

BEAR LAKE TOWNSHIP APPROVED

KALKASKA, MI 49646

MINUTES OF REGULAR BOARD MEETING

DATE: SEPTEMBER 13, 2016

BOARD MEETING CALLED TO ORDER by Supervisor at 7 pm

PLEDGE said by all.

ROLL CALL: Banker, Havens, Allen, Rosenberg; Absent: Majeski

ADOPTION OF AGENDA: Changes: No Hospital Report; No County Commissioner Report. Motion by Havens to approve agenda. Support by Allen. Motion carried.

MINUTES OF PREVIOUS MINUTES: Motion by Havens to accept minutes of 8-9-16. Support by Allen. Motion carried. Motion by Allen to accept minutes of special meeting 9-10-16. Support by Havens. Motion carried.

TREASURER'S REPORT: Motion by Allen to accept August Treasurer Report. Support by Rosenberg. Motion carried.

PAYMENT OF BILLS: Motion by Allen to approve September bills. Support by Havens. Motion carried.

PUBLIC INPUT: Paul Olson, MUM, our insurance rep for 31 years presented the township renewal policy. We had a premium reduction this year. Looking forward to more return dividends. He went over in detail our coverages.

TOWNSHIP REPORTS:

SHERIFF: Our deputy, Brian Peacock, reported monthly activity. 66 hours in township. 2,553 miles driven in three townships. 10 complaints. He took questions from the public.

FIRE DEPT: Mark Laskowski, Chief, report August activity including truck checks, township meeting, cleaning building, work meeting and Chicken BBQ prep. He thanked all who attended the BBQ and all the volunteers who worked. It made this one the most successful. A reminder to get your chimney cleaned out for the winter. 3 Med runs; 4 Fire runs

UNFINISHED BUSINESS: None

TOWNSHIP BOARD MEMBERS CONSIDERATIONS:

SUPERVISOR: Supr Banker read a letter received today from Michael Boss regarding the Bear Lake SAD. Letter is attached below. Banker went on to summarize the Public Hearing for the Bear Lake SAD which took place 9-10-16. The following is the five-part motion that was approved at the 9-10-16 meeting: 1. We will not proceed with the current SAD 2. We will request a one year PLM contract for Spring thru Fall of 2017 3. The cost of treatment services for 2017 will be paid out of the existing SAD fund. 4. The attorney will be directed to perform limited legal research to maximize the scope of a new SAD intended to be implemented in 2017. 5. The attorney will be directed to work with PLM and the lake Association to develop a new five year plan to begin in 2018, to cover services PLM can provide directly or via a subcontractor, to maximize services authorized by the statute. Banker further summarized that the Bear Lake SAD is not in existence now. The \$50 fee will not be assessed this tax season. Banker stated in respect to the letter read, action was taken with a previous motion last Saturday. He recommends that the letter be placed in the Public Hearing minutes. More discussion took place about the required action that will have to be taken according to the motion approved at the public hearing. Also, the public participated in a discussion about the interpretation of the 2011 SAD and what will be proposed.

TREASURER: The treasurer announced that tomorrow is the last day to pay summer taxes.

CLERK: the clerk reported she is working on the upcoming November 8th election; absentee ballot applications; the ballots are not in yet. She just received a request from our WC carrier for a self audit that she will be working on.

TRUSTEES: None

NEW BUSINESS: None

PUBLIC INPUT: None

ADJOURNMENT: Motion by Allen to adjourn, 8:08 pm. Support by Havens. Motion carried.

Minutes prepared by the Clerk, 9-14-16

Posted to website 9-14-16

September 12, 2016

Bear Lake Township Board Members
198 E. Bear Lake Road
Kalkaska, Michigan, 49646

Re: Bear Lake Special Assessment District No. 2- BEAR LAKE SAD 2011

Dear Board Members,

I have read the draft minutes of the public hearing held last Saturday, Sept. 10 regarding the Bear Lake Special Assessment District (SAD). It is most unfortunate that the township is proceeding down a path that is both costing the lake property owners unnecessary money, and is lessening the SAD's ability to manage our lake.

First, let's look at the existing SAD and see how it is functioning:

- 1) After a qualified petition and the requisite public hearings, the Township Board established on October 20, 2011 the special assessment district for "an annual assessment of \$50 per unit due yearly". The township attorney has suggested the SAD may expire after 5 years as that time constraint was on the qualified petition. This is clearly not the case as the resolution reflects the desires expressed at the public hearings that the assessments be yearly with no expiration date. This meets the requirement of PA 188 of 1954, 41.725 (1) (d) for the "term" of the SAD. There is no expiration date on the adopted resolution.
- 2) There is no requirement (although suggested during the public hearings and notices) that an annual meeting is held unless the SAD estimate increases by 10% or more. The adopted resolution deleted the need for this hearing unless the 10% statute condition is exceeded.
- 3) There have been no complaints on the expenditures of the SAD and the management procedures recommended by the lake association board. Putting it succinctly, it is running effectively without any hitches and should not be messed with.
- 4) Section 41.732 Sec. 12 of the Act provides that if there is a surplus of greater than 5% each year, then that surplus can be applied to the following year's assessment, essentially paying back each property owner. This is not a difficult procedure and only requires that the Township Board approve such action. This can easily be done with the current surplus to satisfy the statute.

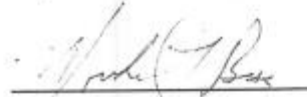
The bottom line is that the township is trying to fix something that is not broken and is thereby costing the lakefront owners thousands of dollars that we thought was going to the maintenance and improvement of our lake.

I respectfully ask the township board to stop any further expenditures for legal fees, for notices and publications and for any special meeting costs and to leave Special Assessment District No. 2 - BEAR LAKE SAD 2011 alone. You can agree to credit the excess accumulated amount on our next assessment and all requirements of PA 188 of 1954 will have been met, you will be in full compliance, and we will all be the better for it. Our ability to manage all aspects of the lake's health will not be diminished or restricted as it would if you follow the procedure and language the attorney suggests.

We have an excellent track record with extremely cooperative owners and it seems that after 5 years, we have demonstrated there is no need to get hyper-vigilant and caught up in legalese.

Thank you for your attention to this matter and if the board would find it fitting, would you please take action at your September 13, 2016 meeting to stop this before it gets too far and uses up our dollars intended to go to our lake's betterment. Unfortunately, Sue and I will be out of town tomorrow but would appreciate your action to help all lake owners and the lake as a whole. If you have any questions of me, you can e-mail me or call me on my cell (517 375-0945) and I will respond to them before the meeting.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "Michael T. Boss", is written over a horizontal line.

Michael T. Boss
1588 Pinesprings NE
Kalkaska, Michigan 49646

cc: Bear Lake Association