

# Township of Lake

Huron County, Michigan  
**Minutes of November 21, 2005**

Supervisor Kelterborn called the regular meeting of the Lake Township Board to order at 7:35 P.M. Present were Kelterborn, Fischer, McCallum, Hyzer and Remer along with 41 guests.

Supervisor Kelterborn suspended the regular order of business in order to address the concerns of those in attendance.

State Police Trooper Lawrence Verga addressed the board and guests regarding the classification of golf carts, the motor vehicle code and ORV regulations. He stated that violations for operation of golf carts can be written under either the motor vehicle code or ORV regulations. He also stated that golf carts can be certified and registered as a slow moving vehicle if it meets all safety requirements.

Sheriff Kent Tibbits stated that they have prepared costs for a part-time and full-time deputy and also have information available on a neighborhood watch program. They would be willing to provide such information or meet with interested persons to explain the program.

Prosecutor Mark Gartner introduced Assistant Prosecutor Gerald Prill who researched laws on ORV's and provided handouts. Mr. Prill stated that 3 wheelers, 4 wheelers and golf carts are not allowed on any roadway. Golf carts are allowed on private property, only. He described the exceptions to the law as provided in the handouts. Questions were asked as to age limits and whether dirt bikes or two-wheelers fall under the same regulations. Mr. Prill stated that dirt bikes are the same as motorcycles, must be registered and can be cited under either the motor vehicle code or ORV regulations.

A question was asked regarding the use of ORV's on the beach. Mr. Prill stated that falls under the DNR ORV regulations. He also described the process whereby a citation can be issued without the enforcement officer having witnessed the violation if the complainant knows who the operator was and is willing to sign a citation. He stated that the best thing a complainant can do is call 911 and be able to get as much descriptive information as possible. He then described the procedures following the complaint and citation in court.

A question was asked whether Lake Township had a contract with the Sheriff's Department or the State Police. Sheriff Tibbits responded that in the late 70's Lake Township had a full-time deputy, then went to a shared deputy with Hume and Port Austin Townships, and for the last ten years has not had any contract. If a call comes in to 911, the closest car, sheriff deputy or state trooper, will respond.

Fischer stated that Lake Township is the second highest township in the county to pay sheriff department salaries. Sheriff Tibbits stated that the department's budget is 2.4 million dollars for road patrol and maintaining the jail. Their budget

does not include 911. Kelterborn asked what percent of the budget was attributable to road patrol. Undersheriff Ramsey stated it was approximately half.

Steve Leese of Huron County Central Dispatch Emergency Management stated that the 911 center is funded by phone surcharges. He described the difference between calling Central Dispatch and 911. He stated that from January 2005 to November 20<sup>th</sup>, there were 50 calls to Central Dispatch regarding ORV complaints, ten of which were from Lake Township. Caseville Township had 13 calls. He stated that one-half of the ORV complaints came from an area of 34 square miles. Mr. Leese stated that if anyone calls Central Dispatch and does not get satisfactory results, they should call him. Kelterborn asked whether a person can obtain a copy of their complaint called in to Central Dispatch. Mr. Leese stated that they can obtain a copy through the responding agency.

Jan Gallagher, DNR representative, stated that from January until November 20<sup>th</sup>, their 1-800-292-7800 Report-All-Poaching Hotline had only one complaint from Lake Township. They made 12 arrests during that time for operating an ORV on a public highway and 8 arrests for operating in a closed area. All were successfully prosecuted.

Lt. Doug Lautner, Michigan State Police, stated that during the summer months the shoreline area gets more road patrol.

Kelterborn asked Mr. Prill what law enforcement agency can enforce a township ordinance if the township adopted an ordinance for regulating the use of ORV's. Lt. Lautner responded as to the State Police policies and Gallagher responded as to DNR policy. The State Police can write township or city ordinance violations if they are aware of them, but if an ordinance mirrors a state law, they would write it under the state law. The DNR is prohibited by policy to go into local ordinances. Prosecutor Gaertner stated that the township should not adopt their own ordinance.

Questions were asked regarding enforcement on private roads, how the public can be made aware of the laws, and enforceability. Trooper Verga stated that they do not patrol private roads but can enforce under the motor vehicle code on private roads.

Heidi Strickland suggested that awareness will come about when people know there are consequences. Prosecutor Gaertner discussed the consequences when an injury or fatality occurs.

Mrs. Strickland asked whether any agency contacted Mr. or Mrs. Breznau upon receipt of their letter from Lake Township. The various agencies stated they either didn't receive the letter or didn't feel it required a response. Trooper Verga stated that they generally post such letters for their road patrol personnel.

A question was asked as to what an officer would do if he saw a golf cart parked on an easement. Trooper Verga stated that they need to take enforcement rather than verbal warnings. Some people may be angry but they cannot be selective.

McCallum read letters received from John and Ruth Depner and Rhonda Jennings. Kelterborn asked Prosecutor Gaertner how to handle the subject matter of these letters. Prosecutor Gaertner suggested that it can be approached as an all or nothing, keeping to the letter of the law, or officers can use balance, discretion and common sense. Sheriff Tibbits stated that his officers use their discretion and will not always write tickets. However, they will take complaints seriously.

Prosecutor Gaertner stated that the police need citizen support. He stated that there are many people who do not want enforcement. He suggested the Township send a letter to his office requesting information on applicable laws and regulations on ORV's that could be printed and mailed out to all property owners in Lake Township.

Kelterborn called for a brief break at 9:37 P.M. (All law enforcement personnel left. Meeting resumed at 9:50 with 9 guests remaining.)

Motion by Remer to approve minutes of October 12, 2005 and October 17, 2005, seconded by Fischer. Motion carried.

Motion by Hyzer to approve Treasurer's Report, seconded by Remer. Motion carried.

Motion by Hyzer to approve Agenda, seconded by Remer. Motion carried.

Correspondence read. No petitions.

**New Business:**

Discussion on installation of electric service at the Transfer Station. Motion by Fischer to table further discussion until next meeting, seconded by Hyzer. Motion carried.

Motion by Remer to pay \$8.00 per hour to the Transfer Station Attendant for maintenance at the Transfer Station, seconded by Kelterborn. Hyzer opposed. Motion carried.

Discussion on CAFPA, amendment to inter-local agreement and tanker loan. Motion by McCallum to apply for a loan for the tanker, seconded by Fischer. Motion carried.

Discussion on road work on Sand Road in Section 13 west of Oak Beach Road. Motion by Hyzer to approve resurfacing with stone up to the unimproved portion, seconded by Fischer. Motion carried.

**Old Business:**

Discussion on road side ditch cleaning. Motion by Hyzer to not support cost share on ditch cleaning, seconded by Fischer. Motion carried.

Review of proposals from Future Craft on bulletin board. Motion by Kelterborn to go with Proposal No. 3, seconded by McCallum. Motion carried.

Discussion on gypsy moth scouting and mileage reimbursement. Motion by Kelterborn to approve mileage reimbursement, seconded by McCallum. Motion carried.

Motion by Remer to pay bills including Huron County Road Commission, seconded by Fischer. Motion carried.

Motion by McCallum to adjourn, seconded by Fischer. Meeting adjourned at 10:40 P.M.

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Valerie McCallum, Clerk

Approved at a Township Board meeting held on the 19th day of December, 2005.

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Clay Kelterborn, Supervisor