

Minutes of the Clay Township Board Meeting held on Monday, July 19, 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 Michel P. Pellerito, Treasurer Connie Turner, Trustee Pat Sharrow, Trustee Cindy Kirkpatrick, Trustee Beth Engel, Trustee Dr. L. Kasperowicz.

ABSENT: None.

Citizens present: Approximately thirty (30).

AMENDMENTS TO THE AGENDA:

Moved by Turner, supported by Kirkpatrick, **MOTION CARRIED**, to amend the Agenda under New Business, Item #11. Algonac K Of C Request to hold a "Meet the Candidate" Forum on July 29, 2004. AYES: All. NAYS: None. ABSENT: None.

APPROVAL OF THE JULY 6, 2004 BOARD MINUTES AND SYNOPSIS:

Moved by Sharrow, supported by Turner, **MOTION CARRIED**, to approve the July 6, 2004 Minutes and Synopsis with an amendment on page 4, down ½ page to Trustee Sharrow's comment, should read as follows: "Did not think the Board Meeting was the place to have a "Meet the Candidate" night, if going to have a "Meet the Candidate" night should have all candidates present.

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 \$60,940.45. AYES: All. NAYS: None. ABSENT: None.

PETITIONS: None.

COMMUNICATIONS:

07-08-04 Thank you note from the Algonac/Clay Township Historical Society to Clerk Pellerito and Treasurer Turner for the use of the electricity to the annex for The Log Cabin Day.

Public Accuracy Test held in the Twp. Board Room, Thurs., July 22, 2004 at 1:00 p.m.

Notice to qualified electors of the Township of Clay of the Primary election, Clerk's Office will be open Saturday, 7-31-04 from 9:00 a.m. to 2:00 p.m. for the purpose of receiving absentee ballots.

Notice to Electors of Clay Township of Polls opening and the Precinct locations.

Notice of Public Hearing for the Police, Mainland/Harsens Island Fire Departments and Russell Island special assessment levy for 2004-2005, August 2, 2004, 7:00 p.m.

OLD BUSINESS:

Contract negotiations: Discussion of the Police Chief Thomas Eder's Contract.

Trustee Engel: Questioned Item #2 concerning the phrasing of a minimum of a forty-hour workweek, think it should state, "no matter how many hours it takes to get a job done" and the vacation time equates to hours or days, 15 days.

Clerk Pellerito explained the vacation calculation and the MERS upgrade to B-4, need direction from the Board.

Trustee Sharrow: Per Chief's memo, he does not want his contract re-visited, if have the figures for MERS and if language to insure it will be the same as Command, have no problem with the contract, 2 year to a 3 year contract.

Clerk Pellerito: Deputy should submit to Chief (#4) will follow Command. Make the changes to the Contract, meet with the Chief and bring back to the next Board meeting for approval.

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BMJ Request \$102,457.01 for Harsens Island Water Main Additional Engineering fees for the project and outstanding balance discussion:

Trustee Cindy Kirkpatrick: Request itemized bills.

Clerk Pellerito: Bringing this to the Board's attention, no action at this time, here tonight for the Board to see where this is at, assemble all the info the Board has requested, BMJ attend a meeting and place it on a future agenda.

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

Tony Antkowiak, Represent the Algonac Knights of Columbus re: "Meet the Candidate", will invite all candidates, nonpartisan, opportunity to present themselves and the public will be able to ask them questions.

Bill LaParl: Think the "Meet the Candidate" should be held in the Twp. Board Room.

Tony Antkowiak: K Of C is requesting to use the Township Board Room, sponsored by the K Of C.

NEW BUSINESS:

Project Control Engineering, Inc. At Will Agreement for Professional Services: Clerk Pellerito explained John Monte would want some assurance the Township will utilize his services on upcoming engineering projects and others in the future.

Motion by Dr. Kasperowicz to utilize the engineering services of Project Control Engineering, Inc.

MOTION DIED.

Clerk Pellerito: If Board is in agreement or have any amendments, will duplicate the agreement to reflect the Township's agreement.

Trustee Sharrow: Like to use PCE, never found it necessary to sign an agreement to make someone the exclusive rights as an engineer, never required before, why now.

Clerk Pellerito: Reassured her it would not designate PCE exclusively as the engineer for the Township. He has submitted agreements for professional limited services for the Harsens Island project, will hold off until there has been the public hearings held.

Motion by Sharrow, supported by Kirkpatrick, **MOTION CARRIED**, to hold off another meeting before a decision is made on the At Will Agreement for Professional Services between Township of Clay and Project Control Engineering, Inc. AYES All. NAYS: None. ABSENT: None.

Resolution No. 1 Waterline District #7E: Clerk Pellerito explained cost increase per foot to the original petition cost, public needs to know of the increase.

Moved by Kirkpatrick to keep the public hearing date of August 9, 2004.

Discussion: Clerk Pellerito: Cannot call for a public hearing until you establish a project cost.

Moved by Kirkpatrick, supported by Dr. Kasperowicz, **MOTION CARRIED**, to amend the motion to set the date of August 9, 2004 for a special meeting of the Township Board to meet at 7:00 p.m. in the Harsens Island Lion's Hall, 263 LaCroix Road for the purpose to discuss with the Harsens Island residents the possible price to install the water line for a water supply distribution system for Green Drive and the remaining section of St. Clair Ave. and Bar Harbor. AYES: All. NAYS: None. ABSENT: None.

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Request from Board of County Road Commissioners requesting the Township have a representative participate in a sub-committee for the purpose of discussing drainage from private property which enters the county road ditches.

Discussion: This ruling could hurt a lot of people who do drain their land in that respect, i.e. holding ponds required, where do they drain, soil removal outfits that pump into County road ditches; should have an expert in this field on this sub-committee, important Supervisor McKoan be at the meeting.

Moved by Turner, supported by Kirkpatrick, **MOTION CARRIED**, to receive and file the month of June Department Reports for Assessing, Building, Planning, Zoning, & Code Enforcement, Water, Downriver Recreation Commission and the July Townships Roads and Bridges Advisory Committee as submitted. AYES: All. NAYS: None. ABSENT: None.

2005 Local Road Funding Assistance Program:

Clerk Pellerito: Technically do not qualify for this grant used it for Phelps and Morrow Road, should still apply and see what happens, monies left over from snow removal program, apply mutually with Cottrellville for work to Genaw Road.

Trustee Sharrow: Should take advantage of extensive roadwork already, suggested do some resurfacing on some existing roads, i.e. Folkert Road maintain what we already have.

Moved by Dr. Kasperowicz, supported by Sharrow, **MOTION CARRIED**, to waive the necessary building permit fees required for the Harsens Island Lions Club construction of a storage shed on the grounds of the Lions Club. AYES: All. NAYS: None. ABSENT: None.

Rescue Boat Mainland Fire discussion:

Trustee Sharrow: Questioned what does the Fire Department owe on the truck, how many payments left?

Treasurer Turner: 2 years, paid this year, one to go, discussed with Two Fire Chiefs and Trustee Engel ways of charging the out islands for fire protection and depending on the out island location would determine which fire department would go on the call, funded through a special assessment of the residents.

Discussion whether these people would accept that.

Chief Rick Eder: Update on the financial status of Fire Department: budgeted \$260,000 for loans, 3.75% 5-year estimate for the loan, have available fund raiser money can use towards the equipment fund, \$100,000 from grants used on equipment.

Moved by Dr. Kasperowicz, supported by Kirkpatrick, to approve the purchase of the Zodiac 24' rescue boat from West Shore Fire for the cost of \$56,065.00.

Discussion:

Treasurer Turner: Asked Chief if he would consider purchasing the Motorola radio from the fundraiser money, would lower the cost to \$54,470.00.

Moved by Dr. Kasperowicz, supported by Kirkpatrick, to amend motion to purchase the Zodiac 24' rescue boat from West Shore Fire for the cost of \$54,470.00.

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

MOTION CARRIED.

Moved by Turner, supported by Kirkpatrick, **MOTION CARRIED**, to allow the Mainland Fire Department to purchase the new fire SM750 Mini-Pumper mounted on a Peterbuilt 335 4x2 chassis from Apollo Fire Equipment plus radio for \$202,714.00.

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

Motion by Pellerito, supported by Engel, **MOTION CARRIED**, to allow the Mainland Fire Department to use 25% of fund balance to be applied towards the \$202,714.00 purchase of the pumper from Apollo Fire Equipment. AYES: All. NAYS: None. ABSENT: None.

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Motion by Sharrow, supported by Kirkpatrick, **MOTION CARRIED**, to approve the St.Clair County Road Commission Agreement for the replacement and removal of the catch basin and curb work in front of 6465 Marina Drive in the sum of \$8,000.00. AYES: All. NAYS: None. ABSENT: None.

Moved by Engel, supported by Dr. Kasperowicz, **MOTION CARRIED**, to reimburse Harsens Island Fire Chief Daryl DuPage in the amount of \$473.00 for eyeglasses lost on a fire run. AYES: All. NAYS: None. ABSENT: None.

Moved by Dr. Kasperowicz, supported by Engel, **MOTION CARRIED**, to have the “Meet the Candidate” Forum sponsored by the Algonac K Of C on Thursday, July 29, 2004 at 7:30 p.m. in the Clay Township Meeting Hall, 4710 Pte. Tremble Road, Clay Township. AYES: All. NAYS: None. ABSENT: None.

Clerk Pellerito: Need video operator, who pays, \$45.00 per hour.

Moved by Kirkpatrick, supported by Turner, **MOTION CARRIED**, to authorize one of the video persons to come in and video the “Meet the Candidate” Round-table. AYES: All. NAYS: None. ABSENT: None.

BOARD MEMBER COMMENTS:

Supervisor Joseph H. McKoan IV: Concerning soil erosion issue and the request from Mr. Mikolowski at the last Board Meeting for follow-up: State Representative Lauren Hager only individual that responded to letters sent out. Issue to go before the County Board of Commissioners, reduce fees 45%, waive other fees. Secretary of State Candice Miller land use is not her bailiwick, no control over land use.

Per Senator Jud Gilbert the County Commissioners will meet on Wednesday to revise and reduce the Soil Erosion schedule.

Clerk Pellerito: Contract negotiations scheduled for DPW; actuaries for Command will now meet with John McNamee and try to settle with the Command Officers.

Clerk Pellerito: South Channel Light Houses received four R.F.P., meeting with the South Channel Range Light folks to review the R.F.P. forward them on to the State Historical Preservation Office for their review.

The North Channel Off Shore Racing Assoc. will be meeting and like the Board’s blessing to put the event on again next year.

Election School at the Township on Tuesday, July 20, 2004.

Follow-up on Mrs. B. Schulke’s statement had not received an agenda, verified agenda was received by her attorney.

Colony Tower is done, couple thousand dollars leftover in fund balance, brought in under budget.

Township Clean-up Day update: \$7,800 cost with the disposal of the tires, etc., underneath the proposed \$10,000 on the clean-up, use the remaining money to dispose of the propane tanks.

Trustee Sharrow: What did we net from the Police auction?

Treasurer Turner: About \$5,000.

Update on the Taft Road Project has been started to replace waterlines.

Water Bonds were paid off June 30th.

Trustee Kirkpatrick: Colony Tower should be painted “Clay Colony Tower”, owned by the Township not the people of Colony Drive.

Clerk Pellerito: Board’s consideration to finish off the Tower; wooden entrance and in the best interest to cement floor to control moisture.

Clerk Pellerito: Update on the Harsens Island Fire Department pumper advertised, will open bids on August 2, 2004 Meeting.

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PUBLIC COMMENTS:

Whitey Simon, Harsens Island: Clean up was very successful on Harsens Island, schedule it more regularly; salary position comment: always tie a 40-hour workweek to a salary position.

Arnold Mikolowski: Update re: Soil Erosion case, Court date is set for 8-04-04, requested a jury trial, no representation by council, very determined to go all the way with this case, demand a jury trial, America and should be able to maintain my property, not doing this for myself, it is for the people.

Mark Pysora: Offered his expertise in the drainage field concerning the sub-committee.

Mr. Flynn, Lakepointe Blvd.: Complaints about the maintenance of Oaklawn Cemetery, no flag flying, bought one and put it up, gravestone is out of place and cracked, lawn cutting is done carelessly and no respect for the gravestones.

Clerk Pellerito: Flag was not flying because waiting for the installation of a light; Township DPW staff is now maintaining the cemetery grounds.

Jason Jordan, Pte. Tremble Road: Situation is immoral for a man not to be allowed to do work on his property, how to help Mr. Mikolowski: citizens show up in Court on his behalf and public officials could make a public statement, is Township required to fill the same permit requirements, Township should take a stand until it is changed to allow property maintenance, can't let this man stand by himself, like to see the Board go on record and the Township take a stand until the Soil Erosion Permit makes homeowners exempt for maintaining their property.

William LaParl: Township Board send a resolution in support of Harry Mikolowski's situation with the Soil Erosion permit, it affects every citizen.

Supervisor Joseph H. McKoan IV: The Judge will not accept a resolution from the Board.

Clerk Pellerito: Have another Board meeting before the Court hearing, get the proper verbiage together and bring the resolution back at the next meeting, cannot pass a resolution when it is not in front of the Board.

Arnold Mikolowski: Thank you to many people for their support, disappointed in Senator Judson Gilbert, he made this legislation and he was part of that, recall to move him out of office.

Rocco Prinzivalli, Sr.: Special meeting on the 30th of June when was it advertised?

Clerk Pellerito: Posted 18 hours on the Township doors.

Rocco Prinzivalli, Sr.: Referred to a letter posted on the website, questioned the accuracy.

John Horvath, Golf Course Road, Harsens Island: Referred to the drain off of private property, drain the roadways off at the resident's expense. Presented Supervisor McKoan IV with a letter.

ADJOURNMENT:

Moved by Kirkpatrick, supported by Turner, **MOTION CARRIED**, to adjourn the meeting at 9:03 p.m. AYES: All. NAYS: None.

Michael P. Pellerito
Clay Township Clerk