



# Higgins Lake Property Owners Association<sup>SM</sup>

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**President:** Charlene Cornell, **Vice Pres:** Greg Semack, **Secretary:** Herb Weatherly, **Treasurer:** Bruce Carleton  
**Directors:** Wayne Brooks, Patty Dennis, Curt DeVoe, Becky Gibson, Bob McKellar, John Ogren, Fred Swinehart

Higgins Lake Property Owners Association

Annual Meeting – July 22, 2023

Roscommon Area High School

**Call to Order and President's Opening Remarks:** The meeting was called to order by President Charlene Cornell at 8:49 A.M. President Cornell thanked members for their support, which is very meaningful for many lake projects. Mrs. Cornell also thanked those who attended the *Sips, Chips and Dips* fundraiser, For the Love of the Lake. A grand time was had by all, and this will be an annual fundraiser event.

President Cornell introduced the HLPOA Board Members: Greg Semack – Vice President and HLSIO Chair, Bruce Carleton – Treasurer, Herb Weatherly – Secretary & Elections Co-Chair, Wayne Brooks – Co-Chair Membership & Communication, Jack Cornell – Fundraiser Chair, Becky Gibson – Co-Chair Membership & Communication, Bob McKellar – Elections Co-Chair, John Ogren – Riparian Chair, and Fred Swinehart, Environmental Chair. Kathleen Barger, HLPOA Administrative Assistant, was also introduced.

**Approval of 2022 Annual Meeting Minutes:** President Cornell asked if there were any additions or corrections to the 2022 Annual Meeting Minutes, which were provided in the packet sent to all members. There being none, the July 16, 2022, Annual Meeting Minutes were accepted as written.

Mrs. Cornell also stated that we have a quorum, having satisfied the 10%-member requirement as stated in our bylaws.

Mrs. Cornell then introduced guest speaker, Brian Hill, Gerrish Township Chief of Police.

**Guest Speaker Chief Brian Hill:** Chief Brian Hill thanked the HLPOA for inviting him to speak today. He has been in law enforcement for over 41 years in Gerrish Township, and the community is very special to him. He stated that the HLPOA Riparian Committee meets with his department, along with the Marine Patrol and Central Dispatch, twice per year to discuss issues and the enforcement of them. Chief Hill shared areas his department is involved in, such as dock permits, of which there are 14 vs 16 last year. Per PA (Public Act) Act 56, the local entity dock permitting process, night cars tour all road ends for overnight moorings, and take photos. The day cars then address any issues, of which they have approximately four violations per year, with an applicable fine of \$250.00. Chief Hill introduced Lieutenant Eric Muszynski, who brought PA Act 56 and Riparian Living pamphlets to be distributed.

Regarding road spill-over, mooring issues were discussed, as property owners have complained about boats anchoring to buoys. It was stated that "recreational trespass" is defined as not being able to block docks or access to your hoists. Chief Hill then addressed County Ordinance #4, regarding ORV (off road vehicles), where

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problems have been called in to the department. ORV rules include you must be 16 years or older, you must drive on the shoulder, and you must drive less than 25 m.p.h. On the topic of short-term rentals, Chief Hill said he sent out letters two years ago to 70 short-term rentals identified in Gerrish Township, addressing many concerns, such as noise. He added that complaints should still be called to Central Dispatch at 989-275-0911. Chief Hill added that the Marine Patrol works with decibel meters on the lake, and the Sheriff's Department is the enforcement entity. Chief Hill then discussed the flurry of activity at the 4<sup>th</sup> of July time frame, which included alcohol, drugs, and high temperatures. They are looking at strategies for next year, such as ambulances, walking the shorelines, and setting up a mini jail for violators. He added that when the park capacity is full, people are using side streets. They encountered 50 -60 parking violations, and the fine is \$65.00. Last, Chief Hill stated that he gave his intent to retire June 16, 2024. The floor was then open for questions.

Peter Anderson asked how big is the Gerrish Township Police Department? Chief Hill replied there are 7 full-time officers.

Mark Karney asked if there was an increase in B&E's (breaking and entering) or is it at normal volume and what can we do? Chief Hill answered that the ring doorbell camera is a good option, adding that most B&E's come from contractors out of town and the rate is very low. Storage units are also a problem, and all of these issues should be reported.

Pat Springstead asked if there has been more conversation about Gerrish and Lyon Townships working together? Chief Hill reported that there has not been meaningful conversation; however, he has met with both the Lyon Township supervisor and clerk in the past, adding that Higgins Lake is one big lake and both townships share the same problems. Political influence could change this.

Peter Anderson asked how many police officers does Lyon Township have? Chief Hill replied they have none but do have ordinance officers. Charlene Cornell thanked Chief Brian Hill and introduced Jim Barnwell, GLUA (Gerrish Lyon Utility Authority) Chair.

**Guest Speaker Jim Barnwell:** GLUA Chair Jim Barnwell said he was pleased to be here and thanked the HLPOA for all their work and efforts protecting the lake, supporting studies, and how to maintain and perfect the lake. Mr. Barnwell stated that increased population has caused problems for the lake. The lake has degraded with the presence of algae, causing oxygen depletion, and with nutrients entering the lake. We need to look at biomass and weed growth. Mr. Barnwell stated that the S.T.E.P. (Septic Tank Effluent Pumping) system is the most effective and cost-effective system. Also, GLUA is looking at PA 188, an act used to support public works projects, where all landowners become, by petition, able to vote. If 50% support, the project can move forward. Presently we are waiting for Lyon Township, so the hurdle is that we have no project today and cannot pursue talking to legislators or requesting fund requests. The floor was open for questions. There being none, Charlene Cornell introduced HLPOA Attorney, Bill Carey.

**Guest Speaker Bill Carey:** Bill Carey thanked the HLPOA for asking him to speak today on current issues of the formation of SAD (Special Assessment District), lake level, and the maintenance and opening of the dam. As most know, there has been a series of prior Circuit Court orders, where the Circuit Court has exclusive jurisdiction of the lake level. Petitions have been filed by the County Board of Commissioners. There are problems here historically about the Cut River Dam, which did not offer enough technology to be an effective lake level regulator. Part 307, of the Natural Resources and Environmental Protection Act, is an environmental protection act, where the County Board of Commissioners is given extensive authority to establish a SAD to raise and maintain the lake level control structure of the Cut River Dam. The current debate is whether or not they are watching to regulate the flowage of the lake. Regarding the necessity of SAD, Mr. Carey said there is a future

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need, but not a current need. There is a hearing on September 15<sup>th</sup>, to challenge the necessity and people can make their positions known. If HLPOA chooses to participate, individuals and landowners should attend to voice their opinions regarding the establishment of SAD. The floor was open for questions.

Dennis Durandetto asked who approved of the SAD? Mr. Carey said there are three lakes involved, Higgins Lake, Houghton Lake, and Lake St. Helen. The SAD has been approved at Houghton Lake.

Mark Karney asked if the proposed SAD process can be modified and prevented. Mr. Carey said that the statute gives the County broad authority.

Regarding short-term rentals, Mr. Carey said the townships have the authority to regulate this, some have, some have not. In the courts, there is a specific approach that involves the restrictiveness of private deeds. Often there is a deed restriction stating that you cannot use property for commercial use.

Regarding boundary disputes in the water, Mr. Carey said this is a complicated process which is not easy. He suggests hiring a riparian survey company. Regarding trespassing, Mr. Carey said people have a right to navigate and swim the entire surface of the water. They can temporarily anchor and use the water surface, such as for fishing. The floor was open for questions.

Jan Guran asked do you think it would behoove Gerrish Township to establish an ordinance about short-term rental issues vs waiting for the state to get involved? While this is an opinion, Mr. Carey said yes, it is a good idea.

Charlene Cornell thanked Bill Carey and introduced our Treasurer, Bruce Carleton, for the first committee report.

**Treasurer's Report:** Treasurer Bruce Carleton welcomed everyone and said he would address three areas he felt were important to our members: 1. Financial Health, 2. Internal financial controls and external oversight, and 3. Whether member contributions are spent efficiently. To address the first issue, Mr. Carleton reported that Fiscal 2022 expenses exceeded revenue by \$2,300 resulting in a slight reduction in our financial strength during last year. However, looking back over a longer period of time, on December 31, 2017, our net worth was only \$20,000.00, while the December 2022 statement showed an \$86,000.00 net worth. This demonstrates a sound and growing financial strength as measured by our net worth (or net assets in non-profit accounting terminology) increasing more than four times over that five-year period of time. Turning to the internal financial control and external oversight issue, Mr. Carleton stated that although we are a small organization, financial responsibilities are not concentrated in any one individual, rather they are distributed among a number of people. He then described the flow of receipts and disbursements through the organization culminating with the month-end production of our financial statements through QuickBooks by Jack Cornell. Those statements are then reviewed by the full Board at our monthly meetings. External oversight to our finances is provided by our independent CPA firm, Croskey Lanni through its preparation of our year-end financial statements and tax returns, with the effectiveness of our internal controls reinforced by their negligible adjustments needed to prepare our statements. Finally, regarding the efficient expenditure of member contributions, Mr. Carleton noted that as a volunteer organization with one part-time paid employee and minimal overhead in other areas, the bulk of the monies received from our members are going directly to our programs. The floor was then open for questions.

Dennis Durandetto asked if there is a process to pay dues online. Mr. Carleton replied that we are researching a number of options, including Zelle for small business through Huntington Bank. Mr. Carleton added that in order to accept payment for membership dues, verification of riparian status is required, and we will likely need to develop a way to obtain this information with any payment system we establish. Currently, members submit checks in our dues envelope that include specific ownership and parcel information.

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A member asked what our total annual revenues are. Mr. Carleton answered they have ranged between \$94 and \$98 thousand over the past several years and we hope to break \$100,000 soon. Bruce Carleton then introduced Fred Swinehart for the environmental report.

**Environmental Report:** Fred Swinehart, Environmental Chair, spoke of the *common confusion between the clarity of the water, as reported by Secchi disk data* vs the quality of the water as reported by chemical and bacterial analysis in Higgins Lake. Zebra and Quagga mussel infestations in the lake have clarified the water in the lake by consuming algae particles in the water column and thus clarifying the water. On the other hand, their waste products in the bottom muck of the lake are decomposed by bacteria degrading the quality of the water by increasing phosphorous and nitrogenous concentrations, which one cannot see with the naked eye. Professor Luttendon has remarked on this effect in several recent presentations locally.

Another problem was noted by prior speaker Jim Barnwell as he discussed the problems with increasing phosphorous and nitrogenous concentrations in the lake caused by septic effluent pollution. He referred to these nutrients that when spread upon a farmer's field to increase the yield of their crops, they are mostly removed when these crops are harvested and sold. Fred emphasized that in our lake, our crops are weeds and algae. However, they are not removed and sold, but die each year and their nutrients accumulate adding to the nutrient load in future years. So, every year the nutrient problems get worse.

Chair Swinehart then introduced the environmental committee members: Curt DeVoe, John Ogren and at-large members Melanie Brown, Brad Gibson, Richard Larobardiere and John Blizzard. Also, many students are currently involved with measuring the flow rate at the Cut River. Jack Cornell was thanked for purchasing a turbine meter, which is used to measure the flow rate of the Cut River.

Finally, Dr. Swinehart re-emphasized that the largest algae bloom he has ever encountered at Higgins Lake occurred in May. A very high level of phosphorous content was noted by the student sampling and analysis project. At this time massive floating algae blobs were widespread on the surface over the entire lake.

Chair Swinehart concluded by stating that all of the committee's information is posted on the HLPOA website. The floor was open for questions. There being none, President Cornell introduced John Ogren.

**Riparian Report:** Chair John Ogren stated that our 2023 Membership Directory includes a short report on Riparian Committee activities, but because everyone may have not had a chance to read it, he will provide a brief update on the things we have been doing and introduce the committee members.

Fellow board members, Greg Semack and Wayne Brooks are members of the committee in addition to Charlene Cornell, who is an Ex-Officio member. At large members are Nick Dewey, Tom Hoffmeyer, Bill Isenstein and Steve Rickett. Thanks to each one of you for your help and involvement.

We continue to meet with local law enforcement in meetings in the Spring and Fall. You have already heard Chief Hill talk about short-term rentals and road end issues in Gerrish Township. We also work on many of the same issues for Lyon Township with the Township officials and the Roscommon County Sheriff's Department. The recently elected Lyon Township Supervisor, Larry Maduri, and new County Prosecuting Attorney, Michael Edwards, participated in our meeting in May.

Chair Ogren shared that we recently made a survey of all 80 or so of the Higgins Lake road ends to check the condition of the Jacob's Public Notice signs. Almost all of the signs and posts are in adequate shape and steps

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are under way to replace the few that are not. Also, there were no surprises about the road ends which are being used actively to launch boats. The active ones are well known. Most of the others are seldom or very rarely used for that purpose.

The boat launch information is important for our ongoing discussions with the DNR about trying to improve the operation at their three access sites to minimize the risk for additional invasive species entering the lake. We are collecting weekly data along with the Higgins Lake Foundation on the use of the launch sites for that purpose. Our main concern is the South State Park Lagoon that acts as a spreader of existing species and potentially could act as an incubator for any new invasives.

Finally, the Restorative Lake Science survey last summer about the condition of the lake is now posted on the HLPOA website. Their work continues to identify the need for a lake wide sewer system as the highest priority for the health of the lake. Also, the report noted a significant reduction in the area of Eurasian Water Milfoil in the shallower areas of the lake and that starry stonewort is not spreading in the shallow areas. That is very encouraging news for which we owe a big thank you to the Higgins Lake Foundation for the continued work of their DASH boat to harvest these species and to the DNR for the work at their boat access.

Mr. Ogren stated that is my report. The floor was open for questions. There being none, Chair Ogren introduced Greg Semack.

**Swimmer's Itch Report:** HLSIO Chair Greg Semack stated we have common merganser broods on Higgins Lake again. Many of you know and have sent in pictures. We have good news and bad news. First the bad news, yes, we do have merganser broods on our lake, and for the second year in a row, we are unable to relocate merganser duck broods due to Avian Flu and the suspension of our permit by the DNR.

We had extensive talks with the DNR in the winter when this decision was made. Many issues were raised which to us seemed to indicate that allowing our relocation should not be spreading Avian Flu. Among them were:

- We're only moving wild birds from one wild bird environment to another wild bird environment.

- Mergansers keep to themselves; none have been found to be infected.

- Mergansers aren't a threat to commercial flocks as they only eat minnows, not grain.

We intend to pursue this at more levels this fall and winter.

Avian Flu does seem to be diminished this year, but Mr. Semack asked the DNR just last week if our relocation program could be reconsidered yet for this year and was turned down.

What does this mean for Higgins Lake? One outcome may be that we have more cases of SI toward the end of this summer than we have had in years past. A more likely time that we will have an uptick in cases will be next spring and summer. This was the experience at Crystal Lake. They had merganser broods last summer that were not removed due to the suspension of their permit. This summer the SI cases at Crystal Lake have greatly increased over recent past years. Mr. Semack is hopeful that our case count will not increase as much as it has on Crystal Lake as we have less birds than they had at Crystal Lake that require relocation. And remember that we have driven our snail infection rate down to almost nothing, so Chair Semack is pretty sure our situation will not be as severe, even next year, as what we experienced prior to the inception of our relocation program.

We will do everything we can to make sure that our permit is reestablished. We intend to talk to DNR personnel at all levels to make our case. Greg Semack has already talked to the supervisors of both Lyon and Gerrish Townships about helping us make our case with the DNR and we intend to enlist the help of the county as well. We will push very hard.

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On the good news side ....

We continue to do exciting research on SI. It had been reported that SI was also created by the Canada goose and a snail that it cycled with. Last summer we determined that this was not really much of a threat to create SI because our research found the parasite created in this cycle had little interest in entering human pores. This is important as it may give other lake associations encouragement to join in merganser relocation and give a larger base to our program.

This season we are studying the gestation period of the parasite when it infects a duck and maybe more importantly, a duckling. Ducklings are much greater creators of parasites than adult ducks and the research may also give us new information about how infection might diminish as a duck ages. This study will give us clear knowledge of how long we have to remove merganser broods in order to effectively stop the parasitic cycle before it is allowed to take root.

Also, just last week a paper was published by Swimmers Itch Solutions about the success of relocating mergansers to control Swimmers Itch. Links to this information will be added to our website, so people can locate the paper and check it out. As you might imagine, Curt and Randy already get calls even from other states and the call usually starts with, "can you do for us what you've done at Higgins Lake?"

We're happy to report that many additional items have been added to our website including, for the first time, a way we can accept donations online. We're hopeful that this might make supporting our program easier in the future.

And speaking of how to support our organization ..... Another piece of good news is that we will once again be holding our fundraising dinner in August (August 17<sup>th</sup>) at Jim and Laura Witt's barn, and it will once again be catered by Fred's. We've just begun selling tickets and you can get them from me, anyone on the HLSIO board, or by letting anyone on the HLPOA board know and we'll get them to you. Information on the dinner went out in an email to all HLPOA members and all HLSIO supporters this past week and is also on the HLSIO website. Please consider joining us. Everyone always has a good time.

Jamie Brown asked if there was a feasible alternative to relocate ducks. Chair Semack replied that yes, there is Quaziprantel, a drug that kills parasites, but the DNR (Department of Natural Resources) has denied the use of this drug.

President Cornell then introduced Bob McKellar, co-chair of the Elections Committee.

**Nomination and Election of Officers:** Bob McKellar stated we have four HLPOA Board members to elect this year for four-year terms: Charlene Cornell, Becky Gibson, Greg Semack, and Fred Swinehart. Bios were included in the annual meeting packet and all four are willing to be re-elected. The floor was opened for nominations. Again, the floor was opened for nominations. There being none, a motion was made by James Frye to close the nominations, seconded by Kevin Kessler. There was no opposition and the motion passed by a card vote. Mr. McKellar then explained that when there is only one nomination for a position, there is not an election, and it is simply announced that the nominee shall assume that position. Therefore, the four candidates have been re-elected.

**New Business:** Charlene Cornell informed us that the Muskegon River Watershed Assembly is conducting their annual Trash Bash and trash bags are available here. She encouraged members to pick up litter, take photos and send them to the HLPOA. The floor was open for questions.

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Regarding the Higgins Lake dam SAD, John Zinkard asked if commissioners could be recalled. Greg Semack stated it is his opinion that they could be but that it was not a quick process. Mr. Semack said we are seeking legal advice on how to proceed with this matter. Francis Fitzgerald added that HLPOA members can help by being more involved with candidate selection in the future. Mr. Fitzgerald suggested that one way to do so would be to support the HLPAC (Higgins Lake Political Action Committee) with donations.

Peter Anderson asked about support to load fish, particularly perch, in Higgins Lake. Fred Swinehart suggested sponsoring a fish survey with Mark Tonello DNR Fisheries and will contact Mr. Anderson with this information. Mr. Swinehart added there is a planning process in place with the DNR for trout.

Nick Dewey asked about a bylaw's amendment. Charlene Cornell stated this was done last year.

**Adjournment:** President Cornell then asked for a motion to adjourn. There being no opposition, the motion was moved by Bob Frye, seconded by Bill Cornell. Motion passed by card vote. The meeting adjourned at 10:44 A.M.

Recording Secretary: Kathleen Barger, HLPOA Administrative Assistant