

Minutes of the Clay Township Board Meeting held on Monday, February 2, 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, Treasurer Connie S. Turner, Trustee Pat Sharrow, Trustee Cindy Kirkpatrick, Trustee Dr. L. Kasperowicz, Trustee Beth Engel.

ABSENT: None.

Citizens present: Twenty.

AMENDMENTS TO THE AGENDA:

Moved by Turner, supported by Sharrow, **MOTION CARRIED**, to amend the agenda under Bills Payable for an invoice from Larry's Discount Office Cleaning disbursing \$454.00 to the General Fund and \$315.00 to the Police Department and under New Business add Item #12. Contract Renewal Network Connections. AYES: All. NAYS: None. ABSENT: None.

Moved by Pellerito, supported by Kirkpatrick, **MOTION CARRIED**, to amend the agenda under New Business, Item #13. Proposed Settlement Agreement With Stanley Lupenski. AYES: All. NAYS: None. ABSENT: None.

APPROVAL OF THE MINUTES AND SYNOPSIS:

Moved by Kirkpatrick, supported by Engel, **MOTION CARRIED**, to postpone the Special Joint Meeting Minutes of January 27, 2004 until the next meeting. Approved the January 19, 2004 Township Board Minutes and Synopsis as submitted. AYES: All. NAYS: None. ABSENT: None.

BILLS PAYABLE:

Moved by Turner, supported by Kirkpatrick, **MOTION CARRIED**, to approve the Bills Payable in the amount of \$36,628.03. AYES: All. NAYS: None. ABSENT: None.

PETITIONS: None.

COMMUNICATIONS:

Clay Township Board of Review Hearing Procedure, dates Board of Review will meet, publication dates.

SCCOTS notification of scheduled meetings in St. Clair County.

1/20/04 Thank you letter to Jon DeBoyer and Mike Pellerito from Pat Joens, 7278 Park Lane for assistance in the repairs as the result of Comcast contractor work.

1/06/04 Cottrellville Township will sponsor a training program pertaining to "Partners in Planning" on 2/25/04.

OLD BUSINESS:

Contract Negotiations: Meet with Command shortly.

Deputy Stipend Pay Consideration: No input at this time, bring it back at the next meeting, any thoughts from the Board contact Supervisor or Clerk.

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

None.

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NEW BUSINESS:

Cottrellville Township sponsoring a training program pertaining to “Partners in Planning” on 2/25/04, 6:30 p.m., presenter is Bill Kauffman, Planning Director from the St. Clair County Metropolitan Planning Commission.

Per Supervisor McKoan IV, kindly let Clerk Pellerito know the correct number from the Township Board, Planning Commission and ZBA who will be attending.

Moved by Sharrow, supported by Dr. Kasperowicz, **MOTION CARRIED**, to approve the position #2 location of the streetlight at the intersection of Marsh and Genaw Road and approve the Agreement for Municipal Street lighting from Detroit Edison for an annual lamp charge. AYES: All. NAYS: None. ABSENT: None.

Moved by Turner, supported by Sharrow, **MOTION CARRIED**, to pay for the Medical Examiner Special Investigator fee of \$25.00 for Police Officer Joseph Doan. AYES: All. NAYS: None. ABSENT: None.

Discussion regarding request from North Channel Yacht Club requesting Township’s help in purchasing two “No Wake Buoys” for the North Channel, Twp. purchased three (3) last year, lighted buoys would require a public hearing through the Coast Guard.

Moved by Kirkpatrick, supported by Sharrow, **MOTION CARRIED**, to approve the purchase of one buoy, Model 427-R for the North Channel Yacht Club at a cost of \$244.00. AYES: All. NAYS: None. ABSENT: None.

Moved by Dr. Kasperowicz, supported by Turner, **MOTION CARRIED**, to hire Hugh Morrison, Jr. as a part time Police Officer as recommended by Chief of Police T. Eder. AYES: All. NAYS: None. ABSENT: None.

Moved by Sharrow, supported by Kirkpatrick, **MOTION CARRIED**, to accept and file the Board of County Road Commissioners of the County of St. Clair January 6 2004 minutes and the Monthly Operation and December 2003 Maintenance Report from Chuck Hines for the Wastewater Treatment Plant. AYES: All. NAYS: None. ABSENT: None.

Ordinance No. 123-04 – 222 Williams, Harsens Island.

Lengthy discussion regarding the consideration of re-zoning of two lots back to C-2, per new Zoning Ordinance, lots 71 & 72 were changed to Residential, property owner is requesting lots changed back to C-2. Applicant Eric Stanczak addressed the Board.

Motion by Turner, supported by Dr. Kasperowicz, to adopt Ordinance No. 123-04 changing Lot 71 & 72, 222 Williams, Harsens Island from Residential (R-1) to Commercial (C-2).

Discussion of the motion:

Clerk Pellerito: Refer it to Planning Commission to re-review, after that it can be returned to the Township Board, mutually both Boards in agreement.

Turner withdrew her original motion, seconded by Dr. Kasperowicz.

Motion by Turner, supported by Pellerito, **MOTION CARRIED**, opposed to the direction by the Planning Commission not to change the rezoning for Mr. Stanczak’s property at 222 Williams Road, Harsens Island from Residential to C-1 Commercial and to refer it back to the Planning Commission for their review. AYES: All. NAYS: None. ABSENT: None.

Trustee Cindy Kirkpatrick: Remarks regarding Planning Commission’s decision, applicant having to wait again.

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Motion by Sharrow, supported by Dr. Kasperowicz, **MOTION CARRIED**, to adopt Ordinance No. 123-05 amending the Zoning Ordinance 123 for the property located at 7301 Dyke Road, Clay Township, Lot 1062 of Supervisor Roy T. Gilbert's Plat No. 12 Frac Sec 25 T3M R15E zoned as One-Family Residential (R-1) to Small Business District (C-2), effective date for the rezoning will be February 11, 2004. AYES: Sharrow, Kirkpatrick, Turner, Dr. Kasperowicz, Engel, Pellerito, McKoan IV. NAYS: None. ABSENT: None.

Motion by Sharrow, supported by Turner, **MOTION CARRIED**, to adopt Ordinance No. 123-06 amending Ordinance No. 123, as amended and known as the Zoning Ordinance for the Sign Ordinance as follows:

ARTICLE XXIII –
SIGN REGULATIONS

SECTION 23.09
NONCONFORMING SIGNS AND SIGN STRUCTURES

PARAGRAPH ONE (1) TO READ AS FOLLOWS:

“Other than sign maintenance, no nonconforming sign shall be reconstructed, remodeled, relocated, or changed in size unless such action will make the sign conforming in all respects. A non conforming sign may be repainted, have sign panels replaced, and/or may replace the sign face content so long as no structural changes take place to the sign. Such changes shall be reviewed and approved by the Zoning Administrator, prior to the applicant making such changes.”

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

Moved by Turner, supported by Dr. Kasperowicz, **MOTION CARRIED**, to approve the purchase of the two (2) MIL-4000N network Loggers from Digital Loggers, Inc. by the Police Department for the cost of \$6,045.00. AYES: All. NAYS: None. ABSENT: None.

Moved by Sharrow, supported by Turner, **MOTION CARRIED**, to pay the fee of \$45.00 for Building Official Michael J. Kras to attend the continuing education class through Southeastern Michigan Building Officials and Inspectors Association seminar on April 21, 2004. AYES: All. NAYS: None. ABSENT: None.

Moved by Kirkpatrick, supported by Engel, **MOTION CARRIED**, to approve the contract renewal with Network Connections, Incorporated for an additional 20 hours for the cost of \$2,200.00. AYES: All. NAYS: None. ABSENT: None.

Moved by Sharrow, supported by Kirkpatrick, **MOTION CARRIED**, to notify the Township Attorney John McNamee the Township Board is satisfied with the agreement he has reached on the Consent Judgment re: the Clay Township vs. Stanley Lupenski Case. AYES: All. NAYS: None. ABSENT: None.

BOARD MEMBER COMMENTS:

Trustee Cindy Kirkpatrick: Schulke Permit where is that now?

Trustee Sharrow: It will not come back to Planning Commission until they come in for a rezoning, explained per the consent judgment were brought back to Planning Commission w/o this Board's approval, used the language from it, still being worked out.

Trustee Cindy Kirkpatrick: Questioned where is the status report as promised from Atty. McNamee and are his legal bills paid up-to-date, don't want a large bill at the end of the fiscal year, like to know where we are at, money spent on what cases.

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Supervisor Joseph McKoan IV: Agree, will call him tomorrow to see where he stands on the monthly billing.

Trustee Cindy Kirkpatrick: Sign Ordinance passed tonight, discussion this summer on temporary signs was an issue last year.

Clerk Michael Pellerito: Approached by local organizations on the Island re: temporary signs, resolved the issue, nonprofit has the exemption to use those signs.

Treasurer Turner: Voiced concern from H.I.Fire Chief Daryl DuPage as to why the Island cannot have a police officer on the Island when there is an ice situation, taxpayers and should have an officer there.

Police Chief Eder: No accommodations for a police officer overnight, ferry is down for 8-10 hrs.

Trustee Dr. L. Kasperowicz: Questioned the Comcast Franchise Tax payment, like to see a certified public account rundown on this check.

Clerk Pellerito: Comcast always sends us an audited completion of their fiscal year.

Trustee Dr. Kasperowicz: Recent spill need a mechanism that they do not occur, should not be spilling into the River.

Trustee Cindy Kirkpatrick: Need other ways of communication in regards to the public being notified of the spill.

Clerk Pellerito: First of all want to thank DPW Supervisor Jon DeBoyer for going on and above his call of duty on Sunday evening. Explained the situation and the details the time line of the events that occurred of the spill. Problem has been the communication that has occurred to the Township Officials and County Commissioner Pamela Wall, message over the cable station was not very audible, thanks to Jon DeBoyer and City of Algonac Supervisor Gary Trese succeeded in resolving the announcement, another serious issue is Harsens Island when was the all clear for the residents at the end South Channel.

Pamela Wall, District Commissioner: Problem was the communication, people in charge in overseeing the water quality, handled the situation very well, thankful spill did not affect our water, proper precautions were made. Data sheet of the chemical spilled from the Sarnia chemical plant. County problem was the lack of communication. Meeting with the County will be held on Friday and communication will be a very important issue. Explained problem with the Comcast communication over the airways, will work with Comcast to correct a situation occurring again.

Harsens Island issue; County Health Department does not have authority over the water plants, DEQ situation, monitors the water plants and delivery, State made aware of the unique situation on the Island and what potential solutions we can have to insure the Island people are safe in using the water.

Clerk Pellerito: Do not expect Health Dept. to pay for the water testing, Twp. would pay, Health Dept. has jurisdiction over the private wells, DEQ does not.

Pam Wall: Reassured Twp. met with Health Dept., made aware of the Harsens Island situation; Friday will meet with Jeff Friedland, Twp. officials, water supervisors to discuss the issue.

Clerk Pellerito: Message from John Horvath: Not fair that his Soil Removal is in the consent judgment and should have longer than 90 days to fix his house.

Whitey Simon, Harsens Island: River water needs to be tested all over, many people do not have the city water, need the assurance the people can touch the water.

Island still under protection Class 9 for insurance purposes, fire hydrants for several years now, what is the problem.

Clerk Pellerito: Explained the strict ISO requirements and the involvement by the fire department.

Rocco Prinzivalli, Sr. 9938 N. River Road: Questioned why Algonac Community Center needs our help, think twice before we have a joint venture with the City of Algonac.

Fire Chief Rick Edler: Regarding recent spill, Fire Department left out of the loop, important we are included; chemical company should be liable for the costs to test the water.

ADJOURNMENT:

Moved by Pellerito, supported by Dr. Kasperowicz, **MOTION CARRIED**, to adjourn the regular meeting at 8:57 p.m. AYES: All. NAYS: None. ABSENT: None.

Michael P. Pellerito
Clay Township Clerk