

Minutes of the Clay Township Board Meeting held on Monday, November 1, 2004 at 7:30 p.m. in the Clay Township Meeting Hall, 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. Kasperowicz.

ABSENT: None.

Citizens Present: Approximately twenty-five (25).

AMENDMENTS TO THE AGENDA:

Moved by Turner, supported by Kirkpatrick, **MOTION CARRIED**, to amend the Agenda under New Business #7. Air Compressor for the ML Fire Department. AYES: All. NAYS: None. ABSENT: None.

MINUTES OF 10-18-04 & PUBLIC HEARING MINUTES:

Moved by Turner, supported by Kirkpatrick, **MOTION CARRIED**, to approve the October 18, 2004 Minutes and Synopsis and the Public Hearing Minutes re: Dandron Hwy. Held on October 18, 2004. AYES: All. NAYS: None. ABSENT: None.

BILLS PAYABLE:

Moved by Sharrow, supported by Turner, **MOTION CARRIED**, to approve the Bills Payable in the amount of \$24,573.84. AYES: All. NAYS: None. ABSENT: None.

PETITIONS:

John and Donna Horvath presented a copy of a petition that was presented to the Planning Commission with the names of neighbors that are not opposed to the soil removal operation at 2040 Golf Course Road, Harsens Island, MI 48028.

COMMUNICATIONS:

10-18-04 Letter from Gypsy Moth Coordinator, St. Clair County MSU Extension: Oaklawn Cemetery was surveyed for gypsy moth egg masses, (zero) egg masses were found.

Self Awareness SAFE for Emergencies, location at Cherry Beach Council on Aging, Tuesday, November 16th, 6:00 p.m. to 9:30 p.m.

Clay Township Offices will be closed on Thursday, November 25, 2004 and Friday, November 26, 2004 in observance of the Thanksgiving Holiday.

ML Fire Department awarded a grant from U.S. Dept. of Homeland Security in the amount of \$175,019.00 for a Fire Boat.

St. Clair County Road Commission 2004 Road Funding Assistance Program was approved for Folkert Road.

PUBLIC HEARING FOR RENEWAL OF SOIL REMOVAL PERMIT:

PERMIT #47-17 JOHN AND DONNA HORVATH – 2040 GOLF COURSE ROAD, HARSENS ISLAND, MI 48028

Supervisor Joseph H. McKoan IV opened the public hearing for a soil renewal permit for John and Donna Horvath at 7:35 p.m. Any public comments for or against the renewal of Soil Permit #47-17.

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Jon Manos, 2280 Golf Course Road, Harsens Island: Property addressed under Ordinance 47, Attorney McNamee addressed this several years ago, operation ceased to exist several years ago, S.A.L.U. was gotten, now along comes Ord. 47 perfect right to apply under a new permit and processing back through the Planning Commission, proper notification given to property owners within 500', renewal status of \$500 fee is paid, not being done here, property has no status here, circumventing Ordinance 47, this Board has the authority to do this, not the proper procedure that is allowed under Ordinance 47.

John Horvath, 2040 Golf Course Road: Have followed all the steps per the law, paid my fee, public hearing held, isn't this part of the procedure? Why go before the Planning Commission, paid the required fees, this is the next step, doing what I am suppose to do.

No other public comments.

Moved by Kirkpatrick, supported by Engel, **MOTION CARRIED**, to adjourn the public hearing on the renewal of Soil Removal Permit for John Horvath. AYES: All. NAYS: None. ABSENT: None.

OLD BUSINESS:

Contract negotiation update:

Building Administrator Official Michael Kras:

Clerk Pellerito: Have given Board members the last three contracted raises.

Trustee Sharrow: Requested the wages for the last three years, split the zoning enforcement/building inspector job, 30% of the work handed over to another employee, reduced work load, salary would stay flat for a few years, 5% is a little excessive, 2%-2%-2% for the next three years.

Moved by Sharrow, supported by Kirkpatrick, to direct the Clerk to adjust the Building Administrator's Contract for Michael Kras as indicated: 3-year contract with the raises for the next three years to be approximately 2% annually.

Discussion: Clerk Pellerito: Rest of the package is acceptable, i.e. upgrade in MERS & a 3-year contract.

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

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

John Monte, 2420 Pte. Tremble Road: Representing the Pte. Tremble of LLC, request to rezone this property to Industrial from C-3 Commercial back to what it originally was before the Township and Planning Commission made their changes in the Zoning Ordinance, family has owned property since 1969, used for storage, contractors use and an auto parts business, used in an industrial fashion, front rezoned in 1986 to be consistent with the other parcels along M-29, voiced reasons why the property should return to industrial and the changes that would be required through the ZBA for a variance, did not know the property had been re-zoned for a year after it was re-zoned, Twp. did not appropriately inform the property owners of the rezoning, asking the Board to reconsider what has taken place and re-zone it back to the Industrial use that it always had been and allow us to continue our businesses that way, not appropriate for taking a property owner's zoning and not allow them to voice their opinion.

NEW BUSINESS:

**MARK HURST, AUDIT PARTNER WITH THE GOVERNMENTAL
AUDITING FIRM OF PLANTE MORAN**

**PRESENTATION OF THE 2003-2004 AUDITED FINANCIAL REPORT FOR
THE YEAR ENDING JUNE 30, 2004**

Mr. Hurst used a slide presentation to explain the comparison of the last four (4) years of revenue and expenditure trends for the year ended June 30, fund balance comparisons, water and sewer fund operating revenue and expenses and a statistical revenue detail of all funds for the year, concluded presentation with the auditors observations and comments.

Board Comments followed the presentation.

Supervisor Joseph H. McKoan IV thanked Mr. Hurst for his very informative presentation on the financial state of the Township.

Moved by Pellerito, supported by Sharrow, **MOTION CARRIED**, to adopt Resolution No. 4 confirming the roll for the Dandron Hwy. Private Road Repair and Maintenance Special Assessment District approving the assessment roll, as submitted, in the amount of \$5,760.00, cost of \$1,152.00 to be spread each year over a five (5) year period, cost per property owner of \$128.00 per year, dollar amount will be placed on the December tax bill without interest.

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

Moved by Dr. L. Kasperowicz, supported by Kirkpatrick, to approve the renewal of the Soil Removal Permit #47-17 for John and Donna Horvath for the 2040 Golf Course Road, Harsens Island, Michigan 48028.

Discussion:

Trustee Sharrow: Not a renewal, it is a new permit, an expired permit, Twp. Attorney for legal, question is are we doing it right, Ord. 47 does state after special approval by Planning Commission, 2nd public hearing at Plng. Commission must be held for an expired/new permit.

Clerk Pellerito: Board held a public hearing two years ago, approved it conditional of Planning Commission's approval.

Trustee Kirkpatrick: Discussed at last Board Meeting, motion made to hold a public hearing, never said need a legal opinion, wrong to say doing incorrect after everything had been set.

ROLL CALL VOTE ON THE MOTION:

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

MOTION CARRIED.

Moved by Kirkpatrick, supported by Engel, **MOTION CARRIED**, to set the Bond or Letter of Credit at \$1,000.00 for Mr. Horvath for his Soil Removal Permit #47-17.

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

Motion by Dr. L. Kasperowicz to re-zone the property 2420 Pte. Tremble Road owned by Robert Monte back to Industrial from C-3 Commercial.

NO SUPPORT, MOTION DIES.

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Motion by Sharrow, supported by Pellerito, **MOTION CARRIED**, the Re-Zoning Request #123-09, 2420 Pte. Tremble Road be denied based on the recommendation by the Planning Commission, St. Clair Metropolitan Planning Commission and since planning must be done for the welfare of the community as a whole and are not taking anything away from the owners of the property as they may continue to use it as they are using it now even though it may be nonconforming.

Discussion:

Trustee Dr. Kasperowicz: Putting the burden on one individual for the good of the community, not right, not enough industrial property in the Township.

Trustee Kirkpatrick: Disappointed in Planning Commission not notifying business owners of re-zoning of their properties, Master Plan needs to be looked at again.

Clerk Pellerito: Key point is not to go against your Master Plan, Township has changed in 30 years, area was once rural, now is the gateway to our community, notification process is deemed to have been done in the proper fashion

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

MOTION CARRIED.

Moved by Kirkpatrick, supported by Turner, **MOTION CARRIED**, to receive and file the Department Reports of the St. Clair County Road Commissioners meeting held 10-05-04, St. Clair County Waste Water Treatment Plant and the Algonac/Clay Library Board Meeting of September 2, 2004. AYES: All. NAYS: None. ABSENT: None.

Moved by Pellerito, supported by Dr. Kasperowicz, **MOTION CARRIED**, to reappoint Anthony Antkowiak to the Planning Commission for a three-year term to expire on November 15, 2007. AYES: All. NAYS: None. ABSENT: None.

Moved by Dr. Kasperowicz, supported by Turner, **MOTION CARRIED**, to appoint Thomas Krueger to the Planning Commission replacing Mark Getman, term ending on 11-15-04, Mr. Krueger will serve a three-year term to expire on November 15, 2007. AYES: Kirkpatrick, Turner, Engel, Dr. Kasperowicz, Pellerito, McKoan IV. NAYS: Sharrow. ABSENT: None.

Moved by Dr. Kasperowicz to appoint Cindy Kirkpatrick to serve on the Zoning Board of Appeals Board replacing Ron Nelson, term ending 11-15-04.

Discussion:

Clerk Pellerito: Her term in office as a Trustee is until to 11-20-04.

Trustee Sharrow: ZBA appointments can be made by anyone on the Board, is not a Supervisor's appointment.

Motion by Sharrow, supported by Pellerito, **MOTION CARRIED**, to reappoint Ron Nelson to the Zoning Board of Appeals Commission for a three-year term expiring on November 15, 2007. AYES: Sharrow, Kirkpatrick, Turner, Engel, Pellerito, McKoan IV. NAYS: Dr. Kasperowicz. ABSENT: None.

Motion by Kirkpatrick, supported by Engel, **MOTION CARRIED**, to appoint Diann Pellerito to the Downriver Recreation Commission to replace Michael Kras whose term will end on December 15, 2004 for a three-year term ending on 12-15-2007. AYES: All. NAYS: None. ABSENT: None.

Moved by Pellerito, supported by Kirkpatrick, **MOTION CARRIED**, to reappoint Bruce Schweikart to the River District Ambulance Authority for a two-year term expiring on November 15, 2006 and appoint Connie Turner as the alternate member to the River District Ambulance Authority replacing ML Fire Chief Rick Edler, to a two-year term expiring on 11-15-2006. AYES: All. NAYS: None. ABSENT: None.

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Moved by Sharrow, supported by Kirkpatrick, **MOTION CARRIED**, to approve the \$2,000 for the purchase of an air compressor for the ML Fire Department from Metro Air Compressor. AYES: All. NAYS: None. ABSENT: None.

BOARD MEMBER COMMENTS:

Supervisor Joseph H. McKoan IV: Good luck everyone in the election tomorrow.

Treasurer Turner: Update re: Community Center, met with City of Algonac Treasurer and DRC Director to discuss the Twp. donation will be used for operational costs only, monthly printout will be sent to the Board of what has been spent, same will be done for the library expenses.

Trustee Dr. Kasperowicz: Extend the term limits for Senate and House members to be able to serve more than two terms, great injustice if that is passed, call Rep. to object.

Trustee Pat Sharrow: Publicly as a Board could we make a statement of congratulations to the young athletes on the Algonac High School soccer team that went into the playoffs and the football team that is still in the playoffs.

Supervisor Joseph H. McKoan IV: Congratulations!!

Trustee Kirkpatrick: ZBA member has missed a lot of meetings, requested a breakdown of what his absences are, Chuck Michel, Planning Commission Rep., complaints they don't feel they are getting their monies worth, not a full quorum, think the Board should do some kind of action regarding these absences, as the rep. there is not enough information being conveyed between the ZBA and P.C. Board that may be affecting the zoning ordinances.

PUBLIC COMMENTS:

Mrs. Patrias, 9215 Peters Road: Husband spoke at the October 4th meeting, referred to the incident in September of an attempted abduction of her daughter. Need to look into the way things have been handled, what has been done and has anything been taken seriously.

Clerk Pellerito: Your husband has met with the Chief and Deputy Chief, the investigation has not been completed, Chief assured if errors were within the department, he will take complete responsibility for any inadequacy.

Mrs. Patrias: Clarify why a dog was not called in, scene contaminated, three officers walked around the area, why additional help was not called in, registered sex offender lives ¼ of a mile down the road, last time husband spoke with the police was 10/4, not heard anything back, Police evidently do not realize how serious this thing is and it could happen again, need to warn the people of the seriousness, newspaper reports never show any problems in Clay Township.

Deputy Police Chief Don Drake: Cannot make a comment at this time.

Thomas Krueger: Thank you to the Board for the appointment to the Planning Commission will do a very good job.

Fred Fuller, Drain Commissioner: Referred to last Board Meeting when a citizen made accusations regarding the Phelps Road property, Corp of Engineers reviewed the permit through the DEQ permit, was not responsible for calling the Corp in, have not tried to stop Mrs. Lewandowski from getting a permit.

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Paul Bridgman, 7985 Colony Drive: Comments regarding certain Board members.

Richard Vansen, 8450 South Channel Drive: Comments regarding no parking on certain roads on the Island, Bradford Highway put a bridge across, dock built three years ago, now there are cars parked out there.

Greg Shifman, 3805 Middle Channel: Soil erosion problem is back, explained his situation and will have to go to Court, will fight it all the way.

Arnold Mikolowski: Comments regarding bill introduced, being taken down the road by the soil erosion people, fees were dropped in July, fee schedule has not changed.

Richard Baker, Stone Road: Federal government cannot control these waters.

Richard Vansen: Referred to the property tax date.

John Horvath, Golf Course Road: Remarks regarding Soil permit and steps followed.

Arnold Mikolowski: Soil erosion comments re: County budget, fees not changed on the web site.

ADJOURNMENT:

Moved by Kirkpatrick, supported by Sharrow, **MOTION CARRIED**, to adjourn the meeting at 9:20 p.m. AYES: All. NAYS: None. ABSENT: None.

Michael P. Pellerito
Clay Township Clerk