

# Township of Lake

Huron County, Michigan  
August 15, 2011

This meeting of the Lake Township Board called to order at 7:30 P.M. Pledge of allegiance. Roll call. Osborne, Fischer, Smith, Hartsell and McCallum present. Approximately 15 guests.

**Meeting Agenda:** McCallum requested the addition of Tax Tribunals, Boat Hoists and Building Inspector Laptop request and MTA Fall District meeting. **Motion by Smith to approve the agenda with additions, seconded by Osborne.** Motion carried – all ayes.

**Minutes of July 18, 2011 Regular Meeting:** Motion by Fischer to approve, seconded by Hartsell. Motion carried – all ayes.

#### **Reports from Board Officers:**

**Supervisor:** None.

**Treasurer:** Report filed.

**Clerk:** Petition for referendum of the Lake Township Wind Overlay Facility Ordinance was filed with 101 valid signatures. Michigan Planning & Zoning Guidebooks have been received and will be issued to members of the Planning Commission and Zoning Board of Appeals. McCallum asked Smith whether the vacancies on the planning commission and zoning board of appeals were going to be posted. Smith stated Paul Golsch will be replacing McBride on the planning commission and was unaware of Conrad Przystup's resignation from the ZBA.

**Trustees:** No report.

**Correspondence:** Smith stated that Colletta's correspondence will not be read but copies are available. Letter from Kelly Smith read by Smith. Smith stated that this letter is requesting a dog ordinance, but the problem is with policing such an ordinance. Fischer thought that the township had a dog ordinance. Smith asked Russell. Russell commented that he sees many people walking their dogs who carry bags to clean up after them, and if he sees someone on the beach with their dog, he will say something, but there is no ordinance. Osborne stated that it is not enough of a problem to write an ordinance. McCallum stated that this issue has been brought up before and that the township should include something in the next newsletter about common courtesy in picking up after one's dog. Hartsell read Comcast letter about affordable internet option for households with students.

#### **Public Comments:**

Len Pilato asked how people will be notified of the Comcast internet? Smith stated it will be put on the township's website.

Lou Colletta stated that at the last meeting he had asked why two board members had not been required to disclose the fact that they had a signed lease with DTE as required by the Michigan Zoning Enabling Act and Smith had stated that he was unaware of any board members with agricultural land who could have a lease. Colletta provided copies of documents recorded with the Huron County Register of Deeds between DTE and William and Vivian Osborne and Robert Hyzer Trust.

Osborne responded that he was asked whether he had a lease and he stated he would not say he does and would not say he doesn't, and the \$20.00 he will earn on his agreement every year is so minimal and he only wanted to show his support for the issue as McCallum has shown her disdain and gone around the state speaking against wind. He stated that a conflict of interest is different than a vested interest and that if any board member is conflicted, it is McCallum who has been openly anti-wind for the last several years and if he should recuse himself, so should McCallum. McCallum stated that she is not anti-wind, but for proper regulations to protect the interests of all people, not just those who will benefit from the turbines and has been very open about this. She stated that Osborne, as a public official, had an obligation to disclose the fact that he had a signed agreement based upon the law and then it would be up to the Board to decide whether or not he could vote on the ordinance, but he tried to hide the fact. Osborne stated that he never said he did not have an agreement or that he did and even without his vote, it would have passed 3 to 1. McCallum commented that it is possible that Fischer also should have made a disclosure inasmuch as she could be a successor trustee on the Robert Hyzer Trust. Fischer stated that she does not own any agricultural land and that she will not provide her legal papers to prove whether she does or not does, that she goes to church every Sunday and does not lie. Colletta stated that Osborne is in direct violation of the law.

Yvonne Bushey commented that an elected official is in office to do the business of the township and by Osborne voting on the ordinance he did what is best for the township and there is no conflict when voting on an ordinance.

Neil Rohner commented that he agrees with Osborne about the conflict of interest McCallum has because she has signed articles against wind as the Clerk of Lake Township and many people think it is coming from the township and he has told people that the ordinance passed by the township is pro-wind and people see McCallum's articles as Clerk of the township and wonder what is going on.

McCallum commented that her comments that turbines should not be in Lake Township is based upon the recommendations of the U.S. Fish & Wildlife Service and that she values their opinion and expertise.

Clay Kelterborn commented that there is a misunderstanding between people's opinions and legal documents that tie people to an obligation, that opinions are part of the political process and the statutes defining conflict of interest tie someone to financial gain. He stated that Osborne, having a lease signed for \$20.00 or two cents does not matter, he is an elected official representing our

community and it causes a sense of impropriety when he votes on something that someone could say affects his financial gain and that is why in his opinion the statute was written as it was.

## **OLD BUSINESS**

### **H. Suri Tax Appeal:**

Smith stated that the County Treasurer has already issued a refund of the 2009 and 2010 taxes and the appellate court secretary had told him he had 28 days to send in information for a motion to reconsider and now that the money has been refunded, it is too late to do anything.

McCallum commented that the Consent Judgment has reduced the property taxes by \$4,749 for 2009, \$4,203 for 2010 and possibly up to \$5,516 for 2011 depending on the millage rates. Smith stated that the refunds were not that much. McCallum asked who authorized the signing of the consent judgment that has reduced the assessment to \$672,000 when Smith stated that the property was purchased for \$900,000 and the building cost \$5,000,000. A claim was filed with the township's insurance company via a fax from ABC Oil. Midwest Claims has denied any coverage in a letter dated August 1, 2011. The letter references a conversation with Smith about the issue and the entry of the consent judgment setting aside the township's default for failure to timely answer and stipulating to revised taxable values and describes the Public Officials Wrongful Act Coverage which does not apply to this issue.

McCallum asked Smith, as Chief Assessing Officer, why the Board wasn't made aware of this tribunal appeal. Smith stated he was not made aware of it. McCallum stated that in checking with the Michigan Tax Tribunal docket search, there are over 236 tribunal cases listed for the seven (7) Lake Townships in Michigan and why isn't the township board kept informed of any tribunals against the township. McCallum stated that the revenues lost by this consent judgment and reduction in the SEV will never be regained and is a big loss to the county. **Motion by McCallum that the Assessor provide in writing a report on pending tribunals to the Board and tribunal appeals are brought to the Board before anything is consented to by the Assessor, seconded by Smith.** Motion carried – all ayes.

### **Boat Hoists:**

McCallum referenced public comments made during the July Planning Commission meeting as submitted in their minutes regarding boat hoists, specifically a comment made by Walt Kloc stating "He added that Valerie McCallum generated the boat hoist issue." McCallum stated that the boat hoist issue was generated by complaints made to township officials over the course of several years and referenced in past minutes, and Mr. Rohner was one of the most outspoken individuals advocating for the township to regulate boat

hoists. Smith cut McCallum off stating that he did not want to hear what she had to say, it is the business of the planning commission and she is interfering.

**STC Audit:**

Smith indicated the State Tax Commission audit is schedule for August 24<sup>th</sup> at 1:30 P.M.

**NEW BUSINESS**

**Huron Gas:**

**Motion by Fischer to sign up for the pre-buy for \$2,687.00, seconded by Hartsell.** Motion carried – all ayes.

**Building Inspector Laptop Request:**

**Motion by Smith to authorize the building inspector to purchase a new laptop as requested, seconded by Fischer.** Motion carried – all ayes.

**Wind Ordinance Referendum:**

**Motion by Smith to hold an election in November to vote on the wind ordinance.** McCallum stated that it will cost over \$2,000 to hold an election in November and suggested holding off until the February election. Smith stated that there is not an election scheduled for February. McCallum stated that in talking with the MTA and Secretary of State, there will most likely be a February election. Smith asked for a second. **Motion seconded by Fischer.** Hartsell asked McCallum about costs. McCallum stated that in a February election, some of the costs are shared with the other townships, such as publication costs. **Smith asked for a roll call vote. Roll call vote: McCallum – nay. Hartsell – nay. Smith – aye. Fischer – aye. Osborne – nay.** Osborne stated he would like to move the issue forward, but is all for saving the township money and if waiting until February will save the township several thousand dollars, then it is better to wait. McCallum stated that she did not say several thousand dollars, but \$2,000 to \$2,500.

**Public Comments:**

Lou Colletta stated that the boat hoist ordinance came about because it was what the people wanted, that he was on the planning commission at the time and there were many people in attendance and that the only complaint people had about the boat hoist ordinance was the cost of a permit, which had nothing to do with the planning commission's recommendation and that the people wanted a boat hoist ordinance due to the problem with abandoned boat hoists and placement and Mr. Rohner was very adamant about placement.

Walt Kloc stated that the minutes inaccurately recorded what he said and he apologized to McCallum for any misunderstanding created by those minutes.

Dave Szumlinski stated that he will look at any information supplied to him and that the planning commission is looking at boat hoists on easements based upon a judge's ruling that the township has no jurisdiction on easements. He

stated he is also looking at whether the township has jurisdiction in the water and said if a wave hits one boat hoist and that boat hits the second boat hoist and then the third hoist, he is wondering if the township would be liable because they were required to be put in the water that way based on the township's ordinance.

Walt Kloc commented that he believes it is a safety issue when the hoists get too far out in the water and that is what he stated at the planning commission meeting and what should have been reflected in the minutes.

Clay Kelterborn commented on Smith's silencing of the Clerk and stated that all board members are equals and the subject matter was put on the agenda. He stated that all functions of the township, assessing, zoning, fire department, are business of the township board and for Smith to tell the Clerk she is interfering with township business is inappropriate. He stated that a resident with the most expensive house in the township is now getting a \$5,000 tax break because of sloppiness and if Smith followed the example of the Clerk, this type of mistake would not have happened. He stated that Smith needs to do a better job as Supervisor.

**Payment of Bills:**

**Motion by Fischer to pay bills with the addition of Huron Gas for \$2,687, seconded by Smith.** Motion carried – all ayes.

**Motion by Hartsell to adjourn, seconded by Fischer.** Motion carried – all ayes.  
Meeting adjourned at 8:35 P.M.

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Valerie McCallum, Clerk