

Township of Lake

Huron County, Michigan
March 28, 2011

Regular meeting of the Lake Township Board called to order at 7:00 P.M

Pledge of allegiance.

Roll call. Osborne, Fischer, Smith, McCallum present. Hartsell absent. 16 guests.

Meeting Agenda:

Smith added special meeting minutes of March 12, 2011, Letter from Attorney Salens to Mr. Paul Beck regarding FOIA request and late fee for tax payment of \$54.26. **Motion by Osborne to approve agenda with additions, seconded by Fischer.** Motion carried – all ayes.

Minutes of February 21, 2011 Regular Meeting: Motion by Fischer to approve, seconded by Osborne. Motion carried – all ayes.

March 12, 2011 Special Meeting: Minutes read by Osborne. **Motion by Smith to approve, seconded by Osborne.** Motion carried. McCallum opposed for reason that scheduling of meeting was not properly handled.

The public hearing on the 2011-2012 Budget was opened by Smith at 7:07 P.M.

Smith read through the proposed revenues and expenses of the General Fund Road Fund, Gypsy Moth and Capital Improvement Fund budgets.

Changes were made in the following line items:

Office Expenses: Accounting – reduced to \$4,200.00

Public Works: Drain at Large – reduced to \$150.00

Health & Welfare: Ambulance Service contract – reduced to \$3,500.00

Comments from the following:

Paul Beck questioned elimination of PO Box for Clerk and the handling of election mail. Smith would not allow further comments in this regard as it did not pertain directly to the budget. Mr. Beck questioned salary increases. Smith indicated that no one received a raise. Mr. Beck asked about the Transfer Station and who is running it. Smith stated that it is the same person who has been running it for several years. Mention was made of the recycling operator. Osborne informed Mr. Beck that the board only wants to hear about the budget. Mr. Beck asked about the Capital Improvement Fund and why there is \$5,000 budgeted for expenses wanting to know what needs to be improved. Smith stated that the furnace was just replaced for \$2,800 and that money needs to be there if something comes up. Mr. Beck provided Smith with a copy of a budget from the City of Troy.

Clay Kelterborn asked what the 2011 Taxable Value and millage rates are going to be. Smith indicated \$92,300,885 and that the 2011 millage rates will be .9251, 1.4671 and .6000 for fire.

Kelterborn asked if those are the millage rates that will be levied. Smith stated that is what he has been told.

Kelterborn asked whether or not they will change. Smith indicated they will not.

Kelterborn asked what the ending fund balances will be. Smith stated he is not projecting anything until he knows what he is doing.

Paul Beck stated that Smith must know what is in the bank accounts. Smith read bank account amounts and gave a total of \$819,640.23 for cash in the banks.

Len Pilato asked Mr. Beck why he wants to know this information. Mr. Beck stated it is the budget. Mr. Pilato asked what that has to do with the budget. Smith stopped the discussion between Pilato and Beck.

Kelterborn asked what percent of the budget is going up or down from last year to the near year. Smith stated that the taxable value will be 1.18% lower. Kelterborn asked whether the expenses are decreasing by the same amount. Smith did not know.

Kelterborn asked to respond to Mr. Pilato's questions stating that the budget hearing is an opportunity for the public to see how their township government is spending money since we pay the taxes. He stated these are general questions and fund balances are a marker of the health of the township's finances and whether the township is spending more than it is taking in. He stated that years ago the township had an annual meeting and the public had input as to what officials' salaries would be and people should have the opportunity to ask these questions.

Osborne stated that no one on the board has objected to questions about the budget.

Motion by Smith to close the public hearing, seconded by Osborne.

Public Hearing closed at 7:25 P.M.

Reports from Board Officers:

Supervisor: Smith indicated that later in the meeting he will ask for approval to check into the mailbox problem for people getting their taxes paid late since a lot of mail went to Box 1025 by banks.

Treasurer's Report: Fischer indicated her report has been prepared. McCallum informed the board that the general checking balance is incorrect and should be \$5,195. **Motion by Osborne to approve the Treasurer's Report as corrected, seconded by Smith.** Motion carried.

Clerk's Report: McCallum informed those present of the following:

May 3, 2011 School Elections. Absentee ballots are available.
Public Hearing April 9th at 12:00 on Zoning Ordinance Amendments.
Public Hearing April 27th at 6:30 PM on Wind Energy Ordinance
Upcoming Public Hearing on zoning variance late April, early May – not yet scheduled.

FOIA Fee verification with Michigan Township Association that the township cannot charge more than it costs to produce. It costs the township less than .05 cents to produce a copy plus labor charges so .25 cents is excessive and this needs to be discussed under old business.

Trustees: No report.

Correspondence: Smith read through correspondence.

Petitions: None.

OLD BUSINESS

Gypsy Moth:

Smith asked McCallum what we do. McCallum informed Smith that in the past the supervisor and office secretary handled gypsy moth arrangements which include seeking bids for spraying, working with Caseville Township and notification letters. Smith asked whether the sprayers use balloons to mark where people do not want to be sprayed. McCallum responded that she was unaware of how they handle no spray requests. McCallum also advised Smith that Caseville Township and Lake Township have always worked together on this program and Caseville Township is still interested in doing so.

FOIA Fees:

Smith stated that he has talked with Steve Allen, Walt Salens and the County Prosecutor regarding a 25 cent FOIA fee and all agreed 25 cents was reasonable. McCallum read an email from Catherine Mulhaupt at the Michigan Townships Association which stated, "the township's cost is the cost you can charge....in your case, that is the 5 cents per page." McCallum explained that she has researched the township's cost to make a copy, being 2.4 cents per page for the copier which includes all maintenance fees, .84 cents per page for paper (approx. 8/10th's of one cent per page) and if you add in the purchase price of the copy machine with the number of copies made to date, that amounts to 2.2 cents per page for a total township cost of approximately five cents per page. McCallum stated that this is a service we should provide without trying to make more money off our taxpayers. Osborne agreed that we

should not be trying to make money, but that many of the FOIA's received in the office are frivolous. He asked for more time to think about the matter. **Motion by McCallum to charge five cents per page plus labor costs.** Motion failed. **Motion by Fischer to charge ten cents per copy.** Motion failed. **Motion by Osborne to table until the next meeting, seconded by Smith.** Motion carried. McCallum opposed.

4th Quarter Budget Review: McCallum noted the following line items are over budget:

Deputy Supervisor Education over by \$229.00
Treasurer's Supplies over by \$16.37
Salary for Extra Office has only \$25.00 left and four days left in fiscal year.
Payroll taxes over by \$322.49

Motion by Smith to transfer funds as follows:

\$300.00 from Supervisor Mileage/Housing to Deputy Supervisor Education
\$50.00 from Treasurer Mileage/Housing to Treasurer Supplies
\$500.00 from Office Supplies to Salary/Extra Office
\$500.00 from Public Safety to Payroll taxes

Motion seconded by Fischer. Motion carried – all ayes.

CAFPA:

Smith went through the CAFPA Budget. McCallum indicated that the CAFPA Budget was supposed to be part of the public hearing. Smith asked whether anyone had any questions on the CAFPA budget. No questions were asked. McCallum asked what was going on with the CAFPA negotiations. Len Pilato indicated that there is a one year agreement with the City of Caseville. McCallum asked whether the two Townships and the City would be meeting during the year to discuss what happens after the one year. Pilato indicated that for the current year everything is set.

ZBA/PC Education:

Smith indicated that Hartsell, Szumlinski and Krohn will be attending a planning/zoning class in April. He indicated that none are scheduled for the zoning board of appeals. McCallum stated that the zoning board of appeals members should be taking the same planning/zoning classes since it is all related and they are required to have continuing education every two years. Smith then indicated that he would like the planning commission members to receive full pay for attending classes. McCallum indicated that the township pays for the class, pays mileage and currently pays \$30.00 for their attendance. Other townships do not pay anything for attendance since they are paying for the class. **Motion by Smith to pay the per diem rate for class attendance, seconded by Osborne.** Roll call vote: Osborne, Fischer, Smith – yes. McCallum – no. **Resolution 2011-02 Education Pay Rate approved.**

P O Box:

Smith asked the board for approval to investigate the P O Box as far as wrong doing. Osborne asked how he proposes to do this. Smith stated he will check with the Sheriff's Department first and then with Detroit for a federal crime.

Motion by Osborne to approve Smith's request, seconded by Fischer. Roll call vote: Osborne, Fischer, Smith – yes. McCallum – no. Motion carried.

NEW BUSINESS

Penalty fees:

Smith indicated that a taxpayer's check had been returned and their taxes ended up being late with penalties assessed. He indicated it wasn't their fault.

Motion by Smith to reimburse \$54.26, seconded by Fischer. Motion carried – all ayes.

2011-2012 Budget Adoption and Annual Resolutions:

Resolution No: 2011-03, General Appropriations Act, offered by Smith and supported by Fischer. Roll call vote: Smith, Fischer, Osborne – aye. McCallum – nay.

2011 CAFPA Millage Levy Resolution - Resolution 2011-04, offered by Smith and supported by Fischer. Roll call vote: All ayes.

2011 Township Millage Levy Resolution - Resolution 2011-05, offered by Smith and supported by Fischer. Roll call vote: All ayes.

Resolution 2011-06, Resolution for Township Auditor, offered by Smith and supported by Fischer. Roll call vote: All ayes.

Resolution 2011-07, Resolution for Township Attorney, offered by Smith and supported by Fischer. Roll call vote: Osborne, Fischer, Smith – aye. McCallum – nay.

Resolution 2011-08, Resolution for Township Depository, offered by Smith and supported by Fischer. Roll call vote: All ayes.

Resolution 2011-09, Resolution for Township Publication Media, offered by McCallum and supported by Smith. Roll call vote: All ayes.

Resolution 2011-10, Resolution for Tax Collection Administrative Fee, offered by Fischer and supported by Smith. Roll call vote: All ayes.

Resolution 2011-11, Township Board 2010-2011 Meeting Schedule offered by Fischer and supported by Osborne. Roll call vote: All ayes.

Appoint William Osborne to ZBA:

Motion by Smith to appoint Osborne to the Zoning Board of Appeals, seconded by Fischer. Motion carried. McCallum opposed.

Renewal of Assessor Contract:

Motion by Smith to approve renewal of contract with Jo Wolschlager, seconded by Fischer. Roll call vote: Osborne, Fischer, Smith – aye. McCallum – nay. Motion carried.

Yard Work Bid:

Motion by Smith to accept yard work bid from Paul Santhany, seconded by Osborne. Motion carried – all ayes.

Ambulance Contract:

Smith indicated that our fee decreased to \$3,420 due to a decrease in population to 855. **Motion by Smith to approve contract and pay when contract received, seconded by Fischer.** Motion carried – all ayes.

MTT Stipulation Fee Reimbursement:

Smith asked Mr. Beck about his request. Mr. Beck stated that his case before the tax tribunal against Lake Township settled before the hearing in front of an arbitrator, a stipulation was prepared and sent to the tribunal. He then received a \$25.00 bill and stated that the township had a policy that it would split the stipulation fee. Osborne indicated that he reviewed policies provided by Smith and could find no such policy. McCallum stated that stipulated settlements are between the assessor and the taxpayer, and in the current situation Smith, as Chief Assessing Officer, should also be aware of these and that the assessor in the past always split the fee since the parties were both agreeing to settle the dispute. Fischer stated it never happened. McCallum was asked to check in the accounting program for such instances. McCallum provided evidence of one such situation but informed the board it would take more time to provide more, but that it was common practice and stated that as an assessor in other units, it is common to split this fee. **Motion by McCallum to continue paying half of the stipulation fee. Motion failed.** Osborne stated he doesn't agree with rewarding a taxpayer for appealing their assessments.

Payment of bills:

Motion by Smith to pay bills presented and an additional \$54.26 for tax penalty reimbursement, seconded by Fischer. Motion carried.

Public Comments:

Paul Beck questioned the mailbox issue and stated that the Clerk and her assistant are the only persons legally able to handle election ballots. He stated he is strongly opposed to only one mailbox since the Treasurer is not authorized to pick up mail.

Mr. Beck also stated that he sent a letter to the township requesting a copy of his L-4400 which he did not receive. At the March Board of Review he asked whether the assessor received his letter and she indicated she had. He informed Mr. Smith that it is his responsibility as the Supervisor and Chief Assessing Officer and that the assessor used the excuse that the county mailed the forms out when, in fact, they did not and he stated that it is a monumental task to request a duplicate.

Mr. Beck also indicated that someone on the township board has had a 75% assessment on their home for the last four years, living there for four years with a 25% reduction. He indicated that if no action is taken to close out the building permit, the assessment still needs to be increased.

Bill Williams stated that the Detroit News had an excellent editorial regarding the costs of wind energy and encouraged everyone present including the board to read it.

Pat Przystup asked who can bring in paperwork for the table. McCallum stated anyone can bring in paperwork and that it was removed from the table and put on the side but is available to anyone. Mrs. Przystup asked what can be done about the ash borer. She was advised that there are chemicals homeowners can purchase to treat their trees but nothing can be done on a township wide scale.

Walt Kloc stated that the library in Cass City charges .10 cents per copy and the Romeo library has a coin operated commercial copier that also charges .10 cents.

Clay Kelterborn commented that when Smith took office, he had offered to answer any questions Smith might have, just call, and Smith has never called. He stated that as far as the gypsy moth program, he, as supervisor, took care of that with the office secretary and Caseville Township.

Kelterborn also indicated that the MTT Stipulation policy was not a written policy but that the taxpayer has the burden of proof but in light of the fact that there is always the element of human error, assessors will stipulate and to be fair with the taxpayer will split the stipulation fee.

Kelterborn stated he would also like to chime in on the FOIA fees stating that it is not the townships' prerogative to make money off its residents but it is an obligation to provide this service. It is extra work and Osborne brought up some good, thoughtful points, but with the copy charge the township is also charging an hourly fee.

Kelterborn commented on the P O Box stating that he has watched the erosion of the public's ability to participate in their government and also the erosion of the clerk's ability to do her job. It is a statutory duty of the clerk to maintain the township records. All township officials have statutory duties, the mail is a statutory duty of the clerk and courts have ruled in favor of clerks in this regard and he does not approve, as a taxpayer and resident, of this Board's actions.

Lisa Konke asked to address Mr. Beck regarding his complaint against Mr. Osborne and the fact that sometimes there are hardships which prevent a building permit from being closed out and that the assessor would have to have a finalized permit in order to increase an assessment.

Lou Colletta stated that when he built his house, after three years he was taxed fully.

Smith stated that things change.

Lou Bushey indicated that Osborne had a fire.

Motion by Smith to adjourn, seconded by Fischer. Motion carried – all ayes.
Meeting adjourned at 9:05 P.M.

Valerie McCallum, Clerk