

Minutes of the Clay Township Board Meeting held on Monday, March 1, 2004 at 7:30 p.m. in the Clay Township Board Room, 4710 Pte. Tremble Road, Clay Township, Michigan 48001.

PRESENT: Clerk Michael Pellerito, Treasurer Connie Turner, Trustee Pat Sharrow, Trustee Cindy Kirkpatrick, Trustee Dr. L. Kasperowicz, Trustee Beth Engel.

ABSENT: Supervisor Joseph H. McKoan IV (excused for a funeral).

Citizens present: Approximately Twenty-two (22).

Board concurred with motion made at prior Public Hearing to have Clerk Michael Pellerito chair the regular meeting of the Clay Township Board in the absence of Supervisor Joseph H. McKoan IV.

AMENDMENTS TO THE AGENDA:

Moved by Pellerito, supported by Kirkpatrick, **MOTION CARRIED**, to amend the agenda under New Business: #11. Amendment to the Liquor License Transfer for Nelson's Sand Bar. AYES: All. NAYS: None. ABSENT: McKoan IV.

APPROVAL OF MINUTES AND SYNOPSIS:

Moved by Turner, supported by Kirkpatrick, **MOTION CARRIED**, to approve as submitted the Minutes and Synopsis of the February 16, 2004 Township Board Meeting. AYES: All. NAYS: none. ABSENT: McKoan IV.

BILLS PAYABLE:

Moved by Sharrow, supported by Turner, to approve the Bills Payable in the amount of \$16,736.02.

Discussion: Trustee Kirkpatrick asked what is Boise Office Supplies for.

VOTE ON THE MOTION: AYES: All. NAYS: None. ABSENT: McKoan IV.

PETITIONS: None.

COMMUNICATIONS:

3-01-04 Letter from Trustee Cindy Kirkpatrick praising the Township and Police Department on the excellent Women's Defense Class held in the Twp. Board Room.

2-19-04 Letter to Chief Tom Eder from Marysville Police Dept. and Public Schools thanking the Clay Twp. Police Officer for canine search during our 2-11-04 school locker search from Thomas Cowhy, Sgt. School Liaison Officer.

2-19-04 Letter to Chief Eder thank you for the assistance by Officer Schaible when my car was stuck on Old Dyke Road from Howard Chartrand.

2-19-04 Letter to the Harsens Island Fire Dept. expressing appreciation and thanks for your assistance on January 31 and February 2, 2004 with the recovery of a large amount of marijuana found frozen to ice of the South Channel. Port Huron Border Patrol Station, Rich Nemitz, Patrol Agent in Charge.

OLD BUSINESS:

Contract negotiation update for Command: Attorney McNamee requested a meeting be held with the Command Staff, MERS contribution is the only hang-up.

Motion by Kirkpatrick, supported by Dr. Kasperowicz, **MOTION CARRIED**, to adopt Ordinance No. 123-04 amending the Zoning Ordinance to change the zoning for property on Harsens Island, 222 Williams (Lot 71 & 72) from R-1 One-Family Residential to C-2 Small Business District, effective upon publication March 10, 2004. R/C Vote: Ayes: Kirkpatrick, Turner, Engel, Dr. Kasperowicz, Pellerito. NAYS: Sharrow. ABSENT: McKoan IV.

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Motion by Turner, supported by Sharrow, **MOTION CARRIED**, to allow the Harsens Island Fire Department to purchase an airboat at no more than \$38,000 from American Airboat Corporation with the implementation and understanding that the boat will be used for emergency transport, search and rescue, not used as a transport of civilians to and from the ML to Harsens Island and with standard operating procedures and guidelines to be developed prior to usage. AYES: All. NAYS: None. ABSENT: McKoan IV.

Motion by Turner, supported by Kirkpatrick, **MOTION CARRIED**, to allow the Harsens Island Fire Department to accept the financial proposal from Seaway Community Bank for the purchase of the airboat for a loan up to \$38,000 and approximate estimated annual payment of principal and interest is \$14,280.00 for three (3) years. AYES: All. NAYS: None. ABSENT: McKoan IV.

Reconsideration of the Police copy machine: Two other bids were included in packet, after clarification with Chief Eder and talking with Prime it was determined the machine will be owned outright at the completion of the lease for one year. Board consensus is to maintain the existing purchase of the Police Department copy machine as approved on March 1, 2004.

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

NEW BUSINESS:

SEMCOG will hold a one-day training program on strategies and tools for Neighborhood Commercial Revitalization on March 17, 2004, any members wanting to attend please contact the Clerk's Office by the end of the week.

Moved by Dr. Kasperowicz, supported by Sharrow, **MOTION CARRIED**, Clay Township does not wish to participate in the Antique/Yard Sale Trail along M29/M25 sponsored by the Blue Water Antique Dealers Association this summer. AYES: All. NAYS: None. ABSENT: Joseph H. McKoan IV.

Moved by Kirkpatrick, supported by Turner, **MOTION CARRIED**, to receive and file the Mainland Fire Department Reports for November 2003 thru January, 2004 and the St. Clair County Road Commission February 2004 Minutes as submitted. AYES: All. NAYS: None. ABSENT: McKoan IV.

Moved by Kirkpatrick, supported by Turner, **MOTION CARRIED**, to approve the Mainland Fire Department purchase of twelve (12) Pass Devices at a total cost of \$2,820.00 included in the FEMA Grant with a 10% cost share with the Fire Department 2003/2004 budget. AYES: All. NAYS: None. ABSENT: McKoan IV.

Moved by Turner, supported by Engel, **MOTION CARRIED**, to approve the Mainland Fire Department purchase of fire hose in size 5", 1-3/4" and 2-1/2" for a total cost of \$5,000.00 included in the FEMA Grant with a 10% cost share with the Fire Department 2003/2004 budget. AYES: All. NAYS: None. ABSENT: McKoan IV.

Moved by Turner, supported by Dr. Kasperowicz, **MOTION CARRIED**, to approve the Mainland Fire Department purchase of a Ventmaster fire/rescue saw for a total cost of \$1,540.00 included in the FEMA Grant with a 10% cost share with the Fire Department 2003/2004 budget. AYES: All. NAYS: None. ABSENT: McKoan IV.

Moved by Turner, supported by Dr. Kasperowicz, **MOTION CARRIED**, to approve the Mainland Fire Department purchase of a Tempest positive pressure ventilation blower for a total cost of \$1,986.00 included in the FEMA Grant with a 10% cost share with the Fire Department 2003/2004 budget. AYES: All. NAYS: None. ABSENT: McKoan IV.

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Moved by Dr. Kasperowicz, supported by Turner, **MOTION CARRIED**, to send Harsens Island Firefighter Bill Bell to Firefighter II class that begins on March 2, 2004 at a cost of \$575.00 plus the cost of books and mileage/ferry. AYES: All. NAYS: None. ABSENT: McKoan IV.

Moved by Kirkpatrick, supported by Dr. Kasperowicz, to approve the purchase of three in-car video cameras from Cruise Cam in the amount of \$8,367.00 for the Police Department.

Discussion:

Clerk Pellerito: Per Chief Eder's letter, the Police Department made application to MMRMA Risk Avoidance Program and were approved for 50% funding up to maximum of \$4,184.

AMENDED MOTION:

Moved by Kirkpatrick, supported by Dr. Kasperowicz, **MOTION CARRIED**, to approve the purchase of three in-car video cameras for the Police Department purchased from Cruise Cam Systems, MMRMA will provide 50% of the grant match money in the amount of \$4,184.00, remaining cost of \$4,183.00 will be taken out of the Police vehicle equipment account. AYES: All. NAYS: None. ABSENT: McKoan IV.

Moved by Kirkpatrick, supported by Dr. Kasperowicz, **MOTION CARRIED**, to approve the Building Office Mike Kras place a notice in The Voice for bids to be taken to remove the building and clean up the property at 7343 Edlane and 7334 JoChar. AYES: All. NAYS: None. ABSENT: McKoan IV.

Moved by Dr. Kasperowicz, supported by Turner, **MOTION CARRIED**, to transfer ownership of 2003 12-Months Resort Class C-SDM Licensed business (Issued under MCL 436.1531(2); minimum seating: 100); with Sunday Sales; Dance Permit; Official Permit (Food); and Outdoor Service (2-Area); from Anchor Bay Offshores Restaurant, Inc.; and request a New Entertainment Permit. R/C VOTE: AYES: Sharrow, Kirkpatrick, Turner, Engel, Dr. Kasperowicz, Pellerito. NAYS: None. ABSENT: McKoan IV.

Moved by Sharrow, supported by Engel, **MOTION CARRIED**, to transfer ownership of 2003 12-Months Resort Class C-SDM Licensed business (Issued under MCL 436-1531(2); minimum seating: 100); with Sunday Sales; Dance Permit; Official Permit (Food); and Outdoor Service (1-Area); from Lloyd Nelson Group, L.L.C.; and request a New Entertainment permit with the condition the Outdoor Service be changed from two (2) to one (1) area. R/C VOTE: AYES: Sharrow, Kirkpatrick, Turner, Engel, Dr. Kasperowicz, Pellerito. NAYS: None. ABSENT: McKoan IV.

BOARD MEMBER COMMENTS:

Trustee Pat Sharrow: Brought up subject regarding the Township one day having a business manager, decision a Board next November could make, as we approach budget time would this Board would consider discussing a change in the way elected officials are paid allowing a two-part salary: statutory duties and a per diem pay, lengthy explanation of how this could be established, idea for the future, like the Board to discuss it.

Trustee Dr. Kasperowicz: Lengthy remarks regarding present Supervisor and his constituents view on the situation, hiring a business manager will be a waste of taxpayers money, need someone responsible to carry out responsibilities.

Trustee Sharrow: Nothing in State Law states he has to sit in the office.

In detail quoted from the State Law what the statutory duties are for supervisor, clerk and treasurer.

Clerk Pellerito: To instruct department heads to prepare a preliminary budget for April 1 and will discuss the topic Pat has presented at that time.

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Trustee Dr. Kasperowicz: Questioned Supervisor's responsibilities and no one else should be doing those duties.

Trustee Kirkpatrick: Supervisor's duty is to chair the meetings and supervise, Clerk and Treasurer have done duties beyond what they have to do; like the Treasurer to give us a list of her jobs.

PUBLIC COMMENTS:

Mark Pysora, Sr.: Supplied Board with paperwork, he alleged the Twp. has double standard, Mr. McKoan chooses not to do his job, met all the requirements.

Clerk Pellerito: Original soil removal complaint started the issue, think you have been selectively prosecuted, should bring it to a higher authority, Board has hired the building dept. officials to do their job, you have doubts should proceed to the legal procedures.

Dr. Kasperowicz: Statements directed to the Building officials.

Clerk Pellerito: Requested Trustee Dr. Kasperowicz to investigate the Pysora issue before you make an accusation, respectfully request you report back to this Board.

Trustee Sharrow: Questioned Mr. Pysora about the Court case, how was that resolved. Lengthy discussion by Mr. and Mrs. Pysora regarding the case in Court and have not been treated fairly.

Mrs. Pysora: Attorney Dalton gave us no other choice but to sign.

Clerk Pellerito: Best solution is Dr. Kasperowicz is going to look into it and assures us he will get to the bottom of it.

Mr. Pysora: Continue to pursue, no one wants to sit down in a meeting with us.

Trustee Sharrow: The Supervisor has no authority to overrule Zoning Official.

Rick Baker, 9212 Stone Road: Disappointed in the Township's Supervisor job duties, don't need a new city manager to take over his job, no reason why we should change our structure, should change our supervisor, qualifications need to be spelled out for each office.

Paul Bridgman, 7985 Colony Drive: A lawsuit from Mr. Bridgman is still coming to the Board.

Norman Rhodes, Harsens Island: Thank you for approving the request of the property owner as to how they want to use their property and for approving the airboat for the Harsens Island Fire Department.

ADJOURNMENT:

Moved by Kirkpatrick, supported by Dr. Kasperowicz, **MOTION CARRIED**, to adjourn the meeting at 8:37 p.m. AYES: All. NAYS: None. ABSENT: McKoan IV.

Michael P. Pellerito
Clay Township Clerk

