrow, supported by Pellerito, **MOTION CARRIED**, to approve the Clay Township Planning & Zoning Department Official Timothy J Wiggle Two-Year Contract effective July 1, 2003 through June 30, 2005 as presented. AYES: Sharrow, Kirkpatrick, Engel, Pellerito, McKoan IV. NAYS: Dr. Kasperowicz. ABSENT: Turner.

Clerk Pellerito: Assessor will receive a 5% increase for 2003, merit system for 2004 and 2005 possible 2-5% increase.

Moved by Pellerito, supported by Dr. Kasperowicz, to approve Barbara Schutt, Clay Township Assessor's Contract for a three-year contract effective July 1, 2003 through June 30, 2005.

Discussion:

Trustee Cindy Kirkpatrick: Deserves more than a 5% increase, not fair, receive 7% raise.

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

Rick Edler, Mainland Fire Chief and Fire Official Contract: 2-Year contract with a 3% increase.

Trustee Beth Engel: Recall during budget meeting would raise him to \$51,000 at contract time. Trustee Kirkpatrick agreed.

Moved by Engel, supported by Dr. Kasperowicz, to approve Rick Edler, Mainland Fire Chief and Fire Official Two-Year Contract, effective 6/30/2003 to 07/01/2004 annual salary of \$51,000, the following year will be a 3% raise for the time period of 07/01/04 to 06/30/05.

Discussion:

Trustee Sharrow: Don't deny he deserves this, but when an employee accepts a contract, why should the Board go more?

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

Moved by Sharrow, supported by Kirkpatrick, **MOTION CARRIED**, to reconsider the Assessor's salary and bring it back to the table. AYES: All. NAYS: None. ABSENT: Turner.

Discussion: Assessor should receive a 7% raise and then go on the merit system for the following two years, dedicated employee.

Motion by Kirkpatrick, supported by Sharrow, **MOTION CARRIED**, to approve a 7% salary increase for Clay Township Assessor Barbara Schutt for the 1st year of her contract, effective July 1, 2003 through June 30, 2004. AYES: All. NAYS: None. ABSENT: Turner.

Stipend Pay for Deputy Clerk and Deputy Treasurer was discussed, no action at this time.

Moved by Dr. Kasperowicz, supported by Kirkpatrick, **MOTION CARRIED**, to approve the dedication bronze plaque for the new building as submitted by Phillips Sign Lighting Inc. for the cost of \$1,089.54, installation will be done in-house. AYES: All. NAYS: None. ABSENT: Turner.

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

Dawn Schulke, 8141 Marsh Road: Comments regarding #5 Junk Yard License.
Distributed information to the Board to review.

NEW BUSINESS:

Moved by Pellerito, supported by Engel, **MOTION CARRIED**, to approve St. Clair County Road Commission/Public Works to proceed with the second phase to replace two pumps at the Waste Water Treatment Plant by HydroDynamics for a cost of \$66,420.00, Clay's share will be 35% of that cost. AYES: All. NAYS: None. ABSENT: Turner.

Moved by Pellerito, supported by Kirkpatrick, **MOTION CARRIED**, to approve the Liquor License request from Johnnie Legas, Inc. to transfer ownership of 2003 Class C License business with dance permit, 9724 Pearl Beach Blvd., Pearl Beach, Michigan 48001, Clay Township, St. Clair County, from Down-The-Hatch, Inc. pending the State approvals.
R/C VOTE: AYES: Sharrow, Kirkpatrick, Pellerito, Engel, Dr. Kasperowicz, McKoan IV.
NAYS: None. ABSENT: Turner.

Moved by Kirkpatrick, supported by Sharrow, **MOTION CARRIED**, to approve the November 2003 Water Department Maintenance Report, Nov./Dec. Algonac/Clay Library Board Minutes as presented. AYES: All. NAYS: None. ABSENT: Turner.

Moved by Sharrow, supported by Dr. Kasperowicz, **MOTION CARRIED**, to amend budget for Downriver Recreation as presented:

EXPENSES RECREATION COORDINATOR SALARY 208-700-703-00
Changed from \$30,500.00 to \$32,900.00 DIFFERENCE OF \$2,400.00.

REVENUE CONTRIBUTION – TOWNSHIP OF CLAY 208-400-691-00
Changed from \$38,000.00 to \$39,200.00 DIFFERENCE OF \$1,200.00

CONTRIBUTION – CITY OF ALGONAC 208-400-692-00
Changed from \$38,000.00 to \$39,200.00 DIFFERENCE OF \$1,200.00.

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

Motion by Dr. Kasperowicz, supported by Kirkpatrick to grant the 2004 Junk Yard License to Benjamin Schulke for 8141 Marsh Road.

Discussion:

Trustee Sharrow: Recommendation from Township Attorney to add some language to that motion to approve it to show it does agree with the consent judgment and the stipulated order of dismissal and the application be held in abeyance pending Planning Commission.

Reviewed it all, looks fine, don't know what licenses are required, give Mr. McNamee a chance to do the final.

Trustee Dr. Kasperowicz: Feel sorry for the applicant, time cost money.

Trustee Sharrow: Granted with certain conditions per Attorney's advice.

**AMEND THE MOTION BY DR. KASPEROWICZ, SUPPORTED BY KIRKPATRICK:
APPROVE THE JUNKYARD LICENSE FOR BEN SCHULKE FOR 8141 MARSH ROAD
CONTINGENT THE APPROVAL OF THE PLANNING COMMISSION.**

Discussion: applicant questioned why would it have to go back to the Planning Commission for special land use.

Board comment: Don't know if you have to do that.

Clerk Pellerito: Asked that the motion be restated.

**TRUSTEE DR. KASPEROWICZ TO WITHDRAW THE ORIGINAL MOTION,
SUPPORT BY KIRKPATRICK.**

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MOTION BY TRUSTEE SHARROW, SUPPORTED BY TRUSTEE DR. L. KASPEROWICZ, **MOTION CARRIED**, THE JUNKYARD LICENSE FOR 8141 MARSH ROAD FOR MR. AND MRS. BENJAMIN SCHULKE BE APPROVED, THE APPLICATION BE HELD IN ABEYANCE PENDING PLANNING COMMISSION BUT THE SCHULKE'S APPLICATION FOR THE LICENSE BE DEEMED TO BE IN ACCORDINANCE WITH THE REQUIREMENTS OF THE CONSENT JUDGEMENT AND THE STIPULATED ORDER OF DISMISSAL PENDING PLANNING COMMISSION APPROVAL. AYES: ALL. NAYS: NONE. ABSENT: TURNER.

Moved by Sharrow, supported by Kirkpatrick, **MOTION CARRIED**, Lot Split 03-13 Vacant Lot on Morrow Road be approved it had one condition it did not meet zoning ordinance, a variance was granted by ZBA. AYES: All. NAYS: None. ABSENT: Turner.

Moved by Kirkpatrick, supported by Sharrow, **MOTION CARRIED**, Lot Split 03-14 for 6342 Swartout be approved it had one condition it did not meet zoning ordinance, a variance was granted by ZBA. AYES: All. NAYS: None. ABSENT: Turner.

Motion by Kirkpatrick, supported by Dr. Kasperowicz, **MOTION CARRIED**, to adopt the Resolution Changing MERS Benefits per the Contract for the General Office 10 to allow the group to change from C-1 New to B-2, FAC 3, F55 (twenty) years of service, 4.8% contribution by the employee, effective date January 1, 2004. R/C VOTE: AYES: Sharrow, Kirkpatrick, Pellerito, Engel, Dr. Kasperowicz, McKoan IV. NAYS: None. ABSENT: Turner.

Motion by Pellerito, supported by Sharrow, **MOTION CARRIED**, to adopt the Resolution changing the MERS Benefits for the Patrol Group (POAM 2) per the Contract to 7.09% employee contribution, effective date January 1, 2004. R/C VOTE: Kirkpatrick, Sharrow, Pellerito, Engel, Dr. Kasperowicz, McKoan IV. NAYS: None. ABSENT: Turner.

Genaw/Marsh Road Streetlight Request: Clerk Pellerito update, geographical boundary, Genaw Road maintenance is the responsibility of Cottrellville Twp., proceed with the placement of a streetlight or refer it to Cottrellville Twp.

Trustee Sharrow: Concern is where would it be placed, could do a similar streetlight at Swartout/Marsh & Benoit is on the east side with the long arm and a light over the middle of the road, if pole is on the west side would be located in Cottrellville Twp., before we make a decision find out where the DTE would locate the pole.

Clerk Pellerito: Will find out that information and bring it back to the Board for reconsideration.

Moved by Kirkpatrick, supported by Dr. Kasperowicz, **MOTION CARRIED**, to appoint Trustee Dr. Leonard Kasperowicz to serve as the Township's representative to the St. Clair County Road and Bridge Commission Advisory Board and Supervisor Joseph H. McKoan IV as the alternate. AYES: All. NAYS: None. ABSENT: Turner.

Moved by Sharrow, supported by Kirkpatrick, **MOTION CARRIED**, to authorize the Spare Parts Club to use the Township Boardroom for a meeting on March 20, 2004 and to rely on Treasurer Connie Turner to be there to open and close the Boardroom when the meeting is finished. AYES: All. NAYS: None. ABSENT: Turner.

Request for Building Performance Bond Return – 7239 Bluebill: where is the law that says the Township can refund, could have extended if they came in before it expired, once the time is past it is forfeited.

Supervisor Joseph H. McKoan IV: Board has the ability to refund the bond.

Moved by Sharrow, supported by Kirkpatrick, to extend the building bond permit for 7239 Bluebill which expired in November 30, 2003 to January 1, 2004. AYES: All. NAYS: None. ABSENT: Turner.

MOTION CARRIED.

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Moved by Kirkpatrick, supported by Dr. Kasperowicz, **MOTION CARRIED**, to approve the Harsens Island Fire Department purchase of Ice Rescue Gear from Michigan Rescue Concepts in the amount of \$5,821.00 plus shipping. AYES: All. NAYS: None. ABSENT: Turner.

Moved by Sharrow, supported by Kirkpatrick, **MOTION CARRIED**, to approve the training request from Mainland Firefighter John Siecinski to attend the Emergency Medical Technical Course at a cost of \$650.00. AYES: All. NAYS: None. ABSENT: Turner.

BOARD MEMBER COMMENTS: None.

PUBLIC COMMENTS:

Mr. Pyzsora: Court ordered my trucks put in a building, no one else has to store trucks, what is the difference between neighbor's property and mine, question never answered.

Supervisor Joseph H. McKoan IV: Not picking on you only, have to abide by the Ordinance rules and regulations, if our Department heads are not doing the job we will come down on them.

John Horvath, Golf Course Road: Update to the Board where the Court Case is so far on his building inspection and the problems he is encountering.

Rocco Prinzivalli, Sr., Pte. Tremble Road: Remarks regarding the high attorney costs with Mr. Dalton, cost each tax payer \$15.00 a year, can't believe bill not addressed sooner; questioned changing Clay to a Charter Township.

Clerk Pellerito: Can become a Charter Township by Board Resolution.

Rocco Prinzivalli, Sr.: Questioned Township handicap parking spaces.

Mrs. Dawn Schulke, 8141 Marsh Road: Requested our file be here at this meeting, why isn't it here?

Clerk Pellerito: Per Township Attorney, matter is in litigation, contents should not be open for discussion without a determination if certain matters are privileged and subject to rules and procedures which need to be adhered to in a matter currently in litigation.

Dawn Schulke: Remarks regarding home owner's file had to pay, Home Occupational Permit, requested refund back, did everything required through Bldg. Dept., etc.

Richard Baker, Stone Road: Mausoleum placement, very disappointed with the Township.

ADJOURNMENT:

Moved by Kirkpatrick, supported by Sharrow, **MOTION CARRIED**, to adjourn the meeting at 9:22 p.m. AYES: All. NAYS: None. ABSENT: Turner.

Michael P. Pellerito
Clay Township Clerk