

Minutes of the Clay Township Board meeting held on Monday, August 2, 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 P. Pellerito, Treasurer Connie Turner, Trustee Pat Sharrow, Trustee Cindy Kirkpatrick, Trustee Beth Engel, Trustee Dr. L. Kasperowicz.

ABSENT: None.

Citizens present: Forty plus.

AMENDMENTS TO THE AGENDA: None.

APPROVAL OF THE JULY 19, 2004 MINUTES AND SYNOPSIS:

Moved by Sharrow, supported by Dr. Kasperowicz, to approve the July 19, 2004 Minutes and Synopsis as submitted.

Discussion: Trustee Kirkpatrick stated on page 2, top of page, she requested the itemized bills.

AMENDED THE MOTION TO APPROVE THE JULY 19, 2004 CLAY TOWNSHIP BOARD MEETING MINUTES AND SYNOPSIS WITH THE CHANGE ON PAGE 2 AS STATED. 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 \$34,505.43. AYES: All. NAYS: None. ABSENT: None.

PETITIONS: None.

COMMUNICATIONS:

Primary Election will be held Tuesday, August 3, 2004, time and precinct voting places.

Algonac/Clay Historical Society presents Algonac Day, Sunday August 22, 2004 at the Museum and Memorial Garden.

OLD BUSINESS:

Moved by Sharrow, supported by Dr. Kasperowicz, **MOTION CARRIED**, to approve the Clay Township Police Chief Thomas Eder the three-year contract from July 1, 2004 to June 30, 2007 as presented. 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 At Will Agreement for Professional Services between Township of Clay and Project Control Engineering, Inc. R/C VOTE: AYES: Sharrow, Kirkpatrick, Turner, Engel, Dr. Kasperowicz, Pellerito, McKoan IV. NAYS: None. ABSENT: None.

Moved by Pellerito, supported by Engel, **MOTION CARRIED**, to approve the final payment of \$7,481.85 to Whittlesey Development for the completion of the Colony Tower restoration. AYES: All. NAYS: None. ABSENT: None.

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

Rocco Prinzivalli, Sr., 9938 N. River Road: Referred to #1 Petitions/Resolutions for Board Members, what will the Board do and how will this be handled?

Clerk Pellerito: Request the Supervisor allow public comments after Item #1.

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Paul Bridgman, Colony Drive: Item #16 – Workshop what is that for?

Supervisor McKoan IV: Explained through MTA, Township Board members and Building Department allowed to attend.

NEW BUSINESS:

Supervisor McKoan IV: Stated letter from Clerk Pellerito indicating the petitions are defective by law and a letter to reconsider and rescind the three resolutions of June 21, 2004, not allowed to do so now by Court Order, suit was filed by Mr. Jon Manos against the Clerk and the Township.

Clerk Pellerito: Summarized to the Board an update of the petitions deficiencies, relinquishment of salary increases for Supervisor, Clerk and Treasurer. Temporary restraining order was issued on Monday to maintain those resolutions.

At this time, am going to exercise the “substantial compliance doctrine” and declare the petitions are legal and valid, making the restraining order null and void, raises will stay intact until the election.

Supervisor McKoan IV: Disapprove a technique by Mr. Manos to place a restraining order on the raises, reiterated nothing can be done today to lower the raises because of the Court Order.

Trustee Pat Sharrow: Requested a copy of Attorney McNamee’s letter explaining the petition deficiencies and his advice.

Clerk Pellerito: Explained questions presented to Attorney McNamee and his opinion. Intense conversation between Clerk and Trustee Sharrow re: petition form used, petition circulated and residents signed it “good faith”, State Law regarding lowering of salaries. Trustee Sharrow: lengthy remarks the events leading up to the submitting of petitions. Comments by Trustee Engel and Trustee Kirkpatrick regarding the wage issue.

Clerk Pellerito: Remarks directed to some of Trustee Sharrow’s statements. Read his letter to the public requesting salary resolutions for elected officials withdrawn. Comparisons to other Townships are not feasible, reasons so different.

Trustee Dr. Kasperowicz: Stated reasons why he recommended the additional raises for the positions.

Trustee Sharrow: Issue is people have requested an election.

Supervisor Joseph H. McKoan IV: Reiterated the legal steps that will be followed now.

Public Comments:

Rocco Prinzivalli, Sr.: Remarks re: not going to rescind the raises.

Richard Baker, Stone Rd.: Signed petition, changes due to Supervisor not doing his job; can’t deny the people their right to vote, never had such trouble in the Township.

Bid Opening of the Harsen’s Island Fire Pumper:

1. StewarT Farm, \$3,150.00
2. Darin Gabriel \$5,069.00 Phone
3. Nick Perfili, Roseville \$1,950.00
4. Kevin Allen, \$5,005.99

Motion by Dr. Kasperowicz, supported by Kirkpatrick, to accept the bid of \$5,069.00 from Darin Gabriel for the purchase of the Harsen’s Island Fire Pumper.

Discussion:

Trustee Kirkpatrick: Suggested if 1st bid does not follow through, can we take the 2nd bid?

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Amended motion by Kirkpatrick, supported by Dr. Kasperowicz, to accept the bid of \$5,069.00 from Darin Gabriel to purchase the Harsens Island Fire Pumper, with stipulation if bidder does not come through with the finances within a month, the bid will go to the next highest bid of \$5,005.99 with equipment.

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

Moved by Kirkpatrick, supported by Dr. Kasperowicz, **MOTION CARRIED**, to send the letter to Judge Richard Cooley, 72nd District Court on behalf of the Clay Township Board in support of Mr. Harry Mikolowski in his endeavor to change the St. Clair County's enforcement of the soil erosion and sedimentation control act. AYES: All. NAYS: None. ABSENT: None.

Moved by Sharrow, supported by Kirkpatrick, **MOTION CARRIED**, to postpone the adoption of Ordinance No. 123-08 to rezone property presently zoned as RS-1 - Residential Suburban to R-1 One Family Residential vacant land Taft Road until more information can be obtained regarding the applicant's request to extend 50' beyond the north borderline. AYES: All. NAYS: None. ABSENT: None.

Moved by Kirkpatrick, supported by Turner, **MOTION CARRIED**, to receive and file the May/June Police Department Report, St. Clair County Road Commission July Minutes and the Waste Water Treatment Plant May Maintenance Report as submitted. AYES: All. NAYS: None. ABSENT: None.

Moved by Sharrow, supported by Turner, **MOTION CARRIED**, to adopt the LLC Resolution requesting from Donald Auto Sales, LLC to transfer ownership of 2002 Class C License business, located in escrow at 6211 Pointe Tremble, Pearl Beach, MI 48001, Clay Township, St. Clair County, from E. & P. Corp.; James R. Goerlich, Receiver (Step II) pending final approvals by the Township Building & Zoning Department and the Mainland Fire Department reports.

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

Moved by Turner, supported by Kirkpatrick, **MOTION CARRIED**, to adopt the Resolution for Special Assessment for the Clay Township Police Department will remain at 4.35 Mills based on Taxable Value estimated to be \$1,773,851.33 before TIFA and DEQ dollar amount removed for 2004.

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

Moved by Sharrow, supported by Engel, **MOTION CARRIED**, to adopt the Resolution for Special Assessment for the Clay Township Mainland Fire Department will remain at 1.3750 Mills based on Taxable Value estimated to be \$400,253.17 before TIFA and DEQ dollar amount removed for 2004.

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

Moved by Turner, supported by Kirkpatrick, **MOTION CARRIED**, to adopt the Resolution for Special Assessment for the Clay Township Harsen's Island Fire Department will remain at 1.75 Mills based on Taxable Value estimated to be \$181,5743.53 before DEQ dollar amount removed for 2004.

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

Moved by Turner, supported by Engel, **MOTION CARRIED**, to adopt the Resolution for Special Assessment for the Russell Island Fire District will remain at .9000 Mills based on Taxable Value estimated to be \$4,862.78 for 2004.

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

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Moved by Turner, supported by Sharrow, **MOTION CARRIED**, to bring on two new trainees Denise Marcinkoske and Robert Gunnells as recommended by the Clay Township Mainland Fire Department Chief. AYES: All. NAYS: None. ABSENT: None.

Moved by Dr. Kasperowicz, supported by Turner, **MOTION CARRIED**, to approve the purchase of the following equipment for the Harsens Island Fire Department: (1) Garmin 2010 Color GPS/w card, (3) Ice Commander cold water suits, (4) MJ6214T1 Mustang Jackets w/ reflective tape, (8) MV3128T Mustang Jackets w/reflective tape and (4) Auto inflate vest for a total cost of \$5,082.36 purchased from Mikes Marine in Algonac. AYES: All. NAYS: None. ABSENT: None.

Moved by Dr. Kasperowicz, supported by Engel, **MOTION CARRIED**, to accept John B. Sassaman as a new trainee on the Harsens Island Fire Department. AYES: All. NAYS: None. ABSENT: None.

Moved by Dr. Kasperowicz to approve the equipment purchases from the Government surplus auction for the Harsens Island Fire Department.
MOTION DIED FOR LACK OF SUPPORT.

Discussion: Purchases over \$1,000, need prior approval from Twp. Board, Fire Dept. tax-exempt, need more information.

Motion by Pat to postpone for more information.
DIED NO SECOND.

Moved by Kirkpatrick, supported by Engel, **MOTION CARRIED**, to reimburse the Harsens Island Firefighters Association \$900.00 for the Government surplus purchase for a New Hale P 250 Mod2 w/fuel tank for Harsens Island Fire Department. AYES: All. NAYS: None. ABSENT: None.

Moved by Sharrow, supported by Dr. Kasperowicz, **MOTION CARRIED**, to accept the offer from Bob Johnson owner of Bud's Auto Mortuary to pay \$50.00 each for four (4) vehicles in the Clay Township Police Impound Yard. AYES: All. NAYS: None. ABSENT: None.

Moved by Turner, supported by Kirkpatrick, **MOTION CARRIED**, to approve any members of the Township Board of Trustees, Planning Commission or ZBA to attend the MTA workshops – Land Use Tools: Piecing the Puzzle Together and Laying Out Your Land Use Future to be held at three different Michigan locations in August, 2004. AYES: All. NAYS: None. ABSENT: None.

BOARD MEMBER COMMENTS:

Supervisor Joseph H. McKoan IV: Good luck to everyone running for an office in the Primary Election.

Trustee Engel: Addressed comment to Harry Mikolowski, we'll all be there for you at Court on Wednesday.

PUBLIC COMMENTS:

Joseph H. McKoan IV, 9890 N. River Road: Offered his legal services to Harry Mikolowski this week at Court if you want them I am available for you.

Kevin Allen, 6080 Middle Channel, Harsens Island: Auctions, 72 hours payment required.

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Harry Mikolowski: Thank you to Joe for coming forward, few lawyers would take on a State system, thanks for letter of support, Times Herald and The Voice for the articles, support from everyone at the Court on Wednesday, right to take care of my property, mentioned those in Court and legislation that have not helped.

Rocco Prinzivalli, Sr.: Remarks toward the Board regarding “Meet the Candidate” night.

John Makuch: Don’t appreciate Mr. Prinzivalli’s comments, suggestion form a board to research wages.

Paul Bridgman, Colony Road: Praised Trustee Kirkpatrick for her performance on the ZBA; wage comments.

Jay DeBoyer, 6610 Holland Road: Comments regarding definition of nepotism and Dr. Kasperowicz’s remarks.

Frank Gitre, 7269 Flamingo: Protested the raises, could this have affected wife not working on the election.

David Dare, 9370 Lakepointe Blvd.: Voters tomorrow will decide whom they are going to vote for.

Mark Pyszora: Remarks re: price the Township paid to attorney fees last budget year was \$150,000 to \$250,000, hope new Officials will take care of this problem.

Dorothy DeBoyer: Explanation as to why not all 43 certified election inspectors worked the primary; do not appreciate the slander have heard tonight, long time citizen of the community.

Trustee Cindy Kirkpatrick addressed the citizens from the podium regarding comments from Mr. Baker, Rocco Prinzivalli, Sr., Board’s accomplishments.

Rick Baker, Starville Road: Comments political comments.

Tom Krueger, Cottage Lane, Harsens Island: Congratulate the Board, done a great job, agree with the salary increases.

Rick Baker, Starville: Discuss like adults, ridiculous, pointing fingers at each other.

Kevin Allen: Board has done a good job and wish everyone good luck.

ADJOURNMENT

Moved by Turner, supported by Dr. Kasperowicz, **MOTION CARRIED**, to adjourn the meeting at 9:32 p.m. AYES: All. NAYS: None. ABSENT: None.

Michael P. Pellerito
Clay Township Clerk

