



Protecting Torch Lake Now and for Future Generations

President's Notes

As summer approaches, the community efforts attempting to address the yearly 4th of July sandbar situation ramp up. The public safety planning activity has begun and township services, such as EMS, are preparing for extra hours. TLPA stays up-to-date with these efforts and also has initiated actions of our own.

First, in conjunction with the formation of the Clearwater Township Sandbar Task Force, we provided a recommendation of three special event ordinances that the township could enact in an attempt to improve control over the chaos:

1. A temporary limit on street parking to one side of the road (portions of Crystal Beach, Aarwood and various side streets) in an attempt to improve road safety for pedestrians.
2. A temporary ban on containers (coolers, boxes, bottles, cans, etc.) being taken through the public accesses to address trash being left in/on the water.
3. A mass gathering permit for event sponsors/promoters for the assignment of legal responsibility of related expenses.

These recommendations have been vetted by our legal counsel to confirm the township's legitimacy for adopting such actions, with a written opinion provided in support of their implementation. This was intended to help township officials determine the best course of action. Unfortunately, no course has yet been established. (See the article on the task force in this issue.)

As an independent step, TLPA filed a complaint in Kalkaska District Court aimed at preventing the promotion and/or sponsorship of any sandbar "event". The complaint contends that defendants Beatbox Beverages LLC, Lansing Party.com LLC and Brooks Ehlert (aka

DJ Fade) created a nuisance by sponsoring, promoting and holding the Sandbar "Bash" on July 4, 2015. Such activity significantly increases the size of the crowd with no obligation for the consequences, thus creating a significant public nuisance. These defendants were identified by their actions observed on social media in 2015. All three have been served with the complaint and an initial court date is anticipated by June. We are hopeful this will have a positive effect on the problem. The complaint is available on our website and we will keep you informed of its status.

I look forward to seeing you at our annual members meeting, "The Taste of Torch", with our special guest Clifford Bloom, Michigan's foremost riparian law expert. Have a great summer!

Greg Payne
President

TLPA Board of Directors

Greg Payne - President	Gary Petty
Dan Boone - Vice-president	Dick Gray
Lee Scott - Board Chairman	Barb Carton
Bob Clore - Secretary	Anna Hannan
Steve Biegel - Treasurer	Bob Milliron
Norm Neuenschwander	Sue Kelly
Brad Gerlach—Executive Director	

Sandbar Task Force Investigated, Recommended Several Remedies Without Much Success

By Sue Kelly, Sandbar Task Force and TLPA board member

The Sandbar Task Force was created by Clearwater township officials last October following a well-attended public meeting on the topic. The task force's charge is to recommend potential solutions to the Clearwater Township Trustees that will alleviate problems at the sandbar and surrounding township areas during the days leading up to and immediately following the 4th of July holiday. This group's focus was to be on the health, safety and welfare of residents, riparians and tourists to the area during this time period. After having ten meetings over the past eight months and utilizing more than 300 man hours of energy, progress has been limited.

In addition to six citizen members, the task force consists of two members of the township board, the township fire chief and a representative from the township planning commission. The task force has met with the Kankaska County Sheriff, undersheriff and other department personnel who will oversee this year's 4th of July holiday activities. We met with representatives from the DNR Enforcement Division, District #3 and the manager at the Kankaska County Road Commission. There were conversations with Judge Buday regarding enforcement of riparian rights and the Kankaska County Prosecutor regarding enforcement of township ordinances along with various phone calls along the way and still progress has been limited.

We presented numerous recommendations for changes to the current road endings ordinance (Clearwater Township ordinance #20) and presented sample mass gathering ordinances that are currently in effect in Kankaska and surrounding counties for board consideration. These never made it out of the planning commissions meetings where the stumbling block appeared to be around township authority and ability to enforce the requested changes.

We recommended parking restrictions along various roadways near the south end of Torch Lake; however, following discussions with the county road commis-

sion, we learned that there was no support for expanding parking restrictions beyond a limited section of road near the Lake Street access site. A resolution to limit parking on Crystal Beach near the bridge and Torch Bridge Court was passed by the trustees and forwarded to the state police for their support. Development of a parking ordinance was shuttered due to enforcement difficulties.

We questioned the safety of the rafting that goes on out at the sandbar (boats tied together making navigation impossible in case of an emergency), glass containers transported across township access sites into the water and impacts on water quality from the mass of humanity....still....no support for action due to enforcement/manpower issues and diverse opinions among law enforcement on rafting generally. We discussed permits for commercial operations on the sandbar, litter problems, additional "event" security options and possible coast guard involvement. We learned that the coast guard has no jurisdiction and we were unsuccessful in locating a security firm willing to work the holiday.

There were numerous discussions regarding the Clearwater Township property line that extends out into the water encompassing the majority of the sandbar area and enforcement of the township ordinances and state laws by the sheriff's department on that land. It boiled down to a matter of "practical enforceability", too few officers and too many people.

The Sandbar Task Force considered parking restrictions, a mass gathering ordinance, a permitting process for commercial activity on the sandbar, and occupancy limits on the sandbar.

There was discussion on a county wide noise ordinance, occupancy limits on the sandbar and sanitation and water quality. No notable progress was made.

The township held a special meeting in April with their attorney and planning commission members present to further discuss potential actions. The outcome of that meeting was for the township trustees to direct the

planning commission to discontinue consideration of a mass gathering ordinance or amendment to the existing township ordinance #20. Township ability and cost to enforce ordinances were the overriding concerns of the trustees in that regard.

The Sandbar Task Force will continue to meet and press for preventive measures over the long term. In addition there is a public meeting scheduled for June 25 at 10:00 a.m. at the Clearwater Township Hall for an update and opportunity for your input. Please consider attending!

Task Force Learns of Planned Improvements for the Fourth

In discussions with law enforcement and local officials, the Sandbar Task Force has learned of several additional actions over prior years planned for this July 4th weekend.

Notably:

State Police have indicated they are doubling the officers on duty at the south end of the lake.

There will be approximately six additional vessels in the water, including two jet skis, to monitor shoreline activity.

Additionally:

There will be two additional 2-yard trash containers at Lake Street access site.

There will be one 2-yard trash container at the Division Street access site.

There will be 6 returnable containers at Lake Street and 2 returnable containers at the corner of Division Street.

Torch Lake Township Property Owners Request Zoning Language Change

Twenty-four Torch Lake Township property owners have submitted a request to the township planning commission to revise Special Use language for the R-1 (residential) zone. The requested language would further restrict the development of public boat launches in the residential zone. The planning commission held a public hearing on the request on May 10, with several property owners speaking in support. Two other public hearings were held during the same meeting, leaving no time for discussion of any of the public hearing topics. The planning commission is expected to discuss the request at their June meeting.

In 1994, four property owners adjacent to property owned by the Michigan Department of Natural Resources at 957 N. West Torch Lake Drive filed suit to stop a proposed DNR boat launch on that property. The basis for the lawsuit was threefold: (1) the launch would not conform to the township zoning ordinance, (2) the launch would require dredging 6 feet deep and 250 feet out from the shore, and (3) the launch would negatively impact the quality of life in the neighborhood.

The lawsuit was successful to the point that the court ordered that no construction would be allowed on the property until all issues were fully litigated. To this date, the DNR has not proceeded with plans to attempt to construct a launch site on the property. However, the Michigan Waterways Commission recently awarded a grant of \$75,000 to the DNR for an engineering study of the property.

Torch Lake Protection Alliance (originally the Torch Lake Property Owners Association) was formed in 1994 to support the original lawsuit. TLPA supports the current property owner's request. Although the current zoning ordinance requires setbacks that do not allow a boat launch to be constructed on the DNR site, the request would further strengthen the language to restrict boat launches in the residential zone.

Three Lakes Association Celebrates Their 50th Anniversary

Torch Lake Protection Alliance wishes to congratulate Three Lakes Association as they celebrate the 50th anniversary of the organization's founding. With emphasis on Torch Lake, Lake Bellaire and Clam Lake, TLA is dedicated to preserving and protecting the environmental quality of the lakes.

As TLPA promotes policies that are beneficial to Torch Lake and provides resources to oppose activities harmful to the lake, TLA focuses on, among many things, monitoring water quality, engaging local and state governments and providing grants for local science education in schools. Most recently, TLA efforts have focused on invasive species, such as Eurasian watermilfoil and an extensive study of the growth of golden-brown algae in Torch Lake.

Torch Lake Protection Alliance looks forward to working with Three Lakes Association for the next 50 years in our continuing effort to preserve our wonderful natural resource.

Update on Golden-Brown Algae Is Released; Further Study Planned

The second report on the golden-brown algae (GBA) study was released on March 29, 2016, by its author, Professor R. Jan Stevenson of Michigan State University.

The staff of the Three Lakes Association (TLA) prepared an executive summary of the report. The summary states that the concentrations of phosphorus in groundwater entering the lake was two to ten times higher than in lake water. This finding is consistent with the hypothesis that some species of GBA diatoms are triggered to grow at higher levels of phosphorus, thereby becoming visible on the surface. The report did not consider the potential contributions of higher occupancy of lakeshore residences or warmer near-shore temperatures to the growth.

In the next phase of the study, TLA, working with Professor Stevenson, will attempt to document through infrared photography some of the patterns of groundwater and compare those patterns with the GBA growth patterns. If this is successful, it will provide guidance

as to promising locations to collect samples for measuring nutrient concentrations. In addition, TLA plans to measure certain substances, i.e., chloride, caffeine, and Boron, as potential indicators of human-source nutrients contributing to GBA growth.

Sue Kelly Appointed to TLPA Board of Directors

The TLPA Directors recently elected Sue Kelly to the board. The appointment must receive membership approval at the annual meeting in August.

Sue is a licensed CPA and worked primarily in the non-profit industry throughout her career. She retired from MESSA (a statewide health plan) in 2013 where she was the CFO and Division Director for Operations. In that role she had responsibility for IT, Project Management, Member Service and Group Services along with all financial management and planning, strategic planning and corporate investments oversight. Prior to her position at MESSA, Sue was Director of Finance for the Michigan Education Association. In that position she also acted as the Finance Director for a small broker dealer and a financial services corporation.

Sue also worked for the Michigan Association of REALTORS® for ten years as their Sr. Vice President for Operations. Her functions were essentially the same as they were at the MEA but on a smaller scale.

She practiced public accounting for several years with a local firm in Lansing, Maner, Costerisan, CPA's. There she handled a variety of client organizations focusing on non-profit and governmental unit auditing.

Locally, Sue and her husband have owned property on Torch Lake's bayou since 1987. They purchased the property that had been settled by Sue's grandfather in the late 1940's and sold out of the family in the mid 1970's. The house was renovated and redesigned in 2009 and Sue and her husband moved permanently to the area in 2013.

Sue has been a member of TLPA for many years as well as Elk-Skegemog Lakes Association and Three Lakes Association along with Tip of the Mitt Watershed. Currently, she is serving on the Sandbar Task Force for Clearwater Township and volunteers at the ACTS food pantry and is active on Grass River Natural Area's Annual Concert Fundraising Committee.

Get a Free Membership

Urge (sponsor) a friend or neighbor to join TLPA and YOU will receive a free membership in 2017! Use the application/envelope inserted in this newsletter.

1. The new member must be someone who has NEVER joined TLPA, OR someone who has not been a member since 2013.
2. You, as a sponsor, must be a paid 2016 member, AND the new member's dues must be paid by September 1, 2016.
3. As a sponsor, YOUR name must appear on the application which is included in this newsletter, OR on the website application where it says "Sponsored by:"

Welcome New Members

Edwin Bames	Larry & Jean Lyons
Greg & Karen Frederickson	Dirk & Karen Sauer
Marcia Waara	Paula & Arlene Brennan
Stewart & Terry Caulfield	Marvin & Michele Schellie
Rick & Sandy Doombos	Robert & Andrea Ford
Neal & Debbie Craig	Valentino & Sara Simone
Charles Goosen	Richard & Janet Knopf
Louis & Joan Slyker	Mike & Maggie Leffke
Marjorie Worthington & Nancy Worthington	

Burglaries Reported in Antrim

Many of our members have expressed concern about the number of break-ins that took place around Torch Lake this past winter. Most of the break-ins occurred along Gilbert Road in Central Lake Township, although a few homes were burglarized in Forest Home Township as well. On April 27, a TLPA representative contacted Antrim County Sheriff Daniel S. Bean about the matter. Sheriff Bean reported that on April 26 his deputies had arrested two individuals believed to be connected with the winter break-ins. He further stated that two or three additional individuals were under investigation and might be arrested as suspects in the future.

Sheriff Bean believes that the best defense against a burglary is for neighbors to network and look out for each others' welfare. According to Sheriff Bean, "Your house should always look like someone's home." He recommends the following for people who leave the area in the winter: Ask someone to retrieve your mail frequently, put timers on indoor lights and program them to activate at different hours, keep your driveway plowed, and consider installing outdoor motion-activated lights.

If you have any information that might be helpful to the police in this matter or have suffered a break-in, contact the Antrim County Police Department at (231) 533-8627.

Antrim County Seeks Levy for Recycling

On August 2, Antrim County residents will be asked to approve a levy to fund recycling in the county for the next four years. The levy will allow the county to levy up to \$0.25 per \$1000 of taxable value and will raise an estimated \$434,328 for the county in 2017.

[Save the Dates!](#)

Please mark your 2016 calendars for TLPA's two traditional summer events:

Saturday, June 11, 9:30 am: Greet, Educate & Meet event at the Torch Lake Township Community Center. The guest speaker will be local historian Jim McClurg speaking about the interesting lumbering history of the Torch Lake area. This is a great opportunity to visit with fellow TLPA members and the board of directors. Coffee, tea and donuts will be served.

Tuesday, August 2, 4:30 pm: Annual Member Meeting and Taste of Torch at the Alden Depot. The TLPA annual meeting will be conducted, followed by the wonderful food catered by Siren Hall. The guest speaker will be Clifford Bloom, a noted attorney who will share his thoughts on the realities of riparian law in Michigan.

We look forward to seeing you there!