

# Township of Lake

Huron County, Michigan  
January 17, 2011

Regular meeting of the Lake Township Board called to order at 6:31 P.M.

Pledge of allegiance. Moment of silence held for Robert Hyzer.

Roll call. Osborne, Smith, Hartsell and McCallum present. Fischer absent.

**Motion by Smith to approve the Agenda** with the addition of correspondence from Senator Stabenow, property insurance renewal and Lake Township Fire committee, **seconded by Hartsell**. Motion carried.

**Minutes of November 15, 2010:** Smith stated that the Township's Board Meeting Policy prohibits editorializing of the minutes and made a motion to remove Jeanne Henry's comment as recorded in the minutes referencing zoning and comments of Clay Kelterborn's as recorded referencing the septic ordinance and the ZBA mistake. After some discussion, **motion by Smith to remove Jeanne Henry's sentence "She also has concerns about the proposed changes to the zoning ordinance and stated that the public needs to be more informed about the changes."**, **seconded by Osborne**. Smith asked for a roll call vote. Osborne, Smith, Hartsell – aye. McCallum opposed. **Motion by Smith to remove Clay Kelterborn's comments regarding the septic ordinance, the ZBA mistake and the PA system**. Discussion followed. Smith withdrew his motion. **Motion by Osborne to remove the following comments by Clay Kelterborn: "hopes that it will not be swept under the rug and requested to hear from the board on what they will be doing in this regard; wanted to know what Smith was going to do about the ZBA mistake by Lou Bushey"**. **Motion seconded by Smith**. Smith asked for a roll call vote. Hartsell, Smith, Osborne – aye. McCallum – nay for the reason that this Board has taken away the public's right to have any input on decisions made and the only opportunity for the public to offer any input is to make comments at the end of the meeting; including the comments is not editorializing and comments will continue to be included in the minutes. Smith stated he will check with the County Prosecutor on whether he is right in striking these comments.

### Report's from Board Officers:

**Supervisor:** Smith reported on the meeting held on January 7, 2011 with the Lake Township Fire Committee, Russ Mangiagne from the CAFPA Board, himself and Attorney John McQuillan. Minutes were taken of the meeting by Lisa Konke and McQuillan will send a letter to Smith with his recommendations. Smith asked for Board approval to send a letter to Caseville Township stating that Lake Township wishes to stay with the original agreement with two members from each Township and one member from the Village or City of Caseville. **Motion by Hartsell that when Smith receives letter from Attorney McQuillan, Smith will send a letter to the Caseville Township Supervisor stating that Lake Township wishes to stay with the original agreement, seconded by Smith**. Motion carried – all ayes.

**Treasurer:** McCallum noted one possible correction to the report and will verify it with Fischer. **Motion by Smith to approve the Treasurer's written report as submitted, seconded by Osborne.** (Fischer arrived at 6:50 P.M.) Motion carried – all ayes.

**Clerk:** Nothing to report.

**Trustees:** Nothing to report.

**Correspondence:** Correspondence read by Smith including Stabenow correspondence received January 17, 2011 at 4:35 P.M. regarding Canadian trash via email to Pat Smith. McCallum asked whether the board is now accepting correspondence up to the board meeting. Smith indicated that he was only reading this as a point of information.

**No Petitions.**

**Old Business:**

**CAFPA:**

Smith already reported on this issue.

**Pinnebog & Pigeon River Watershed report:**

Pat Smith attended the December meetings of the Pinnebog and Pigeon River watershed projects. She read from written minutes of meetings held on December 7, 2010 which highlighted the project's mission statement, grant funding, activities and results of the project and the fact that Bay, Arenac, Huron and Sanilac counties are working on a sanitary code and a point of sale ordinance. No future meetings are scheduled or expected until fall for the Pigeon River project. The next meeting of the Pinnebog River project is scheduled for March 24, 2011 at 1:30 P.M. at the Elkton Village Hall.

**New Business:**

**Third Quarter Budget Review:**

Discussion on revenue sharing cutbacks. McCallum informed the Board that in order to pay members of the Township's fire committee, funds must be appropriated to a budget line item for such expenses. Budget reviewed. **Motion by Fischer to make budget amendments transferring \$100.00 from Transfer Station repairs to Transfer Station Recycling and \$1,000 from Blight to Public Safety, seconded by Osborne.** Motion carried – all ayes.

**FOIA Policy:**

Smith questioned the FOIA fees charged. McCallum informed Smith that the township can only cover its costs with FOIA fees and currently charges five cents per page for copies and can charge an hourly rate for labor of \$10.00 with a minimum fee of \$2.00.

**Board of Review appointments:**

**Motion by Smith to appoint Paul Golsch as a second alternate to the Board of Review, seconded by Fischer.** Smith requested a roll call vote. Osborne, Fischer, Smith, Hartsell, McCallum – aye.

**CAFPA/Attorney meeting invoice:**

McCallum questioned the invoice submitted for a meeting held on January requesting payment for Len Pilato, Dale Hartsell, Russ Mangiapane and Lisa Konke. No amount was submitted. Len Pilato and Dale Hartsell are appointed members of the fire committee. Resolution 2011-01 read by McCallum establishing fire committee compensation. Discussion on fire committee and CAFPA. **Resolution 2011-01, Lake Township Fire Committee**, offered by Hartsell and supported by Smith. Roll call vote: All ayes.

**Property Insurance Renewal:**

Smith asked whether this insurance package included worker's compensation insurance. McCallum informed Smith this was only for property and liability insurance. Discussion on worker's compensation insurance. **Motion by Fischer to stay with Burnham and Flower/Accident Fund for worker's compensation, seconded by Hartsell.** Motion carried. Smith opposed.

McCallum had provided copies of the renewal premium invoice with deductible and coverage options to all board members. After review, the following options were selected:

**Motion by Smith to increase Property & Inland Marine deductible to \$500.00, seconded by Fischer.** Smith requested roll call vote. Osborne, Fischer, Smith, Hartsell – aye. McCallum – nay, preferred \$1,000 deductible. Motion carried.

**Motion by Osborne to increase Zoning Limit from \$100,000 to \$500,000, seconded by Fischer.** Smith requested roll call vote. Hartsell, Smith, Fischer, Osborne, McCallum – aye. Motion carried.

**Motion by Smith to renew property/liability policy with Burnham & Flower with an increase in the zoning premium and a deduction in the inland marine premium, seconded by Osborne.** Smith requested a roll call vote. Osborne, Fischer, Smith, Hartsell, McCallum – aye. Motion carried.

**Payment of bills:**

Discussion on January Frontier bill and other utilities not yet received. Pursuant to policy, these can be paid when they are received. Accident Fund Workers' Comp due February 13, 2011 can be paid when received.  
**Motion by Hartsell to pay bills with the addition of the Burnham & Flower insurance premium, seconded by Smith.** Motion carried.

**Public Comments:**

Jeanne Williams requested that it be put in the minutes that she is disappointed in the actions of Smith taking comments out of the December minutes and objects to his statement that people speaking during public comments belong to some group and that his actions are making it a waste of time for the public to speak up.

Lou Colletta commented that when he was on the planning commission, the septic/point of sale ordinance was an area of concern and Lake Township used to take a proactive approach to issues. He also commented on a dispute with Oliver Township over excessive FOIA fees, the fact that the current recycling program does not offer the recycling options previously available yet the costs are the same and recommended the planning commission seek professional assistance before making decisions.

Kelterborn thanked the board for the five minutes allowed for members of the public to speak although earlier actions by the Board would appear to be an attempt to censor the public. Kelterborn stated the public has the right to question their public officials and that his questions regarding the mistake made by Mr. Bushey were in follow up to comments from a previous meeting wherein it was brought up that a mistake had been made by the ZBA and it was mentioned at that time that it was Mr. Bushey's mistake. Kelterborn stated that if Mr. Bushey does not like being questioned as a public official, he should resign. A mistake was made by a public body in this township and he is upholding his rights to question this board on how they intend to correct it.

Kelterborn also mentioned the septic ordinance and stated he does not recall that any board took any formal action in regard to a septic ordinance and has attended most meetings and recalls no mention of Huron, Tuscola or Sanilac counties looking at a point of sale ordinance. He stated that this community looked at this issue for several years and is disappointed that this board has put this issue aside.

Lou Bushey commented that he has to say something and hopes that his home will not be damaged again, but the zoning administrator was not present at the meeting in question to answer questions the ZBA members had, the property owner came in with a deed showing an additional nine feet and that it is a board and all members are at fault.

Lou Colletta commented that accountability falls upon the chairperson.

McCallum offered comment that perhaps this is a good reason why education of members of the planning commission and ZBA is so important. McCallum explained that the zoning administrator provided the required information on lot size and coverage for the zoning appeal, she verified the information when preparing the notice of hearing and included copies of the updated survey showing the additional lot area in the packets prepared for the ZBA members.

McCallum also offered comment on good policy for public comments which would allow comments at the beginning of the meeting or during the meeting in order to allow the public the opportunity to have input on issues the board will be making decisions on. The current policy adopted by this board was adopted based upon a sample policy of the MTA but it was modified to remove the public comment period near the beginning of the meeting.

Trustee Osborne indicated he strongly believes in the public's right to comment on whatever it is they want to say, but does not approve of condescending comments.

McCallum also mentioned that there have been many complaints about the recycling as far as the lack of what can be recycled with the new company. The prior program was working with Tuscola County Recycling and they took more types of recyclables.

McCallum requested that the planning commission look into finding a professional consultant at their next meeting. Chairman Szumlinski stated he knows exactly what he needs and is going to do.

In regard to the septic ordinance, McCallum stated tonight was the first occasion she heard any reference to a point of sale ordinance by Huron, Bay, Tuscola and Sanilac counties. Pat Smith made a correction, noting it is Arenac, not Tuscola. McCallum commented that Lake Township used to be one of the most proactive communities and we're now going backwards.

Dave Szumlinski commented that when he made comments during public comment time criminal charges were brought against him and they were false so how can board members be blamed for not responding to public comment. McCallum explained her reason for seeking relief with the prosecutor's office. Szumlinski questioned the outcome of the complaint.

Lou Colletta asked to make another comment. Smith would not allow further comments by Colletta, stating he had his five minutes and wanted to close the meeting if there were no other comments. Colletta claimed he did not have his five minutes. Colletta stated he had something else to say and it was not derogatory. Smith responded saying that is a switch. Colletta requested that that be put in the minutes. Smith instructed the Clerk to go ahead. Colletta commented that the County Commissioners allow public comments at the beginning of their meetings. Smith stated that when he went to the school in Judge Knoblock's courtroom, the prosecutor, assistant prosecutor and state police lieutenant stated that he only had to allow comments at the end of the meeting. Colletta stated he was at the same training and that comments could be either at the beginning or the end.

**Motion by Smith to adjourn the meeting, seconded by Fischer.** Motion carried. McCallum opposed. Meeting adjourned at 8:10 P.M.

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Valerie J. McCallum, Clerk