

Minutes of the Clay Township Board meeting held on Tuesday, September 7, 2004 at 7:30 p.m. in the Clay Township Meeting Hall, 4710 Pte. Tremble Road, Clay Township, Michigan 4001.

PRESENT: Supervisor Joseph H. McKoan IV, Clerk Michael Pellerito, Treasurer Connie Turner, Trustee Pat Sharrow, Trustee Cindy Kirkpatrick, Trustee Dr. L. Kasperowicz, Trustee Beth Engel.  
ABSENT: None.

Citizens present: Fifteen.

**AMENDMENTS TO THE AGENDA:**

Moved by Sharrow, supported by Kirkpatrick, **MOTION CARRIED**, to approve the amendments to the Agenda under New Business: #10. Add an additional person to the request from the H.I.F.D. for FFI and FFII Classes; Add #15. H.I. Waterfowl Hunter's Association request permission to sell raffle tickets – Resolution for Charitable Gaming License; #16. Discussion with the Board re: contacting a traffic study expert to obtain a traffic light at Pte. Tremble & Ainsworth; #17. Board discussion about support for people who are being hindered from building a home by local Drain Commissioner.  
AYES: All. NAYS: None. ABSENT: None.

**APPROVAL OF THE MINUTES, SYNOPSIS, PUBLIC HEARING & SPECIAL:**

Moved by Turner, supported by Engel, **MOTION CARRIED**, to approve the August 16, 2004 Minutes and Synopsis with the following corrections: Page 2, last sentence of the 3<sup>rd</sup> motion from the bottom, should read: "McKoan IV. ABSENT: None."

VOTE WITH AMENDMENTS: AYES: All. NAYS: None. ABSENT: None.

Moved by Sharrow, supported by Kirkpatrick, **MOTION CARRIED**, to approve the August 30, 2004 Public Hearing and Special Meeting Minutes on the H.I. Waterline as submitted. AYES: All. NAYS: None. ABSENT: None.

**BILLS PAYABLE:**

Moved by Kirkpatrick, supported by Sharrow, to approve the Bills Payable in the amount of \$49,080.01.

Trustee Kirkpatrick: Audit cost under General; Hi-Tech repair.

VOTE ON THE BILLS PAYABLE: AYES: ALL. NAYS: NONE. ABSENT: NONE.

**MOTION CARRIED.**

**PETITIONS:** NONE.

**COMMUNICATIONS:**

08-23-04 Thank you from the Cherry Beach Senior Center for the Township money donation.

Notice of Special Clay Township Board Meeting Tuesday, September 21, 2004 at 7:00 p.m., Harsens Island Lion's Hall re: H.I. Waterline District #7E and #7F.

Notice to the Qualified Electors of Clay Township re: Special Election on October 4<sup>th</sup>, voting precincts, proposals on the ballot and hours polls are open.

Notice to Qualified Electors of Clay Township re: Absent Voter ballots available for the October 4<sup>th</sup> Special Election at the Township Offices and Clerk's Office hours for Saturday, October 2<sup>nd</sup> are 9:00 a.m. to 2:00 p.m.

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Trustee Sharrow questioned the Clerk as to how a registered voter can obtain an absentee voter application.

Clerk Pellerito: Applications are available at the Township or telephone and will send it out.

**OLD BUSINESS:**

Command Contract: Supervisor McKoan IV explained recent developments re: Command negotiation, referred to Twp. Attorney letter indicating Clerk Pellerito's offer to assist in the negotiations.

Clerk Pellerito detailed two corrections to the Contract: page 18 hours in the contract shall be reduced to 224 hours; page 18 bottom of the page, does not cite the 10/20 prescription, page 24 St. Coeur and Rummel were on the sponsored dependent premium, no retro pay for these two Command Officers, Sgt. Foster will receive a 2003-04 retro pay; 4.8% contribution will take affect on July 1<sup>st</sup>, continue on the B-2 program until 7-01-05, mirror of Patrol's contract.

Moved by Turner, supported by Kirkpatrick, **MOTION CARRIED**, to approve the three-year COMMAND CONTRACT with the following corrections to the Contract as stated:

- Page 18, hours should read 224 and not 336
- Page 18, Prescriptions went to 10/20 from 5/10,
- Page 24, retro pay to Sgt. Foster. Rummel & St. Coeur will not receive Retro due to the sponsored dependent premium & the family continuation,
- MERS upgrade 4.8% Contribution will take affect on 7-01-05,
- Elimination of sponsored dependent premium & family continuation
- Reduction of the vacation hours for the senior officers
- MERS Pension increase stayed within the 4% increase to the Township.

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

Water Department Contract update: Postponed a meeting due to death in Supervisor DeBoyer's family, will meet next week to discuss the 3% increase from the 2001 wages for the starting salaries of the new hired, transferred or promoted personnel.

Police Secretary proposed a \$1.00 an hour increase, retroactive to July 1, 2004.

Motion by Turner, supported by Sharrow, **MOTION CARRIED**, to grant Police Secretary Jennifer Locke a \$1.00 increase per hour bringing her hourly wage to \$10.27. AYES: All. NAYS: None. ABSENT: None.

Motion by Sharrow, supported by Kirkpatrick, **MOTION CARRIED**, to submit the 2005 Local Road Funding Assistance Program application to the County for a grant money request to resurface Folkert Road from Taft Road to Holland Road in the amount of \$64,500. AYES: All. NAYS: None. ABSENT: None.

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

**NEW BUSINESS:**

Discussion of connecting Pearl Beach Blvd. and Maynard Court:

Peter Avers owns parcel W-308A1, willing to give up easement for the road to come through, school bus and garbage trucks difficult time turning around, in the public interest to have those roads connected.

Clerk Pellerito: Issues to consider: accessibility to snow plowing in the Winter months, cost involved S.A.D. or Township pay the bill, will the property owners on both streets agree to this and will there be any financial assistance from the County?

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Trustee Kirkpatrick and Sharrow should be up to the people on Maynard Court, proper petition should be circulated. Questioned who owns the land between Maynard and Pearl Beach Blvd.?

Clerk Pellerito: If roads were connected, County would assist more financially.

Trustee Sharrow: Some years ago, County accepted more than 600' of Pearl Beach Blvd., more investigation needed, Maynard Court drainage issue.

A DECISION WILL NOT BE MADE TONIGHT.

Motion by Kirkpatrick, supported by Turner, **MOTION CARRIED**, to adopt Resolution No. 1 Waterline District #7F, portion of Columbine Road North of the Harsens Island Elementary School, Harsens Island setting the date for the Public Hearing to be held on Tuesday, September 21, 2004 at 7:00 p.m., Harsens Island Lion's Hall, 263 LaCroix Road, at which time the Township Board shall hear objections to the petition, the proposed improvements or the proposed Special Assessment District.

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

Motion by Kirkpatrick, supported by Turner, **MOTION CARRIED**, to receive and file the Waste Water Treatment Plant, Water, Mainland Fire and Algonac/Clay Library monthly reports as submitted. AYES: All. NAYS: None. ABSENT: None.

Motion by Turner, supported by Kirkpatrick, **MOTION CARRIED**, to approve the 2<sup>nd</sup> installment of the annual contribution to the Downriver Recreation Commission in the amount of \$14,000.00. AYES: All. NAYS: None. ABSENT: None.

Motion by Sharrow, supported by Pellerito to give the Building Inspector the authority to proceed to the Township Attorney to seek to have unlawful structures removed in the St. Clair Flats.

Discussion:

Trustee Kirkpatrick: Instead of removed, like to see the proper channels followed, harsh step all at once.

Trustee Sharrow: If we can work with these people to be brought into compliance, flood plain elevation, if building is below the level, must be removed, if built by a local contractor involved, want this made public, betrayed by the contractor if built w/o permits.

Motion by Sharrow, supported by Pellerito TO RESCIND THE MOTION.

Building Official Michael Kras: Letters sent out to the eight (8) owners of the structures requesting building compliance, 30 days to have the proper plans, DEQ permit, if do not comply with the building code will be turned over to the Attorney, work with the owner, give them that opportunity.

Trustee Sharrow: Contractors not complying with the State.

Trustee Kirkpatrick: Post names on the website.

Michael Kras: Yes there are some local contractors, 1<sup>st</sup> step is to get these homes into compliance followed by the steps to notify contractors of their error and report to the State.

Motion by Sharrow, supported by Kirkpatrick, **MOTION CARRIED**, to follow the procedure as outlined by the Building Official to bring the owner of the structures into compliance, if not, the Building Official has the authority to proceed with the legal process with one condition, the people having these unlawful structures inform the Building Official as to who built the structure.

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

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Motion by Kirkpatrick, supported by Turner, to approve Soil Removal Permit #47-11, 993 LaCroix, Harsens Island for Donald Dumars.

Michael Kras; Need to set a date for the public hearing.

Motion by Kirkpatrick, supported by Turner TO RESCIND THE ORIGINAL MOTION.

Motion by Kirkpatrick, supported by Turner, **MOTION CARRIED**, to call for a Public Hearing on the Renewal of Soil Removal Permit for Donald Dumars, Permit #47-11, 993 LaCroix Road, Harsens Island will be held on Monday, September 20, 2004 at 7:30 p.m. as part of the Township Board regular meeting. AYES: All. NAYS: None. ABSENT: None.

St. Clair County Board of Commissioners has proclaimed September 19-25 as Hometown Security Week in our county. There will be a coordinated effort with the media and churches to educate our communities in emergency preparedness and involvement in communities.

Moved by Kirkpatrick, supported by Dr. Kasperowicz, **MOTION CARRIED**, to adopt the Resolution that the request from The Island Grille LLC for a new full year tavern license to be located at 3070 S. Channel, Harsens Island, MI 48028, Clay Township, St. Clair County be approved in addition to prior approval already granted per the resolution adopted on May 3, 2004.

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 approve the proposal from Asphalt Unlimited, Inc. for the sum of \$8,875.00 for the roadwork patches at Taft Road and Flamingo. AYES: All. NAYS: None. ABSENT: None.

Moved by Turner, supported by Kirkpatrick, **MOTION CARRIED**, to approve the Harsens Island Firefighters Tammy Montgomery, Danielle Asselin and Gary Smith to attend the FFI & FFII class from September 7, 2004 to February 5, 2005 for the total cost of \$2,670.00 plus millage. AYES: All. NAYS: None. ABSENT: None.

Moved by Dr. Kasperowicz, supported by Kirkpatrick, **MOTION CARRIED**, to approve the purchase of the Gear Grid Storage System for the Harsens Island Fire Department from Mid-Minnesota Wire for the total cost including shipping is \$2,095.00. AYES: All. NAYS: None. ABSENT: None.

Moved by Turner, supported by Kirkpatrick, **MOTION CARRIED**, to approve the Contract Renewal with Network Connections, Incorporated for 20 hours for the contract amount of \$2,200.00. AYES: All. NAYS: None. ABSENT: None.

Moved by Turner, supported by Kirkpatrick, **MOTION CARRIED**, to approve the cost of \$50.00 for the Zoning Official Timothy Wiggle to attend the one-day mini conference on October 12, 2004 at the Novi Civic Center. AYES: All. NAYS: None. ABSENT: None.

Moved by Kirkpatrick, supported by Turner, **MOTION CARRIED**, to approve the cost of \$1,730.00 to purchase the Intercom/Headsets HI 90/HI 32 from Apollo Fire Equipment Co. by the Harsens Island Fire Department for the Air Boat. AYES: All. NAYS: None. ABSENT: None.

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Moved by Kirkpatrick, supported by Dr. Kasperowicz, **MOTION CARRIED**, to approve the Resolution as provided by the State of Michigan, Charitable Gaming Division that the request from the Harsen's Island Waterfowl Hunters Association of Clay Township, County of St. Clair be recognized as a nonprofit organization operating in the community for the purpose of obtaining a charitable gaming license.

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

Discussion regarding a traffic light at Ainsworth and Pte. Tremble Road, MDOT has always turned it down; there is a traffic specialist by the name of Tapan K. Datta, President of Goodell-Grivas, Inc. that handled the traffic study for Farmer Jack shopping center.

Motion by Sharrow, supported by Kirkpatrick, to contact Dr. Tato, a traffic specialist and see what his fee will be, obtain the number of accidents and fatalities having occurred at Pte. Tremble and Ainsworth corner.

Discussion: Possible the DDA can contribute towards the cost.

Discussion re: Mrs. Linda Lewandowski's son has been trying to build a home on Phelps Road, property was a split, owns two acres of land, County ditch angles through, 60' on one side and 80' on the other, existing culvert there, question was "how close should this drive-way be", this brought in the Drain Commissioner, DEQ ready to give him permission to go ahead and build, Drain Commissioner has contacted the Corp of Eng. to overrule the DEQ, Mr. Fuller believes there should not be any more homes built on Phelps Road, Army Corp will be here on September 15<sup>th</sup> to view the property, Mr. Fuller is dead against this building, affect this whole area for future building.

Board draw up a resolution supporting the permission to build a single family home, have met all the requirements, not building a subdivision.

Time the government gets off these people's backs, put up with enough, need some help.

Clerk Pellerito: No time to adopt a resolution, prepare a letter to have the feelings of the Township Board expressed regarding this issue. Attempting to make contact with the person from the Corp.

**BOARD MEMBER COMMENTS:**

Trustee Dr. Kasperowicz: Environmentalist want to preserve the wetlands, they should be buying this land from these property owners at a fair market value.

Trustee Cindy Kirkpatrick: Colony plaque will it interfere with the historical value?

Supervisor Joseph H. McKoan IV: No it will not.

Trustee Cindy Kirkpatrick: Informed by a gentleman on Harsens Island regarding the out of control partying at Muskemoot Bay, passed it on to the Police Chief, compliment from the Island person on the assistance from the Township and Police.

Trustee Sharrow: Questioned the Board re: site plan that will be before the Planning Commission re: commercial enterprise allowing them to have residential garbage collection, how do we know these commercial enterprises are paying their fair share?

Trustee Dr. Kasperowicz: Gun control in Australia, quoted statistics from an article.

Supervisor Joseph H. McKoan IV: Recent bike/truck accident at Ainsworth & Pte. Tremble Road, fire rescue and police were at the scene immediately, very professionally handled by all the departments, very emotional scene and most definitely a traffic light is needed.

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**PUBLIC COMMENTS:**

Rocco Prinzivalli, Sr., 9938 North River Road: Questioned not mailing out absentee applications for the special election, set a precedent mailing applications out for all elections, by law should be mailed out.

Clerk Pellerito: Complexity of two elections occurring within a month of one another, to honor what the people wanted, set up the election as soon as we could, legal notices have been published, shut-ins can call and will mail an application. Do not mail for school elections, there is no precedent.

Rocci Prinzivalli, Sr.: Commend you for the buildings without permits on the Island, nothing has been done about neighbor next to The Galley, did not have a C of O, operating his business illegally.

Richard Baker, Stone Road: Has the Township done anything about locating property for a park?

Supervisor Joseph H. McKoan IV: DDA looking into the property adjacent to Lega's, Gooden property is available, we are working on it.

Richard Baker: 33-1/3% tax increase in property tax; surprised in a public meeting like this was not mentioned, taxes are out of control, need to say something to the proper people, objection should be forwarded to the County Board of Commissioners and taken to the State Board.

Treasurer Connie Turner: Explained the property tax proposal going to the House, 1-1/3 on your County operating, after four years will end up paying 1-1/2 years more.

Harry Mikolowski, 5472 Middle Channel Drive: Taxes cannot afford any more, questioning still my seawall problem, format needed for the soil erosion; comment regarding the police cars from all over checking for seatbelts, Police are suppose to protect us from crime.

**ADJOURNMENT:**

Moved by Kirkpatrick, supported by Dr. Kasperowicz, **MOTION CARRIED**, to adjourn the meeting at 8:55 p.m. AYES: All. NAYS: None. ABSENT: None.

Michael P. Pellerito  
Clay Township Clerk