

Township of Lake

Huron County, Michigan
July 19, 2010

Regular meeting of the Lake Township Board called to order at 7:30 P.M.

Smith, Fischer, McCallum, Hyzer and Hartsell present along with approximately 50 guests, including two Huron County Sheriff's Deputies. Pledge of allegiance.

Smith stated that the three guest speakers would have five (5) minutes each.

Dave Clark spoke about the County's ORV Ordinance, stating that it will be a positive change for the area.

Jim Quinn spoke about the County's ORV Ordinance, stating that it should be allowed.

Dr. Malcolm Swinbanks, PhD, spoke of his background in industrial noise and vibration problems and Huron County's zoning ordinance regulations for wind energy, stating that it is the least satisfactory of any ordinance anywhere in the world, does not even comply with the State of Michigan recommended guidelines insofar as ambient noise and allowable noise levels and that in its present form is an unsatisfactory ordinance.

Minutes of June 21, 2010 meeting: Minutes approved upon motion by Smith, seconded by Fischer. Motion carried.

Treasurer's Report: Motion by McCallum to approve Treasurer's Report, seconded by Hartsell. Motion carried.

Agenda: Smith stated that under Old Business "review" will be removed from Huron County Wind Ordinance. McCallum requested the addition of the following items as provided to board members: Letter of July 19, 2010 from George Lauinger, Unit Supervisor, DNRE Recreation Division (Sleeper State Park); Gypsy Moth scouting and Pinnebog Watershed report from Pat Smith under Old Business; Report by McCallum on ITC Meeting, Quarterly Budget Review; and Huron Gas upcoming budget plan proposal under New Business. **Motion by Fischer to approve Agenda with added items, seconded by Hartsell.** Motion carried.

Correspondence: Smith read correspondence listed except for Email correspondence from Lou Colletta of July 11, 2010 stating that it would be read later at Board Communication under New Business.

No petitions.

Old Business:

Road Brining:

Smith stated that roads would be brined the Thursday before Labor Day weekend. McCallum stated that the contract approved with Wilkinson was for two full applications. McCallum also suggested that if it becomes necessary to brine the roads before Labor Day weekend, that it should be done.

ORV Ordinance:

McCallum read letter from George Lauinger of Sleeper State Park. Hartsell stated that the planning commission had not made any recommendation at their last meeting and will make sure it is added to their next agenda.

Medical Marijuana Act:

Motion by Hartsell to table until sample ordinances can be obtained, seconded by Fischer. Motion carried. Smith will provide board members with copies of his information.

CAFPA – City of Caseville:

Smith stated discussions are still ongoing between Caseville Township and the City.

Adopt-a-Beach Program:

McCallum advised board members that there is a meeting scheduled for Tuesday, July 20th at 2 PM at the Caseville Historical Society to highlight the program to area officials. Smith stated he will try to attend.

Clerk's Comments on Wind Ordinance:

McCallum summarized the deficiencies with the County's ordinance for regulating wind energy systems, which include the inappropriate and inadequate definition of ambient and allowable noise levels as explained by Dr. Swinbanks; the County's lack of carrying out the purpose and intent of its ordinance to "protect the health, safety, welfare and quality of life" of Huron County residents; the County's claim that it is for agricultural preservation when it removes three to five acres of land from production and the fact that there are agricultural preservation programs such as PA 116 which many local farmers are enrolled in which only allows for the removal of 1 to 2 acres for residential development and only if that land previously had buildings; the lack of proper studies, models and simulations required with a site plan; the

lack of a review procedure by qualified experts since this type of development is more complicated than local officials are capable of understanding without expert assistance; inadequate setbacks and the fact that setbacks are from dwellings rather than property lines contrary to any other land use zoning protocol and also contrary to the recommended siting guidelines of the State of Michigan; the lack of recognition of current World Health Organization recommended nighttime noise levels so as not to impair health; and the County's the lack of a property protection plan which should not be a concern to developers if it is their position that wind turbines do not decrease property values of nearby homes but would be a reassurance to Lake Township property owners that they have some protection if the developers are wrong.

Huron County Wind Ordinance:

Motion by Smith to turn the Huron County Wind Ordinance over to the planning board to review or do what they feel is necessary, seconded by Fischer. Roll call vote: Four ayes (Hyzer, Fischer, Smith, Hartsell) - McCallum opposed.

AVCI Remote Data Storage:

Smith and Hartsell stated they had not checked with other townships as to their backup procedures. McCallum stated she checked with Port Austin Township, Caseville Township and the City of Bad Axe. Port Austin uses individual jump drives, Caseville Township and Bad Axe use a server with tapes or CD/DVD's. McCallum stated that Lake Township purchased a server several years ago for backup purposes and a media cooler for safe storage of CD/DVD's. **Motion by Hartsell to use the equipment on hand, seconded by Fischer.** Motion carried.

Gypsy Moth Scouting: McCallum suggested that the Township ask for volunteers, such as Master Gardeners, to begin scouting for gypsy moths in early fall rather than waiting until late fall since there have been a lot of calls to the Township reporting problems.

Pinnebog River Watershed: Pat Smith reported that the Best Management Practices are working well; the Conservation District is looking for property owners interested in creating wetlands; the grant request for septic tank replacement relief was rejected; the HCCD is looking for volunteers for water quality testing; and the 2009 water samples were generally good.

New Business:

2009-2010 Audit: McCallum read audit balances including revenues and expenses. **Motion by Smith to accept the financial statement as prepared, seconded by Fischer.** Motion carried.

ZBA Appointment:

Motion by Smith to reappoint Louis Bushey to the Zoning Board of Appeals, seconded by Hartsell. McCallum asked whether the position had been posted. Smith stated it had not. McCallum opposed.

Private Easements in Lake Township:

Smith read a legal opinion from Attorney Salens of June 25, 2010 and asked for documentation on file from the USACE regarding regulation of board hoists. McCallum mentioned an opposing legal opinion from 2004 in the Township files. Smith stated the current legal opinion was based on a more recent court ruling.

ITC Meeting:

McCallum attended a meeting held in Bad Axe for elected officials regarding proposed upgrades to the transmission infrastructure in the thumb region for carrying electrical energy from wind turbines or other renewable energy sources out of the thumb to the electrical grid. A 5,000 MW transmission system consisting of a 140 mile loop will be constructed consisting of 345,000 double volt lines on monopoles with three new substations, one in Huron, Tuscola and St. Clair counties. The lines will run from single monopole tubular towers 120' in height, 800-1000 feet apart and easements will be obtained from affected property owners with a one time payment or through eminent domain, if necessary. Easements will be up to 200' in width. The cost of the upgrade is projected at 500-700 million dollars. McCallum was told that rate payers currently pay five cents to seven cents per kilowatt on electrical bills for transmission purposes and these costs will increase at a rate of possibly fifteen to twenty cents per kilowatt.

Quarterly Budget Review:

Motion by Fischer to accept the quarterly budget report, seconded by Hyzer. Motion carried. McCallum asked about the Planning and Zoning Publication line item at 96%. Smith recommended transferring \$1,000 from Planning and Zoning Education to Planning and Zoning Publications. **Motion by Fischer approving transfer recommendation, seconded by Smith.** McCallum opposed, stating that education is important. **Motion by Fischer to amend motion to transfer \$500.00, seconded by Hartsell.** Motion carried. McCallum opposed.

Huron Gas:

McCallum provided board members with information from Huron Gas Company on a pre-pay purchase and budget plan for the upcoming heating season for a decision at the August meeting. **Motion by Hartsell to table until August, seconded by Fischer.** Motion carried.

Board Communication:

Smith stated he attended a Michigan Township Association class on Policies and Procedures and stated that most of the class was about board correspondence and that there is no rule regarding correspondence, it is up to the township to make one. Smith stated he will have a draft policy in board members boxes by Wednesday. McCallum asked why it is necessary to change what has been a standing policy for the past 11 years, if not longer, when current members of the board have been unwilling to adopt policies, including an ethics policy. Smith stated he had asked McCallum for copies of all policies, "written and unwritten," when he came into office. McCallum asked whether Lou Colletta's correspondence listed on the agenda is going to be read. **Motion by Smith whether to read or not.** Hartsell stated there is no problem with reading it and read the email sent by Lou Colletta.

Payment of Bills:

McCallum had two additional bills not listed, \$3,009.00 to the Huron County Treasurer for annual assessing processing, \$275.00 to Cardmember Services for Quickbooks annual payroll update and a correction to be made to Dave Ferris' paycheck to reflect current rate for two days of holiday pay at the current pay rate. **Motion by Fischer to pay bills, seconded by Hyzer.** Motion carried. All ayes.

Public Comments:

Jim Simmons asked for confirmation that the township has no control over private easements on any issue. Smith stated that that is what the Judge has said.

Lou Colletta asked why county commissioners and other candidates who come to township meetings for campaigning are allowed more than five minutes and why this is the first occasion when guest speakers were limited to five minutes. He asked whether it was a board decision by motion. Smith stated it was his decision as moderator of the meeting.

Jeanne Henry thanked the guest speakers and apologized for Hyzer sleeping. She also wanted to know whether there is a problem with Lake Township tax bills since she still has not received her bill. Fischer stated that there is a problem, she doesn't know why, but it involves all the H's. She stated that all tax bills were mailed out at the same time the week before the first of July. She will check with the post office tomorrow.

Mary Wojtysiak would like to recommend to the Board that in the future any open positions be posted so anyone can apply. She also suggested that maybe the Board should start setting some standards for guest speakers.

Tim Lalley stated that in six years of meetings he has attended tonight is the first time where a guest speaker was only allowed five minutes. He stated that a few months back a husband and wife who own a septic company were allowed ½ hour. He also asked that the Board not do the easy thing and accept the county's ordinance when there is a lot in it that is not proper for Lake Township.

Clay Kelterborn stated that over the last couple of years he has noticed a steady erosion of the rights of the people, that it is important that residents have an opportunity to be heard and that the timer used by Smith is distasteful. He also stated that in the past two board members did not want to have any policies. He asked that Smith give latitude to people and show respect.

Pat Smith stated it was not showing respect to bring up the Bushey's name.

Lou Bushey asked who has the right to invite a guest speaker. McCallum stated that people will either call or that board members have a right to request a speaker.

Ann Krzeminski asked that any appointed positions be posted. She stated that more residents would like to become involved.

Ron Krzeminski stated he takes offense to being called the "peanut gallery" and also the presence of the sheriff's deputies.

Charlie Henry stated he came to the meeting specifically to hear Dr. Swinbanks. He stated this board should not close its eyes and ears when it comes to the most controversial issue before the township. He stated the board is supposed to be representing the residents.

Bob McLean read from the Michigan Constitution, Section 1, Political Power, "All political power is inherent in the people. Government is instituted for their equal benefit, security and protection." He stated that people come to these meetings because they care and to call them the "peanut gallery" is uncalled for.

Smith stated it was and apologized.

McLean continued stating that Hartsell and Szmulinski approved the original draft wind ordinance and suggested that they go back to that ordinance and seek independent assistance. He asked that they read up on the reality of wind energy and what it will cost us. He stated wind energy can be compared to the tobacco industry and the Fannie Mae/Freddie Mac crises.

Dave Szmulinski stated that he has to listen to both sides, not just one side.

Neil Rohner stated that McCallum was comparing the shortcomings of the Huron County ordinance as compared to the draft ordinance that guaranteed there would be no wind turbines in Lake Township the way it was written.

Bill Williams stated that anyone who takes the time to write a letter should know that it will be read at a meeting.

Smith stated that he will gladly read any letter that is signed, no matter how long it is. He said emails are not signed and anybody could send them.

Tim Lalley stated that the current planning commission endorsed the draft ordinance.

Motion by Smith to adjourn, seconded by Fischer. Motion carried. Meeting adjourned at 9:20 P.M.

Valerie McCallum, Clerk