

# Township of Lake

Huron County, Michigan  
September 20, 2010

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

Smith, Fischer, McCallum, Hartsell and Hyzer present along with approximately 30 guests. Moment of silence for Gerry Geppert. Pledge of allegiance.

(7:32) Presentation by John Weiss on gypsy moths. Mr. Weiss has been doing scouting for infestation since 2000. Originally there were four persons assisting, but in recent years he has not had any assistance. Most egg masses are on wood sided structures or trees. The DNR used to use pheromone traps to determine numbers, using two in each township, but he is not sure whether they are still doing so. Suggested checking with the DNRE in that regard or having the township look into doing so themselves. Mr. Weiss would also be willing to train township volunteers on scouting and left information. (7:47)

**Minutes of August 16, 2010 meeting:** Smith noted that additional agenda items can be added at a regular meeting in the absence of a board member and will provide written documentation. Minutes approved upon motion by Fischer, seconded by Hartsell. Motion carried.

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

**Agenda:** Smith requested "supervisor's comments" be added to the agenda under new business. McCallum asked about an email correspondence from Liz Masserang received July 15<sup>th</sup> that was never included in prior correspondence. Smith stated he responded to her, that she is not a township property owner as far as he could determine from the tax roll, and she was advised to send in a signed letter. Motion by Hartsell to approve the agenda with the addition, seconded by Fischer. McCallum opposed.

**Correspondence:** Smith itemized various correspondence items; read letter of August 23, 2010 from Caseville Township Clerk and summarized letter of August 24, 2010 from JP's Tree Service regarding Project Green Tree.

McCallum commented on the approved ZBA Minutes of September 9, 2009 which were erroneous as far as Chairman Bushey's recalculation of lot coverage at 40%. The Zoning Administrator had verified and indicated the correct lot coverage which was included in the Notice of Hearing at 49%.

No petitions.

## **Old Business:**

### **Medical Marijuana Act:**

Motion by Smith for a six month moratorium on any medical marijuana

ordinance, seconded by Hyzer. McCallum asked whether the Board was going to request the planning commission spend time researching the issue during that six months. Smith indicated they would. Motion carried.

**Township Board Meeting Policy:**

McCallum reiterated concerns with the original draft mentioned during the August meeting, namely the special meeting posting of notices and public comments allowed only after all decisions are made by the board. Motion by Smith to adopt the policy as presented, seconded by Fischer. Motion carried. Smith requested a roll call vote: Hyzer, Fischer, Smith – Aye. McCallum and Hartsell opposed.

**CAFPA Fire Board Representative:**

Discussion on recommendation to have the Fire Chief sit on the CAFPA Board. McCallum questioned the legality of that inasmuch as the by-laws state that the Fire Chief is appointed by the Board and would therefore be answerable to the board. CAFPA Board Representative Russ Mangiapane indicated his concern that it would be a conflict of interest for the fire chief to sit on the board. McCallum suggested seeking legal counsel and recommended John McQuillan from Bay City who was previously consulted on CAFPA matters by the township. Smith tabled further discussion.

**CAFPA Millage Rate:**

Discussion on Caseville Township's recommendation of requiring the City of Caseville to pay \$22,000 for fire services which is approximately what would have been paid via a millage and how this would carry over in following years. Motion by Smith to recommend that the City of Caseville be required to pay an amount equal to what would be paid using the annual millage rates for Lake and Caseville Townships, seconded by Fischer. Motion carried.

**ORV Ordinance:**

Motion by Smith to accept the County's ORV Ordinance, seconded by Fischer. Roll call vote: Hyzer, Fischer, Smith, Hartsell – aye. McCallum opposed and indicated that 10 tickets have already been written by the DNRE Conservation Officer for Sand Road off road violations and safety concerns for residents based upon a prior tragedy in Lake Township.

**New Business:**

**Building Inspector Request:**

Smith read letter from Tory Geilhart regarding his request to allow Geilhart Builders and himself obtain building permits from Huron County Building

and Zoning in order to have inspections performed by the County on their work. Motion by Fischer to approve the request, seconded by Hartsell. McCallum opposed stating it is legal for Tory to perform the inspections, he does a good job as building inspector and it is building revenue that will go to the county rather than the township. Motion carried.

**Planning Commission Appointment:**

Smith stated he had three letters of intent and interviewed the three candidates, Mary Wojtysiak, Ron Polega and Jeff Krohn. Smith asked who the board would like to appoint. Fischer recommended Jeff Krohn. McCallum asked why the board would appoint someone who is not a township resident when there are two township residents interested in the position. McCallum also asked why Smith is not making the recommendation on the appointment as he has done on all prior planning commission appointments. Smith stated he did not want to make the recommendation, that it is up to the board this time. Hartsell indicated he would rather have Ron Polega or Mary Wojtysiak since they are township residents. Hyzer stated he knows Jeff Krohn. Motion by Fischer to appoint Jeff Krohn to the planning commission, seconded by Hyzer. Smith requested a roll call vote: Hartsell and McCallum opposed. Smith, Fischer and Hyzer – ayes. Motion carried.

**Road Work:**

Smith indicated that he will make out a road work order for previously approved crack sealing for the Clerk's signature. Smith also indicated that Griggs Road black topping will cost \$180,000.

**Supervisor's Comments:**

Smith stated that Planning Commission Chairman, Dave Szumlinski, is being investigated by the Michigan State Police on an Open Meetings violation complaint filed by Clerk, Valerie McCallum. Smith stated that a full copy of their recording of the meeting has been provided to the police. McCallum stated that the police were aware that a full copy was available upon request.

**Payment of bills:**

Motion by Fischer to pay bills as submitted, seconded by Hyzer. Motion carried.

**Public Comments:**

Lou Colletta addressed the board on the following topics: appreciation for the moment of silence for Gerry Geppert; requested information from JP's Tree Service be included on the Township website; the appointment of Jeff Krohn to the planning commission - feels representation on the board should stay within the township and there are township residents who applied for the position; allegations around the State that the Supervisor is a spokesperson for the wind industry and suggested that perhaps Lou Bushey, who is a township appointed official is being mistaken for the Supervisor.

Dave Szumlinski stated that if he is found in violation of the OMA, he is willing to publicly apologize and also to resign his position on the planning commission and asked whether McCallum would be willing to resign if he is not found guilty. McCallum stated she is not so willing.

Bob McLean offered comment insofar as encouraging the board to follow the law, act as representatives of the people and Jeff Krohn's conflict of interest as a planning commission member insofar as having a signed agreement with a wind developer and the fact that two township residents were willing and able to serve.

Jeff Krohn offered comment about his appointment to the planning commission and that he has not received any money from any wind developer as of this time, although he does have a signed agreement.

Jeanne Williams commented on the Board's policy insofar as public participation and stated that possibly the reason there is so much controversy is due to their policy of not allowing public comment until the end of the meeting when decisions have been made.

Clay Kelterborn asked Smith about the planning commission interviews and for examples of questions asked to the candidates. Smith declined to provide examples.

Motion by Fischer to adjourn, seconded by Hartsell. Meeting adjourned at 9:06 P.M.

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Valerie McCallum, Clerk