

**MINUTES OF THE CLAY TOWNSHIP BOARD MEETING HELD APRIL 4, 2005
IN THE CLAY TOWNSHIP MEETING HALL, 4710 POINTE TREMBLE ROAD,
CLAY TOWNSHIP, MICHIGAN 48001**

Present: Supervisor Jon Manos, Clerk Michael Pellerito, Treasurer Connie Turner, Trustee Patricia Sharrow, Trustee John Makuch, Trustee Jay DeBoyer, Trustee David Dare.

Absent: None

Citizens present: Approximately 20

Amendments to the agenda:

Motion by DeBoyer, supported by Turner, to receive the letter from BMJ and make it #7, New Business.

AYES: All

NAYES: None

MOTION CARRIED

Approval of Clay Township March 21, 2005 Board Minutes and Synopsis:

Motion by Sharrow, supported by Makuch, to approve the Clay Township March 21, 2005 Board Minutes and Synopsis.

AYES: All

NAYES: None

MOTION CARRIED

Approval of Bills Payable:

Motion by Turner, supported by Makuch, to pay the bills in the amount of \$9,871.30.

ROLL CALL:

AYES: Sharrow, Makuch, Turner, Pellerito, DeBoyer, Dare, Manos

NAYES: None

MOTION CARRIED

Petitions:

None.

Whitey Simon: Believe the payment of bill to BMJ requires petition. Because of numerous saddle breaks, request the Board not make any more payments.

Communications:

Notice of Joint meeting with Algonac City Council, April 18, 2005 at 7:30 p.m. in the Clay Township Meeting Hall.

Thank you to Rick Edler and crew when basement flooded and when Pam fell and fractured hip, from Chuck Michel.

Bids for Harsens Island water district 7E to be received and opened April 12, 2005 at 10:00 a.m. in the Clay Township Meeting Hall.

Bids for South Channel lighthouse to be received and opened April 15, 2005 at 1:00 p.m. in the Clay Township Meeting Hall.

Notice of Algonac School Board Election, May 3, 2005, polls open 7:00 a.m. to 8:00 p.m. at 263 LaCroix, Harsens Island and Algonac High School. Clerk's office will be open the Saturday before, April 30, 2005, for the purpose of obtaining absentee ballots.

Notice of Advisory committee meeting on Township Roads & Bridges on April 12, 2005.

Letter from ISO in regard to lowering insurance rates on Harsens Island.

Old Business:

1. Opened Public Hearing regarding vacating 1765 South Channel at 7:40 p.m.

Comments in favor: None

Comments against: None

No correspondence received.

Motion by Pellerito, supported by Turner, to close the Public Hearing at 7:45 p.m.

AYES: All

NAYES: None

MOTION CARRIED

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Motion by Pellerito, supported by DeBoyer, to make the Resolution to Adopt #3 under Old Business.

AYES: All

NAYES: None

MOTION CARRIED.

2. Lot Split 05-01, Joseph Fournier, 3220 & 3280 Pointe Tremble Road.

Received Notarized letter regarding buildings to be vacated and removed.

Motion by Sharrow, supported by Dare, to approve Lot Split 05-01.

ROLL CALL:

AYES: Makuch, Turner, Pellerito, DeBoyer, Dare, Sharrow, Manos

NAYES: None

MOTION CARRIED

3. Resolution to adopt vacating 1765 South Channel

Motion by Sharrow, supported by DeBoyer, to adopt resolution to vacate the channel between South Channel Drive and end of Channel, within Subdivision #3 Grande Pointe, Harsens Island, Township of Clay, County of St. Clair and said Channel to be divided in half, for the length of the alley, and to be apportioned to said adjacent descriptions.

ROLL CALL:

AYES: Turner, Pellerito, DeBoyer, Dare, Sharrow, Makuch, Manos

NAYES: None

MOTION CARRIED

PUBLIC COMMENTS:

None

NEW BUSINESS:

1. St. Clair County DPW presentation

Mr. Boddy of the St. Clair County DPW gave an overview of the Soil Erosion and Sedimentation law and its purpose under Part 91 of Act 451. St. Clair County DPW is responsible for enforcing this law. The fees required are the funding mechanisms. Discussed some changes, i.e. if a project can be done and the dirt settled within 24 hours no permit needed.

Manos: There are some things happening, will take time. Gilbert's bill passed the House and now goes to the Senate. If you have questions about the 24-hour limit, call Mr. Boddy.

DeBoyer: Is there a provision in the permit that providing that the activity has been undertaken but time expired that he doesn't have to get another permit? Providing it isn't something new he is doing, that it is a progression under his permit.

Boddy: Needs a renewal according to DEQ to complete.

Makuch: If I have a boardwalk and pulled it back and dumped some soil to level it out and replace that in 24 hours, do I need a permit?

Boddy: No. Any exempt activity does not need contact with our office. Plowing and tilling are also exempt, which includes a garden.

Mikolowski: It went from 225 to 1000 square feet?

Boddy: No, low impact landscaping will allow anything up to 1000 square feet and the fee is waived.

2. Reports: Wastewater Treatment Plant, Assessor

Motion by Turner, Supported by Sharrow, to receive and file reports from Wastewater Treatment plant and Assessor.

Sharrow questioned Wastewater overages in February, are they broken down to the three communities?

Pellerito: Yes, we have a suspected target area.

Sharrow: What is that area?

Pellerito: Stier Subdivision.

Sharrow: Were the other communities also over?

Pellerito: Yes, Ira was highest and did isolate their hot spots.

AYES: All

NAYES: None

MOTION CARRIED

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3. Genaw Road Project:

Manos: Cottrellville and the County, on the extra match money, did commit to give the extra funds toward that part of the road. We don't own any part of the road but our residents front on the road, it comes down to \$29.50 per foot on both sides of the road, we'll deal with our side. Petitions are out, if come back in and have needed signatures we can move right along, there is a deadline to meet. When the petitions come a hearing will be set. Are there any objections to this format? None.

4. Request to vacate alley between Bar Harbor and Petoskey:

Manos: Right of way put into plat many years ago but never used.

Motion by Sharrow, supported by Pellerito, to hold a special meeting on May 2nd at 7:00 p.m. for the purpose of a public hearing for the vacating of the alley between Bar Harbor and Petoskey.

AYES: All

NAYES: None

MOTION CARRIED

5. Annual Renewal of Michigan Municipal League Full Associate:

Motion by Turner, supported by Pellerito, to pay the annual fee for Michigan Municipal League of \$3,630.00.

Manos: What is the benefit derived from Michigan Municipal League?

Pellerito: Biggest is Workers Comp through them, being we've been in pool so long we are earning dividends from years past and nobody can touch the premiums. Also educational and resources.

AYES: All

NAYES: None

MOTION CARRIED

6. Discussion of means of sale of ML Fire Dept. 1989 mini-pumper:

Manos: Had inquiry and offer made, need to have bids.

Pellerito: Can auction, get sealed bids or use it as a trade-in towards equipment or cash.

Rick is looking for approval from the Board to be able to use the pumper as a trade-in.

Manos: Will bring back at next meeting and will continue on then.

7. BMJ letter:

Manos: Trying to resolve issues, way back Board approved paying a sum to settle some of the fees. BMJ had billings at the County but withheld some dollars due to the fact we had some major line problems. We have another problem, a major number of saddle failures. At an impasse of how to recover any costs associated with saddle failures. Money in Port Huron is locked in to pay those invoices, so not a relief factor. Within the agreement we can go to mediations with BMJ. Have faxed a copy of agreement to John McNamee to review. BMJ would like to come down and talk with us. Would like to appoint myself and Jay DeBoyer and John Makuch to sit down with Water Department Superintendent and BMJ and look at the situation. If no solution next step is mediation or perhaps litigation including pipe manufacturer and the company we bought the saddles from.

DeBoyer: Also like to have Isco, the pipe manufacturer and Romack, saddle manufacturer.

Have roughly \$100,000.00 out there owed to BMJ and if we just pay them because of fear of what their letter states I think we're doing a serious disservice to the Township. We don't know who caused the problem but we need to find out and I don't think we should release any funds until we find out.

Manos: BMJ wrote to pipe and saddle Manufactures and asked for additional information but there were never any answers.

Jon DeBoyer: Both Powerseal and Romack came and met with Phil Porte and myself and there was a response and Phil is aware of that.

Manos: The files I have find there was a meeting and supposed to be a follow-up to some of the questions that could not be answered at that meeting.

Makuch: Need to look at data, want to meet with pipe supplier, saddle manufacture and BMJ at the same time. Everybody in the Township will pay for this not just Harsens Island. If we owe the money we should pay it but need to make the determination of who's at fault first.

Sharrow: Jon, you have the right to appoint the committee.

Manos: I will contact BMJ tomorrow and tell them intent is to have a meeting including all parties.

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BOARD MEMBERS COMMENTS:

Sharrow: Heard the Algonac City Council is discussing the Water Plant filters at their meeting tomorrow night, perhaps someone from this Board should attend.

Manos: Talked to McNamee as to when we are going to meet jointly with them. City is working out something with the filter people and we will be apprised of it.

Pellerito: Had several brief conversation with Chris Wilson, City Manager. Their intent is to change to a low-pressure system. Feel in best interest of City and Township to proceed with the plant change over and upgrade and then proceed with litigation. Looking at reasonable capital recovery or litigation.

Turner: A deadline?

Pellerito: Yes, approaching it, this calendar year.

Manos: Supposed to be a state-of-the-art system, filters couldn't meet demand, who is responsible? Were told operating cost would go down; went up and transferred into your water costs. There's some remuneration in some form that is due back to us from the engineers and filter people. Trying to negotiate with the City. Will talk to McNamee in the morning. How do we recover for our people?

Pellerito: My opinion is that government as a whole has had it with civil engineers not doing what they are required to do. Time government hold engineer firms responsible.

Sharrow: The company we're criticizing is the same one mentioned in the Wastewater Treatment Plant report as redoing some things that weren't done right at the sewer plant. Doing for free because it was wrong.

Manos: DEQ has to review and approve filters, said okay, didn't do it.

Pellerito: Accounting for both City and Township has gotten together to figure out what this has cost in additional dollars. Realize depreciation of the plant has moved more rapidly. Monies in place for filter replacement so won't raise rates at this time.

DeBoyer: Believe that filters just aren't doing what they said they were capable of doing?

Manos: Individual filters could never reach 2.75 under the best circumstances in 1 degree C water temperature. It isn't the City it's the engineers.

DeBoyer: H.I.F.D. fundraiser a success on Saturday.

PUBLIC COMMENTS:

Rocco Prinzivalli, 9938 N. River Rd. Apology to Don Drake in regard to "Good Old Boy" comment about the Algonac Community Fund. Questioned no action on 12/01/03 violation letter. Comments regarding Attorney Dalton.

Manos: He was an attorney that worked with Municipal League that handled Clay Township lawsuits.

Sharrow: Dalton brought on board to handle zoning, my complaint if any was that tried to expand that.

Prinzivalli: Comment on former Deputy Clerk.

Manos: A union concern, not for the Board to act on.

Whitey Simon, 4722 Green Drive, Harsens Island. Comment on dumping at turn around and no "No dumping" signs. Please consider summer cleanup. Update on bikepath?

Manos: Grant was not considered.

Edward Janowicz, 2676 Cottage Lane, Harsens Island. Comments on Emerald Ash Bore program. Not in suppression, can treat and not have trees cut? Would like to be on agenda.

DeBoyer: Talked to Phil Pavlov, said waiting for something from the State that says the treatment works.

Michael Kras, 6355 Genaw Road. Comment on Dalton and good job he did. Prinzivalli letter re sign enforcement.

ADJOURNMENT: Motion by Makuch, supported by DeBoyer, to adjourn meeting at 9:10 p.m.

AYES: All

NAYES: None

MOTION CARRIED