

Minutes of the Clay Township Board Meeting held on Monday, May 17, 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 Turner, Trustee Pat Sharrow, Trustee Cindy Kirkpatrick, Trustee Beth Engel, Trustee Dr. L. Kasperowicz.

ABSENT: None.

Citizens present: Approximately twenty.

AMENDMENTS TO THE AGENDA:

Moved by Turner, supported by Kirkpatrick, **MOTION CARRIED**, to amend the Agenda under New Business, Item #25. Club Capri Discussion; Item #26. Township Landscaping; Item #27. Local Millage Distribution from Parks and Rec.

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

APPROVAL OF THE MINUTES AND SYNOPSIS:

Moved by Turner, supported by Engel, **MOTION CARRIED**, to approve the May 3, 2004 Regular Board Meeting Minutes & Synopsis, Special Budget Meeting Minutes held on May 10, 2004 and the Public Hearing Minutes of May 3, 2004 for Lake Drive Special Assessment and the Vacating of an Alley in the Ford Subdivision as presented. AYES: All. NAYS: None. ABSENT: None.

Moved by Turner, supported by Kirkpatrick, **MOTION CARRIED**, to approve the Joint Meeting Minutes of the Algonac City Council and the Clay Township Board held on May 4, 2004 as presented. 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 \$63,884.96. AYES: All. NAYS: None. ABSENT: None.

PETITIONS: None.

COMMUNICATIONS:

Clay Township Oaklawn Cemetery will be holding an Open House to view the new Mausoleum, May 21, 2004 from 3:30 p.m. to 5:00 p.m.

Special Meeting of the Board of Trustees will be 06-14-04 at 5:00 p.m. for the purpose of a budget workshop.

Twp. Offices will be closed Monday, May 31, 2004 Memorial Day Holiday.

Public Dedication of The Stewart Farm, Michigan Historical Marker, Sunday, May 30, 2004 at 1:00 p.m., 2007 Stewart Road, Harsens Island.

Police Department received a \$1,000 reimbursement on the purchase of tasers from MMRMA.

Clerk Pellerito remarked St. John Marsh Clean-Up was held May 15, 2004 was a success. Thanked various people for their special help every year, 175 volunteers, least amount of litter removed.

PUBLIC HEARING FOR RENEWAL OF SOIL REMOVAL PERMITS:

Jon McLane, 3601 Rattray	-	Permit #47-6
Vermeulen Enterprises, Vacant Lot Folkert	-	Permit #47-12
Robert Bryson, 3272 S. Channel Drive	-	Permit #47-13
Wes Simons Trucking – 6131/6133 Benoit Road		Permit #47-16
Thomas Volkman	- 8500 McKinley Road	Permit #47-18

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Supervisor Joseph McKoan IV opened the public hearing regarding the renewal of soil removal permits for the above noted Permits.

No public comments.

Clerk noted for the record did not receive any written correspondence regarding the permit renewals.

Building Official Michael Kras reviewed each Permit and recommended approval.

Moved by Pellerito, supported by Sharrow, **MOTION CARRIED**, to close the public hearing at 7:40 p.m. for renewal of soil removal permits. AYES: All. NAYS: None. ABSENT: None.

OLD BUSINESS:

Contract negotiation update: Reviewing pension upgrades with the D.P.W., making application to MERS to see the cost; Command, no further discussion as of this date.

Moved by Sharrow, supported by Kirkpatrick, **MOTION CARRIED**, to set the dates of Friday, June 25, 2004, 8:00 a.m. to 4:00 p.m. and Saturday, June 26, 2004, 8:00 a.m. to 4:00 p.m. as the Annual Clean-Up days in Clay Township, drop-off locations are the D.P.W. lot on Ainsworth and Brown's Field, Harsens Island and in conjunction there will be a Household Hazardous Clean-Up at the Clay Township Fire Department, 9620 Ainsworth Road, Clay Township on Saturday, June 26, 2004 at 8:00 a.m. to 4:00 p.m. AYES: All. NAYS: None. ABSENT: None.

Moved by Sharrow, supported by Kirkpatrick, to approve the Engineering Change Order for the Colony Tower Renovation with The Kessler Tank Co., Inc. to do additional structural repairs, upgrade the wax coating to pressure washing, and two coats of paint for \$10,400.

Discussion:

Trustee Dr. L. Kasperowicz: Dissatisfied with Engineering should have observed problems.

Clerk Pellerito: Still would be within budget.

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

MOTION CARRIED.

Motion by Kirkpatrick, supported by Dr. Kasperowicz, **MOTION CARRIED**, to re-advertise another bid process for the demolition of the property at 7343 Edlane, Clay Township, Michigan. AYES: All. NAYS: None. ABSENT: None.

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

NEW BUSINESS:

Moved by Turner, supported by Kirkpatrick, **MOTION CARRIED**, to approve the renewal of Soil Removal Permit #47-6 for Jon McLane, 3601 Rattray Lane, and Harsens Island. AYES: All. NAYS: None. ABSENT: None.

Moved by Kirkpatrick, supported by Dr. Kasperowicz, **MOTION CARRIED**, to approve the renewal of Soil Removal Permit #47-12 for Vermeulen Enterprises, Vacant Lot Folkert, Clay Township. AYES: All. NAYS: None. ABSENT: None.

Moved by Sharrow, supported by Dr. Kasperowicz, **MOTION CARRIED**, to approve the renewal of Soil Removal Permit #47-13 for Robert Bryson, 3272 South Channel Drive, Harsens Island for stockpiling. AYES: All. NAYS: None. ABSENT: None.

Moved by Turner, supported by Dr. Kasperowicz, **MOTION CARRIED**, to approve the renewal of Soil Removal Permit #47-16 for Wes Simons Trucking, 6131/6133 Benoit Road, Clay Township. AYES: All. NAYS: None. ABSENT: None.

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Moved by Kirkpatrick, supported by Dr. Kasperowicz, **MOTION CARRIED**, to approve the renewal of Soil Removal Permit #47-18 for Thomas Volkman, 8500 McKinley Road, Clay Township and commend Mr. Volkman for the upkeep he does on his soil removal operation. AYES: All. NAYS: None. ABSENT: None.

Moved by Sharrow, supported by Turner, **MOTION CARRIED**, to call a special meeting for the purpose of an informational hearing at the Harsens Island Lion's Club, 263 LaCroix Road, Harsens Island at 7:00 p.m., Monday, May 24, 2004 for the purpose of discussing the proposed water line extension for part of Bar Harbor, St. Clair Ave. and Green Drive. AYES: All. NAYS: None. ABSENT: None.

Discussion regarding Match Money Funding Bruckner's Island request. According to State Law, it is illegal to subsidize private enterprises. Consensus of the Township Board is the request from the Middle Channel Improvement Association be denied any Matching Road Funds.

Moved by Kirkpatrick, supported by Engel, **MOTION CARRIED**, to accept the following department reports as submitted: Assessing, Building, Planning, Zoning & Code Enforcement, Water, DRC and the St. Clair County Bridge Advisory Board Mins. AYES: All. NAYS: None. ABSENT: None.

Invitation to Host Board of Commissioner's Meeting:

Trustee Sharrow: Suggested host a meeting in August or September, giving the Planning Commission Chair sufficient time to reschedule one of their meetings.

Clerk Pellerito: Contact Troy Feltman to host a meeting and which one would be available?

Moved by Turner, supported by Kirkpatrick, **MOTION CARRIED**, to approve the travel reimbursement for Harsens Island Fire Chief Daryl DuPage and Jon Burby in the amount of \$829.88 for mileage and \$237.12 for food and lodging expenses incurred for the pre-delivery inspection and delivery of the new airboat. AYES: All. NAYS: None. ABSENT: None.

Moved by Turner, supported by Dr. Kasperowicz, **MOTION CARRIED**, to approve the reimbursement of \$650.00 to Harsens Island Firefighter Tammy Montgomery for the cost of EMT class and mileage/ferry. AYES: All. NAYS: None. ABSENT: None.

Moved by Turner, supported by Engel, **MOTION CARRIED**, to accept the bid offer of \$3,000 for the purchase of the 1976 Ford E250, VIN E25JJC57488 for sale by the Harsens Island Fire Department. AYES: All. NAYS: None. ABSENT: None.

Moved by Turner, supported by Dr. Kasperowicz, **MOTION CARRIED**, accept the Mainland Fire Chief's recommendation to approve Andrea Long and Michael Gohl as trainees with the Clay Township Fire Department. AYES: All. NAYS: None. ABSENT: None.

Moved by Kirkpatrick, supported by Sharrow, **MOTION CARRIED**, to approve the Annual Michigan Municipal League Workers' Compensation Fund in the amount of \$40,079.00. AYES: All. NAYS: None.

Clerk Pellerito: F.Y.I. 1995/96/97 \$10,000 was put back into the budget accordingly, rebate into our dividend investing.

Moved by Turner, supported by Sharrow, **MOTION CARRIED**, to amend Mainland Fire Department Budget for 2003-2004 as follows:

EXPENSES	EQUIPMENT/FEMA GRANT	206-700-984-01
ADD:	\$118,945.00	

REVENUES	FEMA GRANT	206-400-694-01
ADD:	\$118,945.00	

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

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Moved by Kirkpatrick, supported by Turner, **MOTION CARRIED**, to approve the amount of \$1,325.84 from Zimmers Sales & Service for the lawn equipment needed by the D.P.W. for maintenance of Township grounds. AYES: All. NAYS: None. ABSENT: None.

Moved by Pellerito, supported by Sharrow, **MOTION CARRIED**, to adopt the Resolution authorizing the redemption of Water Supply and Distribution System Junior Lien Revenue Bonds, Series C (the "Bonds") of which Seven Hundred Sixty-Five Thousand Dollars (\$765,000) remains outstanding and the Township is giving notice of redemption on July 1, 2004.

R/C VOTE: AYES: Sharrow, Kirkpatrick, Turner, Engel, Dr. Kasperowicz, Pellerito, McKoan IV. NAYS: None. ABSENT: None.

Moved by Kirkpatrick, supported by Dr. Kasperowicz, **MOTION CARRIED**, to approve the request from Buddy Breitmeyer to increase the transporting trash fee by \$25.00 (\$150.00 per trip) from Russell Island to Waste Management at the Russell Island Landing in Algonac as presented. AYES: All. NAYS: None. ABSENT: None.

Moved by Turner, supported by Kirkpatrick, to approve the request from Building Adm. Michael Kras to attend the Advance Training Academy on Thursday, June 17th for a fee of \$45.00. AYES: All. NAYS: None. ABSENT: None. **MOTION CARRIED.**

Moved by Turner, supported by Kirkpatrick, **MOTION CARRIED**, to amend the motion to include Planning Commission Chair Dorothy DeBoyer to also attend the Advance Training Academy on Thursday, June 17th for a fee of \$45.00. AYES: All. NAYS: None. ABSENT: None.

Moved by Pellerito, supported by Engel, **MOTION CARRIED**, to adopt the Resolution to amend the Clay Water Supply Ordinance No. 19, Section VII WATER SUPPLY SERVICE CHARGES, PARAGRAPH B, Consumption Charges from \$2.25 to \$2.32 per each One Thousand (1,000) Gallons used during the billing period in addition to the Minimum Basic Charges, effective date July 1, 2004.

R/C VOTE: AYES: Sharrow, Kirkpatrick, Turner, Engel, Dr. Kasperowicz, Pellerito, McKoan IV. NAYS: None. ABSENT: None.

Moved by Turner, supported by Pellerito, **MOTION CARRIED**, to adopt the Resolution to amend the Sewer Consumption per Clay Township Ordinance No. 51-08, Section E, paragraph 2, Section 3, be increased to \$12.00 per month (or \$36.00 per quarter) per each Capacity Unit, effective date July 1, 2004. R/C VOTE: AYES: Sharrow, Kirkpatrick, Turner, Engel, Dr. Kasperowicz, Pellerito, McKoan IV. NAYS: None. ABSENT: None.

Moved by Dr. Kasperowicz, supported by Kirkpatrick, **MOTION CARRIED**, to approve the Homeland Security Training from June 14th through June 18th for Police Chief Tom Eder, Fire Chief Rick Edler and Police Dispatcher Pat Pokorny to attend the emergency disaster train in Anniston, Alabama, event will be funded entirely by the FEMA. AYES: All. NAYS: None. ABSENT: None.

Moved by Sharrow, supported by Dr. Kasperowicz, **MOTION CARRIED**, to approve the Police Chief's request to send Deputy Chief Don Drake and Sergeant Gregory St. Coeur to attend the Taser Training Class on June 10th and June 11th at a total cost of \$390.00 and in turn they will be certified to train others in the Department on the Taser. AYES: All. NAYS: None. ABSENT: None.

National Pollutant Discharge Elimination System (NPDES) Permit for the Waste Water Treatment Plant, no action required at tonight's meeting, cost of permit if \$5,500.00 will be split three ways between City of Algonac, Ira Township and Clay Township.

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Club Capri discussion: Boat races will take place in our community June 4-5-6, 2004, North Channel Racing Association has contacted owner Rebecca Barone, Club Capri to host a one day event on Saturday night, June 5, 2004. Bringing this to the Board and the Board has the authority to make any demands, requests or denials. LLC would require a 1-day permit, parking would have to be worked out.

Motion by Dr. Kasperowicz, supported by Engel, to proceed with the granting of the one-day LLC license for Club Capri on June 5, 2004.

Discussion:

Clerk Pellerito: Motion not complete as stated.

Trustee Kirkpatrick: Calls made to the Police Department complainants of noise, how many?

Trustee Pat Sharrow: Not in agreement of a party going to very late hours, object to this, needs to be further from residential homes.

Rebecca Barone, Owner Club Capri: Waiting for more direction from the Racing Assoc., would predict the tent required until approximately 10:00 p.m. comments re: entertainment, times, etc.

Motion by Dr. Kasperowicz, supported by Engel, to make a subsequent motion to allow Club Capri permission to host a one-day event on Saturday, June 5, 2004 for the North Channel Racing Association with the following restrictions:

- The tent can be only open until 11:00 p.m.
- No outside entertainment
- Parking – make arrangements for extra parking, not allowed any parking on the road.
- Temporary LCC License must be obtained.

AYES: All. NAYS: None. ABENT: None.

MOTION CARRIED.

Moved by Sharrow, supported by Kirkpatrick, **MOTION CARRIED**, to allow up to \$1,5000 for the landscaping to the Township Hall and include the Clay Township sign to the west on Dyke Road. AYES: All. NAYS: None. ABSENT: None.

Moved by Turner, supported by Sharrow, **MOTION CARRIED**, to request the 2004 Local Millage Distribution amount of \$35,486.89 from St. Clair County Parks and Recreation Commission. AYES: All. NAYS: None. ABSENT: None.

BOARD MEMBER COMMENTS:

Clerk Pellerito: Soil Removal Permit update – Senator Gilbert, Rep. Hager, Don Maronde have put together a new amendment to the permitting application with a new soil erosion sedimentation control low impact landscape permit and permit waiver, these two permits will be sent to the DEQ for their approval and then adopted by the St. Clair County Board of Commissioners and the Road Commissioners. Explained how the amendment will be very friendly user to the homeowner. 45-60 days this amendment can be implements and in place.

PUBLIC COMMENTS:

Richard Baker, 9212 Stone Road: Private citizens should not even be considered in the Soil Removal Permit system, totally ridiculous, Flats were built by erosion, another way for the Government to control.

Robert Williams, 207 Stewart, Harsens Island: When will the Harsens Island Fire Department dispose of the other fire truck?

Clerk Michael Pellerito: Auction on June 12th, advertise in The Voice and Times Herald.

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Paul Paulus, 6052 Pte. Tremble Road: Own property zoned industrial, re-zoned to C-2, don't know why it was changed, like this Board to rectify this and return it to industrial zoning.

Pat Sharrow: Investigate and review the issue for this property.

Pat Alexander: Communication Workers of America, Local 4107, Pt. Huron: Comcast Cable issues re: pricing, service quality and their privacy act, requesting Township Officials to force Comcast Cable to live up to the franchise agreement, asking residents to email Senator John McCain to encourage him to re-regulate the rates.

ADJOURNMENT:

Moved by Kirkpatrick supported by Engel, **MOTION CARRIED**, to adjourn the regular meeting at 8:36 p.m. AYES: All. NAYS: None. ABSENT: None.

Michael P. Pellerito
Clay Township Clerk