

Minutes of the Clay Township Board meeting held on Monday, May 3, 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 Beth Engel, Trustee Dr. L. Kasperowicz.

ABSENT: Supervisor Joseph H. McKoan IV (excused).

Supervisor McKoan IV is attending an important meeting in Marine City concerning Tri-Hospital re: losing its subsidy from the St. Clair County Board of Commissioners.

Moved by Kirkpatrick, supported by Dr. Kasperowicz, **MOTION CARRIED**, to have the Township Clerk Michael Pellerito chair this evening's meeting in the absence of the Supervisor. AYES: All. NAYS: None. ABSENT: McKoan IV.

Citizens present: Approximately twenty.

AMENDMENTS TO THE AGENDA:

Moved by Pellerito, supported by Turner, **MOTION CARRIED**, to amend the Agenda under Old Business, adding Item #3. The Kessler Tank Co., Inc. Bill – Colony Tower. AYES: All. NAYS: None. ABSENT: McKoan IV.

APPROVAL OF THE MINUTES AND SYNOPSIS:

Moved by Turner, supported by Engel, **MOTION CARRIED**, to approve the April 19, 2004 clay Township Board Meeting Minutes and Synopsis as presented. AYES: All. NAYS: None. ABSENT: McKoan IV.

BILLS PAYABLE:

Moved by Turner, supported by Engel, **MOTION CARRIED**, to approve the Bills Payable in the amount of \$24,489.61. AYES: All. NAYS: None. ABSENT: McKoan IV.

PETITIONS: None.

COMMUNICATIONS:

Clerk Pellerito acknowledged publicly two of our Police Officers: Mark Edwards and Hugh Morrison when on duty, there was a stranded driver on M-29 that had a flat tire in the rain, our Officers were changing his tire, very proud of our Department helping someone in distress.

Wendy's Property owner has submitted the proper documents for the easement agreement and ready to do demolition in June.

Joint meeting with the City of Algonac Council and the Township Board is 05-04-04 at 7:30 p.m. in the Council Chambers.

St. John Marsh Clean-Up scheduled for Saturday, May 15, 2004 from 9:00 a.m. to Noon.

Water Alert Algonac/Clay Water Customers: Chemical discharge occurred April 30, 2004.

Trustee Dr. Kasperowicz: Chemicals spilled cause Cancer, adamant these companies pay for the costs produced by these spills.

Senator Gilbert has sponsored a Bill with the help of House Of Representative Members Accaviatti and Hager, the City of Algonac was awarded a grant for a real time notification system to our water plant.

Assessor Barbara Schutt has received a commemorative certificate and pin from IAAO for fifteen years of service, congratulations!!

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Clerk Pellerito expressed a thank you to Barb for always going over and above her job, an asset to the Twp. & very much appreciated.

4-6-04 Letter from Port Huron Border Patrol Station, Rich Nemitz to Police Chief Eder for the assistance from Officer Brian Stone during surveillance on April 7, 2004.

April 17, 2004 Letter from Algonac-Clay Township Historical Society, Patty Allen thanking the Board for the generous contribution to the Society.

Notice of Last Day of Registration School Election is Monday, May 17, 2004.

Notice of a Special Meeting of the Clay Township Board of Trustees on Monday, May 10, 2004 at 5:00 p.m. for the purpose of a budget workshop.

Notice of Public Hearing – Renewal of Soil Removal Permits will be held on Monday, May 17, 2004 at 7:30 p.m. for the purpose of hearing public comments for or against the renewal of soil removal permits.

Channel 6 new Schedule for viewing the Clay Township Meeting – Tuesday Noon, 3:00, 6:00 & 9:00 p.m. & Friday 12:00 (Noon) and 3:00 p.m.

Council On Aging – Request for donation, will act on at Budget time.

M.T.A. St. Clair County Chapter invites Township Officials and Board members to a workshop on Floodplain mapping and watershed planning on Thursday, May 13, 2004 in the St. Clair County Adm. Bldg. Auditorium 7:00 p.m. to 9:00 p.m.

OLD BUSINESS:

Contract negotiations: Meeting held with the DPW Union Rep. and Management, exchange went well, 2nd follow-up meeting; Command: will split actuary cost, May 10th meet with mediator.

Motion by Dr. Kasperowicz, supported by Kirkpatrick, **MOTION CARRIED**, to adopt the Resolution that the request from The Island Grille LLC be considered for New Full Year Tavern License “Above All Others” and it is the consensus of this legislative body that the application be recommended for issuance. R/C VOTE: AYES: Sharrow, Kirkpatrick, Turner, Engel, Dr. Kasperowicz, Pellerito. NAYS: None. ABSENT: McKoan IV.

Moved by Kirkpatrick, supported by Turner, **MOTION CARRIED**, to approve the bill from The Kessler Tank Co., Inc. in the amount of \$91,355.00 pending all certifications of completion and paperwork is filed by Ted Whittlesey for the repair of the Colony Tower. AYES: All. NAYS: None. ABSENT: McKoan.

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

NEW BUSINESS:

Moved by Kirkpatrick, supported by Dr. Kasperowicz, **MOTION CARRIED**, to adopt Resolution No. 2 Private Road-Lake Drive Repair and Maintenance Special Assessment District instructing the Supervisor and Assessing Officer to prepare a Special Assessment Roll containing the names of the respective owners the total amount to be assessed against each property owner. R/C VOTE: AYES: Sharrow, Kirkpatrick, Turner, Engel, Dr. Kasperowicz, Pellerito. NAYS: None. ABSENT: McKoan IV.

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Moved by Sharrow, supported by Dr. Kasperowicz, **MOTION CARRIED**, to adopt Resolution No. 3 Private Road-Lake Drive Repair and Maintenance Special Assessment District to set the public hearing to review the Special Assessment Roll as part of our regularly scheduled meeting on June 7, 2004 at 7:30 p.m. R/C VOTE: AYES: Sharrow, Kirkpatrick, Turner, Engel, Dr. Kasperowicz, Pellerito. NAYS: None. ABSENT: McKoan IV.

Moved by Dr. Kasperowicz, supported by Turner, **MOTION CARRIED**, to adopt the Resolution to authorize the vacating of an Alley within the Fords River Front Subdivision between Pte. Tremble Road and the North Channel, Clay Township, St. Clair Township, Michigan. R/C VOTE: AYES: Sharrow, Kirkpatrick, Turner, Engel, Dr. Kasperowicz, Pellerito. NAYS: None. ABSENT: McKoan IV.

Road Program Update by Clerk Pellerito: Suggested we hold off on the resurfacing of Swartout Road from McKinley to Marsh Road due to bridge replacement program, reviewed the road work committed to for this year, very aggressive program.

Moved by Sharrow, supported by Dr. Kasperowicz, **MOTION CARRIED**, to approve the estimates and agreements for the 2004 Local Road Paving Estimates and Agreements as follows:

- **Taft Road** from Island Drive to Ainsworth Road \$70,166
- **Ainsworth Road** from M-29 to Taft \$17,327
- **Benoit Road and High Road Approaches to Stone Road** \$12,340

AYES: All. NAYS: None. ABSENT: McKoan IV.

Moved by Kirkpatrick, supported by Turner, **MOTION CARRIED**, to accept the St. Clair County Road Commission April 6, 2004 Minutes and the Bridge Advisory Committee Report as submitted. AYES: All. NAYS: None. ABSENT: McKoan IV.

Ordinance No. 123-07 re: Re-Zoning of the Norma Halkias vacant lot on Fruit Road from Industrial to residential.

Trustee Sharrow: Explained the County has recommended denial, explained errors. Board Trustee Dr. Kasperowicz and Cindy Kirkpatrick voiced environmental concerns.

Moved by Sharrow, supported by Engel, to adopt Ordinance No. 123-07 amending Ordinance No. 123 for the Vacant Lot Fruit Road, Parcel 74-14-541-0116-100, Parcel #2, 4.68 acres be re-zoned from I-1 Industrial District to R-1 One Family Residential and the remaining west/north end of the parcel will remain I-1 Industrial, effective date of the re-zoning is May 12, 2004. R/C VOTE: AYES: Sharrow, Engel, Turner, Pellerito. NAYS: Kirkpatrick, Dr. Kasperowicz. ABSENT: McKoan IV.

MOTION CARRIED.

Moved by Engel, supported by Sharrow, **MOTION CARRIED**, to approve the Supervisor's recommendation to appoint George E. Lyle to fill the vacancy on the Planning Commission, term to expire on 11-15-2005. AYES: All. NAYS: None. ABSENT: McKoan IV.

BOARD MEMBER COMMENTS:

Clerk Pellerito: Township got a break, Water Dept. disconnected the water & sewer leads to the abandoned homes at Nook/Pte. Tremble, road had to be cut, cost could be about \$5,000 to bring the road back to specs, State authorized the crew currently working on the road to go further to The Galley Restaurant so State pays for patch.

Trustee Sharrow: Cost should go to the Developer, something Planning Commission should remember as requirements are established for special approval land use.

Treasurer Turner: Correct a statement made at the April 5, 2004 Board Meeting minutes, Board Member Comments, statement by Treasurer Connie Turner should read as follows:

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“Colony Road Assessment had a refund of \$98,340.00 to be given back to the residents” and should not refer to Colony Bridge Assessment.

Trustee Cindy Kirkpatrick: Comment regarding Supervisor McKoan IV recommendation to the Planning Commission was a very good choice, Mr. Lyle attends meetings regularly.

PUBLIC COMMENTS:

Harry Mikolowski: 5472 Middle Channel Drive: Update on the soil erosion permit.

Clerk Michael Pellerito: Conferences with Commissioner Pamela Wall, County Board of Commissions have discussed it, working on a system they can appropriate funding to pay for minor work permits (basic property maintenance), no resolution yet, Senator Gilbert has set up a conference call this week with DEQ in Lansing, Representative Lauren Hager and Accavitti are working with Senator Gilbert, permit not eliminated, used as a tool to educate people and assist them in their ways of curtailing soil erosion.

Harry Mikolowski: Like to see this permit go through the Bldg. Dept., stated why it would be best, explained Mr. Conti’s dilemma, Board’s support important to everyone in this district, laws are made and the laws make us a criminal.

Clerk Pellerito: Twp. Board is 110% behind you.

Harry Mikolowski: Thank you for your support.

Richard Baker, Stone Road: Support Trustee Dr. K. and Kirkpatrick in their opinion re: the Halkias property, be very careful doing anything in that dump.

Soil Erosion problem, glad there were the people represented, like another meeting set up with Federal Senators included, still a lot of unanswered questions.

John Horvath, Golf Course Road: Township has an injunction against me for the house to finish it, addressed awhile back to the Supervisor, never heard from him, needs to resolved, 30 days is not enough time to complete the ceiling, valid permit should not have an injunction against me, not legal what they are doing now, legal until December 31, 2004.

Clerk Pellerito: Questioned John when would you be done, give me a date?

Lengthy discussion between Horvath and Clerk Pellerito re: building permit, permit legal until end of December, want this problem resolved, suggest John pursue the problem at the State level.

ADJOURNMENT:

Moved by Kirkpatrick, supported by Dr. Kasperowicz, **MOTION CARRIED**, to adjourn at 8:40 p.m. AYES: All. NAYS: None. ABSENT: McKoan IV.

Michael P. Pellerito
Clay Township Clerk