

LAKE TOWNSHIP PLANNING COMMISSION

Unapproved Minutes

October 28, 2009

The meeting of the Lake Township Planning Commission was called to order at 7:00 PM by stand in Chairman Rich Ehrlich.

Pledge of Allegiance was said.

Roll call by Rich Ehrlich, members Dale Hartsell Board of Trustee Representative, Dave Szumlinski, Board Member, Lisa Konke, Secretary and Mary Johnson, Recording Secretary were present along with approximately 25 guests. Gerry Geppert, Board Member was absent.

Motion by Hartsell for Dave Szumlinski to be elected Chairman for the Planning Commission, seconded by Konke, all ayes, motion carried.

Minutes of the September 23, 2009 meeting were approved upon motion by Hartsell, seconded by Konke, all ayes, motion carried.

Motion by Konke to add the packet delivered from DTE under Correspondence on the agenda, seconded by Ehrlich, all ayes, motion carried.

Correspondence:

- Konke opened the packet that was delivered to the Hall by Grady Nance and Matthew Wagner. The contents were described as a letter to the Planning Commission along with a packet on Wind Turbine Acoustic Noise dated January 2006, Maine CDC search from the website dated 10.22.09, a report concerning Infrasound from Wind Turbines – Fact, Fiction or Deception (2006), a report on the Third International Meeting on Wind Turbine Noise, Aalborg Denmark 17-19 June 2009, a final report from University of Gothenburg; Project Wind farm perception Visual and acoustic impact of wind turbine farms on residents dated June 3, 2008, a slide presentation; Impact of Wind Power Projects on Residential Property Values in the United States dated October 20-21, 2009, Guidelines for Community Noise by WHO, Geneva, dated April 1999, and a spread sheet on the Estimate of tax revenue to be paid to Huron County/Lake Township by Wind Farms, dated 6/23/2009.
- Konke, Secretary read the letter dated October 27, 2009 enclosed in the packet from DTE, to the public, and the board members.

Old Business:

Szumliniski moved on to Robert's Rules, he requested the board refer to the page (305) and read the last 2/3's of the first page. He stated that the reasons he brought this matter up is that he believes that these rules are too rigid and are parliamentary. He stated that the board would spend more time reading and learning how to run Robert's Rules than they would on the matters at hand the board is facing. Once the rules are adopted the whole book has to be used. He stated again he saw no advantage in using a parliamentary system to rule the board.

Szumliniski made a motion to rescind Robert's Rules, Konke seconded.

Roll call

Konke-Aye, Szumliniski –Aye, Hartsell-Aye, Ehrlich-Aye

Motion carried.

Szumliniski stated that the next issue on the agenda was the By-laws, and the Township Board had not yet adopted the MPEA which would require the Planning Board to adopt its own By-Laws. He suggested that the By-laws be tabled until the Township board accepts MPEA.

Motion made by Konke to table the By-laws until such time as the Township Board adopts them, seconded by Hartsell.

Roll Call:

Konke-Aye, Szumliniski-Aye, Hartsell-Aye, Ehrlich-Aye

Motion carried.

The pages reflecting amendments to the Zoning Ordinance were looked at. Lake Township Clerk, Valerie McCallum stated that the Township Board had already approved the amendments and these were pages are for the Planning Commission members zoning books.

New Business:

Szumliniski commented that due to his hearing aid, the more he talks, the louder his speaking gets. It does not mean that he is angry or forceful. When this happens he is not aware that he is talking louder and would like to be made aware that he is louder so he can tone it down.

Szumliniski gave a brief introduction and background information as follows:

My name is Dave Szumlinski. After school I joined the United States Marine Corp. I served four years and received an honorable discharge. I went to work for Chrysler for almost 34 years, I was a Supervisor for about 15 years. I was a General Foreman and had about 130 people working for me. I served on the plant local grievance board and sat in on contract talks. I then went into skilled trades. I am a Journeyman Machine Repairman, and I have taken and completed 20 courses at Henry Ford Community College.

I have had a cottage in Lake Township since 1975. In 1992 I built a home, retired and moved to Lake Township in 1997. I am on the Advisory Committee of the Caseville Retirement Club, the Treasurer of the American Legion Building Committee, the Post Commander of the American Legion and the Trustee of the Methodist Church in Caseville. I am also on the Board of Review for Lake Township.

Rules of Participation prepared were read by Dave Szumlinski. After they were read Szumlinski asked the board if there were any comments on the Rules.

Konke stated she would like the wording to be changed to state that all faxes, e-mails and general correspondence to be provided to the Planning Commission Secretary. Hartsell stated that they also needed to be provided to the Township Clerk.

Szumlinski motioned to accept the Rules of Participation with Konke's and Hartsell's recommendation, Hartsell seconded.

Roll Call:

Konke-Aye, Szumlinski-Aye, Hartsell, Aye, Ehrlich-Aye.

Motion carried.

Ehrlich motioned for Konke be elected for the ZBA member representation. Konke accepted the recommendation, seconded by Hartsell.

Roll call;

Szumlinski-aye, Hartsell-aye, Ehrlich-aye.

Motion carried.

Szumlinski distributed four (4) packets to the board. One being a letter to Kathleen Bolton dated October 17, 2007 from the US Dept. of the Interior Fish and Wildlife Service located on the Township website at www.laketownship.net, second a publication from the Animal Diversity Web from the University of Michigan Museum of Zoology by Etha Kane dated 10/04/2009; www.animaldiversity.ummz.umich.edu third a search from Wikipedia on Indiana Bats, www.wikipedia.org/wiki/indiana.bat,

and last a publication on Sandhill Cranes from the USGS website attached to these minutes.

Szumliniski proceeded by stating that the first thing that struck him was that a refuge was a protection for animals and he found in the minutes from June 24, 2009 that there is no refuge in Lake Township and there are no Bald Eagles. He stated this comes directly from the minutes. They were sighted in Lake Township they may not be nesting, just flying by. He stated this may be possible, he just doesn't know where they are coming from.

Szumliniski continued by stating that Warbler's come from the south not the north. The Lake Township Draft recommends that a 3 year study be done and the USFW has not done one in over 3 years. It needs to be determined and documented, that such a study should be conducted by the builder. The board should not put ordinary against something that is potential and not known.

If the map on the documentation for the Indiana Bat is looked at, the migration range touches very little of Michigan. The legend on the Sandhill Crane map for Michigan is one (1) and below for lower peninsula and none for the Thumb area. Szumliniski commented that before an ordinance is written it needs to be known if the Crane is even up here. He stated "What I want to ask the board is where did we get the information from? It just seems like where I go to get this information I find inconsistencies. I am not dreaming this up."

Hartsell suggested that these issues be discussed at the wind workshops.

Szumliniski stated he is not asking for answers right now, but is asking where we got this information from. "That is all I can do is ask".

Szumliniski continued that the biggest issue about wind right now is noise. Then he referenced a letter from RSG, stating that this letter is from an independent company, he is a certified noise expert and he sent this to the board. The letter was found in the minutes of June 24th, 2009, the minutes do not address the letter on noise. Did the board go through these letters? Did we compare the findings to our wind draft?

Hartsell suggested we also bring the RSG letter dated June 9, 2009 in the workshop.

Konke brought up the packet that DTE brought in and referenced the smaller meetings DTE would like to have.

Szumliniski stated that two (2) members of the board could meet with DTE without it being a forum, making decisions and could bring the information back to the board. It was determined the MTA would be called on this matter.

Szumliniski suggested a special workshop meeting on November 18, 2009. Hartsell stated he could not make it. Erlich said his tenure would be up. Szumliniski suggested he would bow out of a meeting with DTE on the 18th of November so Gerry Geppert could be there. DTE must be checked with for the date of the meeting.

PUBLIC COMMENTS:

Szumliniski stated that a person does not have to identify themselves if they do not wish to for the minutes of the meeting.

Jeanne Henry asked if the letter from the DTE packet will be shared with the public, she also commented that the letter should be placed on the Lake Township Website, and urged the board to make the letter public record.

Szumliniski responded saying that the letter would not be put on the website until it was completely looked over by the board, agreed upon or approved with the minutes.

Valerie McCallum stated that it is a public record and anyone can FOIA that letter as of now.

Henry also commented that if that letter is re-read a person would find that what the Chairman said about wildlife was disparaging and she thought there should be a little more research and cautioned everyone to think more carefully.

Tim Lalley stated that the board has been shouldered with a huge responsibility and have they ever thought about stepping back and not scheduling a meeting right away with DTE. He suggested studying the information available and some of the information will answer your questions before meeting with DTE. Also, landowners can sign off on the set back and give the power to DTE over to DTE to handle the setback.

Lou Colletta commented that the concern about studying what the experts said has been done by the previous board and they did study both sides. He continued this is our Township and we will decide what will go on here. The Township should not be intimidated by DTE.

Colletta stated that the brunt of the meeting seemed to be put on Mr. Erlich and urged the board to ask the previous board as a whole some of the questions that were being asked of Mr. Erlich.

John Depner stated that he has lived in Lake Township all of his life and he respects the sources of the information. There are Eagles, it is clear they are nesting here. There are Sandhill Cranes here. Kirkland Warblers do migrate through here. He stated that he hoped this wind matter would resolve peacefully; re-check sources but this should not go on forever. He commented that he would like to see the money be taken off the table and the focus be put back on renewable energy. It needs to be right for the long haul, not realize later that we did it wrong.

Valerie McCallum welcomed Dave Szumlinski and Lisa Konke to the board and to their positions, and urged that they take advantage of educational opportunities and they do have a budget for education, but most of their education will be voluntary. She stated once Rich Ehrlich leaves, there is only one person left with any experience. I hope you come to people with experience for help. There is one key point that you need to remember "Home Rule", which allows for local municipalities to do their zoning and you have to do what is good for the people here in Lake Township, the community. McCallum then read a quotation from her letter dated October 28, 2009 addressed to the Lake Township Planning Commission, available at the Township Hall.

Szumlinski stated that he firmly believes in working for the people.

Jeanne Williams stated that she disagreed with the decision not to have people identify themselves for the minutes, it was a nasty letter sent to the board not too long ago that was read with no name, it was not very nice, it needed a name, address, etc.

Charles Henry was glad to hear the board take the responsibility of listening to the Township voices and not DTE's. He was disturbed by the fact that DTE left the meeting and did not stay and hear the public comments and that they only want to meet in smaller groups without the public. He stated that he has been in the banking business and heard it read from the letter from DTE that wind had

no impact on property value and he felt that this is untrue. If a wind turbine is 1300 feet from your home, your property value is going to go down.

Lou Colletta stated the board has been going through the minutes, and that the minutes mentioned the game preserve, but the previous board did not have time to rectify that. Colletta stated that he wanted to thank Chairman Szumlinski in person for coming to the meeting Sunday.

Szumlinski stated that he always believes that there are two sides to every story, and he needs to know both sides of every story.

A concerned citizen stated that as far as examining both sides, maybe the board could sit down with former planning commission members. Since there were a ton of questions for Rich Erlich, maybe the board could sit down with Lou Colletta or Tim Lalley. He stated the board seems to be attacking the ordinance and stated it is not correct to characterize a study as independent. How does the board intend to decide who is right, is there going to be a third expert commissioned?

Szumlinski replied he would speak to other experienced board members and do more research. Szumlinski stressed that he had to understand why, questions had to be asked, and information had to be gathered. Most of the information came from other minutes, websites and the Fish and Wildlife website.

John Depner stated that sometimes information on websites are not up to date, some of the information is up to ten years old.

Pat Pryzstup questioned whether a person coming to a meeting has to identify themselves.

McCallum stated that a person attending a meeting does not have to identify themselves but if they speak it helps the recording secretary know who is talking.

Szumlinski stated that the board decided that the MTA would be called to verify whether a person needs to identify themselves at a meeting.

Konke asked whether it would violate the open meetings act for her and Dave to meet with McCallum and Colletta. McCallum replied no.

Lalley stated that he would be willing to sit down with board members with all of the information he has and all of the information in the office before any meeting with DTE. Lalley stated it would be a good thing to do before meeting with DTE.

Szumliniski asked if there were any more public comments.

Hartsell motioned to adjourn at 9:05 P.M., Erlich seconded the motion, all aye, motion carried.

Next regular Planning Commission meeting to be held on January 27th, 2010.

Respectfully Submitted by:
Mary Johnson, Recording Secretary