

Township of Lake

Huron County, Michigan
December 19, 2011

This meeting of the Lake Township Board called to order at 6:30 P.M. Pledge of allegiance. Roll call. Osborne, Fischer, Smith, Hartsell and McCallum present along with 16 guests.

Meeting Agenda: McCallum requested the addition of Board of Review Secretary pay, December 19, 2011 letter from Walt Salens to Smith and maintenance contract on voting machine. **Motion by Hartsell to approve the agenda with the additions, seconded by Osborne. Motion carried.**

Minutes of November 21, 2011 Regular Meeting: **Motion by Fischer to approve, seconded by Hartsell. Motion carried.**

Reports from Board Officers:

Supervisor: None.

Treasurer: Report submitted. **Motion by Smith to accept the Treasurer's Report as submitted, seconded by Fischer. Motion carried.**

Clerk: Notified those present that applications for absentee ballots for permanent absentee voters have been mailed out and that ballots should be in by mid January. Read letter from Salens regarding payroll. Asked why Smith spent \$30.00 for an unnecessary legal opinion inasmuch as payroll was not included on the bills prepared on Sunday since all payroll vouchers had not been submitted and payroll could not be completed until Monday when the missing voucher was turned in. A phone call would have saved \$30.00 in legal fees.

Trustees: Osborne stated he put in a light switch in the vestibule at no cost and drafted a mileage policy that was not included on the agenda. Copies will be distributed to board members to review for January meeting.

Correspondence read.

No Petitions.

Public Comments: Comments from Jeanne Henry regarding board conduct, Pat Smith regarding lack of trust, Jim Simmons regarding agenda posting on website and Larry Murdoch regarding Comcast letter.

Old Business:

Referendum ballot language: McCallum read ballot language prepared by Salens. **Motion by Smith to approve language, seconded by Hartsell. Roll call vote: All ayes.**

Amended to read:
"Asked why Smith
spent \$30.00 for a
legal opinion...:

Principles of Governance Pledge:

Per the request of Bill Williams, McCallum obtained another copy of the Michigan Townships Association Principles of Governance Pledge with Osborne listed as Trustee. Pledge read and members asked to sign. Hartsell and McCallum signed.

New Business:

Planning Commission Checklist: McCallum advised the board that this item was requested for the agenda by Smith. Smith had nothing for the board on this item.

Resolution for Deputy Clerk/Bank: McCallum read **Resolution No. 2011-22, Bank Account Authorization**, for changing of the Deputy Clerk on bank accounts. **Resolution offered by Fischer and supported by Smith. Roll call vote: All ayes.**

Board of Review Secretary Pay: McCallum asked the Board for a Resolution on the Board of Review Secretary pay. **Resolution No. 2011-23, Board of Review Secretary Pay, offered by Fischer and supported by Smith. Roll call vote: All ayes.**

Election Machine Maintenance Agreement: McCallum advised the Board that the township could elect to carry full maintenance on the Optech Insight for \$235.00 for one year or a State Break/Fix agreement for \$85.00. McCallum stated that many units are opting for the \$85.00 agreement. The County has one machine for emergency use and is carrying full maintenance coverage on it. **Motion by Smith to select the State Break/Fix agreement for \$85.00, seconded by Hartsell. Motion carried – all ayes.**

Smith/Konke Zoning Variance Agreement: Smith stated that the agreement signed by him and Frank Konke was not a zoning variance agreement, that the Lake Township Building Inspector told Smith the zoning ordinance does not cover this situation, the ordinance is too vague and that the planning commission needs to correct this. Smith stated that Attorney Walt Salens said the ordinance has to be specific, if this went to court the township would have little chance of winning since the ordinance does not say how tall a basement can be. All the ordinance says is that an accessory building in R-2 can only be 10 feet high, nothing on the height of a basement. Smith stated that according to the definition of a basement, it can be above or below grade; if it is above grade, it is considered a story, but nothing on height. McCallum asked whether the agreement was first reviewed by Attorney Salens. Smith stated he had sent it to Salens for review. Osborne stated that they came to a compromise because there was nothing in the ordinance that addressed basement height, this had never happened before and this prevented the property owner from taking the township to court. McCallum stated according to an email from

Amended to read:
"Zoning
Administrator's
Retirement:
Motion by Smith
to accept the
retirement..."

Walt Salens, he did not review any agreement. McCallum stated this agreement seems to be an attempt to cover a mistake. Smith stated there were mistakes. He stated that the garage is 2,400 square feet, not 1,200, because the partition wall is not a bearing wall and can be removed after construction is complete. McCallum stated that the supervisor does not have the authority to do this, only the ZBA can grant a variance, that this agreement is improper. Smith stated it probably is, but he saved the township \$30,000 to \$40,000 because the property owner would have sued. McCallum stated that according to Attorney Salen's email, he advised Smith that the construction should be red tagged and it could be resolved in court and that was the last communication he had with the township. McCallum also read an email from the MTA which recommended taking the matter before the Zoning Board of Appeals.

Zoning Administrator's Resignation: Motion by Smith to accept the resignation of Arnie Russell as Zoning Administrator, seconded by Osborne. Motion carried – all ayes. Discussion on ad language for the position. Ad should state part-time position up to 20 hours per week, construction experience, computer proficiency and ability to read blue prints required. Position open until filled. **Motion by Smith to run ad, seconded by Osborne. Motion carried.** Candidates will be screened by Smith and then interviewed by the Board at a regular meeting. Discussion on Tory Geilhart temporarily reviewing site plans. **Motion by Smith to pay Geilhart 50% of the site plan fee, seconded by Fischer. Motion carried – all ayes.**

Public Comments: Neil Rohner commented on Smith/Konke agreement. Tim Lalley asked why three board members again refused to sign the pledge of governance; the same board members recite the Pledge of Allegiance at every meeting and he cannot understand why they will not sign the pledge of governance since it is just a reaffirmation of their oath of office. Walt Kloc asked how a garage/basement will be taxed. Clay Kelterborn commented on problems with assessing oversight, transparency, mistrust, abuse of power and unnecessary legal fees; Pat Smith commented on trust issues, board members' collegiality and the fact that McCallum should not have signed the pledge of governance after stating she does not respect the board.

Payment of bills:

Motion by Fischer to pay bills, seconded by Hartsell. Motion carried – all ayes.

Motion by Hartsell to adjourn, seconded by Fischer. Motion carried – all ayes. Meeting adjourned at 7:55 P.M.

Valerie McCallum, Clerk

Lake Township

From: "Salens & Salens, P.C." <salens@avci.net>
To: <info@laketownship.net>
Sent: Friday, December 16, 2011 1:16 PM
Subject: Re: Walt - Zoning question follow up to prior email

Dear Val:

I have not reviewed any agreement between Mr. Konke, Mr. Smith as to the construction project. My last conversation with Mr. Smith was that either the County or Township Building Inspector should red tag the project if it does not conform to the building site permit. I understand that the project was inadvertently approved by Arnie and should not have been approved because the height of the walls do not conform to the zoning ordinance. I advised Mr. Smith of the red tagging and if necessary the matter could be resolved through court proceedings. That was the last communication I had with anyone from the Township.

Have you approved the language for the ballot? We have to submit the ballot today or Monday.

Walt

----- Original Message -----

From: info@laketownship.net
To: [Salens & Salens, P.C.](#)
Sent: Friday, December 16, 2011 10:34 AM
Subject: Attn: Walt - Zoning question follow up to prior email

Walt,

This is a follow up to my email sent yesterday as follows:

"Also, I just want to confirm that you are not aware of any agreement signed between Frank Konke and Robert Smith as to the John Faber construction project allowing a wall height of 13'3". According to our conversation, you told me that when you last talked to Bob Smith, you advised issuing a stop work order either through our building inspector or Huron County Building & Zoning. Is this correct?"

This agreement has been included in our board packets for Monday's meeting and will likely be a topic of discussion.

I would appreciate your input on this matter before Monday in response to my questions above.

Thank you.

Valerie McCallum, Clerk

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12/19/2011