

# Township of Lake

Huron County, Michigan  
October 15, 2012

Interim Supervisor Bushey called the meeting of the Lake Township Board to order at 7:30 P.M. Pledge of allegiance. Roll call. Osborne, Fischer, Bushey, Hartsell and McCallum present along with approximately 15 guests.

Huron County Sheriff Deputy Brian Wisenbach gave a report to the board and residents on the Sheriff's Department and their work in Lake Township. He reported that in 2011 there were 189 complaints and 22 accidents and in 2012, 176 complaints and 22 accidents in the township with 8,400 complaints in 2012 for the County. He reported that the department has lost five people to retirement with two more retiring in the near future. Fischer asked about the shooting of guns and automatic machine guns. Deputy Wisenbach responded that there is no safety zone for target practice and suggested that she call in to report it when it occurs. Jim Simmons asked if a person can have an automatic weapon. Deputy Wisenbach responded that a person needs a special license through the ATF, that a person cannot buy a fully automatic weapon in Michigan. Paul Golsch asked about the state marijuana law. Wisenbach responded that there are no more stores or compassion centers, the state has shut them down, but the rest of the law still stands. Len Pilato asked whether the Sheriff Department routinely patrols certain areas or whether it is at random. Wisenbach responded that it is random since it is mostly in response to calls. Paul Golsch asked whether there are any laws regulating the discharge of firearms after dark. Wisenbach responded that there are not since coon hunting is done at night. Vivian Osborne asked how the State Police Post closing in Bad Axe has affected the Sheriff's Department. Wisenbach responded that it has not had any effect since the State Police did not have any daytime patrol and the Sheriff's Department didn't count on them due to the fact that they only had one officer on patrol, if any. *(Deputy Wisenbach left the meeting at 7:41 P.M.)*

**Meeting Agenda:** Agenda approved with the addition of three items of correspondence, the Huron County Drain Assessments and a 6A request for Road Commission work upon **motion by Hartsell, seconded by Fischer**. Motion carried – all ayes.

**Minutes of September 17, 2012** approved upon **motion by Osborne, seconded by Fischer**. Motion carried – all ayes.

**Supervisor's Report: Nothing.**

**Treasurer's Report** – Fischer's report submitted.

**Clerk's Report** –McCallum asked if the Transfer Station lock had been replaced. Osborne stated that the lock works fine and it is maybe the key that Thumb Industries has that isn't any good.

**Trustee's Reports** – Osborne met with Greg Polega, Road Commission Superintendent, and indicated that there are two roads that need stone very soon and also discussed a 6A discretionary fund with Polega.

Hartsell had a copy of the Village of Port Austin's municipal civil infraction ordinance.

**Correspondence read.** Two letters from Attorney Ferris dated October 5 and October 12 were discussed by the Board regarding a lot split at 3739 Port Austin Road. The drain assessment was reviewed and discussed.

No petitions.

**Public Comment:**

Jim Simmons asked about the Foster's special assessment fund and the money that is remaining in the account; what happens to it and how much money is in the account. Fischer responded that the township has to wait two years before giving the money back and she was not sure how much money was in the account. Simmons asked whether the money belongs to the people in the subdivision and whether they can decide what to do with it. Fischer responded that she believes it would go back to them, yes.

**Old Business:**

**Zoning Amendment Section 1203.4 Waterfront Easements:** Bushey stated that the planning commission has recommended repealing the entire Section 1203.4 which applies to private or dedicated waterfront easements and asked whether there was any discussion. Osborne stated he had nothing to discuss.

**Motion by Osborne to repeal Section 1203.4 to include sub-paragraphs A-G as recommended by the planning commission, seconded by Fischer.**

McCallum commented that the ordinance does not affect any member on the Board, that the majority of letters and comments from people who attended the two public hearings were from residents who use these easements or live near them and they did not want this ordinance repealed. McCallum asked the Board why they are repealing an ordinance that the people have asked the Board not to repeal. McCallum also asked whether any of the board members had contacted any of the other communities that have a similar ordinance. Osborne stated that McCallum has not provided any written documentation stating the township has legal jurisdiction in the water and, therefore, it must be repealed so the township does not get sued. Hartsell stated that no other townships in Huron County have an ordinance on boat hoists and we should have uniformity in our ordinances. McCallum stated that the Board did not allocate funds for a legal opinion and if other communities have had such an ordinance for many more years than Lake Township, why are we unwilling to let it stand. Bushey asked for a **roll call vote**. **McCallum opposed. Hartsell, Bushey, Fischer and Osborne supported.** Motion carried.

**Municipal Civil Infractions: Motion by Hartsell to turn over municipal civil infraction to the planning commission to work on to make changes, if they need to, from a misdemeanor to a civil infraction, seconded by Fischer.** Motion carried – all ayes.

**Planning Commission Master Plan Budget. Motion by Osborne to table until March, seconded by Bushey.** Motion carried – all ayes.

**6A Discretionary Fund for Road Work:** Osborne read through a list of how much other townships have allocated toward a 6A discretionary fund and stated that the average is \$5,000. He stated this fund allows a certain amount for emergency repairs without waiting for board approval. **Motion by Osborne to provide the Huron County Road Commission with a 6A discretionary fund for the next fiscal year in the amount of \$5,000, seconded by Fischer.** Motion carried – all ayes.

**New Business:**

**Snowplowing bids: Motion by Bushey to advertise for snowplowing bids using the same criteria as used for the previous winter season, seconded by Hartsell.** Motion carried – all ayes.

**Planning Commission Reappointment:** Bushey commented that Paul Golsch's term expires in November. **Motion by Osborne to reappoint Paul Golsch to the planning commission, seconded by Hartsell.** Motion carried – McCallum opposed.

**Assessor's Report:** Assessor's Report listed five tribunal petitions, name and docket number. **Motion by Osborne to obtain more detailed information for the November meeting, seconded by Hartsell.** Motion carried – all ayes.

**Road Work:** Osborne identified two locations in need of gravel; the west end of Sand Road off Conkey heading east to where the last person lives, stating there are two major washouts. The estimate is \$1,050 total, \$663 in gravel and \$400 in trucking. **Motion by Osborne to provide a work order on Sand Road not to exceed \$1,100, seconded by Fischer.** Motion carried – all ayes.

Location Two: Grassmere along the Pinnebog between Oak Beach and Etzler, a ½ mile area where the ditch is filled in and the tiles under the road are not working because of that. ½ mile of road ditching and 72 tons of gravel for a cost of \$5,000 to dig out the ditch, regravels and clean out the tubes. Osborne mentioned that the cost is dependent on whether the farmers will take the dirt or if the road commission has to truck it out. If the farmers take the dirt, it will cost \$5,000 or less. **Motion by Osborne to approve a work order for the west side of Grassmere Road not to exceed \$5,500, seconded by Hartsell.** Motion carried – all ayes.

**Public Comments:**

Lou Colletta questioned whether the Board will send letters to the people who submitted correspondence on the boat hoist ordinance explaining why the board repealed the ordinance. Bushey stated she would take it under consideration.

Paul Golsch stated that the planning commission will not be meeting in October; their next meeting is in January.

Clay Kelterborn commented on the inappropriate behavior of Osborne to the Clerk. Bushey stated that she did not think Osborne was inappropriate. Kelterborn requested to continue with his three minutes. He stated that the waterfront easement ordinance raises a legal issue on the right of the township to enforce in the Great Lakes and yet the board would not allocate funds for the clerk to obtain a legal opinion. If the Board had wanted a legal opinion, they could have allocated the funds.

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

**Motion by Fischer to adjourn, seconded by McCallum.** Motion carried.  
Meeting adjourned at 8:41 P.M.

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Valerie McCallum, Clerk