

Minutes of the Clay Township Board Meeting held on Monday, February 16, 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: Thirty.

AMENDMENTS TO THE AGENDA: None.

APPROVAL OF MINUTES AND SYNOPSIS:

Moved by Sharrow, supported by Engel, **MOTION CARRIED**, to approve as submitted the Synopsis and Minutes of the February 2, 2004 Township Board Meeting and the Joint Special Meeting with the City of Algonac of January 27, 2004. AYES: All. NAYS: None. ABSENT: None.

BILLS PAYABLE:

Moved by Turner, supported by Engel, **MOTION CARRIED**, to approve the Bills Payable in the amount of \$198,618.72. AYES: All. NAYS: None. ABSENT: None.

PETITIONS: None.

COMMUNICATIONS:

Notice of Meeting of Board of Determination is scheduled through the Office of the St. Clair County Drain Commissioner in the matter of Pearl Beach Drain, Tuesday, February 17, 2004 at 7:00 p.m. in the Clay Township Board Room.

Memo from St. Clair County Administrator/Controller Troy Feltman: Legislative luncheon on Monday, February 23, 2004, St. Clair Adm. Bldg., Subject: Emergency Notice Procedures.

2-16-04 Letter from Harsen's Island St. Clair Flats Association to the Twp. Board in support of the Harsen's Island Fire Dept. request to purchase an 18' airboat to be used for emergency search and rescue.

OLD BUSINESS:

Contract Negotiation Update: Letter to Command requesting another negotiation meeting be scheduled A.S.A.P.

Deputy Clerk/Treasurer Stipend Pay: Clerk Pellerito reiterated the arrangement discussed with the Treasurer, Office Manager, Deputy Clerk and Deputy Treasurer; Deputies to be paid was an annual stipend of \$1,200.00, additionally, after absence of the Clerk or Treasurer for three (3) consecutive days the Deputy will be paid the difference between their salary and the Clerk or Treasurer's salary, retro-active to the first day.

Moved by Sharrow, supported by Dr. Kasperowicz, **MOTION CARRIED**, to approve the sum of \$1,200.00 annually to the Deputy Clerk and Deputy Treasurer to be on standby and the agreement they will receive the difference between their pay and the Clerk or Treasurer's pay if called to serve in that position after an absence of three consecutive days by the elected official.

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

Ordinance No. 123-04 Re-Zoning 222 Williams, Harsens Island R-1 to C-2:
Township Board discussion:

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Supervisor Joseph H. McKoan IV: A letter was received from the Planning Commission requesting the Board of Trustees conduct a public hearing at the Board level.

Owners: Eric and Helene Stanczak, 19617 Salisbury St., St. Clair Shores: Stated the publication for a hearing on the re-zoning by the Planning Commission was not properly advertised per the compiled law statute this change in zoning is not in affect.

Trustee Dr. Kasperowicz: Resolve this right here and let them have the C-2, spending time and money.

Motion by Dr. Kasperowicz, supported by Kirkpatrick, to change the re-zoning of Lots 71 & 72, 222 Williams from One Family Residential (R-1) to Small Business District (C-2).

Lengthy discussion:

Trustee Sharrow: Planning Commission requesting a public hearing, according to State Statute law if there is a request for a public hearing, Board must abide.

Trustee Kirkpatrick: Insisted the request should be delivered by certified mail.

Eric Stanczak: Don't want a public hearing held again, decision should be made tonight.

Supervisor Joseph McKoan IV: The word "shall" is a very powerful word re: legalities.

Trustee Sharrow: Owners declare due process was not followed, if so, shouldn't another public hearing be held, everything done appropriately for the public hearing.

Trustee Cindy Kirkpatrick: Agrees with the applicant's complaints, still zoned C-2, public hearing does not need to be held.

Trustee Pat Sharrow: Defended the Planning Commission's actions, all were done according to the State Law.

Clerk Pellerito: Attempt to smooth this situation out, want you to have the zoning; law says, "shall be held", following the correct protocol.

Supervisor McKoan IV: Board realizes what you want, letter is requesting a public hearing.

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

MOTION FAILED.

Motion by Pellerito, supported Engel, **MOTION CARRIED**, to hold a public hearing on March 1, 2004 at 7:00 p.m. before the regular Board Meeting in the Township Hall regarding the proposed Re-Zoning from R-1 to C-2 for property located at 222 Williams, Harsens Island. AYES: All. NAYS: None. ABSENT: None.

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

NEW BUSINESS:

Moved by Pellerito, supported by Sharrow, **MOTION CARRIED**, any Township Board, Planning Commission or ZBA member be allowed to attend the 12th Annual Winter Workshop sponsored by the St. Clair County Metropolitan Planning Commission on Thursday, February 26, 2004 at the St. Clair County Adm. Building. AYES: All. NAYS: None. ABSENT: None.

Moved by Turner, supported by Kirkpatrick, **MOTION CARRIED**, to approve the final installment of the annual contribution to the Downriver Recreation Commission in the amount of \$13,200.00 from the 2003-2004 DRC Budget. AYES: All. NAYS: None. ABSENT: None.

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Moved by Kirkpatrick, supported by Turner, **MOTION CARRIED**, to accept and file the January 2004 Department Reports for Assessor, Building, Planning, Zoning & Code Enforcement, Water, DRC and St. Clair County Road Commission Minutes. AYES: All. NAYS: None. ABSENT: None.

Moved by Kirkpatrick, supported by Engel, **MOTION CARRIED**, to approve the purchase of library shelves in the amount of \$2,012.12 for the Algonac/Clay Library funding through the library shelving/furnishings and emergency contingency funds. AYES: All. NAYS: None. ABSENT: None.

Clerk Pellerito: For Your Information: Bruckner Island Special Assessment and Venice Highway Match fund are private and done through the Special Assessments, money is in their account.

Motion by Pellerito, supported by Turner, **MOTION CARRIED**, to authorize the Supervisor emergency road fund of \$5,000.00 for various roads in the Township. AYES: All. NAYS: None. ABSENT: None.

Moved by Sharrow, supported by Turner, **MOTION CARRIED**, to approve the Lot Split 04-01 for property located at 222 LaCroix Road, Harsens Island owned by Joan Schuster. AYES: All. NAYS: None. ABSENT: None.

DEQ CMI lighthouse Grant Agreement Between the Michigan Department of Environmental Quality and Clay Township:

Clerk Pellerito update: Grant awarded to Clay Township, scheduled a preliminary meeting with Carol Grant, DEQ Coordinator on the 24th of Feb., document will be reviewed by Attorney McNamee, upon his review will bring it back for the Board's permission to authorize execution.

Moved by Pellerito, supported by Turner, **MOTION CARRIED**, to approve the Police Department the leasing program for a Digital Copier from Prime Office Technology for the Kyocera Mita KM-3035 Digital Copier at a sixty (60) month lease payment = \$116.00 per month with a maintenance agreement for \$59.53 a month (includes parts, service and operating supplies except paper and staples), includes on-site training session, delivery of copier and removal of existing copier at no charge. Ayes: All. NAYS: None. ABSENT: None.

Moved by Turner, supported by Engel, **MOTION CARRIED**, to accept Ms. Tammie Montgomery as a new trainee on the Harsens Island Fire Department per recommendation from Fire Chief Daryl DuPage. AYES: All. NAYS: None. ABSENT: None.

Harsen's Island Fire Department request to purchase a new air boat discussion by the Township Board as to consideration in the budget plan, possible two fire departments share the boat, split costs, 1st payment due next year, \$37,000 in contingency line. Fire Chief DuPage: Safe transportation for citizens & personnel, functional all year.

Motion by Dr. Kasperowicz, supported by Kirkpatrick, to authorize the Harsens Island Fire Department to purchase the airboat in this budget year.

Discussion:

Treasurer Turner: Suggest get the boat before the year ends, amend the budget to pay for the down payment, 2 years to pay off.

Trustee Sharrow: Concerned what affect will have on the millage, looking at revenue cutting, valuable piece of equipment, don't like to approve that large of an amount.

Turner: \$10,000 down, early payment of \$13,800 for 2 years and be paid for, amend budget this year.

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Clerk Pellerito: Need to put a budget together, bring back after have investigated some other financing sources, cost is over \$20,000, legal state bid program.

VOTE ON THE MOTION TO ACCEPT THE PURCHASE OF THE AIR BOAT IN THIS BUDGET YEAR. AYES: Dr. Kasperowicz, Kirkpatrick. NAYS: Sharrow, Turner, Pellerito, Engel, McKoan IV.

MOTION FAILED.

Moved by Pellerito, supported by Sharrow, **MOTION CARRIED**, to bring the consideration to purchase the air boat for the Fire Department to the next meeting with the best financing possible and check the bid process.

AYES: All. NAY: None. ABSENT: None.

BOARD MEMBER COMMENTS:

Trustee Dr. Kasperowicz: Franchise tax payment for Comcast Cablevision 2003, want to know if these figures are accurate, need it verified by a certified accountant.

Trustee Sharrow: Landscaping at the Mausoleum, joint meeting Board agreed.

PUBLIC COMMENTS:

Phil Pavlow, County Commissioner from St. Clair Twp. Introduced himself as a candidate for the House Representative.

Barbara Persyn, 3455 Green Drive: What were the results of the meeting re: the chemical spill on 2-1-04 and the untimely way it was announced and what can we do to get involved.

Clerk Michael Pellerito: Attended the meeting and expressed our concerns of those not on the potable water system, how do we notify those residents, explained testing those areas, send samples to Lansing, DEQ to extend the modeling to the end of South Channel.

Barbara Persyn: Very concerned about the water, really hope the Township will keep our involvement in it and we as private citizens can do our share. Not on waterline by choice water line is not passing our house.

Trustee Dr. Kasperowicz: Chemical company in Canada responsible for spill should be liable.

Supervisor Joseph H. McKoan IV: Can't do anything at this time, international problem.

Trustee Kirkpatrick: Let their investigation take place and see what happens, sure we will follow-up.

ADJOURNMENT:

Moved by Kirkpatrick, supported by Engel, **MOTION CARRIED**, to adjourn the meeting at 8:34 p.m. AYES: All. NAYS: None. ABSENT: None.

Michael P. Pellerito
Clay Township Clerk

