

**ROSS TOWNSHIP BOARD MEETING
PUBLIC HEARINGS
SEPTEMBER 9, 2008 MINUTES**

The Regular Meeting/Public Hearing was called to order by Jeff Bither, Supervisor at 7:05 P.M. Roll Call of members showed as follows:

Present: Jeff Bither, Supervisor Cynthia Genung, Treasurer
 Martha Chambers, Clerk Diana Langshaw, Trustee
 Owen Murray, Trustee Jon Scott, Trustee
 Sid Durham, Trustee

Public Hearing – Sherman Lake Weed Special Assessment:

Jennifer Jermalowicz-Jones from Lakeshore Environmental, Inc. was in attendance and made a presentation of the in-depth study she has recently done on Sherman Lake (see attached “A Public Hearing for the Sherman Lake Improvement Program 9/9/08”). Jones study included lake characteristics, the types of lake aquatic plants found on Sherman Lake, the different options available for treating these aquatic plants i.e. chemical herbicides, mechanical harvesting, clean-flo system and biological control. The plan also includes recommendations of the various options. Also the plan included cost estimates for the project from 2009-2013.

Questions and comments from audience:

*Steve Huntoon feels the plan is heavily loaded on the clean-flo system. He did not feel there is enough information on goals, who makes the decision on what chemicals/system is used on the lake.

*Paul Fisher questioned who and how will decide what system is used and where on the lake it will be used also how many dollars will be spent on a certain treatment.

(A) Jones stated that the consultant decides which treatment plan to use and will make recommendations to the lake association on a certain treatment plan and which subcontractor will best do the job then the consultant will be at the job site to oversee that the job is done right with the correct materials.

*Donna Pieraccini questioned the concept of clean-flo and feels that the amount of money spent on clean-flo is excessive and what if it doesn't work – is this money wasted?

(A) John Tucci, President of the Lake Association stated that he has spent many hours researching the types of treatments and he feels there is a need to educate residents on the different treatment plans. Clean-flo is the only solution that is not throwing money away – herbicide use is more of a waste of money because they temporarily kill the plant but they do not kill

the conditions that cause the plant to grow. The approximate cost of using clean-flo under the channel is about \$6,000 per year.

*Pat Doran asked for the name of a lake which has had success using clean-flo. Pat also questioned why Jones is no longer with ESI and the association is now going with a new firm.

(A) Jones stated that she changed firms because she was offered better opportunities. Jones also stated that Collins Lake in New York is one lake that has had success with clean-flo. Tucci stated that the association chose to stay with Jones and change firms because she is the person that knows Sherman Lake the best. Tucci said that he will discuss clean-flo with any resident that is interested in sitting down with him. Tucci stated that he is in favor of the clean-flo system because he has done over 1,000 hours of research and feels the system is good, however he has only one vote and if it is the consensus of the association to go with another system, he will go with it.

*Doug Dumont asked if he is right that it takes 20% of signatures from lake residents to turn the SAD project down. Also Dumont does not want the assessment funds to be used for personal drain problems.

*John Bishop asked who Jones is and what her role is.

(A) Jones stated that she is a consultant to the Sherman Lake Association; she makes recommendations to the association on what needs to be done and the funds that need to be spent and also which subcontractors will be used.

*Pam Mosely has been involved over the last two years. The reason the association hired a consultant is because she will oversee the method used (she will inspect the equipment and materials on site). Jones will make recommendations which will be approved by the board.

*Tom Saad stated he became involved with the Sherman Lake Association and lives on the lake because he loves Sherman Lake and invites all residents to get involved.

*Steve Huntoon questioned whether the equipment is leased or owned.

(A) Tucci stated that the equipment is leased and the reason is the expense of purchasing plus if the leased equipment has a problem, it can be replaced. Tucci is looking at various areas where the equipment could be placed.

Board member, Chambers wanted to clarify the Township's role in the Special Assessment which is to collect the money and to pay approved bills; the Township makes no decisions on what type of system is being used.

*Mike McCarthy stated that \$250 per year is cheap to help take care of the lake and doesn't understand what the fight is about.

*John Bishop feels that he is being unfairly charged for a landlocked piece of property that only has 60' of frontage. Bishop is protesting the full charge for the second piece.

(A) Genung stated that the reason the property was put back into the district was that the Township does not have the right to pick and choose and Bishop needs to bring in documentation to prove that the property is landlocked. When Bishop brings in the documentation Genung will have the Township Attorney review the information and make a determination of whether the piece is unbuildable and landlocked. Genung stated there are three pieces of property that are in question of whether they should be in district.

*Mary Jane Dumont stated that she is in support of Bishop because in the old Weed District her Mother was charged for a lot that was not on the lake and feels it is unfair.

*Pat Doran questioned why the Y-Camp is not obligated to be in the district and pay also the DNR does not pay.

(A) Bither stated that he talked to Luke Austenfeld Monday and the Y-Camp is going to contribute to the project. Bither discussed the DNR with our attorney; we can bill the DNR; however they will not pay it.

*Bob Cox stated that the first project was a stop gap only. Having a variety of ways to treat the lake and having the association have input is important and he is in favor of the project proceeding.

*John Tucci, President of the Sherman Lake Association stated that the association does not want to create a hardship for anyone on the lake so the association has started a fund; they are looking for a committee to setup criteria that is fair for issuing the funds to cover a portion of the assessment in a hardship case.

The Public Hearing for Sherman Lake Weeds was closed at 8:15 PM.
Public Hearing for Text Amendment – Ordinance #181:

The Public Hearing on Ordinance #181 – Text Amendment was opened at 8:15 PM.

Trustee Durham stated that this Public Hearing is being held at the request of Roy W. Kemppainen on proposed amendment of Section 7.13B.6 of the Ross Township Ordinance. Durham stated that the change is being made because the existing Ordinance requires a permit from the DEQ for a dock. Durham stated that the Township should not expend township dollars to do the State of Michigan's job of enforcing its own rules.

Public Comments and Questions on Ordinance 181:

*Stanley Kerman stated that it is his understanding that the DEQ will issue a permit, they will also issue an agreement and a permit. The real issue is that it is not up to Ross Township taxpayers to pay for enforcement of DEQ regulations. Kerman is in favor of deleting the language in the Ordinance requiring a DEQ permit.

*Ann Kemppainen stated that the minutes show the Board held a closed meeting and held no open meeting to discuss changing the wording in the Ordinance and requesting the Planning Commission to make this change. Kemppainen is requesting that a DEQ permit be required for a dock. Kemppainen stated that she and her husband have no intention of suing Ross Township.

*Larry Carter feels that the Township needs to have better regulations in place for the building of docks before doing away with what regulations we do have, he is not in favor of deleting the DEQ permit requirement.

*Roy Kemppainen said the issue of resources is a factor but there should be regulations for building on the lake.

Township Board Comments:

Scott stated that Ross Township is only one section of the lake; a program needs to be put together that includes the whole lake so all the Townships involved have the same regulations. The Township should not have to act as a defacto arm of the DEQ that enforces their regulations.

*Larry Carter asked if there are sufficient rules in place to protect property.

Scott stated that the Township is not eliminating the DEQ from issuing a permit as we do not have the authority to eliminate any DEQ rules. The three other townships that abut Gull Lake, Richland, Barry and Prairieville have no dock regulations.

Chambers stated that she has received several letters from residents that are in favor of Ordinance 181, and deleting Section 7.13B.6 from the Ordinance, they are as follows: Tim Shank, Kevin and Elizabeth Miller, Janeth and Ted Hinchman, L. Bernice Fleming, Betty Jastrey, Michael & U. Liddel.

Murray stated that Ross Township is in a Catch 22. A condition precedent to getting a permit from Ross Twp., is a permit is required from the DEQ. An applicant sought a DEQ permit, the DEQ choose to neither approve nor deny a permit so now it comes back to Ross Township so this is what precipitated what we have tonight. Murray does not see that the Township should step in and determine whether DEQ requirements have

been met. Ross Twp. did not draw the statue up, has no experience in enforcement of the statue since it has been in effect. Murray stated that to avoid the situation that the Township has found itself in, the Township Board should delete the provision of Section 7.13B.6 regarding docks.

Murray stated that the DEQ statue will still require a permit for a dock, whether the DEQ chooses to act on it or not, we do not know. At the July Planning Commission meeting, the chair stated that one of future projects will be to review all lake and waterway ordinances of the four townships. One of the Ordinances to be reviewed will be Ross Townships and until that project is completed, Murray's position is that the Board should delete this provision in the Ordinance.

Durham stated that the Township should not be in a position of being a pit bull for the DEQ and should not have to regulate or enforce DEQ statutes. The other townships abutting the lake do not have regulations on docks it is up to the DEQ to regulate.

Motion by Durham to close the Public Hearing, second by Langshaw and the motion **approved**.

Approve Agenda:

Motion by Langshaw to approve the agenda as amended. The motion was seconded by Chambers and **approved**.

Approval of Consent Agenda:

Motion by Chambers to approve the Consent Agenda which includes the minutes of 8/12/08 as proposed, the Treasurer's Report, the bills paid and bills payable for September, 2008. The motion was seconded by Murray and was **approved**.

Reports:

Fire Dept.

Genung reported that the Fire Dept. held a car show on August 23rd which was a huge success; about 200 cars showed up. They cleared approximately \$1,500 which they plan to use for fire prevention at the schools and the haunted house.

Ordinance enforcement:

Bither reviewed the Ordinance Enforcement Report from AGS dated 9/2/08.

Police Report:

Bither reviewed the Sheriff's Dept. Police Report for the month of August, 2008.

Planning Commission Report:

Langshaw reported that the P/C meeting was cancelled because they didn't have a quorum.

Brook Lodge Sewer Agreement:

Motion by Chambers to approve the Acknowledgement of Augusta/Gull Lake Sewer Agreement Amendment an amendment to the Authority's 1991 Augusta Interceptor Agreement and give the Supervisor and Clerk the authority to sign the agreement on behalf of Ross Township. The motion was seconded by Genung. Roll Call Vote showed: Scott, Langshaw, Durham, Bither, Chambers, Genung and Murray all ayes. The motion was unanimously **approved**.

Action on Sherman Lake Special Assessment District:

Motion by Chambers, and supported by Genung to approve the creation of the Sherman Lake Improvement Project Special Assessment District (there are three parcels that are in question regarding whether they will be included in the District; the Treasurer will forward documentation on to Township Attorney for a determination). Roll Call Vote showed as follows: All ayes for Scott, Langshaw, Durham, Bither, Chambers, Genung and Murray. The motion was unanimously **approved**.

Approval of Ordinance 181 – Text Amendment: 7.13B.6.

Motion by Durham to adopt Ordinance # 181 - Section 7.13 – B.6, the motion was supported by Murray. Roll Call Vote showed as follows: Murray, Genung, Chambers, Bither, Durham, Langshaw and Scott all voted ayes and the motion **approved**.

Approval of Resolution of Ross Twp. Asserting Land Use Plan Authority:

Motion by Genung to adopt a Resolution of Ross Township Board Asserting Land Use Plan Approval Authority under MCL 125.3843(3) which gives the Township Board final authority over the Land Use Plan. The motion was seconded by Langshaw. Roll Call Vote showed all ayes from Murray, Genung, Chambers, Bither, Durham, Langshaw and Scott. The motion was **approved**.

Members Comments:

Murray would like to change the Board Meeting to the first Tuesday of the month so the Township Attorney could attend when needed. It was the consensus of the Board to change the Board dates beginning April 1, 2009 in the next fiscal year.

Tentatively the Board would like to hold budget workshops the first two Saturdays of December.

Respectfully submitted:

Martha Chambers, Ross Township Clerk

