

Township of Lake

Huron County, Michigan
July 16, 2012

This meeting of the Lake Township Board called to order at 7:30 P.M. Pledge of allegiance. Roll call. Osborne, Fischer, Hartsell and McCallum present along with approximately 35 guests.

Appoint Meeting Moderator/Chairperson: Motion by Hartsell to nominate Osborne as the meeting moderator. No second – motion failed. Motion by Osborne to nominate Fischer as the meeting moderator, seconded by Hartsell. Motion carried – all ayes.

Meeting Agenda: Agenda approved with the addition of CAFPA minutes and reports for April and May, July 3, 2012 letter from Attorney John Ferris and ten letters of intent for interim supervisor upon motion by Osborne, seconded by Hartsell. Motion carried – all ayes.

Minutes of June 18, 2012: Motion by Hartsell to approve the minutes, seconded by Fischer. Motion carried – all ayes.

Treasurer's Report – Fischer explained that she is off by \$24.00 and is not asking for approval of her report.

Clerk's Report – Election training for inspectors completed, absentee ballots for the August primary still available and sample ballots are posted.

Trustee's Reports – Osborne reported that the speed limit on Champagne Road has been reduced to thirty-five (35) miles per hour based upon meetings and letters between him, concerned property owners, Lt. Nagy and Rep. Damrow.

Correspondence read. Attorney Salens' resignation letter read; Zoning Administrator's contract revision request read; job estimate from zoning administrator on information board read; motion by Hartsell to table bid on information board until August, seconded by Osborne. Motion carried – all ayes. McCallum read emails from MSU Planner Kurt Schindler and Professor Chris A. Shafer, Esq. of Cooley Law School regarding boat hoists/docks and July 10, 2012 letter from Clifford Bloom of Bloom, Sluggett & Morgan regarding township legal services. Osborne read July 3, 2012 letter from Attorney John Ferris regarding township legal services. Fischer read letters of intent for Interim Supervisor from Yvonne Bushey and Clay Kelterborn. Osborne read letters of intent for Interim Supervisor from Gerald Pobanz, Ron Krzeminski, Lou Colletta, Ann Krzeminski, Mark Hoffman, Paul Miller, Jim Quinn and Charles Henry.

Public Comment: Jeanne Henry asked the board what procedure they would be using in selecting the interim supervisor. Osborne responded that there would be no interviewing. Osborne stated that the board has 45 days from June 23rd and must make a selection tonight. Ms. Henry requested the board conduct an interview process for the position.

Paul Beck inquired as to how the township can be sure that it has all the records from Attorney Salens and wanted to know if any board member had investigated that.

Jim Quinn inquired about a lot split request from a property owner in Whippoorwill Haven Subdivision and asked whether the township had received a letter in that regard.

Mark Hoffman commented that a lot of time is being spent for a non existent problem in regard to the boat hoists.

Clay Kelterborn commented on Attorney Salens' letter. He stated that Mr. Ferris was the township attorney prior to Salens and the primary reason the township sought a different attorney was due to a backlog of zoning issues that were going to court and not getting resolved and with the township board's permission he solicited interviews with local attorneys. Salens touted himself as being very aggressive and did help in the first couple years to clear up the backlog. He also stated he has no recollection of speaking to Attorney Otto about Lake Township.

Charlie Henry asked a question on retaining an attorney and what the process will be and also suggested that as far as boat hoists and use of easements, the board give some consideration to Mr. Bloom's credentials.

Ann Krzeminski commented that she would agree that the township should consider an attorney who has background in maritime law and as far as the information board she thinks it would appear fairer if the township solicited bids from someone other than an employee. Osborne agreed.

Vivian Osborne asked whether the board is governed by rules in selecting an interim supervisor.

Fischer responded that the township is ruled by the MTA. Osborne indicated there are time constraints.

Mary Quinn thanked the board for the ability of summer residents like herself to access minutes and notices on the township website and asked whether the board would also consider posting correspondence such as the letter from Salens and the emails from MSU and the Cooley Law School professor to the website, also, so people have an idea of what is going to be discussed at the meeting. She requested that if the board is agreeable to that idea they make a motion to that effect tonight. She also commented that there are a lot of good potential candidates for interim supervisor that would warrant an interview process. As to boat hoists, Ms. Quinn mentioned that residents in her subdivision were able to have a boat hoist removed last week and people are not asking the township to police the easements, but just provide a means by which the township can have jurisdiction to handle any problems related to boat hoists.

Lawrence Lechkun commented that rules and regulations aren't very overwhelming to a person when they do not have an issue. He believes the zoning rules are restrictive and if you go for a variance you can get what you want. He commented that he has to get permission for everything, including replacement windows and has a problem as to how the rules are made and wanted to know what it takes to get more reasonable rules. He also commented on the speed limit on M-25 between Oak Beach and Champagne Road and that it is a safety issue in a scenic view area.

Osborne commented that when he was meeting with folks regarding Champagne Road, they also talked about M-25 and that they will try to get MDOT to put up a warning sign "Pedestrian Crossing" at Champagne Road. He stated it is not easy dealing with MDOT for the township or county. He also explained that the requirement for a permit for replacement windows is a state building code requirement, not zoning and suggested that Mr. Lechkun contact the Building Inspector for further information.

Lou Colletta stated that when he was Chairman of the Planning Commission he dealt with the township attorney at that time, Mr. Ferris, on three occasions and he never responded back. He stated that the planning commission had issues with Mr. Ferris and they told Kelterborn about that and the township then retained Salens.

Cindy Jurek commented that the township should get a lawyer who is knowledgeable in waterfront property townships and not part of the good ole boy system in Huron County. She also commented that the interim supervisor should be someone who is not a big wind fan and someone who won't make a lot of money in voting for something.

Fischer commented that they can't vote if it is a conflict of interest. Fischer also stated that she does not own Ag land in this township and does not have a contract with any wind turbine company.

Ms. Jurek continued: She stated she wants someone who knows what they are doing and will not turn the township upside down, it is already divided over wind and boat hoists, and said to make it easy until the elections.

Roger House, who works for D & D construction, stated they have had a problem getting a permit for a sunroom, that the zoning administrator is requiring a septic permit and the health department said they do not need one. He complained about the new zoning administrator not being from Lake Township and being a building contractor and telling builders what to do.

Zoning Administrator Treder commented that the builder has not submitted any plans, two sets are required, and it is a 12 x 24 addition on the back of a house with an owner with a wife and six children and as far as the septic review, as zoning administrator he is looking at it from the perspective that it could be a bedroom since no plans have been submitted.

Tim Lalley stated that he thinks the board should take some time and consider all the candidates, commenting that the position of supervisor is more important and deserves more attention than an information board.

Property owner of 3577 Port Austin Road asked how many tents he can put up on his property. Fischer responded that there is no limit.

Gerry Pobanz commented on port-a-johns on the beach along M-25 and does not think they should be there and asked whether anyone had a variance for those. He asked whether they are legal or illegal and stated that he would rather not see these on the beach other than maybe for a weekend, but not all summer.

Old Business:

Zoning Administrator's Request re. Contract terms:

Osborne commented that Mark has done a good job and there was a misunderstanding when the board was interviewing candidates and he signed a contract for \$500 per month and is now requesting \$750.00 per month. Osborne stated the township has a mileage policy so that cannot be addressed at this time. McCallum stated that the mileage policy can always be changed and that she had not seen or reviewed the original contract and did not understand why the board would take away the mileage when the zoning administrator puts on a lot of miles with zoning violations and blight issues, which are a big portion of the job duties, and also reducing the existing salary. McCallum also mentioned that the zoning administrator has no funds left in his education budget and there is an upcoming MTA summer zoning seminar which would be beneficial for him to attend. Osborne recommended increasing the salary to \$700 and has no problem paying mileage. McCallum stated she is agreeable but also would like to see the education budget increased. Osborne asked Treder how he felt about the \$700.00. Zoning Administrator Treder requested that further discussion regarding his contract revision be discussed in closed session. **Motion by Osborne to go into closed session, seconded by Hartsell.** Motion carried – all ayes. *Meeting recessed at 8:40 p.m.*

Meeting resumed at 8:50 p.m.

Fischer asked what the board would like to do with the Zoning Administrator's request. **Motion by Hartsell to go with \$750.00 per month and mileage at 41.5 cents, seconded by Osborne.** Motion carried – Fischer opposed.

Zoning Amendments 1202.4 Use of Mobile Homes & Recreational Equipment and 1203.4 (Waterfront Easements – Boat Hoists):

Section 1202.4 tabled. **Motion by McCallum to obtain a legal opinion from Clifford Bloom on boat hoists. No second.** Motion failed. Section 1203.4 tabled per Osborne's request.

New Business:

Appointment of Interim Supervisor:

Osborne stated it is important the board do this tonight since the township needs leadership and we cannot expect the secretary to make all the decisions. He stated we need someone to handle day to day matters on an interim basis and need to choose someone familiar with the township. McCallum stated that as far as decisions, the supervisor cannot make decisions without board approval and most day to day decisions relate to zoning and building which are under the jurisdiction of the zoning administrator and building inspector. McCallum suggested interviewing the candidates before making a decision. Fischer asked for nominations. McCallum nominated Charlie Henry. No second. McCallum nominated Jim Quinn. No second. **Fischer nominated Yvonne Bushey, seconded by Osborne. Nomination carried – McCallum opposed.**

Township Attorney:

Osborne stated he is not in favor of Clifford Bloom since he does not know the political climate locally and he is campaigning to have a local attorney who is very knowledgeable about our area. Hartsell commented that he has dealt with Ferris and Gerald Prill is very good. He stated that we will have to deal with our judges and these attorneys know our judges. McCallum said it shouldn't matter whether an attorney knows our judge, it would be better to have someone from out of the area that cites the law and is also well versed in zoning issues for waterfront communities. **Motion by McCallum to hire Bloom, Slugget & Morgan. No second. Motion failed. Motion by Hartsell to hire Ferris, seconded by Osborne. Motion carried – McCallum opposed.**

Municipal Civil Infraction Ordinance Amendment. Fischer tabled.

Job Estimate for Information Board:

Estimates needed. Osborne will write specs for a notice.

Fireworks:

McCallum added this to the agenda for the reason that it is a hot topic in Michigan communities and she has heard several residents complaining about fireworks all hours of the night and concerns over fire hazards due to the dry conditions and suggested using this as an opportunity to get feedback from everyone in attendance. Gerry Pobanz commented that he used to do fireworks on the 4th and that weekend and now they start in May. He stated he is not a lawyer but Bangor Township recently adopted an ordinance that allows fireworks on the day before and the day of a national holiday with a time limit.

Mr. Lechkun commented that it is the newness of the law and we will see a lot of activity for a while and then it will wear off.

Cindy Jurek commented that she has lived in Lake Township since 1996 and the first Christmas someone lit off a cannon rocket. It does not matter what

time of the year or the time of night, the police do not respond. Someone was shooting fireworks at Thompson Park on the 4th of July and the police did not respond. She stated it is a big problem and when the police refuse to respond it is a problem that needs to be looked at.

Jim Quinn commented that he thinks the other way, that kids need to have fun and everyone is always telling them they can't do something. He stated it is already dying down.

Jim Simmons commented that kids today cannot do anything. He stated his kid was riding a four wheeler on Sand Road and got a \$300 ticket from the DNR.

Hartsell commented that the police should come to a public park if they are contacted.

Ann Krzeminski questioned whether there are state laws that require 18 years of age to shoot off fireworks. Hartsell stated that it is law and younger kids must have parental supervision.

Jeanne Henry stated that fireworks have been a problem for years. She stated she has a house on the lake and in the woods and neighbors were shooting off fireworks in the woods where it is dangerous with dry leaves and the township has no provision to control that. She stated the county is talking about a burning ban and the problem is not with kids but with drunk and clueless adults. She stated the police have other things to do and that the fireworks have not subsided.

Fischer stated that the subject needs to be turned over to the planning commission.

Osborne stated that Lawrence and Jim made good points and he wouldn't want people shooting off fireworks at his place but he did it when he was young and there was no law. He stated it is settling down some and let's give it a little time and be very careful before creating an ordinance.

Gerry Pobanz commented that the sheriff won't do anything because the prosecutor won't.

Len Pilato commented that maybe people don't know they are breaking the law.

Motion by Fischer to turn over to the planning commission, seconded by Hartsell. Osborne stated he hopes it takes a while. Motion carried – all ayes.

Public Comments:

Pat Przystup asked what the attorney fees were for Ferris and Bloom. Osborne responded \$120 and \$170 hourly rates.

Lou Colletta commented that Osborne is not listening to the voice of the people and asked whether the gene pool is so sparse that they could only pick one person who wanted to take her land out of Lake Township and asked who Mrs. Bushey is going to represent, Chandler or Lake.

Jeanne Williams commented that it is a sad day when the board is more interested in fireworks than the interim supervisor.

Cindy Jurek commented that the board has just proven how anarchy works, three people who did not take the time to investigate an attorney who could avoid the good ole boy club. Gerald Prill is related to many people in Huron County. She also stated that by selecting Yvonne Bushey the board has desecrated the system of democracy and it was probably preplanned. She stated they could have waited the 45 days and she is discouraged, disappointed and embarrassed by the three members on the board.

Paul Golsch commented that he likes Yvonne Bushey and so do others and he appreciates Ms. Jurek's feelings but there are other opinions.

Tim Lalley commented that he has no disrespect for Yvonne Bushey but the procedure short changed people of the township. There was a great list of potential candidates and he hopes she would agree, too, that the process was too hasty. He stated he comes to the meetings hopeful and here was an opportunity to do something different and the board failed and he is very disappointed.

Ann Krzeminski asked questions on lawyers and whether there is a time limit and if Ferris doesn't prove to be what the township needs, can the township change attorneys.

Osborne stated that it is for the interim, not after the election. Mr. Ferris will serve as the interim township attorney.

Mary Quinn thinks Mrs. Bushey will do a fine job, she cares for the community and she apologized to Charles Henry stating that he has a fine background and the people missed an opportunity for a very short interim supervisor with new insight instead of always doing it the same and she stated she does not know Mr. Henry but the board should have given him a chance and she asked that the board rescind its motion and give others an opportunity. She said the same thing as far as the attorney stating that judges need to be challenged and need to see new faces and she requested that the board rescind its attorney selection.

Jeanne Henry commented that she is disappointed that the board didn't give all applicants a chance but it is not the first time and if someone is not one of the preferred people, they get ignored. She stated others have tried to contribute, she included, and if the board is going to stick to its decision, from the brevity of the letters submitted, people thought this was a first step and she apologizes to the people who were willing to step up.

Paul Beck commented that Mrs. Bushey will do a poor job and that it was preplanned as he got a phone call on Friday saying that Yvonne Bushey was going to be the interim supervisor.

Jim Quinn commented that board members are not supposed to go with who they like or dislike, and it goes back to wind which has divided the community stating that the board doesn't want Quinn because Quinn doesn't want wind turbines but Mrs. Bushey wants wind turbines. Lake Township has a history of being in the papers and the majority of people in attendance will leave upset. He stated the people need to get along and there was a vote and the people voted 62% that they do not want wind turbines and he hopes she does an impartial job. He stated he would like to see a meeting where everyone can walk out feeling good. He stated the board had an opportunity on behalf of Bob Smith to step in the opposite direction tonight.

Len Pilato stated that the people waste more time on wind turbines, its over, done, forget it.

Fischer commented stating that the vote was not for wind turbines or against it was for an ordinance and that whether or not the township has wind turbines, we still need an ordinance or the state will step in.

Yvonne Bushey commented that she will do her very best, she has Lake Township at heart and would like to begin with having respect for everyone and asked that everyone be respectful. It is only for four months and in November everyone will have an opportunity to vote for five people whose platform they agree with. She stated she stands for respect, honesty, clarity and cooperation and asked that she be given a chance.

Motion by Osborne to pay bills with the addition of \$121.96 for federal payroll taxes, seconded by Hartsell. Motion carried – all ayes.

Election Commission Appointment of Election Inspectors for August Primary:

Motion by McCallum to appoint the following inspectors: Nancy Brown, Roseann Remer, Lois Geppert, Nancy Oaks, Vernetta King, Claren Russell, Timothy Lalley, Casmere Jurek, Robert Siver, Mary Ann Williams, Bill Williams and Nicole Collins (Chair), seconded by Fischer. Motion carried – all ayes.

Motion by Osborne to adjourn, seconded by Fischer. Motion carried – all ayes. Meeting adjourned at 9:37 P.M.

Valerie McCallum, Clerk