

BOARD OF PUBLIC WORKS

SPECIAL MEETING OF THE WASHTENAW COUNTY
BOARD OF PUBLIC WORKS
SILVER LAKE IMPROVEMENT PROJECT
Monday, July 17, 2023

Dexter Township Hall
6880 Dexter-Pinckney Road
Dexter, Michigan 48130

Board Member Present: Andrew Schmidt, Chair; Kathleen Root; Evan Pratt; Secretary,
Gary McCririe; Bryan Weinert; Lauren Smith, Co-Chair

Board Members Absent: Molly Maciejewski

BOC Liaison Absent: Jason Maciejewski

Staff Present: Theo Eggermont, Washtenaw County Public Works Manager
Lauren Koloski, Washtenaw County Environmental Supervisor
Michelle Katz, Washtenaw County Water Resources Program Coordinator

Others Present: See attached lists for other attendees (Public)

1. CALL TO ORDER

The meeting was called to order by Chair, Andrew Schmidt at 6:00 p.m.

2. MEETING GUIDELINES AND PROTOCOLS

Eggermont asked individuals to refrain from side conversations to ensure that the public and the Board can be heard. He indicated that letters that have been submitted will be read into the record at the beginning of the public comment period. He said that those who have submitted cards will be called by Chairperson Schmidt and will be allotted three minutes to speak. Eggermont advised that there will then be a last call for others who wish to speak. He indicated that, after the close of public comment period, the Board will then deliberate.

Eggermont announced that there would be no vote due to the fact that, despite sending the announcement to the newspaper, the public posting was not published as is required. He indicated that protests of the special assessment district will be included and will be valid despite the lack of publication of the notice.

Eggermont advised that individuals who wish to protest the special assessment with the Michigan Tax Tribunal are required to either speak during the public comment portion of the hearing or have a letter read into the record. He stated that simply submitting a card is not sufficient for this purpose. He indicated that the comments and letters will become part of the public record.

3. AGENDA

Chairperson Schmidt stated that item 10 of the agenda is to be removed from the agenda and the meeting will adjourn after the public hearing portion of the meeting. He advised that the Board will vote at the next meeting.

Motion by Pratt, supported by Weinert, to approve the agenda as amended by striking item 10 and modifying item 9 to adjourn the public hearing.

Motion carried.

4. APPROVAL OF MEETING MINUTES FOR JUNE 14, 2023

Motion by Root, supported by McCririe to approve the June 14, 2023, minutes.
Motion carried.

5. PURPOSE OF PUBLIC HEARING PRESENTED BY THEO EGGERMONT, DIRECTOR OF PUBLIC WORKS

Eggermont stated that the purpose of the public hearing is to review and hear objections to the special assessment rule, determine who is to be included, what the charges are, and to provide follow-up information in response to the requests from the June meeting.

With regards to the request to re-assess how the charges are assigned, Eggermont reported that the Department of Natural Resources' assessment increased to \$22,642 per year and the commercial properties with more than 10 slips also increased. He said that Post 46 has been increased to \$1,420. He reported that, as a result of these modifications, they were able to decrease the other charges so that general commercial without slips is \$820 per year. He advised that this figure is based on the lakefront parcel. He stated that lakefront is now \$410 per year and that the non-waterfront, or back lot, has been reduced to \$172 per year.

With regards to the request to include a separate tier for smaller parcel, Eggermont said that the feeling is that those with small lakefront derive the same benefit with regard to accessing the lake. They are able to put out a private dock and have direct access to the lake through their own parcel. He also advised that tiers have not typically been done in other special assessment districts and that the assessments are based on lakefront and backlot properties.

With regards to the omitted properties, he indicated that some of them have deeded access, so they investigated that further and discovered that it's not listed in the sub-plat as having lake access. He advised that they were able to locate some individual deeds from the '40s and found that there is lake access for some of those properties but that the revenue derived from including those would be relatively small. He stated that they would want to treat them as a bunch if they all seem to have the same lake access, but they don't have the documentation to say, definitively, that they all have access. Eggermont advised that this situation would result in a few parcels in the special assessment district having grounds to challenge the assessment with the Michigan Tax Tribunal. He indicated that defending the assessment at the Tax Tribunal could become costly and he felt the risk didn't merit including those parcels at this time. Eggermont stated that his recommendation is to look at it again in five years if the project comes up for renewal. He believes that would give them time to find all the specific deeds which could be included at that time if there's justification for doing so.

6. DESCRIPTION OF THE PROJECT, PRESENTED BY LAUREN KOLOSKI, WASHTENAW COUNTY ENVIRONMENTAL SUPERVISOR

Koloski explained that the aim of establishing a special assessment district is to manage the growth and reproduction of nonnative aquatic invasive plants, including but not limited to Eurasian Water Milfoil and Starry Stonewort. She advised that the project will also work to manage the growth of nuisance native aquatic plants. She said that the focus of the project is to maintain the ecological health and recreational opportunities for Silver Lake. She stated that other items may be included which would provide support for maintaining the ecological health and recreational opportunities that will be subject to approval by the Board of Public Works.

Koloski stated that, if the special assessment district is established, Washtenaw County will hire a lake scientist and a professional herbicide contractor. The lake scientist will complete aquatic plant surveys and will work with the herbicide contractor to determine the appropriate treatment. She said that, if aquatic plant harvesting is deemed appropriate, that would be included in the next special assessment district. She advised that the herbicide contractor must apply for a permit through the Aquatic Nuisance Control Division at the State of Michigan and that all herbicides used will have been approved by the EPA and will be applied under the

permit conditions established by the state of Michigan.

Koloski explained that invasive and non-native plants generally have few or no natural predators in their non-native environments, which allows them to spread quickly and that, once established, they can disrupt ecosystems by pushing out native species reducing the overall diversity in the lake. She advised that the cost of the special assessment district will be covered by the businesses, residents, and public property surrounding the lake. Koloski stated that, if approved, the special assessment will be placed on the winter taxes annually from 2023 until 2027.

7. OPEN PUBLIC HEARING - 6:14 p.m.

8. PUBLIC COMMENT

1. Debbi Ferri, 9339 Anne and 9388 Anne Pinckney (Letter submitted and read into the record). Ferri expressed her opposition to the establishment of a special assessment district. She advised that use of chemicals to treat and/or control the aquatic plants negatively affects the environment as well as her health and finances. Ferri stated that she has researched the negative impact of chemicals used by other special assessment districts within the township and does not want those, or any chemicals, introduced into Silver Lake's ecosystem.

2. Doug Thomas, 9342 Anne Street, Pinckney (Letter submitted and read into the record). Thomas indicated that, in the two years since the initial vote for the Silver Lake weed control program was originally turned down by the residents, a number of residents in favor of the weed control convinced others to sign a petition without providing pertinent information or knowledge of the cost. He stated that more information has come to light regarding the process and costs and that some of those who signed the petition have since changed their minds.

Thomas wrote that, when Dexter Township turned the petition over to Washtenaw County, they indicated that the county would allow everyone to vote on it again. He stated that it appears that, rather than holding an actual vote, people must show up to protest or the measure will be passed.

Thomas indicated he believes the county should mail everyone a new, controlled petition in order to obtain unpressured responses from landowners. He questioned if all of the 118 tax I.D.'s on the new county list were able to vote on the original petition. Additionally, Thomas expressed concern that they do not know what chemicals will be used if this is approved.

He stated that he is against the special assessment district.

3. Mark Hachey, 9309 Thumm Road, Pinckney (Letter submitted and read into the record). Hachey expressed concern that the residents do not know what chemicals will be used and requested that the residents be provided with the SDS sheets for all chemicals used.

Hachey indicated he is opposed to establishment of the special assessment district.

4. Robert Barber, 9531 Anne Street, Pinckney (Letter submitted and read into the record). Barber stated that his family has been property owners since 1968 and that, over the past several years, the invasive weed problem has become so problematic that there are areas of the lake that can no longer be enjoyed. Barber specifically referenced the area commonly known as the "boys camp cove" or "middle" or "party cove," stating that, while they used to be able to swim there, the area is now so choked with weeds that you can no longer swim and that it is difficult to even boat in that area. He advised that areas that were previously manageable weed beds have expanded and are becoming problematic.

Barber stated that he is in favor of the weed treatment plan as is evidenced by his signature on the petition.

5. Brian Stange, 9421 Anne Street, Pinckney (Letter submitted and read into the record). Stange wrote that,

while he is a fairly new homeowner, he understands that the invasive weed population has gotten steadily worse. He wrote that, in the past three years, the weeds have choked out the propellers on his boat motor, which he had to replace in 2021. He indicated that the suitable swimming area on their lake front is very small due to the abundance of weeds.

Stange indicated he is in favor of the weed treatment plan as is evidenced by his signature on the petition.

6. William Davis, Big Silver Condominium Association (Letter submitted and read into the record). Davis stated that he wrote on behalf of the Big Silver Condominium Association, a development of five homes on the north end of Silver Lake. He indicated that each of the homeowners support the special assessment district. He advised that they feel the water quality is deteriorating and that now is the time to make improvements.

7. Doug Thomas, 9342 Anne Street, Pinckney (Letter submitted and read into the record). Thomas submitted a second letter in which he reiterated that the special assessment district proposal was originally turned down by the residents two years ago. He stated that, at the previous meeting, people voted against it nearly three to one and that it was disappointing to see Washtenaw County move forward in spite of that.

Thomas wrote that the county wants to collect hundreds of thousands of dollars for a process that is not guaranteed to produce results. He stated that any positive results would be very minimal and short-lived and would result in an unknown cost to the environment and wildlife.

He reiterated his previous statement that the county should mail everyone a new, controlled petition in order to obtain unpressured responses from landowners.

He is opposed to the special assessment district.

8. Terry Richards, 8700 Silver Drive, Pinckney. Richards stated that he is in support of the special assessment district. He indicated that, while he is not a fan of using chemicals, people have done a lot of work on this project, and he is willing to spend his money for the public good. He advised that he owns an eight-foot slice of lakefront property, does not put a dock out, does not have a boat, but believes in the lake and the people, so he supports the project.

9. Diane Winter, 9231 Anne, Pinckney. Winter indicated that, in addition to her Anne Street property, she owns a piece of property on Thumm Drive.

Winter advised that a few years ago, she was on the lake association board and spent many hours researching the deeds to determine which properties should be assessed and which ones shouldn't be. She estimated that she spent around \$200 of her own money-making copies of deeds. She indicated she was surprised that all of the properties on the south side of Thumm Road had been removed from the final list parcels that are to be included.

Winter advised that she did some research to find out for sure if her Thumm Drive property did or did not have deeded access. She stated that she researched three properties. She discovered that all three of them had deeded access going back to Annie Long. She indicated she did not research the remaining four parcels because she assumed that, since all three of those she did research had access, she would likely find that the remaining four did as well. She indicated that she also has discovered there are properties on Glenwood that were deeded lake access by Steve Piatt and that those people were also omitted from the process.

Additionally, Winter stated that she was informed that an individual who used to launch their boat from her property was told by another homeowner that they could launch their boat from that homeowner's property if they agreed to vote yes for the special assessment district. She questioned how many people may have been influenced by this type of activity.

Winter indicated she believes process was flawed and that the election should be redone, so she is opposed to

the special assessment district.

10. Thomas Schmidt, 8535 Dexter Town Hall, Dexter. Schmidt passed.

11. Linda Singer, 9260 Ann Road, Pinckney, and 9254 Anne Street Pinckney. Singer indicated she had some of the same concerns as Winter. She advised that she does not support the project because she does not think the process was fair or correct. She also expressed concern that this will be a never-ending project.

Singer stated that, while the Post's assessment has been increased, she is still concerned that they are not being assessed correctly. She reminded the Board that she counted 20 boats at the Post at the time of the last meeting. Singer indicated she had been advised that more than 17 boats would be considered a marina. She asked if the assessment would increase if the Post was designated as a marina, which should be considered a business. She suggested they take another look at that issue.

Singer stated that she is also concerned about the use of chemicals, especially in light of the boat damage reported on another lake. She acknowledged there are more weeds but is of the opinion that Stary Stonewort needs to be harvested. She stated that the association and residents need to be more cognizant of the fertilizer they're using as well.

12. Terri Kleinschmit, 9367 Anne Drive, Pinckney. Kleinschmit stated she believes that the Board members are not hearing what many of the residents are saying and are not considering their views in their decision-making. She indicated she believes the decisions are being made based on a flawed township process that didn't take into account inaccurate and improper petition voting.

Kleinschmit stated that, based on the last meeting, it appears that Silver Lake will be treated with chemicals without regard to other options. She believes that other inland lakes in Michigan are successful using mechanical harvesting with very little chemical usage.

Kleinschmit expressed concern about the shallow wells in use on Silver Lake and stated that many of the approved chemicals on the list cannot be used within 250 feet of a shoreline.

Kleinschmit stated that she protests this action.

13. Debbi Ferri, 9339 Anne Street, and 9388 Anne Street Pinckney. Ferri indicated she was there to reiterate what she submitted in her letter at the June 14, 2023, meeting. She advised that she agrees with Kleinschmit's statements. She stated that she thinks there is another way to take care of the weeds and protests moving forward with the special assessment district and putting chemicals into Silver Lake.

14. Jeff Stannis, 8624 Dexter Town Hall Road. Stannis stated that he has lived on Silver Lake for 23 years and that over those 23 years the fishing has been great. He indicated, however, that he has noticed the small weed beds he encountered in his first 15 to 20 years have grown into giant weed beds which are fouling up everybody's props.

Stannis advised that he is against harvesting of the weeds because he believes it is ineffective and that the weeds come back twice as bad.

Stannis stated he is in favor of moving forward with this project. He indicated that he trusts the EPA and all their research. He said that the intent is to start controlling the weeds, not to eradicate all the weed beds. He indicated that, when he looks down into the water while ice fishing sees weeds where he's ever seen them before, it's a telltale sign that they are multiplying, and they need to be gotten under control.

Stannis stated he is in support of the special assessment district.

15. Kevin Crouch, 9475 Anne Street, Dexter. Crouch stated he has been part of the lake testing team for

several years. He advised that there are sections of the lake that they test for Milfoil and Starry Stonewort two or three times a year. He said that they record their findings and send them to Lansing. Crouch reported that there is a serious weed problem that needs to be addressed. He stated that he would like to see those who are against the project offer suggestions beyond simply stating they are against it.

Crouch advised that the weed problem is getting worse and that something has to be done.

16. Martha Stange, 9421 Anne Street, Pinckney. Stange read her letter in support of the weed treatment petition. She advised that they purchased their home in 2020, and their neighbors have told them the invasive weed population has gotten steadily worse. She stated that in the three years since they've lived there, they have experienced weed growth that has caused problems with their wave runner and pontoon propellers. She indicated that their available swimming area has become smaller.

She advised that she is in favor of the weed treatment, as evidenced by her signature on the petition.

17. Oscar and Cinthia Ziegler, 8401 Thurston, Pinckney. The Zieglers protested paying the \$410 per year for the weed project on their 19 and a half feet of lake frontage. They advised that they feel the cost should be based on the percentage of lakefront.

Mr. and Ms. Ziegler both went on record in opposition to the special assessment district.

18. Tom Fitzsimmons, 9670 Firelake Trail. Fitzsimmons stated he is in favor of the petition. He encouraged the Board to pass the measure. Fitzsimmons thanked Theo and Lauren for their hard work and believes that the increase in the DNR assessment to a third of the cost is a huge improvement.

Fitzsimmons advised that he was president of the association during the petition drive and stated that they were ultimately able to get a positive response from 70 percent of the people who live on the lake. He indicated that 20 percent were against it for various reasons, including concern about the chemicals and the apportionment of the assessment. He extended his appreciation for those who worked to get the assessment as low as possible and be as fair as possible to everybody who lives on the lake. He advised that this is a process that has been going on in one form or another since 2014.

Fitzsimmons stated that, based on several text threads he's been on, of the 70 percent who signed the petition, many did not attend the meeting because they felt their signatures on the petition would be considered as evidence of their support. He advised that a lot of people thought it was a done deal at the point the petition was submitted. Fitzsimmons stated that there is tremendous support for this proposal and encouraged the Board to vote in favor.

19. Wendy Zielen, 8736 Dexter Town Hall. Zielen advised that she has served for some time on the lake association board and is currently co-president with Fitzsimmons. She added that she has been with this project since the very early days and that they have consistently found two-thirds of the residents are in favor and one-third are either not voting or are against it. She stated that this has not changed in the multiple ways the vote, or the petition has been taken over the years.

Zielen advised that the two issues seem to be the process and pricing. She invited individuals to contact her if they wished to discuss the process. Concerning the pricing, Zielen said that the statement has been made to her many times that there's a certain way that things are tiered and that is because it's done elsewhere that way. She stated that Silver Lake is a little bit different because about two-thirds of the lake is public land, which results in people paying for a bit more than just their own parcels. She stated that needs to be taken into consideration.

Zielen stated that treating the lake without the use of chemicals will be more expensive. She advised that her family is not protesting the fact that something has to be done but that they are in no hurry. She stated that she wants to see that pricing process is looked at. She stated if they have to go back to the drawing board looking

at the process might not have been perfect, it is going to be costly.

20. Philip Antrassian, 8457 Thurston, Pinckney. Antrassian he was attending the meeting to preserve his rights to appeal in protest.

Regarding the purpose of the project, Antrassian stated he thought he heard something about benefitting some group or others on the lake. He stated that he wonders why they'd be paying for someone else's benefit and wondered how much money would go towards funding that purpose.

Antrassian questioned what approval by the EPA means, if there is a list of chemicals that may be used, and how long those chemicals have been in use and whether those chemicals successfully been used in other lakes in the area. He stated that, if some chemicals cannot be used within 150 feet of the shoreline, they will not be able to treat the areas that are likely the worst. Antrassian expressed concern about the potential of poisoning the wells.

Antrassian indicated he originally signed the petition and wondered if there was a way to get his name off the petition. He stated that if this is going to add \$400 to his taxes, there ought to be more detail and more requirement for what the results area going to be.

Antrassian asked if the herbicide companies would be required to be bonded in case something goes wrong. He asked if other options have been pursued and said he thought mechanical removal seemed like a pretty good option and wondered if that has been researched or budgeted. Antrassian said he has also heard that mechanical cutting might just make the weeds come in thicker and that some people are afraid whatever is done will eventually make things worse.

Antrassian stated that he would like to see some results from lakes that had this done 10 to 15 years ago and what their current status is.

21. Sue Bade, 8778 Dexter Town Hall Road. Bade stated that she has lived at the lake for 30 years and that she leads the lake testing team. She advised that results of the last four years of testing were available on the board in the back of the room. She advised that they are finding larger quantities of Starry Stonewort in more areas, especially on the two bays around the island. She indicated that the Eurasian Watermilfoil is expansive everywhere, but they have been found to be the native variety at this point. Bade stated that she and her husband support managing the lake's invasive species in the healthiest way possible.

Bade said that people have voiced legitimate concerns. She also stated that the individuals who signed the petition trusted that their signatures matter and she encouraged the Board to consider that. She indicated that the lake is in dire condition and that something needs to be done.

Bade asked if genetic testing of the Eurasian Watermilfoil would be done before applying chemicals to ensure it would be effective. She indicated that that was part of their discussion with the membership about why the petition was a good idea. She acknowledged that harvesting would spread the weeds, but asked if DASH was being considered for the Starry Stonewort. She indicated that she knows it is very expensive but that they are spending a lot of money and want it to be effective. She encouraged the Board to look into the use of DASH if the copper treatment is not going to work on the Starry Stonewort.

In response to the public's request for examples of nearby lakes who have had success, she directed them to North Lake and Pleasant Lake. Bade advised that the information is available online. She stated that these lakes have seen their costs go down because of the effectiveness of their treatment programs. She said that Silver Lake needs immediate attention and will need to be managed continuously to ensure that the fish, turtles, wildlife, and native plants can grow.

Bade asked the Board to imagine the room filled with the two-thirds of the residents who trusted that their signatures were going to matter and to support the special assessment district.

22. Mark Hachey, 9309 Thumm Road, Pinckney. Hachey expressed concern over the amount of money what will be spent to take care of the problem. He advised that one pound of fertilizer grows 800 pounds of weeds. He suggested that, rather than spending \$500,000, residents need to start by being good stewards of the lake and modifying their behavior by not watering from the lake to the point of runoff and then putting fertilizers on their lawns.

Hachey advised that he has been a certified pesticide applicator through the state of Michigan for about 25 years. He said there is no herbicide that can be applied anywhere that somewhere along the line there won't be some kind of negative effect. Hachey stated that he reviewed the list of herbicides and believes some of them aren't all that great. He said that the EPA is currently being sued because some of the chemicals they certified contain carcinogens.

Hachey stated that the only thing he is advocating is that they try something else before spending \$500,000 on things that will not cure the problem in the first place.

23. Mike Ladd, 9405 Anne Street, Pinckney. Ladd extended his appreciation to Lauren and the team for listening to the residents at the last meeting and for going back and convincing the state to kick in some more dollars.

Ladd indicated he has lived at Silver Lake for ten years and when we first moved there, he would rake at least two to five wheelbarrow loads every week out of the lake. He stated that in this ten-year period the weeds have gotten so bad, he can't fish off his dock and that it is difficult to get boats in and out. He advised that there used to be areas where they could avoid the weeds and they could find places to swim and take pontoon boat rides but that now the weeds seem to be popping up everywhere.

Ladd stated that he used to live at a lake in the Irish Hills and that when they began their treatment program everything got better; people were happy; fish populations did well. He indicated that they found it to be a very successful program.

Ladd advised he is in support of implementing the special assessment district.

Last Call:

24. Tamara Smith, 9292 Anne Street. Smith stated that she is against the special assessment district. She indicated that if two-thirds of the people are in favor of it, they should have shown up to voice their support.

Smith advised that her husband's home was built in 1940 and that he told her there used to be more boats on the lake and the propellers would chop up the weeds. She said that her husband was recently deceased, but he would have attended the meeting if he were still alive.

Smith stated that they do not need more chemicals in the lake. She believes that, with as much money as is being spent, there must be something else that can be done.

25. Dave Furfy, 9614 Firelake Trail, Dexter. Furfy stated he has lived on the lake for 20 years, and the weed problem has become massive. He indicated he supports the scientific approach that is being taken and thinks it is a well thought out process.

26. Gretchen Alexius, 8798 Dexter Town Hall Road, Pinckney. Alexius states she understand everybody's concerns about the chemicals and that she also has concerns. She indicated, however, that she believes in the homework that's been done by all the people that have been working on this for years. She advised that she purchased her property in 2015, and the difference between going out on the lake then and going out on the lake now is incredible due to the weeds. She stated that she does not think anyone is taking the situation and the solution lightly and that people have done what they can do to try to find the safest solutions for those who

live around the lake.

Alexius stated that no process is going to be perfect and that, if they want to wait for a perfect governmental process, they will never do anything, and it needs to be done.

Alexius stated she is in support of the special assessment district.

9. CLOSE PUBLIC COMMENTS - 7:09 p.m.

Chairperson Schmidt closed the public comment period at 7:09 p.m. He advised that they reopen comments again at the next regular meeting of the Board of Public Works before a final deliberation and decision is made. He invited Koloski to respond to some of the questions that were raised by the public.

Koloski advised that mechanical harvesting is a tricky operation as it is nonselective and spreads weeds by fragmentation. He said that, without the use of a herbicide, the Milfoil that's on Silver Lake right now is going to spread. He indicated that he has found no other way to be successful with Milfoil control on the many lakes they've managed in Washtenaw County. He stated that, while Starry Stonewort can be harvested, it also can be spread by fragmentation, so mechanical harvesting is not the solution to all of the problems on Silver Lake.

Koloski advised that they have a very small list of chemicals that they will be able to use on Silver Lake. She indicated that every person will be notified one month prior to the first treatment on the lake and that they will know exactly what chemicals they are allowed to use based on the permit from the State of Michigan. She said that copper is the only chemical that varies from the many permits he has gotten from the ANC. She advised that the data sheets for the chemicals are posted online. Koloski reported that herbicide applicators are required by Michigan law to monitor and mark wells as part of the standard permitting process.

As for treating 150 feet from the shoreline, Koloski stated that after the end of June, there are certain limitations as to when they can and when they can't treat, when they can go after the natives and the invasive, when they can use copper, and when they cannot not use copper. She advised that there are a lot of restrictions and rules the state requires them to follow to make sure the fish and native plants are protected.

Eggermont stated that he is generally unimpressed with DASH (diver assisted suction harvesting). He advised that it is an extremely expensive and extremely unsuccessful operation, and the results don't justify the cost. He indicated that they have looked at and considered DASH, but that people have been disappointed in the results where it's been tried. He advised that they continue to monitor DASH and, if the rules change and if it's allowed to be done in a different way, they would determine if that fit the project at that time.

Lauren advised that DASH gets complicated; it's tricky. She said it is also permitted by the state of Michigan and that, because it is not a big industry in Michigan, they have to hire a contractor from Minnesota. She indicated that the state of Michigan has heavily regulated it to the point where, if they see one of the bowls on the ground, which is how it spreads and grows, they are not allowed to pick that up with the DASH. She advised that it is not a perfect science and that it has not been done a lot in Michigan, so they don't know a lot about it. She stated that the rules are very difficult to follow, it is very expensive, and it has not been very successful.

In response to the question about liability, Eggermont advised that standard boilerplate language for any contract they put forward requires their contractors to have liability insurance amounting to \$1 million per incident, plus some additional liability and worker's compensation.

Eggermont responded to the question about boat pitting by stating that it has been seen on Portage Lake, specifically, and it seemed to occur in the canals. He advised that they have used the same chemicals on other lakes and have not seen this occur. He indicated they believe it is an anomaly within the Chain of Lakes. He advised that they have several projects and that this is the only area where they see it, which leads him to believe there is something else going on.

Motion by Pratt to adjourn the public hearing, supported by Pratt.
Motion carried. Public hearing adjourned at 7:16 p.m.

10. BOARD OF PUBLIC WORKS DISCUSSION

Weinhart asked staff to address the concerns raised about the effectiveness of treatments in other projects, what impact it has had, and if it has been required to repeat it over multiple five-year periods.

Eggermont responded that people are generally happy with the work that they are doing. He said their goal is not to make the lake a swimming pool; rather, they try to reduce the invasive weeds and provide a place that they hope the natives will take over. He advised that decreasing the invasives and increasing the natives is one of the metrics he looks for and that they generally see that trend in their lakes. He stated that this takes time to accomplish but they generally see that they're doing less treatment over time, which again, is a measure of success that they're knocking back the invasives.

Eggermont indicated that, every once in a while, they'll have a year where there are really warm temperatures or they get a couple of really bad water weather events where there's a lot of runoffs going into the lakes, which creates great conditions for weeds. He advised that during those years they must do more, so they look at trends, not just one specific year. He advised that this happens from time to time under certain conditions.

Koloski added that, as long as no new invasive species are introduced into the ecosystem, they can manage it. She advised that Curly-leaf Pondweed has taken over a lot of inland lakes in the surrounding area but has not yet arrived on Silver Lake. She stated, however, it's only a matter of time.

Eggermont advised that Johnson Lake did not renew their program when they felt it had been successful. He said that four or five years later, the weeds came back so Johnson Lake went through the process last year to start the program up again. He indicated that this should be viewed as an ongoing management program, but that they try to reduce the amount of things they do as far as work and treatment.

Koloski advised that the concern that was raised about the risk of the treatment making matters worse is not validated by her personal experience with the lakes she manages for the county.

Weinert asked if Washtenaw County has any programs that educate or require certain behaviors to mitigate the impact on lakes with the personal choices that people make, particularly as it relates to lawncare.

Koloski advised that there is a state ordinance to regulate and manage lawncare fertilizers, but she is not aware of any local ordinances that address this issue. She indicated that the Washtenaw County Water Resources Commissioner's Office offers site visits for residents along with a lot of educational materials online. She stated that they will do a rain garden visit, and they offer a shoreline visit to help residents mitigate and filter out water runoff. She advised that they offer some wonderful free programs for their residents that she will continue to promote to the residents on the lake who will, hopefully take advantage of them, but that currently nothing is required.

Eggermont indicated they are interested in seeking out an ordinance and have been looking for some traction with PBWA at the Channel Lakes. He advised that there are some questions as to what can be done and what's legal. He indicated that he has heard of townships having an ordinance for setbacks as far as applying fertilizer, so there are options at the township level.

Root stated that she was happy to hear that some municipalities adopt ordinances to regulate lawncare and fertilizing. She encouraged people to go to their local government meetings and ask them to adopt some kind of ordinance to regulate these types of things. She stated that her concern is with the exclusion of some of the properties and wondered if this is something that should be pursued. She stated that, if they're using the water, they probably should pay their fair share.

Eggermont stated that he thinks it would be a big risk to include those parcels in the special assessment district

because he believes both the county and the residents would have a very good argument at the Tax Tribunal that would potentially open a lot of Tax Tribunal cases. He indicated these cases are very costly to coordinate and they take a lot of staff time. He added that the cost of legal counsel is charged to the special assessment district. He advised that they once spent \$10,000 on legal counsel for a Tax Tribunal case, which meant they had \$10,000 less to spend on treatments. He stated that, because a few of them are contiguous, they would add a limited amount of revenue compared to a pretty high liability. Eggermont advised that, if they go through this process again in five years, they will have the time to do the research required to be confident they have everything verified and have all the deeds in hand. He recommends they not be included until that happens.

Root asked if that also holds true for the properties on Glenwood that have access and are not included.

Eggermont responded that the problem with that is that 701 is not listed in the sub plat and that access is explicitly listed in the plats. He stated that it didn't happen there, so it is something that it is in the specific deed, which is a unique situation that they haven't seen before. He advised that this is why it has taken more resources and time to figure out.

Koloski stated that the Glenwood properties are in a subdivision with those 7 properties lots on the line and all those properties have the access through those properties in the lots. She advised that they were excluded because those properties go with the subdivision and the subdivision plat doesn't specify it; they were sold off individually.

Multiple speakers stated Ms. Koloski's statement regarding the Glenwood properties is incorrect.

Eggermont reminded the public that this is the time for the Board to speak and if they have follow-up questions, they should feel free to e-mail staff. He indicated that staff would stay after the meeting and will document their concerns and comments.

Root asked staff to address the question of genetic testing and asked if they had looked into including that as part of the treatment process and if they did, would it change the overall cost of the process.

Koloski stated that she has never done genetic testing on any of her special assessment districts. She advised that there is an assumption that the Milfoil has hybridized so much that it is all considered to be the same now. It's not native; it's not the invasive version; it's a hybridized version. She indicated that you may find more pure forms in the north, but that it is beginning to spread there as well. She said they would use the same chemicals to treat the Milfoil, whether it's the full invasives or hybrid. Koloski stated that they have not considered genetic testing and if they did, it could possibly change amounts of things they're treating but she couldn't really speak to this because she has never done it. She stated she does not believe it will change the cost of the treatment.

Root revisited Singer's concerns that the harvesting of the weeds is going to happen in the next five years and that this is a project that's never going to end. She stated that it's scheduled to run through 2028 and asked if they suspect that it will be carried on for another five years as well. She asked staff to speak to the process of how the special assessment district would be renewed and to clarify that it is not an automatic renewal.

Eggermont stated that they have been asked to renew projects, but that it is not an assumed process. He advised that in order for a project to be renewed, it has to go through the entire Board of Public Works process again. He reiterated that what they do is try to reduce the weeds overall and if people want them to come back, they go through this process again.

Eggermont clarified that the petition process is a township process, so it will be up to the township if they're going to do a petition or not. He advised that this is not a required part of the PA 185 process. He indicated it is up to the township to request the process again, so he recommended individuals let their township officials know before the five years' time is up if they would like to have the project considered again.

Smith thanked the public for coming and voicing their concerns, both for and against this project because it is a necessary part of the process. She advised them that she understands their concerns about using chemicals, and she would be sitting in their shoes with the same concern if it were happening on her lake. She went on to state that there are obvious concerns about invasive species and that it is unfortunate members of the township boards from Putnam or Dexter did not attend the meeting because she would like to understand their perspectives on what several individuals have voiced as an unfair or unjust process at the township level.

Eggermont stated that he cannot speak for the township board, but that he was at the public hearing in Dexter Township and noted that there was a lot of discussion when they passed the resolution. He advised that the township board felt they were obligated to pass the resolution because the petition signatures exceeded the threshold they had set. Eggermont advised that he did not attend the Putnam Township board meeting, but he thought there were four parcels and that their petition was divided evenly, two for and two against.

McCrie stated that he is troubled that people who are accessing the lake are not going to be subject to an assessment. He advised that he understands Eggermont's thoughts about the Tax Tribunal but that they don't have to show up and defend the assessment. He stated that they just don't show up and they lose, so the risk would be minimal. He indicated that if they include 20 people and five go to the tax tribunal, they will still capture 15.

McCrie advised that he was a little troubled that neighbors have more historical information and knowledge than the Board does. However, he stated that moving forward with the project without it being perfect is a step in the right direction. He indicated that he owns a cottage on in Portage, and his personal experience is that it is a highly successful program, so he is all set on that account.

Pratt asked Eggermont to address the issue of the costs associated with harvesting. He indicated that he understands they are not planning to use harvesting, but asked for confirmation that it is something that is used and is part of the whole decision process when they work with the lake scientist to figure out what's going to work.

Eggermont stated that the cost per acre of harvesting is roughly double and confirmed that harvesting is used if that is determined by the lake scientist to be the method that will work best in each situation.

Eggermont confirmed that the price tag the Board will be asked to vote on is \$302,500, approximately \$60,000 a year.

Lauren clarified that the process for monitoring the private wells means that they work with the health departments in the respective communities; they know where the wells are; what the depth they were when they were put in, and EGLE provides guidance on whether it's their opinion that that's a shallow well or not a shallow well and when we've got a restriction. She confirmed that monitoring does not include any sort of water quality monitoring.

Pratt stated that Dr. Pullman, a lake scientist they have worked with extensively in the past, would often say that the aquacides that are used have been on the market for 30, 35 years and received EPA approvals long ago. Pratt advised that EGLE has been reducing when and where copper can be used and that he appreciates people's questions and comments.

Pratt reiterated that all of their contractors have to be insured, licensed, and bonded. He pointed out that the issues mentioned where there were concerns about the pontoons were issues that were dealt with by the contractors through their insurance. He advised that this is a responsibility under their contract.

Pratt stated that he would agree that once you start a program, you're in it for the long haul because something wants to grow where there's empty space. He said that what we have been finding is that if you work with a lake scientist, on most of these within three or four years they're seeing that the effort and energy and the

targeting gets more and more specific and it stabilizes, just like anything where you're doing regular maintenance. He advised that, while he can't make promises on how this one will work, every special assessment district he's seen has been able to reduce the assessment in at least one of the years depending on the situation.

Pratt indicated that they don't just hire a contractor to go do what the contractor says as far as applying the chemicals or doing the harvesting work. He advised that their work is directed by the scientist, and they are looking to target; they're experienced; some have been doing this their whole life, and they really understand how to work with the lake scientists. Pratt stated that they are going to trust the professional who is certified and has a lot more background than they do. He indicated that their knowledge was learned from the lake scientists and that is going to be the go-to and what is really going to drive the program.

Schmidt reminded the public that the Board was assembled to consider the Silver Lake Improvement Project at the invitation of the township boards. He advised that they don't just come in and decide that they're going to throw chemicals in the water. He encouraged the public to engage with their township boards and let them know if this is the sort of thing they do or don't want, as those are the folks that really have the power. He stated that, when it gets to them, their job is to determine the reasonableness and the feasibility of being able to execute a special assessment district.

Smith inquired, because of concern over hearing about incorrect paperwork and records, if there is a way for the community to confirm with them the presence of a shallow well or how deep their well is when the permit is submitted to EGLE.

Pratt advised that they would be using health department records to determine well depth as that is typically a record that's kept there. He advised that they double-check and set up some type of feedback loop after the vote so that folks can be advised if they are not sure about the depth of their well and if there will be restrictions related to it.

11. NEXT STEPS - THEO EGGERMONT

With regards to the next steps in the process and the question about whether there's another vote, Eggermont stated there is no public vote. The process is the public hearing and the comment period and the Board deliberating and then deciding if they want to move forward or not.

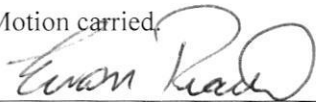
Eggermont advised that he and Lauren will continue to relay feedback to the Board and that the public act specifies that they can adjourn from time to time and make adjustments. He indicated that they will adjourn and consider what's been discussed. He encouraged the public to contact him and Lauren and that they would relay their comments, concerns, and questions to the Board. He advised that, ultimately, the Board will take a final vote and make a decision at the next Board of Public Works meeting.

Eggermont stated that they will post the meeting in the newspaper, as required. The meeting next meeting is scheduled for Wednesday, August 16, at 8:30 a.m., at 705 North Zinc Road.

12. ADJOURNMENT

Motion by Root, supported by Smith to adjourn the meeting at 7:53 p.m.

Motion carried.



Evan Pratt, Secretary