

Township of Lake

Huron County, Michigan
January 19, 2009

The regular meeting of the Lake Township Board was called to order by Supervisor Smith at 6:33 P.M. Present were Smith, Fischer, McCallum, Hyzer and Hartsell along with approximately 32 guests.

Supervisor Smith suspended the regular order of business to allow Mike Power, Huron County Road Commissioner, to address the board and guests regarding road maintenance and costs and the upcoming road millage renewal.

Prior to approval of the minutes McCallum asked when the Board had decided on the planning commission and ZBA appointments as referenced on page 3, paragraph 4 of the December minutes. Smith replied that he asked each Board member as he saw them and apparently he hadn't seen McCallum. Minutes of December 15, 2008 regular board meeting approved upon motion by Hyzer, seconded by Hartsell. Motion carried. Minutes of the January 7, 2009 special meeting approved upon motion by Hartsell, seconded by Hyzer. Motion carried.

Treasurer's reports for December and January approved upon motion by Hyzer, seconded by Hartsell. Motion carried.

Agenda: McCallum asked whether the Township had a contract with the assessor. and whether it required any reports from the assessor. Smith stated that a contract had been signed and it did not require monthly reports. Addition of Syrie Hirth's letter (submitted by Deb McBride) and Township Credit Card under Old Business.

Correspondence:

Resignation letter of Steve Tait from the Board of Review read. Motion by Hyzer to accept Steve's resignation, seconded by Fischer. Motion carried.

Hartsell read letter from Syrie Hirth.

Public Comments:

Len Pilato asked what caused Ms. Hirth to be so angry. Hartsell suggested Tory Geilhart might want to defend himself. Geilhart stated that if anyone wishes to talk to him about it during office hours, he would be more than willing to discuss it, answer any questions and review the Hirth's building plans, but to sum it up briefly, he stated that the homeowner pulled their own permit against his advice, the Hirth's hired a heating/cooling contractor to build the house who, in turn, hired a contractor from Detroit. There was much miscommunication and the Hirth's blamed everyone but themselves, including the excavator and the mason. Mr. Pilato asked about the status of the house. Geilhart responded that there is nothing wrong with the house, it is a beautiful house. It was for sale but the market is not good for selling at this time.

No Petitions.

New Business:

Supervisor's Report on Road Commission Annual Meeting. Smith mentioned the Griggs Road project is the only major project for 2009. Also discussed at the meeting was a resolution passed in 2008 by the Lake Township Board to opt out of the brush spray program. Smith said he would like to rescind that resolution under old business and have property owners who do not want the spray in front of their property to let the Township know. Smith also wants to pay the amount due for the spraying which was being withheld based upon a previous motion by the Township Board by adding that to the bills for this month.

McCallum mentioned that also discussed at the Road Commission meeting was the drain assessments, the Fogle having one year left and the McCormick will be paid with the 2008 tax collection and dust control, specifically brine vs. calcium chloride which is used by Wilkinson Corporation. McCallum asked the Road Commission what product other Townships were using and was advised that more townships were switching to the calcium chloride inasmuch as it was a better product and Wilkinson worked well with the road crew in applying the product as the roads were graded.

Assessor Advertisement: McCallum asked the Board whether they wanted an ad put in the Michigan Assessor Association magazine rather than the local paper or both. Hyzer didn't see any reason for placing an ad since an assessor has been hired. Smith stated that the current assessor was only hired until March 31st and that the board had agreed to advertising for the position. Motion by Fischer to place an ad in the Tribune, seconded by Hartsell. Motion carried. McCallum asked the Board for the specifications they wanted in the ad. Smith stated he would have the specs on the Clerk's desk by Monday, January 26th.

Deputy Supervisor Pay Rate: Resolution 2009-01 Authorizing Deputy Supervisor Hourly Rate at \$10.00 per hour, same as Deputy Clerk, Deputy Treasurer and Extra Office, offered by Fischer and supported by Hyzer. Roll call vote: All ayes.

Township Mail/February Election/Secure Mail/Drop Box: McCallum stated that she is not receiving all the mail. The Clerk is to receive the mail and distribute accordingly, to the appropriate officials, in the correspondence file for the next meeting and/or in the appropriate file for the purpose of maintaining Township records. For Absentee Ballots returned in person, McCallum recommended purchasing a security mailbox for \$87.00 plus shipping and handling to be installed in the vestibule. Motion by McCallum, seconded by Smith to approve purchase. Hyzer opposed.

Budget Amendments: Motion by Fischer, seconded by Hyzer to approve the following budget amendments:

\$400.00 from Contingency Fund to Supervisor Mileage/Housing

\$700.00 from Contingency Fund to Election Salaries

\$400.00 from Contingency Fund to Election Supplies

\$200.00 from Clerk Education to Deputy Clerk Salary

\$300.00 from Clerk Mileage/Housing to Deputy Clerk Salary

Motion carried.

Bank Account Signatories: Motion by Fischer to add the Deputy Treasurer and Deputy Clerk as authorized signatories on the Township General Checking account at Independent Bank, seconded by Hartsell. Roll call vote: All ayes.

Budget Workshop: Motion by McCallum to hold the budget workshop at the February 16th meeting and move the start time to 6:00 P.M. rather than scheduling another special meeting, seconded by Hartsell. Motion carried.

Old Business:

Township Secretary (Duties/Responsibilities Policy). Discussion on policy previously presented to the Township Board on January 7th. Fischer did not like the reference in No. 2 to "Zoning Administrator, Building Inspector and Assessor" inasmuch as No. 5 covers any special projects and it doesn't have to be so specific as to mention those officials. McCallum stated that having specific criteria is better than leaving something so vague. McCallum also mentioned that the Board made a motion in 1997 to hire a Township Secretary for up to five days per week, 20 hours total, to work for the Township Board, which includes work for the Township Supervisor. McCallum asked Smith whether he was going to utilize the secretary or whether he was going to use his Deputy for office work purposes. Smith stated that his Deputy would be to fill in for him and assist him. There being no further discussion, McCallum made a motion to accept the policy as presented, seconded by Hartsell. Roll call vote: Hyzer, Fischer, Smith opposed. Motion failed. McCallum asked what the Board is going to have for a policy. Fischer stated to remove the references in No. 2. McCallum read No. 2, 3 and 5. McCallum asked Smith why he was opposed to the policy. Smith stated he did not like the fact that the Secretary may be required to take minutes for the Planning Commission or ZBA. McCallum stated there was nothing written in the policy referring to either the Planning Commission or ZBA, but that a recording secretary is quite common and even helpful on those boards inasmuch as it is difficult to actively participate in the discussion and take minutes. Also, the secretaries to those boards are paid an extra \$25.00 and it is that \$25.00 that is then paid to a recording secretary if either of those boards wishes to have a recording secretary. Fischer agreed that it is up to the boards, that legally they can have a recording secretary. McCallum then asked Smith whether he would reconsider his opposition in light of this clarification. Smith would not change his vote and stated the matter is tabled at this time.

Credit Card: McCallum requested Fischer contact the credit card company and add the Clerk as an authorized person to obtain information on the account. Motion by McCallum to have Fischer contact the credit card company and add Clerk and Deputy Clerk as authorized persons to inquire on the account, seconded by Hartsell. Motion carried.

Brush Spray: Smith stated that at the annual meeting with the Road Commission they asked the Township to reconsider continuing with the brush spray program rather than mechanical brush control due to the higher cost to the Township. McCallum recommended not taking any action at this time but to take some time and do some research on what other communities are doing. McCallum mentioned Bay County uses mechanical brush control. McCallum mentioned how bad it looked last year and the many complaints that were received and with all the concerns about environment, water quality and our location close to the shoreline, Rush Lake and the drains, it would be prudent to consider alternatives to chemical sprays. McCallum also mentioned the Road Commission used an additional harsher chemical last year to kill the trees growing in the ditches. McCallum asked the Road Commission to check with Bay County on the mechanical control. Motion by McCallum to table further discussion and take the time for more research. No second. Motion failed.

Motion by Smith to rescind the August 18, 2008 motion "to stop brush spraying and appropriate those monies to cutting the ditches" and if property owners do not want their property sprayed they need to advise the Township or the Road Commission, and also to rescind the August 18, 2008 motion to not pay the spray bill. Motion seconded by Fischer. Roll call vote: Smith, Fischer and Hyzer in favor, McCallum and Hartsell opposed.

Public Comments:

Pat Przystup asked why the Township needed a secure mail box. McCallum stated that absentee ballots are required to be kept secure.

John Depner commented on the brush spray stating that although he is a supporter of the program, the last few years have been too aggressive and could be done better. He suggested that using a tractor that sits higher could do a better job and not so much damage instead of using the back of a pick up truck. Smith stated he would talk to the Road Supervisor about using a tractor instead of a truck for the spraying.

Former Supervisor, Clay Kelterborn, addressed the Board regarding slanderous allegations against him and presented a letter addressed to Treasurer, Dorothy Fischer, and asked that the Clerk read the letter. Letter from Attorney, Julie Gafkay read.

Walt Kloc asked a question regarding the fire proof file cabinets and record retention. McCallum responded that the fire proof cabinets are for permanent records.

Len Pilato asked about the various deputies, who they were and whether their names were posted somewhere. The deputy's names were stated and Colletta will add them to the website. McCallum also read from MCL 41.61 regarding Deputy Supervisor and suggested that Smith should prepare something for the next meeting as to what duties he will be requesting his Deputy to do over and above the statutory requirements.

Zoning Administrator, Arnie Russell, mentioned that Oak Beach Auto still has not come in to file a site plan to correct their zoning violation. He mentioned that he has received numerous complaints over the years and would like to take them to Court. Smith recommended sending a registered letter and if he doesn't respond to that, the matter can then be turned over to the Township attorney.

Tim Lalley asked Smith to enlighten him and other members of the planning commission in attendance as to what he meant in the December meeting when he said he was taking the planning commission in a new direction. Smith stated he will let the planning commission know at their February meeting.

Lou Colletta asked about the cemetery issue that Former Trustee Remer had been working on and the septic committee that was headed by her. Smith asked McCallum about the cemetery.

McCallum apologized to Colletta. Colletta had sent an email to the Township for correspondence at this meeting regarding the cemetery. Trustee Remer had been advocating for a Lake Township Cemetery and Kelterborn had gone to Lansing to meet with the State DNR Land Committee with a request for approximately ten acres of state land off State Park Road at Sand Road. The committee advised Kelterborn that it would be willing to do a land exchange if the Township could acquire some land around Rush Lake which could then be exchanged, but they were not willing to sell any land without such an exchange. Smith asked about John Champagne's land on Champagne Road. Hyzer stated that it is swamp land. McCallum stated that Dale Lipar had advised Clay that the land off State Park Road would be a good location for a cemetery but the land off Champagne Road was too wet.

Regarding the septic committee that was headed by Remer, McCallum summarized the status of the septic ordinance prepared by the committee requiring inspections at point of sale and for any new construction adding additional living space. McCallum stated that the original draft was presented at the February 2007 meeting and was rejected by the Township Board as far as the maintenance aspect. The committee revised the ordinance for point of sale and new construction but it was never finalized and presented, again, to the Board. Smith stated he would look into it.

McCallum mentioned that Tory Geilhart will be reviewing site plans during Arnie Russell's absence and asked Smith whether the letters to the applicants for the

Secretary position were being sent out. Smith stated they were ready and would be going in the mail.

Payment of Bills:

McCallum stated that a check was not put on the list of bills for the Assessor inasmuch as there is no contract on file with the Township at this time. Smith stated that the Township has a signed contract. McCallum stated she has never seen the contract. Hartsell stated he has not seen the contract, either. McCallum asked who signed the contract. Smith stated he did. McCallum asked whether or not it is appropriate for a contract to be signed without the entire Board having read it. Bob Siver asked to speak, saying he is concerned since this is not the first time the Board has withheld information from the Clerk. Smith stated that a contract was drafted by the Township attorney and he left it on his desk and thought he put a copy on the Clerk's desk. Some revisions were made to it and he wasn't sure who made those revisions. Fischer stated the revisions were made by the Assessor. McCallum stated she is not willing to approve payment for the Assessor inasmuch as no contract is on file with the Township at this time. Smith recommended adding \$1,206 for the Huron County Road Commission to pay their bill in full and \$40.00 to JLP Services.

Motion by Hartsell to pay the bills presented including \$1,206 and \$40.00, seconded by McCallum. Motion carried.

Motion by Hyzer to adjourn, seconded by Hartsell. Meeting adjourned at 8:25 P.M.

Valerie McCallum, Clerk

Approved at a Township Board meeting held on the ____ day of February, 2009.

Robert T. Smith, Supervisor