

Wales Township Board of Trustees  
Board Business Meeting  
October 05, 2021

Opening

- a. Call to Order. Meeting opened at 7:00 p.m.
- b. Invocation and Pledge of Allegiance
- c. Roll Call: Present: Masters, Bobcean, Messina, Szymanski, Downey. All present.

*Scheduled Public Hearing-Lighting Districts Special Assessment-Postponed to Nov. 2, 2021.*

Consent Agenda

- A. Approval of Agenda
  - B. Approval of Minutes Regular Meeting 9-7-21
  - C. Financial Report August 31, 2021 (Treasurer) (included)
  - D. Approval of additional Bills and Check Register (Clerk) checks no. 1785 to 1823. \$44,419.08.
- Motion** by Szymanski, second by Bobcean, to accept Consent Agenda. Roll call vote taken: Szymanski, aye; Bobcean, aye; Messina, aye; Masters, aye; Downey, aye. All ayes, motion carried.

Comments from the public on Agenda items:

Supervisor Masters asked if anyone would like to speak now on the agenda items. Gayle Findlay said that nastiness is going on, and she is asking the Board to find a solution and end all of the bickering.

Guest Presentations – Audit report, Tammy Pitzer. Decker Insurance Group re: cyber insurance. Ms. Pitzer distributed copies of the Audit report to each Board member, then went through the highlights of each portion. There was implementation of a new program this year, which was explained. We have an unmodified statement. She asked if anyone had any questions. There were none. Masters told her that the Board just got a notice from the government that something is amiss with our DUNS numbers, which must be corrected quickly, so the Auditors might be hearing from us soon. She also let everyone know that the Audit reports are always available at the Hall for examination by the public. The representative from the Decker Group did not attend the meeting. Masters said that Drain Commissioner Wiley is in the audience, and asked him if he had anything to bring to our attention. He said that they are interested in the Alpine Drainage District. They have been getting complaints from the area residents. The Drain Commission might get together with the Township in a week or two.

Correspondence and Announcements.

- A. Richmond-Lenox EMS monthly report.

Reports

- A. Supervisor, Liz Masters.
  - The Richmond-Lenox EMS Report is about all she has tonight.
- B. Clerk, Cindy Bobcean
  - 1. November Meeting. The November meeting date is also the voting date for the Yale School District. Even though this building is not an election site, she has to get the mail-in votes to the voting site before the polls close at 8:00, so will have to leave the Wales Board meeting early.
  - 2. Fire/EMS run reports. She has no run reports from Emmett. She hasn't received anything for two or three months, so what is she supposed to do now, bill people three or four months later, when their insurance time for filing has expired? She will try again to contact Emmett Fire Department.

3. Resolution 2021-10. Bobcean asked if we wanted to take this up now or later in the meeting. Szymanski said she would rather take care of this now. Masters asked the Board members if they had time to read this, then asked Bobcean where she wanted to begin. Bobcean said the first thing that needed to be cleared up is one clear meaning for the word "site". After considerable discussion, **Motion** by Masters to change the "site" in the Resolution to "parcel", and Messina seconded. Roll call vote was taken: Masters, aye, Messina, aye; Szymanski, aye; Bobcean, nay; Downey, nay. Three ayes; two nays; motion carried. Board went into Workshop session at 7:26 p.m. Messina described the problem for the benefit of the audience. It is titled "A Resolution establishing a moratorium on the installation of over 200 amps total electrical transforming capacity per project site and a moratorium on issuance of any permit or approvals as they relate to existing site containing over 200 amps of total electrical transforming capacity within the township." Noreen Waan asked if this electrical is for Dollar General? Electrical Inspector Paul Raicevich said it is for everything. There is concern over creating commercial concerns in agricultural districts. He would like to have permission to be allowed to decide obvious allowable permit applications now because accepting letters of intent from prospective users of higher electrical service might not mean anything. Drain Commissioner Wiley gave more examples of letters of intent failing to help. Masters said anything being decided by just one person eliminates decision making by any Board. The Planning Commission is currently working on the Medical Marihuana Ordinance, and the Board of Trustees is working on the moratorium, trying to solve the current situation. Planning will meet again in a week and a half. Szymanski said that 200 amps for Residential, 320 amps for geothermal, and 400 amps for Industrial should be sufficient. **Motion** by Szymanski, second by Messina, to amend Resolution 21-10 to admit back in the grey area of the example submitted by Bobcean, and include an amperage chart which includes 400 amps for Commercial and Industrial; and strikes the sentence giving sole discretion to the Electrical Inspector. Roll Call vote taken: Szymanski, aye, Messina, aye; Bobcean, nay; Downey, aye; Masters, aye. Four ayes; one nay; motion carried. Workshop closed at 7:57 p.m.

C. Treasurer, Elisha Messina

Messina presented the paperwork from the St. Clair County Parks and Recreation department required to be signed to be eligible for County Parks Millage money. **Motion** by Bobcean, second by Messina, to approve signing of Millage paperwork. Roll Call vote taken: Bobcean, aye; Messina, aye; Szymanski, aye; Downey, aye; Masters, aye. All ayes, motion carried.

D. Trustee, Jason Downey

Downey has made multiple phone calls on work for the porch repairs. He has a couple of people coming to look at the project, and bids.

E. Trustee, Planning, Twp. Assessor, Carly Szymanski

Szymanski reported on the Planning Commission. Downey asked about progress on the Zoning Ordinance Book review. She is hopeful that they may be able to complete their current review by the next meeting.

F. Building Official, Zoning Administrator, Jim Waddy

Waddy discussed the wording on Home Occupation. He would like to see it placed in a category by itself.

G. Committees

1. Park – Messina

2. Fire Ordinance-Messina, Szymanski, Masters

Both will be covered in Old Business.

## Old Business

### A. Fire Ordinance

The Committee met and reported their thoughts to the Board. **Motion** was made by Masters, seconded by Messina, to adopt Ordinance #7 as amended by changes to Section 4, 4.1 Burn Permit Definition; and Section 7: Burn Permit. Roll Call vote was taken: Masters, aye; Messina, aye; Bobcean, aye; Downey, aye; Syzmanski, aye. All ayes; motion carried.

### B. Elm tree at Park and at Hall. Postponed.

## New Business

### A. Kettlewell Pond Case.

Masters presented the history of Kettlewell digging a pond without a permit; the Zoning Board of Appeals meeting and its decision to deny his request; the agreements between himself and his neighbor; and letters from the Township.

The Board went into Workshop session at 8:13 p.m.

Messina questioned if the Zoning Board of Appeals denied his request, and he continues, isn't Circuit Court the next step. Normally, yes. Masters questioned whether this Board has the authority to hear this case. The Ordinance pertaining to ponds: citing Section 20:25, item 5, subsection 1C, Pond Ordinance, was read aloud. Kettlewell said it is his belief that the Shared Pond agreement between his neighbor and himself grants him the five acres needed to have a pond. He was questioned about the first pond. It was dug in 2019. He said his property was 18 to 20 inches below grade when he purchased it, and he dug the pond to obtain the soil necessary to raise the grade. There was never a permit pulled for that pond, bringing about the ZBA Hearing. Kimmen read the agreement between Kettlewell and his neighbor. She questioned the validity of it, since the pond is all on one parcel. Waddy said the wording in the Ordinance is "it can be on one parcel (or shared parcels)". Masters pointed out that the second party to the "shared pond" agreement is not present at this meeting. She said the policy of "no ponds on parcels under five acres" was strongly urged by the SCC Health Department. Drain Commissioner Wiley explained the reason for the concern. Every developed parcel has to have a working septic field, and also room to build a second field in the future. Masters also pointed out that elevations haven't been pulled, the pond is already dug, there was a building where the pond now sits. It is now gone, without a demo permit. Waddy said there is no requirement to shoot grades, but he did it anyway. Kettlewell said he has copies of pictures from the SCC Drain Commission, of his property before he dug the pond, showing flooding then.

Questions or remarks from the audience were taken.

Logan Evans spoke, saying that three years ago, a berm was raised several feet to serve as a backboard for shooting.

Anita Allison spoke to explain that she has flooding which began when the pond was built. No other neighbors are affected. She is directly north of the Kettlewell property.

Logan Evans spoke again, to dispute Mrs. Allison's remarks. He also said the pond has a slope to it, and the Drain Commission gave him misinformation.

Noreen Waan wants to have someone come and look at her property, because she is having similar problems. She said she has left several messages with the Township, with no response. Masters said she will be placed on the next Board Meeting Agenda.

Drain Commissioner Bob Wiley explained the difference between retention ponds and detention ponds. He would like to come out and look at both properties. He showed color photos of the area.

John Martindale said he has experience in drainage and waterflow, and said that swales might bring some relief.

Bobcean asked why we are here? Masters said because the ZBA denied Kettlewell' pond. Messina asked exactly what is the definition of a shared pond? She believes that even though she doesn't approve of the concept of a shared pond, she thinks that Kettlewell is within the Ordinance allowance.

Drain Commissioner Wiley questioned the legality of a shared pond. He said there is a "Natural flow Doctrine" which must be recognized. The land involved here is basically flat, with not much drainage. He questioned the legality of the "shared pond" concept. He said he can use Lidar imagery and settle the waterflow direction. He asked the Board to give him a week to go out and see if he can determine the water flow direction, and come up with a solution. He said that questions on ditching, elevations, etc., can all be checked by Lidar. **Motion** by Messina, second by Masters, to table this issue until we hear back from Drain Commissioner Robert Wiley. All in favor by voice vote. Workshop closed at 9:35 p.m.

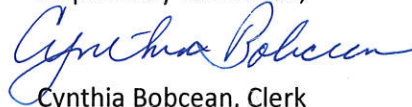
B. Basketball Court top-dress 30 yds. Topsoil and grass seeding. Only one bid was submitted, by Caleb's Creations. **Motion** by Messina, second by Szymanski, to approve Caleb's bid of \$1,925.00 for the Basketball Court project. Roll call vote taken: Messina, aye; Szymanski, aye; Masters, aye; Bobcean, aye; Downey, aye. All ayes; motion carried.

Public Comments. There was a comment about a downed tree on a cemetery stone at Lambs Cemetery. Master said that the Board is aware of it, and arrangements have been made for its removal.

L. Burns asked about power shortages. There have been so many lately. Several other members of the audience agreed with Burns. Masters said that the Township Board has been in touch with Detroit Edison, and they would be willing to come to a Board meeting and answer questions if requested.

Adjournment. **Motion** by Szymanski, second by Downey, to adjourn. All ayes. Meeting adjourned at 9:43 p.m. Next meeting November 02, 2021.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Cynthia Bobcean".

Cynthia Bobcean, Clerk