

TOWNSHIP OF LAKE, HURON COUNTY

Board Meeting-August 19, 2013

Meeting was called to order at 7:30 p.m. Pledge of allegiance was recited. Roll call: Dale Hartsell, Valerie McCallum, Clay Kelterborn, Dorothy Fischer, Claren Russell.

Agenda : Val added 2 correspondences that had been received today. Both were in regards to appointment to the ZBA which will be covered under Old Business. Motion to approve agenda with the addition of the two correspondences made by Kelterborn, seconded by Hartsell. All aye. Motion carried.

Approval of Minutes:

July 15, 2013 Minutes of the Joint Meeting of the Planning Board and the Township Board submitted. Motion to approve by Fischer, seconded by Kelterborn. All aye-motion carried.

July 15, 2013 regular Board Meeting minutes submitted. Motioned by Hartsell to approve, seconded by Kelterborn. All aye- motion carried.

Special Board Meeting minutes of July 25, 2013 submitted. Motioned by Kelterborn to approve, seconded by Fischer. All aye-motion carried.

Reports from Board Officers:

Supervisor:

The CAFPA Agreement is being looked over by the Caseville Township attorney for their approval, and we are waiting for the City of Caseville to appoint a new Clerk, but we should hear more about it by our next Board Meeting.

Val spoke to Sheriff Hansen today. He didn't hear anything negative about our Township during the Cheeseburger Festival. Overall, 9 people were jailed this year, compared to 15 from last year, and the highest of 27 in previous years.

There was some trouble with a parking issue at Thompson Park during patrol time but the officer was unable to respond due to assisting at a fatality accident in another area of Huron County.

The Sheriff and Val have had a couple of complaints from the same people regarding firework disturbances at the border of Caseville and Lake Township. It was agreed that calling the police when it is happening is necessary.

The Oak Beach Boat Ramp Project seems to have a lot of interest, and Tory Geilhart is working with Bob Bolger. Presently Bolger and Geilhart would like to see a minimal road upgrade to the ramp but there is an application fee of \$250 needed by the DEQ, and they are trying to find ways to raise that money.

The Fire Department responded to a recent shed fire on East Loop in our Township.

Port a Johns were discussed at the joint Planning Commission/Township Board meeting in July and Mark Treder has since gotten a copy of the Caseville Township ordinance and a copy of their permit for us to look over. It is a general ordinance that we should look at and discuss further in the next meeting. Kelterborn asked who would enforce that ordinance and Val stated that would be the job of the Zoning Administrator, Mark Treder.

The Board of Review met in July and the refund of the Special Assessments has been done.

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Estimates for a used copy machine are still coming in so we will discuss replacement at the next meeting.

Treasurer:

She had nothing to report on. Kelterborn asked about a CD that recently came due Aug. 9th, and asked what did we renew it at? Fischer stated she was not notified of that, and usually gets notified by the financial institution. She did not know the current interest rate.

Clerk:

She recently went to an MTA training session for clerks on Accounting and Payroll. It was recommended by the trainer to consider changing our clerk's accounting program to BS&A in conjunction with the rest of the office. It would be costly (approximately \$22,000) but would likely not get cheaper as time passes. It will promote better communication between the treasurer and the Clerk and it will be needed in the future. This might be something to consider for the budget next year.

Hartsell:

Spoke to Brian Wisenbach about police coverage for the Township during the Cheeseburger parade on Wednesday and the following Saturday after the parade. The Sheriff Department is trying to provide coverage but is short of help. There also have been firework complaints by Caseville residents about fireworks in Lake Township, and Lake Township residents are also complaining. Evidently the fireworks are on the border. The best thing people can do is continue to call the Sheriff's Department in order to get the situation settled, but it is a matter of priorities as to whether the deputy will be able to come or not. Kelterborn asked what coverage is scheduled for the rest of summer? Hartsell responded it will depend on the amount of money that is left from the allotted funds, but that it will probably cover the upcoming Labor Day weekend, and we will have to see from there. McCallum asked if there was a schedule available yet? Hartsell said that they are having a hard time filling the spot ahead of time and therefore there is no schedule. They have been trying to get part time help to fill in since full time officers are more expensive.

Kelterborn:

He has been checking the roads since new stone has been laid, and it looks like they are doing a good job. In particular, Sand Rd. had trouble with drainage but is now built up higher. That should help the drainage.

They have been doing spraying of the brush that is grown up by the roads. Kelterborn has asked Greg Polega to work with Jeff Powell to clear the brush and trees that have been affected.

Regarding the (Township) building, we need to decide what we want to do this winter as there are areas that still need sealing. We will discuss this more under Old Business.

Correspondence:

A copy of the CAFPA minutes has been submitted. There were no comments.

A copy of the Zoning Administrator's Report, the Building Inspector's Report, the Planning Commission Minutes, and the Huron County Road Commission Invoice was presented. Val asked if there were any questions about those reports. No questions.

Val received an email from Tom Pierce regarding the condition of the Transfer Station's sagging roof. Per Val, it has been sagging for a long time. Kelterborn agreed to have Geilhart go out and check the roof, but the problem has been a poor foundation. McCallum stated this would be a good subject for the Building and Grounds Committee to address. Kelterborn agreed.

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Regarding other business, there is correspondence received from Nicole Collins. She has expressed interest in the opening on the Planning Committee and has attached a resume. Two letters were read from Mike Manenti and Louis Bushey regarding the opening on the Zoning Board of Appeals.

A letter from the MTA was received stating they are going to hold their annual 2014 Educational Conference in Traverse City. No dates were noted in the correspondence.

Another correspondence was received from the Public Service Commission announcing a hearing on Sept.22, 2013 at 9 a.m. for DTE regarding their energy optimization plan to decide if it is in compliance with Public Act 295, of 2008. Another hearing is planned for DTE Sept 4, 2013 at 9 a.m., regarding approval of their transitional cost recovery plan and the retail electric tariffs associated with the disposition of the City of Detroit lighting system.

Petitions/Public Comments:

Question if there are any petitions? None. Public Comments- Gerry Simmons stated she lives where Sand Road has been refinished. She has had Greg Polega out to her house today to see that water is pooling at the end of her driveway. Because it is all stone under her driveway, there is nowhere for the water to go. He is going to laser the plane and see what he can do. Other than that the road is beautiful, she said. McCallum asked if the former trouble with 4-wheelers is better? Per Ms. Simmons, that is all cleared up. The Sheriff patrol has taken care of that. Gerry Pobanz asked Dale Hartsell if it is still illegal for golf carts and orv's to be on M-25? He has seen them cross M25 to the beach in an unsafe manner. It is illegal so it should be reported to the Sheriffs' Department, per Hartsell.

In other business Melanie and Brian Radabaugh introduced themselves as the owners of DIVA Disposal, a garbage and recycling business. They would like to write a presentation for regular curbside service for Lake Township. In the past residents have been against household garbage pickup, but they feel they are able to save our residents money compared to using the Transfer Station that is now in use. They would like to know how many residents are homestead, and how many households we have. They have considered working out an offer for 6 months for those who aren't here year round and yearly prices for others. Their service would include weekly pick up and monthly recycle service, and pick up of one large item monthly. Maximum pickup would be 10-15 bags per week per household. The only street in our Township that is inaccessible is Taylor Drive but those residents could bring their garbage to M25 for pick up. It was queried if our roads could take the load of the garbage trucks? Kelterborn agreed that would be something to consider. The Transfer Station also takes yard waste and Diva does not. Suggestion was made to move further discussion to New Business. Agreed.

Old Business:

Val spoke of the tax appeal by Mr. Suri. She has met with Mr. Suri and asked him for a copy of his 2009 and 2010 appraisal and has not yet received them. Mr. Suri stated we approved the other appeal and, therefore, should approve this. It was noted that the previous appeal was not attended by any representative from the Township. We set a line item budget last month for a consultant but we had not appointed anyone. Per Kelterborn, we must become pro-active in our defense. Kelterborn made a motion to work with Sharon Frischman Appraisal as a consultant. We had referred to her and her experience with the tax tribunals at our last month meeting but we had never made a motion to hire her. Kelterborn felt she would be able to advise us whether to fight the request or to come to some sort of an agreement with Mr. Suri, depending on what was financially best for the Township. Fischer asked if we could compare a newly developed large piece of property and new house that was built at the shore in Port Austin? McCallum said that home had less square footage than Suri's. Mr. Suri's home has more lake frontage, three stories with a full basement, and the other house is only 2 stories and a partial basement. Per McCallum, we need to get an opinion from someone to decide whether to defend our position, and we have \$1250 budgeted. Again Kelterborn stated we needed some expertise regarding the Tax Tribunal when working with an attorney such as Mr. Rhoades. McCallum stated that Tax Tribunals can get very costly. Hartsell seconded Kelterborn's motion to hire consultant Frischman Appraisal. All aye-motion carried.

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Next business was the Huron Gas Co. proposal for 2013-2014. They had offered a pre-buy cost for propane, and we have shopped around and find them fairly equal. Pre buy is at a set rate, the minimum of 1.79 per gallon. If it goes below that we don't get the advantage but if it goes up, we are at a set rate. The budget plan has a floor of 1.59, but it starts at 1.879 right now. Our average usage has been about 1100 gallons per year, but that was before we had the electric heaters. Kelterborn made a motion to accept the pre buy plan for 1163 gallons. Hartsell seconded the motion. McCallum stated we would need to add the cost of \$2069.53 to tonight's list of bills. All in favor-aye. Motion carried.

Building maintenance: Kelterborn will be having a meeting with the Building and Grounds Committee within the next 2 -3 weeks. The issue of missing siding on the Township building needs to be addressed with winter coming. He doesn't feel it will be too big of an expense. He will check with Tory Geilhart. It was noted that recently the roof has been repaired, the toilet has been repaired. He hopes to bring information about the siding repair next meeting.

The copy machine: We have one quote for a used copy machine, but are waiting on others. Motion by Kelterborn to table discussion on copier until next month. Seconded by Hartsell. All aye-motion carried.

Planning Commission Appointment: Nicole Collin's resume passed out to Board members for review. Motion to appoint Nicole Collin's to Planning Commission by Hartsell, seconded by Kelterborn. All aye-motion carried.

Discussion opened regarding scheduled appointments to the Planning Committee, and the ZBA. It was suggested by Val that all the committees should have the same month for the beginning of an appointment, like the Board of Review is every December and the County's appointments all start the same month. It was also recommended by our Township attorney to appoint members to the committees on the same month every year. It would be easier to remember when reviewing for expirations and appointments of new members. Also our ZBA now has 2 expiring in 2013, and 4 expiring in 2016. We should be evenly staggered, and can correct that by appointing tonight's position to expire in 2014. That would give us 1 expiring in 2014. When the next ZBA position expires this year, we can appoint that one to expire in 2015. As the other 4 expire in 2016, we can stagger those at that time. Regarding the month, it was agreed that December was usually a slow month, and the New Year could start with the new appointees. Kelterborn made a motion that the ZBA and the Planning Commission positions will expire as of Dec. 31st (of their set year of expiration) and the new person, being appointed at the December Board meeting, will not take over until January 1st of the New Year. Hartsell seconded the motion. All ayes-motion carried. Board members agreed to stagger years on tonight's appointments to the Planning Commission by setting the expiration date to December 31, 2015. The ZBA appointment tonight will expire Dec. 31, 2014.

New Business:

The 2013- L 4029 Millage Levy Resolution was discussed briefly. McCallum made a motion to accept the resolution of operating millage at .9251, Roads and Gypsy Moth at 1.5 mils, and CAFPA at .6 mils. Seconded by Kelterborn. Roll call vote: McCallum, aye. Hartsell, aye. Kelterborn, aye. Fischer, aye. Russell, aye. Motion passed.

Next order of business is the ZBA appointment to fill the expired term of Louis Bushey. There were two letters of interest- Mike Manenti and Louis Bushey. Kelterborn commented that he had talked to Mr. Manenti and felt it would be nice to have new blood. Hartsell stated Bushey had a lot of experience. McCallum sided with the opposing defense in a court case against the Lake Township ZBA. It was felt by McCallum that the previous ZBA member, Bushey, did not have the best interest of the Township. Kelterborn expressed that Manenti had a strong interest to get involved with the Township. Kelterborn made a motion to appoint Manenti. McCallum seconded it. A guest from the audience asked if we thought some of these positions should be opened to non-residents? McCallum said yes, but at this time the only Committee legally available would be the Planning Committee. The guest suggested that he has an interest in what we decide as a property owner and thinks all positions should be open to non-residents. Per McCallum, Lansing has made the laws and that is where the laws would have to change. No further discussion. Vote called. Manenti to be appointed to the ZBA, Aye-3, Hartsell and Fischer opposed. Motion carried.

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Regarding Diva Disposal, Mrs. Radabaugh would like to give a perspective bid. That would include an actual cost so if there are to be bids, it should be open to their competitors also, with stipulations wanted by the Township so that "...we can compare apples to apples". Clay stated Diva could give a perspective on what services they provide. Mr. Radabaugh stated that they provide weekly garbage curbside pickup, bi-weekly or monthly recycle, and compost services possible in the summer months. They could also consider picking up recycle one week, and compost the opposite week. The compost service would be offered April through October. Gerry Pobanz asked if a resident has another piece of property with no house on it, would that be billed too? Mr. Radabaugh stated that would be up to the Board to set the stipulations. In applying the bid process the Board would state what they want included and the result would be that everybody would be in the contract or nobody would be. Mrs. Radabaugh said she found it hard to believe that their bid would not be cheaper than what the property owners are paying now, considering property taxes, upkeep of the Transfer Station, wages, recycle costs...

At one point, Val asked what day would pickup be, as this was a big issue some time ago when the Township considered Curbside pickup. Mr. Radabaugh said it would be Tuesday. Val stated that would be a problem with weekend residents. That problem had been brought up before. Setting trash out Sunday before the resident left would not last until Tuesday pickup. Mr. Radabaugh said if we contracted with them, they would change the pick up day to Monday in Lake Township. Dale Hartsell noted we are the only township not with curbside pickup. Clay asked how many private contracts do they have here now? Mr. Radabaugh stated they haven't advertised up here and have about 100. They get calls for their service at a rate of 5 to 10 per week. They are growing and have 10 employees, all being fulltime except for one. They have 5 backload trucks. They started in Cass City, but now have bought a building in Gagetown. Val asked the guests who use the Transfer Station now? Bev Herford said she uses it for recycle but it is hard with only one day per month to save it all. Another resident said that they visit with Dave Ferris at the Transfer Station and use it, but would be inclined to use Diva services if it would save him (the resident) money. Gerry Pobanz said he only would be in favor of it if residents who are here for, say, 3 months only paid for 3 months. That is what has been difficult before when the Township considered trash pickup weekly. After much discussion it was suggested that we put out a survey and see what the opinions of the residents were. Kelterborn motioned that we send a letter with the winter taxes this December, and put a survey on the website to get a feel of what the residents want. Seconded by Hartsell. Lou Colletta said we should still give the number of residents to the Diva owners. Arnie Russell mentioned that sometimes he makes 4-5 pickup loads a week to the station. Can the roadside pickup handle that? Val stated that is something we have to think about. Could we let the Transfer Station stay open for just brush drop off? Would we put someone there one or two days a week to handle that? Clay mentioned that the Transfer Station had been donated to the Township to use only for the purpose of a transfer station. That is something to think about also. A vote was called for, having been motioned and seconded to put a survey on the website and also put a survey in the winter taxes. All in favor -aye. Motion carried.

Public Comments:

Lou Colletta had a question regarding the appointment of Mike Manenti to the ZBA; wasn't he being considered for appointment to the Planning Commission last (July)Board meeting? McCallum answered that we got an application today for the Zoning Board of Appeals from him. Colletta asked if a Board member has to be on the ZBA? Val stated no, but if they wanted to be, they could. The Planning Commission is the only one where a Board member is required. Colletta stated that the previous conversation about being a non-resident able to sit on all the committees would not be a good idea since they can't vote in our area. Val explained decisions that go to the ZBA are not up to a public vote, nor is the Planning Commission. Gerry Pobanz noted that it might not work to be on a monthly committee and not be a resident. One might miss several meetings.

Payment of Bills:

Moving on to the payment of bills, three bills needed to be added: Huron Gas Co. for the pre-buy contract for 2013-2014 of \$2019.53, a refund to Val McCallum for the purchase of Quikbooks Payroll Update of \$298.21, and a

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late bill to be paid to Brenda Love from the month of July for office maintenance of \$40 to be added to the current Aug. payment for office cleaning of \$40. Also a ZBA refund of \$375.00 will be issued to D. Vikstrom due to cancelation of a variance. Clay Kelterborn made a motion to pay the bills with the additions. Seconded by Hartsell. No further discussion. All in favor-aye. Motion carried.

Reminder that the Township picnic will be Aug. 21st. The Planning Commission meets Wednesday, Aug. 28th at 7:00p.m.

Motion by Kelterborn to adjourn. Seconded by Hartsell. All in favor -aye. Motion carried. Adjourned at 9 p.m.

Respectfully submitted,

Claren Russell, Clerk