

1 He asked the Township Attorney to review the implications of the filing of these written
2 objections.
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4 The Township Attorney noted that the Township Board had, at the request of the Lake
5 Association, initiated the special assessment project on its own motion. He noted that under the
6 applicable statute, when written objections to a proposed special assessment improvement are
7 filed with the Township Board signed by the record owners of land constituting of more than
8 20% of the total land area in the proposed special assessment district, the Township Board
9 cannot proceed further with the proposed special assessment improvement unless and until there
10 is filed with the Township Board a petition in favor of the proposed special assessment
11 improvement signed by the record owners of land constituting more than 50% of the total land
12 area in the special assessment district as finally established by the Township Board. The
13 Township Attorney noted that the statute provided that in determining the sufficiency of a
14 petition, lands not subject to special assessment are not to be included in computing an
15 assessment district area. The Township Attorney noted that there are two school properties
16 within the borders of the proposed special assessment district and that these properties had not
17 been specially assessed at the time of the original aquatic plant control special assessment project
18 for Upper Crooked Lake and that it was his understanding that the Barry Township Board did not
19 contemplate attempting to specially assess those two properties. He indicated that with the
20 exclusion of these two school parcels from the computation of the land area in the proposed
21 special assessment district, the written objections filed with the Township Board earlier this
22 week exceeded the “20%” land area requirement for a so-called blocking petition. He indicated
23 that, accordingly, the Barry Township Board would not be in a position to proceed with
24 conducting its scheduled public hearing this evening.
25

26 The Township Attorney noted that the Prairieville Township Board had not received any
27 such “blocking petition” and thus, was still in a position to proceed with its scheduled special
28 assessment public hearing this evening. The Township Attorney indicated that he contemplated
29 that the Barry Township Board, after opening its meeting for a general citizen comment period as
30 required under the Open Meetings Act, would recess its meeting while the Prairieville Township
31 Board proceeded to conduct its public hearing. The Township Attorney indicated that he
32 contemplated that once the Prairieville Township Board had concluded its public hearing
33 proceedings this evening, the Barry Township Board would resume its meeting and engage in
34 any needed discussion with the Prairieville Township Board.
35

36 The Barry Township Board then opened the meeting to general citizen comment, noting
37 that it was not conducting a public hearing on the proposed special assessment project.
38

39 Mr. Bill Maybee then addressed the Barry Township Board. He expressed concern that
40 certain land owned by him in Barry Township had not been included in the proposed Barry
41 Township special assessment district.
42

43 Ms. Kathy Mutschler indicated that there were several properties that had been included
44 in the prior Barry Township Upper Crooked Lake special assessment district that were not
45 included in the current proposed special assessment district.
46

1 Treasurer Wooser noted that there were four or five properties that had been combined
2 since the time of the original special assessment district.

3
4 Ms. Mutschler noted that Mr. Maybee's property is located in both Prairieville Township
5 and Barry Township. Mr. Maybee indicated that his land in Barry Township did have some
6 waterfront frontage.

7
8 Ms. Micha Nieves indicated that there are other properties that have lake access but were
9 not included in the proposed special assessment district.

10
11 Mr. Daniel Dowd indicated that he was upset that a minority was apparently calling the
12 shots. He indicated that the Lake Association is throwing good money after bad money.

13
14 Ms. Kathy Mutschler expressed concern that it appeared that some larger parcels had
15 been taken out of the proposed special assessment district and that this had a negative effect in
16 terms of support for the project.

17
18 In response to a question from Mr. Dick Patterson, the Township Attorney indicated that
19 under the terms of the applicable statute, the Township Board tentatively designates the proposed
20 special assessment district which is the subject of the first of the two public hearings prescribed
21 by statute.

22
23 Ms. Dorothy Weaver expressed concern regarding some people possibly seeking a "free
24 ride" by not being included in the special assessment district.

25
26 Mr. Glen Weaver indicated that he had heard a story about one woman who would have
27 to sell her property if her taxes go up. He indicated that the chemical proposed to be used to treat
28 the lake is killing the lake and that the lake should instead be treated with weevils.

29
30 Scott Jeffries indicated that he could not afford to pay for anything else. He indicated
31 that the Township should wait a year and see how the economy is at that time.

32
33 Ms. Nancy Stack indicated that she bought her house in Barry Township on January 5,
34 2009. She expressed concern that since she owns two lots, that she would be specially assessed
35 for both lots.

36
37 There being no further citizen comment, the Supervisor closed the citizen comment
38 portion of the meeting.

39
40 Treasurer Wooser then moved that, in light of the filing of the blocking petitions, the
41 Township Board not proceed with conducting a special assessment public hearing this evening.
42 The motion was seconded and passed unanimously upon roll call vote.

43
44 Trustee Turner then moved that the Township Board recess this evening's meeting until
45 after the Prairieville Township Board had concluded the special assessment public hearing

1 scheduled for this evening. Clerk Dewey seconded the motion and the motion passed
2 unanimously. The members of the Barry Township Board then assumed seats in the audience.
3

4 The Township Attorney noted that if the Prairieville Township Board proceeded to
5 conduct its scheduled special assessment public hearing this evening and concluded the public
6 hearing at this evening's meeting, this would operate to close the time period for the filing of a
7 "blocking petition" for Prairieville Township since the statute requires that any such petition
8 must be filed at or before the first of the two public hearings prescribed by the statute.
9

10 Trustee Ritchie moved that the Prairieville Township Board proceed to conduct the
11 scheduled public hearing on the Upper Crooked Lake Aquatic Plant Control Project Special
12 Assessment District 09-1. Treasurer Nottingham seconded the motion. A vote was held on the
13 motion and the motion passed unanimously.
14

15 At the request of Supervisor Stoneburner, the Township Attorney briefly reviewed the
16 statutory procedure that is followed in special assessment proceedings of this type. The
17 Township Attorney noted that this evening's public hearing was on the proposed plans for the
18 aquatic plant control project for Upper Crooked Lake, the estimated cost for the project and the
19 special assessment district in Prairieville Township proposed to be created for the recovery of a
20 portion of the costs. At the conclusion of his review of the applicable statutory procedure, the
21 Township Attorney indicated that proper notice of this public hearing had been given in
22 accordance with statutory requirements. He noted that affidavits of publication and the mailing
23 of these notices were on file with the Prairieville Township Clerk.
24

25 Supervisor Stoneburner then opened the hearing for public comment.
26

27 In response to a question from Ms. Janine Decker, Supervisor Stoneburner indicated that
28 it was proposed that the special assessments would be apportioned on a per parcel basis, not
29 upon the size of individual parcels.
30

31 Mr. Mark Jablonski expressed concern that there were 18 parcels having lake access
32 across the street that were not being specially assessed. Supervisor Stoneburner indicated that it
33 was contemplated that back lots having deeded access would be assessed one-half the amount
34 being assessed lots with water frontage.
35

36 In response to a question from Ms. Evelyn Tomlin, Treasurer Nottingham indicated that
37 it was not proposed that a property owner owning two or more contiguous lots occupied as one
38 lot or owning a separate lot across the street from their waterfront parcel would be doubly
39 specially assessed.
40

41 Mr. Sir Scott Smith expressed concern that the Lake Association was trying to ramrod the
42 special assessment project. He expressed concern that the chemicals proposed to be used may
43 not hurt fish, but do hurt the food chain. He indicated that in the last 3 to 4 years, there has been
44 no ice fishing on Upper Crooked Lake. He indicated that he believed that carp would be
45 sufficient to keep the lake clean.
46

1 Mr. Daniel Dowd indicated that property owners can control weeds by pulling them in
2 front of their properties. He expressed concern that the lake is dying.

3
4 Ms. Kathy Mutschler inquired as to whether it was contemplated that both townships
5 would apportion the special assessment cost of the project in the same manner. Supervisor
6 Stoneburner answered in the affirmative. The Township Attorney noted that the subject of how
7 the total cost of a special assessment project is apportioned among individual properties in the
8 special assessment district is not the subject of this evening's public hearing, but would instead
9 be the subject of the second statutorily required public hearing if the special assessment process
10 gets to that point.

11
12 In response to a question from Ms. Deb Horrocks, Mr. Andy Tomaszewski of
13 Professional Lake Management indicated that Eurasian milfoil is the main aquatic plant problem
14 in Upper Crooked Lake. He indicated that it drives out native plant species. He indicated that
15 the recommended treatment program would be aimed at exotic, non-native plants. He indicated
16 that the desire is to keep the lake as natural as possible. In response to a further question from
17 Ms. Horrocks, Mr. Tomaszewski indicated that treatment programs of the type proposed are
18 common in Michigan. By way of example of treatment programs in the area that his company
19 had been involved in, he cited Wall Lake, Lake 21 and Stewart Lake.

20
21 Ms. Dorothy Weaver indicated that Pine Lake was not being treated and the Eurasian
22 milfoil in that lake was not excessive.

23
24 Mr. Jack Tomlin expressed concern that bluegills are not bedding in the lake because of
25 the excessive weeds.

26
27 Mr. Elmo Wallace indicated that the special assessment proceeding is a waste of time.
28 He indicated that the majority of people are opposed to it. He indicated that this evening's public
29 hearing should be discontinued until Prairieville Township finds out what Barry Township is
30 ultimately going to do with respect to the Barry Township portion of the proposed project.

31
32 Ms. Maggie Chamberlain indicated that Professional Lake Management had conducted
33 the weed control program in Crystal Lake and that the fish in that lake had improved
34 dramatically.

35
36 In response to a question from Ms. Wendy Newland, Mr. Tomaszewski indicated that it
37 is cost effective to address lake treatment on a consistent basis.

38
39 Mr. Scott Jeffries inquired as to how fast the weeds in Upper Crooked Lake were
40 multiplying. Mr. Tomaszewski indicated that this varies. He indicated that it appeared that it
41 was an approximately 5-8% cumulative coverage. He indicated that keeping this down to 3-4%
42 is good.

43
44 Mr. Tom Domeier asked if Mr. Tomaszewski's company typically gets any complaints
45 with respect to its lake treatment programs. Mr. Tomaszewski indicated that his company
46 receives a few complaints. He indicated that the number one complaint received is that there are

1 still weeds, but he noted that these are native weeds. He indicated that it is very rare to receive
2 complaints regarding fish being killed.

3
4 Ms. Micha Nieves indicated that the Lake Association tries to please both the fishermen
5 and boaters. She indicated that it is not possible to please everyone. She indicated that milfoil is
6 dangerous.

7
8 Ms. Kathy Mutschler indicated that the Lake Association had looked very carefully at the
9 various different weed management companies. She indicated that the company used previously
10 had not engaged in a total lake management program. She indicated that the references for
11 Professional Lake Management were wonderful.

12
13 Ms. Kathy Dydalowicz inquired as to whether the Township had any hardship policies
14 applicable to special assessments. The Township Attorney noted that the subject statute contains
15 provision that a Township may by ordinance adopt a special assessment hardship policy. The
16 Township Attorney indicated that he was not aware as to whether Prairieville Township has to
17 date adopted such an ordinance.

18
19 Ms. Karen Delvoe expressed concern that the townships not be locked into a long-term
20 contract with a company if the treatment program of that company is not satisfactory. She
21 indicated that there should be language in the contract enabling the Townships to terminate the
22 contract if they are unhappy with the result.

23
24 Ms. Nancy Staff indicated that times are tough and inquired as to why a seven year
25 contract was being proposed. Supervisor Stoneburner stated that the proposed seven year
26 treatment contract program would be more cost effective. Treasurer Nottingham noted that a
27 longer plan is more cost effective in the long run.

28
29 Mr. Brad Vandenberg indicated that weeds are brought into the lake through boats using
30 the public access. He indicated that the owners of those boats should be paying part of the
31 treatment cost and that the lake front owners should not get stuck with the full cost of the project.
32 Supervisor Stoneburner noted that the Prairieville Township Parks Commission and the
33 Township Board had agreed that the township park abutting Upper Crooked Lake would be
34 made subject to a special assessment.

35
36 Mr. Phil Kinney indicated that the Lake Association had asked state legislatures about
37 this concern. He indicated that the state should help with such lake treatment cost. He indicated
38 that there is, however, no state monies available for this purpose at the present time.

39
40 Ms. Dorothy Weaver indicated that this is not fair and that there should be a large launch
41 fee for boats using the public access.

42
43 Mr. Joe Gabos indicated that he lives on Pine Lake and was responsible for stopping the
44 lake treatment program in Pine Lake. He indicated that the treatment program destroys fishing.
45 He indicated that Upper Crooked Lake does not have a lot of weeds.

1 Mr. Larry Cunningham indicated that the chemical treatments do not adversely affect the
2 fish. Mr. Larry Cunningham indicated that the chemical treatment program conducted in
3 Houghton Lake resulted in significant fish improvement.
4

5 Supervisor Stoneburner noted that the Township Board had received letters from various
6 property owners pertaining to the special assessment project. Treasurer Nottingham then
7 reviewed these letters. A copy of these letters is on file with the Prairieville Township Clerk as
8 part of the record of this public hearing.
9

10 There being no further public comments, the Township Attorney indicated that the
11 Prairieville Township Board could now choose whether it wished to close the public hearing or
12 instead continue it to another date. The Township Attorney noted that if the public hearing was
13 closed, then, as discussed by him previously, this would bring to a close the time period for the
14 filing of a blocking petition with respect to the proposed Prairieville Township special
15 assessment project.
16

17 Clerk Owens then moved that the Township Board close the public hearing. Trustee
18 Ritchie seconded the motion. A vote was held on the motion and the motion passed
19 unanimously.
20

21 It was noted that the Prairieville Township Board would not take any further formal
22 action with respect to this proposed special assessment district until it was determined whether or
23 not Barry Township would be able to proceed with its portion of the proposed special assessment
24 project.
25

26 The Barry Township Board members then resumed their seats at the Township Board
27 table and the Supervisor reopened the Barry Township Board meeting.
28

29 In the brief general discussion that followed, it was indicated that the Barry Township
30 administration would be reviewing the township maps to determine whether there are any
31 additional properties that should be included in the proposed Barry Township special assessment
32 district.
33

34 Trustee Turner noted that, as explained by the Township Attorney, the Township Board
35 had received a valid blocking petition and that accordingly the Township Board was prevented
36 from taking any further formal proceedings with respect to the special assessment project unless
37 and until the Township Board received petitions in favor of the project signed by the owners of
38 more than 50% of the land area in the special assessment district. Trustee Turner then moved
39 that the meeting of the Barry Township Board be adjourned. The motion was seconded and
40 passed unanimously.
41

42 Treasurer Nottingham moved that the meeting of the Prairieville Township Board be
43 adjourned. Clerk Owens seconded the motion and the motion passed unanimously.
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The meetings were adjourned at 9:15 p.m.

Jill Owens
Clerk