

Minutes of the Clay Township Board Meeting held on Monday, March 15, 2004 at 7:30 p.m in the Clay Township Board Room, 4710 Pte. Tremble Road, Clay Township, Michigan 48001.

PRESENT: Supervisor Joseph McKoan IV, Clerk Michael Pellerito, Trustee Cindy Kirkpatrick, Trustee Dr. L. Kasperowicz, Trustee Beth Engel, Trustee Sharrow.
ABSENT: Treasurer Connie Turner (excused).

Citizens present: Approximately thirty-five.

AMENDMENTS TO THE AGENDA:

Moved by Pellerito, supported by Kirkpatrick, **MOTION CARRIED**, to amend the agenda under New Business: #12. Mainland Fire Department Request to Purchase Boots. AYES: All. NAYS: None. ABSENT: Turner.

Moved by Pellerito, supported by Engel, **MOTION CARRIED**, to amend the Agenda under New Business: #13. Mainland Fire Department Request to purchase Turn-out Gear. AYES: All. NAYS: None. ABSENT: Turner.

APPROVAL OF MINUTES, SYNOPSIS AND PUBLIC HEARING:

Moved by Kirkpatrick, supported by Sharrow, to approve the March 1, 2004 Township Board Minutes and Synopsis.

Discussion:

Trustee Kirkpatrick: Not necessary to state why Supervisor was absent.

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

MOTION CARRIED.

Moved by Sharrow, supported by Engel, **MOTION CARRIED**, to approve the March 1, 2004 Public Hearing Minutes for the Re-Zoning 123-04 as submitted. AYES: All. NAYS: None. ABSENT: Turner.

BILLS PAYABLE:

Moved by Sharrow, supported by Kirkpatrick, **MOTION CARRIED**, to approve the Bills Payable in the amount of \$68,813.29. AYES: All. NAYS: None. ABSENT: Turner.

PETITIONS: None.

COMMUNICATIONS:

03-11-04 Letter from Planning Commission Chair Dorothy DeBoyer, inviting Board members to attend the 03-24-04 Planning Commission Work Shop with guest Bill Kauffman, Director of the St. Clair County Metropolitan Planning Commission.

02-28-04 Note from John and Esther Paseyer thanking Assessor Barbara Schutt for your help regarding the water line.

03-01-04 to Chief Eder thank you and commend the Police Department for presenting the self-defense class for women – Paulette M. Q. Duhaime

02-10-2004 Michigan Historical Commission has instituted the Governor John B. Swainson Award, application if Board would like to nominate.

Oaklawn Cemetery Notice to Lot Owners: Removal of winter decorations, artificial flowers, grave blankets removed from graves beginning week of April 5, 2004.

Township Office will be closed on Good Friday, April 9, 2004 at Noon.

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OLD BUSINESS:

Contract negotiation update regarding Command Contract, awaiting a mediator to review, stated where negotiations stand now, Clerk verified with Board the previous motion not to pay for a 2nd set of actuaries for Command, Board agreed.

COLONY TOWER RESTORATION AND REFURBISHING PRESENTATION BY TED WHITTLESEY, WHITTLESEY DEVELOPMENT:

Informed the audience some of the history of the Colony Tower when it was built in 1925 and was a working water tower for the Colony Sub, built to resemble a lighthouse, 12 years did have a light on top of it; 1993 State of Michigan designated it as a historical marker. Over the years the lead paint on the outside has made it difficult to renovate and it has continued to deteriorate. Colony Park Association hired Nelson Tank Eng. to inspect the Tower, heavy restoration needs to be done, estimated restoration cost was \$385,000. The main challenges of the tower restoration are the lead paint removal, site is very small, structural sheet damage, etc. Reviewed the exterior coating options, method types, costs and which option would have the best full lead abatement program. Facts leading to a recommendation a full lead abatement program would be necessary; site close to the water, deterioration on the surface already and how much lead will be around. Looking at full abatement and lead certified contractors options: Kelly's Painting is proposing chemically treating the lead paint and then mechanically removing it, Kessler Tank vacuum blast recovery system, both quotes came in at \$137,000, Trident and LC United were higher; cost summary breakdown as follows:

● Painting	\$137,000
● Safety Devices	19,000
● Structural Repairs	75,000
● Repair Masonry damage	6,000
● Contingency	23,000
TOTAL	\$260,000

Trustee Cindy Kirkpatrick: A full lead paint abatement is very important, future grants could be affected if lead paint is not removed.

Trustee Dr. Kasperowicz: Questioned the funding of the tower.

Moved by Pellerito, supported by Sharrow, to award Kessler Tank upon review of the lead abatement program and certification the amount of \$236,400.00 to restore the Colony Tower.

Discussion:

Trustee Sharrow: Clarification, specialty item so not required to put it out to bid.

Reassured this is correct.

Trustee Dr. Kasperowicz: Disagree; Tower is going to cost a lot of money.

Trustee Sharrow: Tower is Clay's identity, worth the renovation, DDA boundary does not include the Tower, therefore donation of \$250,000 to the Township during the restoration of the hall, result in freeing up General Fund money for the Tower improvements.

Supervisor McKoan IV: Residents favor preserving the tower, historic value, beacon and landmark of our community.

VOTE ON THE MOTION: AYES: Sharrow, Kirkpatrick, Engel, Pellerito, McKoan IV.

NAYS: Dr. L. Kasperowicz. ABSENT: Connie Turner.

MOTION CARRIED.

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

NEW BUSINESS:

PRESENTATION FROM THE OFFICE EMERGENCY MANAGEMENT WITH ST. CLAIR COUNTY - JODY DAVIS:

Introducing some new programs, Citizens Corp for the County was recently appointed, tool to help achieve the County stay at a high level of preparedness, explained Citizens Corp encourages volunteerism, homeland security and public safety. Mission is everyone participant and makes everyone safer, everyone should be involved. Ways you can participate, be prepared at home first. 1st responder per capita in St. Clair County is very low, important citizens are able to help out, emergency situation will not have enough police and fire 1st responders, volunteering is very important. Safe Academy is a new course that is open to everyone in St. Clair County, fire safety, 1st aid, how to be prepared in your home, class will be held March 23, 2004, 5:30 p.m. in the Twp. Board Room. Neighborhood Watch Program has been around a long time. Goal is to make a safe neighborhood.

Community Emergency Response Team (CERT) Program: Purpose is a group of volunteers to be able to assist the 1st responders, special trained volunteers to step in until the 1st responders are able to arrive in case of an emergency, detailed the training. Ultimate goal or benefits is everyone will have a greater sense of security knowing people are prepared, depend on your neighbors, CERT team will be a great benefit to stay safer.

Supervisor Joseph McKoan IV: Thank you to Mrs. Davis and her daughter for the presentation.

Moved by Kirkpatrick, supported by Engel, **MOTION CARRIED**, to receive and file the following February Department Reports: Assessor, Building, Planning, Zoning & Code Enforcement, Water, Downriver Recreation Commission, Wastewater Treatment Plant, Algonac/Clay Library and St. Clair County Road Commission minutes. AYES: All. NAYS: None. ABSENT: Turner.

Moved by Pellerito, supported by Dr. Kasperowicz, **MOTION CARRIED**, to approve the Annual Algonac Knights of Columbus Tootsie Roll/Mental Retardation Drive in Clay Township, April 2nd, 3rd and 4th with the waiving of the peddler's permit. AYES: All. NAYS: None. ABSENT: Turner.

Moved by Sharrow, supported by Dr. Kasperowicz, **MOTION CARRIED**, to approve the request from the Zoning Official Timothy Wiggle to attend the MACEO Conference in Mt. Pleasant on March 24 thru March 26, 2004 and use of the Township vehicle for transportation. AYES: All. NAYS: None. ABSENT: Turner.

Moved by Kirkpatrick, supported by Sharrow, **MOTION CARRIED**, to approve the request from the Building Official Michael J. Kras to attend the Storm Water and Floodplain Seminar for a cost of \$35.00 on March 31, 2004 through the Michigan Department of Environmental Quality. AYES: All. NAYS: None. ABSENT: Turner.

Police Department requested from the DDA assistance in financing building improvements to the dispatch and investigation rooms, a sum of \$10,000 was granted.

Moved by Pellerito, supported by Kirkpatrick, **MOTION CARRIED**, to approve the St. Clair County Road Commission Agreements for the following local roads:

- Berm and drainage work on local roads, split cost \$ 23,058.00
- St. Clair County Road Comm. Will pay for the 1st 5.0' cut one per year, Clay will pay for the 2nd and 3rd cut in various locations. 5,400.00
- Two (2) applications of 38% calcium chloride for about 25 miles of local roads 34,000.00
- Seal Patch various road locations 9,000.00
- Double seal-coat by contractor on the noncertified part of Anchor Bay Dr. 5,495.00

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- Single seal coat by contractor on the noncertified part of Anchor Bay Dr. 2,997.72

ALL IN FAVOR. AYES: All. NAYS: None. ABSENT: Turner.

MOTION CARRIED.

Moved by Kirkpatrick, supported by Engel, **MOTION CARRIED**, to approve the request from Timothy Wiggle, Zoning Official to attend the MTA One-Day workshop in Flint on April 26, 2004 for the cost of \$65.00 and the use of the Township vehicle. AYES: All. NAYS: None. ABSENT: Turner.

Oaklawn Cemetery Flag Pole quotes.

Board discussion: Location of the flag should be away from the Mausoleum, DPW Supervisor can assist in the location, verify price on flag pole by a local businessperson.

Moved by Pellerito, supported by Sharrow, **MOTION CARRIED**, to bring back the Oaklawn Cemetery Flag Pole installation at the next Board meeting. AYES: All. NAYS: None. ABSENT: Turner.

Moved by Sharrow, supported by Kirkpatrick, **MOTION CARRIED**, to accept the bid from Larry's Discount Office Cleaning for \$65.00 for the office cleaning, two visits per week and \$18.00 a week for the Board Room cleaning. AYES: All. NAYS: None. ABSENT: Turner.

National Pollutant Discharge Elimination System (NPDES), Certificate of Coverage has been processed in accordance with appropriate State and Federal regulations and proposal from Huron Environmental, LLC re: NPDES Regulatory Requirements.

Discussion by Board members.

Clerk Pellerito currently further negotiations re: Township participation, permit good for a year, progress report needs to be filed by May 1st, Huron Environmental is willing to assist the Township.

Motion by Kirkpatrick, supported by Dr. Kasperowicz to continue service with Huron Environmental, LLC to assist Clay Township in the completion of the Annual Progress Report and the Illicit Discharge Elimination Plan for the fee of \$2,200.

Discussion: If Township can participate, the fee may be lowered.

AMENDED MOTION by Kirkpatrick, supported by Dr. Kasperowicz to continue service with Huron Environmental, LLC for a fee up to \$2,200. AYES: All. NAYS: None. ABSENT: Turner.

MOTION CARRIED.

Moved by Sharrow, supported by Dr. Kasperowicz, **MOTION CARRIED**, to approve the request to purchase 23 sets of wild-land firefighting boots for a total cost of \$4,186.00 from Apollo Fire Equipment Company with 10% to be paid by the Fire Department and the remainder will be refunded as part of the FEMA grant. AYES: All. NAYS: None. ABSENT: Turner.

Moved by Kirkpatrick, supported by Sharrow, **MOTION CARRIED**, to approve the request to purchase turnout gear for the ML Fire Department for a total cost of \$7,800.00 with 10% to be paid by the Fire Department and the remainder will be refunded as part of the FEMA Grant. AYES: All. NAYS: None. ABSENT: Turner.

BOARD MEMBER COMMENTS:

Trustee Sharrow: Questioned Trustee Dr. Kasperowicz about his recent pumping into the sanitary sewer.

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Trustee Dr. Kasperowicz: Pumping under the direction of the certified mediation consultants recommended to me by the DEQ.

Trustee Sharrow: Ordinance states cannot pump any groundwater in the sewer system, treated and paid for by all residents.

Trustee Dr. Kasperowicz: Addressed the issue, Phase II found area contaminated, for the record: parts per million, highest concentration was 5,270 parts per billion, amounts to about a gallon and a half of contaminate, Mr. Hintz had no problem since have new treatment plant, degrade and render the bacterial useless from our treatment plant.

Trustee Sharrow: Cannot pump any water into a sanitary sewer.

Trustee Dr. Kasperowicz: Engineering firms recommended by the DEQ following their guidelines, voiced why he did what he did, stated “I’m like Canada – I’m sorry.”

PUBLIC COMMENTS:

Mr. Mark Pysora: Last meeting, Dr. Kasperowicz was suppose to do an examination, where are we at?

Trustee Dr. Kasperowicz: Just spoke with Supervisor McKoan today.

Supervisor McKoan IV: Under the impression Trustee Kasperowicz would investigate it further, Pysora’s were represented by Council, entered into a consent judgment, no objections made by the Pysora’s.

Mr. Pysora: Question is what is the difference between my trucks outside and other trucks in the Township?

Supervisor McKoan IV: Satisfied with the settlement in Court and the Building Department’s efforts in your case and other cases.
Lengthy discussion between Mr. Pysora and Supervisor Joseph McKoan IV re: his case. Asked Mr. Pysora to write a formal complaint and submit it to the Building Department regarding the neighboring properties not complying with the Township Ordinance.

Trustee Kirkpatrick: Have done some research, you are not the only one, enforcement report indicates others have gone to Court, you are not selectively enforced, etc.

Supervisor Joseph McKoan IV: Will have Mr. Wiggle write a statement as to his reasons and rationale pursuant to your neighbor and yourself, review and supply it to you.

Mr. Pysora: Moved in under Ordinance 89, trucks at his house like I have never have got an answer why there is a difference.

Tom Santos: Trustee Sharrow “thank you”, called you on that water dumping on Dr. Kasperowicz’ property, thought he was pumping into the canal.

John Niebieszczanski, 7759 Colony Drive: On behalf of the Colony Park Association Board, like to applaud the Township Board for the years of dedication to the restoration of the Colony Park Tower, numerous efforts have been taken throughout the years by the Community to restore the Tower, i.e. flower and wreath sales, spaghetti dinners, etc. many initiatives were tried to maintain, repair and restore this tower, with your efforts, our efforts in the past will lead to a complete restoration of the Tower.

Tom Santos: What initiative by this Board will be taken regarding Trustee Kasperowicz illegally pumping into the sanitary system.

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Supervisor Jon DeBoyer: Went down and investigated it, did have a line hooked into the sanitary sewer illegally, gave Mr. Kasperowicz a copy of the Ordinance and asked him to cease and desist, he did and hope this is the end of the issue.

Trustee Dr. Kasperowicz: Largest amount of petroleum discharge was just one gallon.

Trustee Sharrow: Future Clay newsletter article to inform people re: storm run-offs and the Clay Ordinance does not allow any pumping into sanitary sewers.

Matt Vermeulen, 9032 Folkert Road, read a letter addressed to the Township Board re: the behavior of Trustee Leonard Kasperowicz in a matter of the Bay View Shores dredging project.

Trustee Dr. Leonard Kasperowicz: Comments regarding allegations.

Trustee Cindy Kirkpatrick: Supervisor Joseph McKoan IV would like you to personally investigate these allegations made against Trustee Dr. Kasperowicz, specifically if dredge spoils went to an unapproved land source.

Mrs. Pysora: Clarify statements made so on the record, approached by Darin Gabriel at my home if I would be able to assist him in his removal of the dredge, no knowledge where the dirt was going, hired to move it only, nothing stated where it was suppose to go.

Mr. Pysora: Darin Gabriel was the general contractor and he has the expertise in the directing what permits are permissible.

Supervisor McKoan IV: Does need to be addressed, only allegations right now.

John Horvath, Harsens Island: Remarks as to permanent injunctions against me soil removal and the house inspections cannot be completed until the ceiling is completed

Supervisor McKoan IV: Permanent injunctions for soil removal cannot be released.

Trustee Kirkpatrick: Questioned why is there an injunction if given approval for his soil removal?

Disagreement between a permit and a special land use/soil removal permit.

John Horvath: Property is not an R-1, need a permit to haul any dirt if want to.

Trustee Kirkpatrick: Go back in front of the Planning Commission for the proper approvals.

John Horvath: Questioned where the Planning Commission has jurisdiction over me, show me in black and white, if have to come before you, I will. Court Injunction is illegal, not right, want it changed. What are we going to do about this injunction?

Supervisor Joseph McKoan IV: Don't know will give you a call on Wednesday.

ADJOURNMENT

Moved by Kirkpatrick, supported by Engel, **MOTION CARRIED**, to adjourn the meeting at 9:15 p.m. AYES: All. NAYS: None. ABSENT: Turner.

Michael P. Pellerito
Clay Township Clerk