

Minutes of the Clay Township Board Meeting held on Monday, April 5, 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, Treasurer Connie Turner, Trustee Pat Sharrow, Trustee Cindy Kirkpatrick, Trustee Beth Engel, Trustee Dr. L. Kasperowicz.

ABSENT: None.

Citizens present: Approximately 30 citizens were present.

#### **AMENDMENTS TO THE AGENDA:**

Moved by Turner, supported by Kirkpatrick, **MOTION CARRIED**, to amend the agenda under New Business, Item #13. Purchase of two benches for the Mausoleum. AYES: All. NAYS: None. ABSENT: None.

Moved by Pellerito, supported by Turner, **MOTION CARRIED**, to amend the agenda under New Business, Item #22. Discussion on a Fruit Street Meter Replacement. AYES: All. NAYS: None. ABSENT: None.

#### **APPROVAL OF MINUTES AND SYNOPSIS:**

Moved by Turner, supported by Engel, **MOTION CARRIED**, to approve the March 15, 2004 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 \$39,398.43. AYES: All. NAYS: None. ABSENT: None.

#### **COMMUNICATIONS:**

03-02-04: Downriver Community Services, Inc. thank you letter to Chief Edler for the donation of two smoke detectors to help out a family in Clay Township.

03-23-04: Letter from the Harsens Island St. Clair Flats Assoc. Brd. Of Directors thanking the Township Board for approving the Island's Fire Department request to purchase an airboat.

Notice the Township Offices will close on Friday, 4-9-04 at Noon for Good Friday.

Notice Oaklawn Cemetery Lot Owners: Reminder removal of winter decorations will start week of 4-5-04.

3-29-04 Comcast Correspondence: Extension of Comcast services in the area of Starville and Morrow Roads.

Trustee Sharrow: Inquiry as to why they are not considering Starville from Swartout to Holland Road?

3-25-04 Correspondence from L'Anse Creuse Public Schools regarding recent drug search conducted of the hallway lockers.

3-30-04: L'Anse Creuse High School Principal thank you to the Clay Police Department for the professional conduct displayed by the police officers involved in the recent locker search.

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**OLD BUSINESS:**

Contract negotiation update: Command negotiations on May 10, 2004 at 2:00 p.m.

Moved by Pellerito, supported by Dr. Kasperowicz, **MOTION CARRIED**, to recommend ordering a 25' aluminum satin one piece flagpole with a 70 m.p.h. wind ratio from Flags n' More for the cost of \$350.00 to be installed by the DPW in the Oaklawn Cemetery. AYES: All. NAYS: None. ABSENT: None.

Moved by Turner, supported by Kirkpatrick, **MOTION CARRIED**, to approve the proposal from Syntex Security Systems for the additional amount of \$877.00 to install an upgraded lock at the Mausoleum in the Oaklawn Cemetery. AYES: All. NAYS: None. ABSENT: None.

Moved by Kirkpatrick, supported by Dr. Kasperowicz, **MOTION CARRIED**, to adopt the Resolution from the Liquor Control Commission that the request from Lloyd Nelson Group LLC to transfer ownership of 2003 12 Months Resort Class C licensed business (issued under MCL 436.1531 (2), with Dance Permit, and request for new Entertainment Permit, located at 7479 Dyke Road, Algonac, MI 48001, Clay Township, St. Clair County be approved for issuance with a note stating approval for only one (1) outside eating area. R/C VOTE: AYES: Sharrow, Kirkpatrick, Turner, Engel, Dr. Kasperowicz, Pellerito, McKoan IV. NAYS: None. ABSENT: None.

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

Mark Pysora: Referred to Item #17, demolition bids for 7334 JoChar re: several items required in the bid.

Al Kodet, Marsh Road: Item #10, new liquor license, possible could go for a Township Lottery rather than issue it?

Kristine Strubank, 6506 Marine Drive: Owner of the Island Grille, Harsens Island, asking for the Board's support in obtaining a beer and wine license.

Tom Kaufman: Regarding Item #17, Demo of house project: in the bid it was vague that the footings had to be removed, hope those that bid were aware this was required.

**NEW BUSINESS:**

Moved by Kirkpatrick, supported by Sharrow, **MOTION CARRIED**, to approve the new Clay Township Mainland Fire Department personnel as recommended by the Fire Chief to accept Justin A. Jendza and Jeremy J. Gohl to become trainees with the department pending medical physical and Eric J. Turner to become a support person with the department. AYES: All. NAYS: None. ABSENT: None.

Moved by Pellerito, supported by Dr. Kasperowicz, **MOTION CARRIED**, to allow the Harsens Island Lioness' of Harsens Island, Michigan, to apply for a charitable gaming license is approved. R/C VOTE: AYES: Sharrow, Kirkpatrick, Turner, Engel, Dr. Kasperowicz, Pellerito, McKoan IV. NAYS: None. ABSENT: None.

Moved by Sharrow, supported by Kirkpatrick, **MOTION CARRIED**, to adopt Resolution No. 1, Private Road-Lake Drive Road Repair and Maintenance Special Assessment District and call for a special meeting to hold a public hearing on May 3, 2004, at 7:00 p.m. in the Township Hall, 4710 Pte. Tremble Road for the purpose to hear objections to the petition, the proposed improvements of the proposed improvements to the Special Assessment District. R/C VOTE: AYES: Sharrow, Kirkpatrick, Turner, Engel, Dr. Kasperowicz, Pellerito, McKoan IV. NAYS: None. ABSENT: None.

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Moved by Kirkpatrick, supported by Engel, **MOTION CARRIED**, to receive and file the St. Clair County Wastewater Treatment Plant Monthly Operation and Maintenance Report for February 2004, the March 2, 2004 minutes of the County Road Commissioners of the County of St. Clair and the Clay Township Mainland Fire Department Year End Report for 2003 and the February Month End Report. AYES: All. NAYS: None. ABSENT: None.

Moved by Pellerito, supported by Kirkpatrick, **MOTION CARRIED**, to adopt the Resolution to accept financial agent authority and responsibility for State Historic Preservation Office (SHPO) Grant LH02-120 South Channel Lights through the Township Treasurer and Township Clerk maintaining all financial accounting and records and act as fiscal agents for SHPO Grant LH02-120 South Channel Lights plans and specifications. R/C VOTE: AYES: Sharrow, Kirkpatrick, Turner, Engel, Dr. Kasperowicz, Pellerito, McKoan IV. NAYS: None. ABSENT: None.

Discussion re: DDA submitting a Great Lakes Coastal Restoration Grant Application and support Resolution by the Board.

Remarks from the DDA Chair and Representative of Montgomery Associates concerning the value of the grant, advantages of the land preservation, etc.

Trustee Sharrow: Questioned land is 50% wetlands, no useable park or preservation area.

DDA Chair Richard Wagner: Preserving the wetlands and a stopping point for the Bridge-to-Bay trail, useable opportunity, attracts businesses, etc.

Dick Smith, Rep. for Montgomery Associates, Inc. Breakdown of the financial packet.

Trustee Kirkpatrick: Suggest DDA buy land next door?

Supervisor Joseph H. McKoan IV: Not waterfront property.

Trustee Pat Sharrow: Water front park residents can use, majority of area is wetlands.

Supervisor McKoan IV: In favor of the DDA purchase.

Clerk Pellerito: DDA were to acquire, who would maintain it?

Chair Wagner: Allocate a line item in the budget “maintenance and park area”

Trustee Dr. Kasperowicz: In favor of the land acquisition.

Motion by Trustee Dr. Kasperowicz to adopt the Resolution in support of the Downtown Development Authority submitting the Great Lakes Coastal Restoration Grant Application for the 7-1/2 acres of wetlands on North Channel of the St. Clair River.

**MOTION FAILED, NO SUPPORT.**

Moved by Sharrow, supported by Turner, **MOTION CARRIED**, to approve the recommendation from Chief of Police Tom Eder to hire Marcus Edwards as a part-time police officer. AYES: All. NAYS: None. ABSENT: None.

Moved by Sharrow, supported by Turner, **MOTION CARRIED**, to contribute \$1,500.00 to the Algonac-Clay Township Historical Society as is budgeted and designated for the use of the properties/buildings in Clay Township. AYES: All. NAYS: None. ABSENT: None.

Consideration of an annual clean-up day in Clay Township:

Clerk Pellerito: Brought to the Board to see if there is any interest, several years since the Township had a clean-up day, reviewed rental costs the containers, overtime involved, several dumpsters will be required, manpower help, suggested month of June. Per Board, Clerk to talk to Richfield and see what they have open and bring it back to the Township Board.

Motion by Dr. Kasperowicz, supported by Kirkpatrick, to authorize Kristine Strubank, new owner of the Island Grille, located at 3070 South Channel in downtown Sans Souci, Harsens Island to apply for a SDM Specialty Designated Merchant license to sell wine and beer.

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Discussion:

Clerk Pellerito: Referred to a letter from the Michigan Liquor control Commission Licensing Division, per the federal decennial census counts as of 04-01-2000 has created one additional openings for anew full year on-premises license. Request from Kristine Strubank to apply for the liquor license.

Supervisor Joseph McKoan IV: One available, only fair to allow other people that might be interested, if no one is interested don't see a problem in honoring Ms. Strubank's request.

Clerk Pellerito: Send to the State a letter stating Township is interested in this license. Discussion followed concerning if other establishments are interested that do not know there is one available.

Clerk Pellerito: Stated other steps required before a liquor license is approved, options.

Trustee Sharrow: Unclear what am voting on, request Supervisor clear the floor and we can start again.

Motion by Sharrow, supported by Dr. Kasperowicz, to recommend to the Michigan Liquor Control Commission Licensing Division a new liquor license be granted preferably to Kristine Strubank, 6506 Marina Drive, Algonac, Michigan for the Island Grille, located at 3070 South Channel in downtown Sans Souci, Harsens Island with conditions her business and facility follows routine checks required by the Building, Fire and Police Department for the correct qualifications. AYES: All. NAYS: None. ABSENT: None.

Discussion:

Clerk Pellerito: Behoove the Township to correspond back to the State rather than put a name on it and state interested in the license and like to issue it, formal application made through Detective Rummel's Office, Fire Marshall approval, etc.

Trustee Sharrow: Agree the interested party did the investigating and found out the license is available, still has to qualify.

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

Moved by Pellerito, supported by Engel, **MOTION CARRIED**, to instruct the Clerk to write a letter to Donald Maronde, Director of the St. Clair County Board of Public Works to refund the Township \$66,082.86 as was their share of the remaining available funds of the outfall project. AYES: None. NAYS: None. ABSENT: None.

Request from the Police Department to purchase four X-26 Tasers and related equipment. Officer Greg St. Coeur explained the Taser is an effective piece of equipment; 2,500 police departments using the Taser to subdue individuals and use less lethal force; reducing liability, Michigan Municipal Risk Management has offered money in the form of a grant to purchase these tasers.

Motion by Dr. Kasperowicz, supported by Kirkpatrick, **MOTION CARRIED**, to approve the purchase of the Taser equipment for the Police Department for the cost of \$4,669.49 from Michigan Taser Distributing. AYES: All. NAYS: None. ABSENT: None.

Police Chief Eder for the record, Deputy Police Chief Don Drake did a lot of research on the Taser equipment and the applying for the grant, like to recognize his efforts.

Motion by Sharrow, supported by Kirkpatrick, **MOTION CARRIED**, to approve the sum of no more then \$400.00 for the purchase of a vacuum cleaner and ceiling fans for the Mausoleum Building and the purchase of two folding benches with a copper finish. AYES: All. NAYS: None. ABSENT: None.

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Motion by Turner, supported by Kirkpatrick, **MOTION CARRIED**, to approve the purchase of the Oaklawn Cemetery Sign plaque from Jones Monument Company for the cost of \$1,690.00 and for \$100.00 more Jones Monument will provide and deliver and install two (2) all polished gray granite benches. AYES: All. NAYS: None. ABSENT: None.

Motion by Kirkpatrick, supported by Sharrow, **MOTION CARRIED**, to approve the Recycling Yard Summer hours located at 9625 Ainsworth will be from April 15<sup>th</sup> through December 1<sup>st</sup> in the notice for publication:

Tuesday & Thursday	12:00 p.m. (Noon) to 6:00 p.m.
Saturday & Sunday	9:00 a.m. to 5:00 p.m.

AYES: All. NAYS: None. ABSENT: None.

Fire Charges Ordinance discussion: Treasurer Turner explained adopting an ordinance would allow the Township to charge for certain situations and the fire department to recover costs incurred in connection with certain assessable emergency services.

Motion by Sharrow, supported by Kirkpatrick, **MOTION CARRIED**, to postpone the adoption of the Resolution establishing charges for fire department services under Public Act 33 of 1952 until the next Board meeting to allow the Board of Trustees to review the possible charges that would be beneficial. AYES: All. NAYS: None. ABSENT: None.

Clerk Michael Pellerito opened the demolition bids for 7334 JoChar. Bids submitted by Reliable Demo, Gordon & Sons, Timberwood, Inc., T.K. Associates, J.Kohl, Landmark, Wes Simons and Abel Demo.

Building Inspector Official explained the status of the 7343 Edlane house.

Motion by Kirkpatrick, supported by Dr. Kasperowicz, **MOTION CARRIED**, to postpone any action for demolition of the 7343 Edlane home until the next meeting for more information regarding what the lein holder intends to do. AYES: All. NAYS: None. ABSENT: None.

Motion by Kirkpatrick, supported Engel, to approve the bid from Landmark to do the demolition work of 7334 Jo Char in the amount of \$4,200.

Discussion: Questioned the cost when there were lower bids.  
Landmark bid included conditions other ones did not.

VOTE ON THE MOTION: AYES: All. NAYS: None. ABSENT: None.  
**MOTION CARRIED.**

Motion by Kirkpatrick, supported by Dr. Kasperowicz, **MOTION CARRIED**, to adopt the Resolution for demolition of property at 7334 JoChar, Clay Township. R/C VOTE: AYES: Sharrow, Kirkpatrick, Turner, Engel, Dr. Kasperowicz, Pellerito, McKoan IV. NAYS: None. ABSENT: None.

Lengthy discussion regarding the Harsens Island Fireboat 92 repair and painting quotes: Fire Chief Daryl DuPage explained the situation when the boat took on water. Township Board questioned warranty, lack of communication to the Board about this sinking.

Moved by Engel, supported by Sharrow, to approve the repairs and painting for the Harsens Island Fireboat 92 by Classy Chassy Collision for the cost of \$3,900.00 with the Harsens Island Firefighters Association contributing \$1,950.00 and Township paying the balance from line item #700-988-00. AYES: All. NAYS: None. ABSENT: None.  
**MOTION CARRIED.**

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Moved by Pellerito, supported by Sharrow, **MOTION CARRIED**, to approve the roadwork by St. Clair County Road Commission entered into:

Local road work on Harsens Island: single seal on Donald, William, Circuit, Monroe, Mackinac, St. Clair, Green Road, Cottage Lane, Bar Harbor, Petoskey, Poplar, Maple and LaCroix. Cost of \$53,761.72

Double Seal coat on gravel roads on Harsens Island: William, Elm, Newport, Coney and Narraganset. Cost of \$15,837.00

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

Moved by Sharrow, supported by Turner, **MOTION CARRIED**, to accept with regrets the resignation of Sandra O’Conner from the Planning Commission Board. AYES: All. NAYS: None. ABSENT: None.

Discussion on the Fruit Street Meter Replacement: Very important meter feeds the western end of Clay Township as well as Harsens Island, a compound meter is recommended by City Water Plant Superintendent, not receiving the reports indicating the justification of the compound meter vs. a turbo.

Motion by Sharrow, supported by Kirkpatrick, **MOTION CARRIED**, in the spirit of cooperation, the Township will pay for one-half of the installation of the new compound water meter total price of \$18,275.00.

Discussion:

Trustee Dr. Kasperowicz: All partners in the water issue, like to see the bids.

Supervisor McKoan IV: Water Treatment Plant is the City of Algonac’s plant and we are the consumer.

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

**BOARD MEMBER COMMENTS:**

Trustee Sharrow: Pearl Beach Pier should have an inspection on the condition.

Consideration regarding a Special Spring or Fall meeting on Harsens Island.

How is the Codification coming, legal review of our Ordinances.

Clerk Pellerito: Telephone conference coming up next week.

Trustee Sharrow: Disappointed in what I have read by legal, ordinances that are antique and did not point one out.

Clerk Pellerito: Colony Tower update, met with Kessler Tank this week, signed the structural portion of the contract, waiting to sign the painting until we have the certification of lead abatement program, starting internally on Wednesday.

Treasurer Connie Turner: Harsens Island Fire Department are in the process of submitting a FEMA Grant for \$176,360.00, wishing them good luck on that.

Breakdown on two water bonds, 1979 water revenue bond and 1992 water system, payoff is \$985,015.00, per Stauder Barch & Assoc. would save \$130,000 if paid off early.

Colony Bridge Assessment had a refund of \$98,340.00 to be given back to the residents, total of 153 parcels, mailed checks in March.

Trustee Cindy Kirkpatrick: Attorney John McNamee has not enclosed any reports for the last month.

Supervisor McKoan IV: He promised monthly reports, priorities are on a day-to-day basis.

Clerk Pellerito: John will be at the next meeting and hopefully will have something for us.

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Trustee Sharrow: Any update regarding sewer payoff with Ira Township Supervisor.  
Clerk Pellerito: Interest is there, not at this time though.

**PUBLIC COMMENTS:**

Harry Mikolowski, 5472 Middle Channel Drive: Comments regarding the St. Clair County Soil Erosion Department has gotten out of hand, permits needed to fill seaways, small maintenance jobs. Request be on the next agenda, ticketing the small people for maintaining our property, little people are really getting hurt, Township Board is elected by the people in Clay Township, represent us in St. Clair County, need to stop the bureaucracy in St. Clair County.

Rocco Prinzivalli, North River Road: Restaurant property has not changed, it was lowered, neighbor 2-1/2' higher, how come Zoning Dept. not getting on my neighbor for having a run off.

Comments concerning the Colony Tower renovation, in a round about we, it is all tax money being used.

Treat the little businessperson fair.

Richard Baker, Stone Road: Fines to homeowners for fire department service, special assessment takes care of that, discuss with the people before you do anything like that. Nook/Pte.Tremble intersection, unattractive buildings and tree down, area needs to be cleaned up.

Park for the people, shame we don't have any property for this purpose, committee should start looking into it, right to go to the water, only access is a public access.

Mr. and Mrs. M. Pysora: Thank the Board for considering our company for the JoChar project, we'll look into getting the truck weights waived.

Keith Churchill: Update from the racing association regarding the June 2004 boat race.

**ADJOURNMENT**

Moved by Kirkpatrick, supported by Sharrow, **MOTION CARRIED**, to adjourn the meeting at 10:09 p.m. AYES: All. NAYS: None. ABSENT: None.

Michael P. Pellerito  
Clay Township Clerk



