

Township of Lake

Huron County, Michigan
December 20, 2010

Regular meeting of the Lake Township Board called to order at 6:30 P.M.

Pledge of allegiance.

Roll call. Fischer, Smith, Hartsell and McCallum present. Hyzer absent.

Motion by Smith to approve the Agenda with the addition of a Transfer Station heater and correspondence from State Representative Terry Brown, **seconded by Hartsell**. Motion carried.

Jason Vandenberghe of Selective Insurance talked to the board about worker's compensation insurance and offered his services in providing a quote to the township from his company.

Minutes of November 15, 2010 approved with the addition of Dale Hartsell's planning commission per diem and the Frontier telephone bill of \$109.22 included under payment of bills upon **motion by Smith, seconded by Fischer**. Motion carried.

Report's from Board Officers:

Supervisor: Smith reported that he talked to Attorney John McQuillan regarding CAFPA and would like approval under new business to meet with him after the 1st of the year at the Township Hall. He indicated that McQuillan charges \$120.00 per hour and is versed in these type of issues. McCallum suggested that Smith travel to Bay City to save on attorney fees. Smith stated he does not have time over the next three weeks to make a trip to Bay City. McCallum asked what McQuillan will charge for travel time. Smith will find out. McCallum suggested it would be a good idea to have the Lake Township fire committee members involved, also. Smith stated that is why he wants to meet at the Township Hall and that there may also be a meeting scheduled at some point with the Board members and the attorney.

Treasurer: Fischer advised the board that her report is off by \$1.00. **Motion by Hartsell to approve the report as corrected, seconded by Smith**. Motion carried.

Clerk: McCallum reported on the Brown/Damrow recount and wanted to recognize the dedication of the township's election inspectors for their excellent work.

Trustees: Nothing to report.

Correspondence: Correspondence read.

No Petitions.

Old Business:

Zoning Amendments:

McCallum highlighted areas of concern with the proposed amendments: Allowing canvas and aluminum structures with a roof but no front, back or enclosed sides could be problematic in enforcing; Chapter 12, Section 1202.4 allowing camping on vacant lots without permits could be potentially problematic in terms of sanitation; deck amendments for Chapters 7 and 8 are placing restrictions on R-1 property owners as far as deck size limitations while R-2 property owners would have absolutely no size limit and there are many R-2 parcels smaller in size than some R-1 parcels; and Chapter 13, Section 1310.1 Demolition of Structures, allowing nonconforming structures to be rebuilt on the same footprint without a variance is unclear and confusing in that a nonconforming structure by definition does not meet the zoning requirements and to allow such a structure to be rebuilt without a variance as long as it is on the same footprint seems to go against the whole purpose of zoning requirements to bring nonconforming structures into compliance. McCallum mentioned that in most zoning ordinances, including Huron County's Zoning Ordinance, enlargements of nonconforming structures are not allowed, but only normal maintenance, but that the former planning commission did amend that section of the ordinance to allow minimal expansions of such structures due to the types of developments in Lake Township with nonconforming structures. McCallum recommended that the planning commission seek the services of a professional consultant to assist with their work on the zoning ordinance in light of the fact that most of the members of the planning commission are inexperienced insofar as zoning. **Motion by McCallum to refer the proposed amendments back to the planning commission for further work, seconded by Hartsell.** Roll call vote: McCallum, Hartsell, Fischer – aye. Smith – nay. **Motion carried.**

Gypsy Moth Report:

Yvonne Bushey reported that she has visited 20 of the addresses with reported gypsy moth sightings and has confirmed that 10 of those sites had visible gypsy moth egg masses on trees. She also noticed egg masses in trees along Sand Road in the wooded areas. The last spraying was done in May of 2007 and she reported that John Weiss of the MSU Extension recommended that it may be appropriate to spray in 2011. She is also working in Caseville Township and if the weather permits will inspect the remaining reported locations.

Training Compensation for Lake Township Officials:

Smith recommended that the current \$30.00 for training seminars paid to various board members seems too low and would like to increase it. McCallum advised the board that the township pays the training fees and mileage and it wasn't until recently that a \$30.00 stipend was also included. Smith stated that members should be compensated more for their time. McCallum recommended holding off on any increase until the 2011-12 budget preparation. Further discussed tabled until budget time.

CAFPA:

Discussion on CAFPA with Board and Len Pilato, CAFPA representative. McCallum suggested the Lake Township fire committee meet and keep minutes of their meetings, review the information submitted by Caseville Township and the CAFPA By-Laws and have documentation ready for their meeting with Attorney McQuillan. Smith to contact Bob Scott.

New Business:

MTA Workers' Compensation Self Insurance Fund:

McCallum explained that the township currently has worker's comp insurance through Burnham & Flower and the MTA is looking into creating a self-insurance fund if there are enough townships interested in participating. Smith will contact the MTA and let them know we would like more information.

Board of Review appointments:

Motion by Smith to reappoint Louis Bushey to the Board of Review, seconded by Hartsell. Roll call vote: Fischer, Smith, Hartsell – aye. McCallum – nay. Motion carried. **Motion by Smith to reappoint Len Pilato to the Board of Review, seconded by Fischer.** Roll call vote: Hartsell, Smith, Fischer, McCallum – aye. Motion carried. **Motion by Smith to appoint Vivian Osborne to the Board of Review, seconded by Fischer.** Roll call vote: Fischer, Smith, Hartsell, McCallum – aye. Motion carried. **Motion by Smith to appoint Mary Wojtysiak as an alternate to the Board of Review, seconded by Hartsell.** Roll call vote: Fischer, Smith, Hartsell, McCallum – aye. Motion carried.

Smith mentioned that Board of Review training offered by the MTA is scheduled for February 10th in Frankenmuth and recommended that all members attend.

Resignation of Trustee Hyzer:

Motion by Smith to accept the resignation submitted by Robert Hyzer, seconded by Hartsell. Roll call vote: Fischer, Smith, Hartsell, McCallum – aye.

Appointment of Trustee:

McCallum suggested that the Board wait until January to make an appointment to allow persons interested in the position the opportunity to so advise the Board. Smith stated that he will not wait until January and made a **motion to appoint Bill Osborne as Trustee. Motion seconded by Hartsell.** Roll call vote: McCallum – nay. Hartsell, Smith, Fischer – aye. Motion carried.

Zoning Ordinance Books:

Discussion on need for more books for new planning commission members. McCallum had two copies turned in and those can be reissued to new members.

Transfer Station Heater:

Smith reported that Dave needs a new heater and made a **motion to purchase one for \$150.00 to \$200.00. Motion seconded by McCallum.** Motion carried – all ayes.

Payment of Bills:

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

Public Comments:

Len Pilato asked about a commendation for Robert Hyzer.

Jeanne Henry, resident and member of the County Board of Canvassers, expressed her appreciation of the job done by the election workers at Lake Township. ~~She also has concerns about the proposed changes to the zoning ordinance and stated that the public needs to be more informed about the changes.~~

Clay Kelterborn asked questions regarding the septic ordinance, ~~hopes that it will not be swept under the rug and requested to hear from the board on what they will be doing in this regard; wanted to know what Smith was going to do about the ZBA mistake by Lou Bushey and also requested that the PA system~~

Amended upon motion by Smith, seconded by Osborne to strike portion of comments by Jeanne Henry.

Amended upon motion by Osborne, seconded by Smith to strike portion of comments by Clay Kelterborn.

be repaired inasmuch as it is difficult to hear the board members when they speak.

Smith responded to Kelterborn's question on the septic ordinance stating that it was a point of sale ordinance and the other part of it was a dead issue and it is on hold right now. Smith stated that as far as the ZBA mistake, nothing can be done with a ZBA decision other than Circuit Court.

Kelterborn also commented on the zoning amendments as far as nonconforming lots and stated that with the makeup of Lake Township and its density, the board should revisit and take under advisement the recommendation of hiring a professional consultant.

Lou Colletta commented that he would have appreciated the Board waiting until January to make an appointment to fill Hyzer's position.

Tim Lalley sated that it demonstrates further why it is important to allow comments before the Board makes its decisions and requested that the Board revisit the old ways in allowing comments and discussion prior to making decisions.

Motion by Smith to adjourn, seconded by Hartsell. Motion carried. Meeting adjourned at 7:58 P.M.

Valerie J. McCallum, Clerk

Approved at a Township meeting held on January 17, 2011.

Robert Smith, Supervisor