Hayes Township Parks & Recreation Committee Minutes
October 7, 2024
Hayes Township Hall, 6pm

Committee Members Present: Julie Collard, Paul Zardus, Gregg Stauffer, Becky Stauffer, Kyle Perry
Members absent: Laura White (excused), Leslie Cunningham (excused)
Public: Andy Balderson, Linda Balderson, Sharon & David Bagley, Judith & Paul Ivan, John D. Hogan, Michael MacMillan, Mark Sape, Greta McVay, Brigitte Fowler, Bob Fowler, Tom Toomey, Nancy LaCroix, Sarah Turschak, J.Nowak

The meeting was called to order by Paul at 6 pm.
Nothing was added to the agenda.
September 2024 minutes were approved.

Andy Balderson from Pine Point shared a presentation on the history and legal boundaries of Eastern Avenue Beach. A copy of his presentation will be included with the minutes. The 1995 agreement regarding the 1.4 acres of land that includes Eastern Avenue Beach shows the legal boundaries of this park.

Andy shared that at this time, Al Ranger wanted to develop the area as a park with a permanent dock. This plan could not be completed, and this is why Andy believes the issues began with the Ranger family and began this whole journey of discovery.

Directly from the legal documentation and last section of the Abel agreement, the public beach area will not be extended. There is a 30 foot easement along the waters edge if someone wanted to walk farther past the public beach, but that equates to about 10 average steps and after that the walk would become trespassing. Nothing is allowed to be planted or disrupt the view to the water. If there is anything obstructing view to the water the homeowners (Greta McVay) can legally remove those items. They are allowed to mow the lawn in the yard as well as plant or do small landscaping projects.

The Fowlers have been accused of moving their dock ten feet closer to the public area of the beach each year. This is not only untrue, but brought to attention that the buoys were actually placed within the Fowlers legal space and will need to be moved to the appropriate locations next season.

Andy recommends: having a small sign made with an actual map showing a photograph of public beach area, possibly placing a large boulder or landmark to show guests where the beach boundary is. He also suggested rules that clearly spell out, for all guests, Pine Point residents, and rental guests, the guidelines of

Eastern Avenue Beach usage. This would include legal documents for rental guests to sign with their VRBO or Airbnb agreements.

Andy also made some suggestions on configurations that may work for the ADA mat next season.

Andy ended his presentation on a personal note, sharing that Eastern Avenue Beach has been a very special place in his life and for his children. He quoted a respected architect "Good places enrich our lives; they are thresholds of what has been and what can be...good successive generational use of care."

It was mutually agreed that Pine Point residents and Hayes Township will continue to work together to be respectful and kind as neighbors to each other.

Public comment included: being pro-active against disruptive people at EAB, to take legal action against their nonsense and send a letter to the 'problem child', summer residents love this beach and hope that establishing clear boundaries will stop the disruption, sharing of an personal incident in which their wife and daughter were harassed so badly they had to leave the beach, suggested a cease and desist letter be sent to the harasser, Greta/Fowlers don't deserve the constant harassment, recommends the disruptor be sent a copy of the meeting/minutes/report.

The Parks and Rec Committee agreed to review the current signage at EAB as well as plan for a new sign indicating boundaries of the beach area. We also asked if anyone has old pictures of the beach we can scan and put a collage together of this park.

Gregg and Becky Stauffer gave an end of season report as Park Hosts of Hayes Township Park Camp Sea Gull. They assisted many guests at the park through the summer, kept an eye on safety and maintenance issues, helped to plan and attended the s'more campfire event and the community picnic. Gregg helped to keep not only Camp Sea Gull park neat, but he also weed-wacked Eastern Avenue Beach and helped clean and clear Bayside Park, including hanging the new swings. He also sanded down and repainted the railing at CSG. They worked hard to keep the park clean, and reported that most people were very respectful. A point of pride is having the cleanest bathrooms around.

The committee thanked Gregg and Becky for their hard work and will welcome them back in the spring of 2025.

The committee members discussed the public concerns brought up and Andy's presentation. They agree that there needs to be something more forceful done to put an end to the harassment that has been ongoing for years. Paul made a

motion, with Julie in support, to request that the Board of Trustees contact the Township attorney and find out what steps we can legally take to stop the disruptive behavior. The committee wants to legally shut down the horrible behavior all together. They also want to ask what can be done if the harassment continues.

Paul adjourned the meeting at 7:18pm.

The next Park and Rec meeting will be held on Thursday, November 7, 2024, at 6pm at the Hayes Township Hall.

Respectfully Submitted,
Julie Collard
Board Rep/Secretary
October 8, 2024

Andrew H. Balderson
8232 Eastern Avenue
Charlevoix, Michigan 49720

August 23, 2024

Ron Vanzee, Supervisor
Hayes Township Board of Directors
9195 Major Douglas Sloan Road
Charlevoix, Michigan. 49720

RE: Hayes Township Eastern Avenue Beach Bully

On Sunday, August 18, 2024, at approximately 5:00 p.m., I walked to the Eastern Avenue beach, a short distance from our cottage. I sat on one of the newly-installed benches at the waterfront, as I have done many other days this summer, since a back injury and biopsy prevent me from enjoying a swim in the lake. Upon sitting down on the bench, I overheard a conversation by Corinne Vita describing the boundaries of the park to three interested parties. She expressed her issues with the Fowlers' use of the beach area stating, of particular note, that "the Fowlers have every year moved their summer dock 10' closer to the buoyed swimming area." Her statement is an absolute lie, as my wife and I have walked the dock as guests of the Fowlers many times.

Later Corinne escorted the entourage, like the Pied Piper, down the beach toward the creek at the eastern boundary of the Fowler's property, waving her arms and pointing in all directions. I was not privy to these discussions, but as the group meandered back toward the bench where I was sitting, the gentleman from the group approached me and introduced himself to say that he was interested in exploring the redesign of the Eastern Avenue Beach, to which I responded, "That's not going to happen!" I told him I am a landscape architect and site planner, and I knew that any improvements had to be consistent with the agreements resolved many years ago. Further, I stated that he would need to research the many documents associated with any improvements envisioned for the beach area.

A minute or two later Corinne appeared and with a surly attitude challenged me with, "Andy, what are you doing here?" I, not wanting to be confrontational, ignored her. A few moments later, Bob Fowler appeared and asked the gentleman if he could have a few minutes to meet with him privately. Corinne abruptly asked, "Who are you?" to which Bob responded, "I am Bob Fowler" and she said, "I want to be included in your discussion." Bob said, "No, this is a private matter." I said, putting my arm around his shoulder, "We are good friends, and we have a lot in common. Neither of us can go in the lake because we have

Linda and I have provided additional information regarding our personal and professional interests in the Hayes Township Eastern Avenue Beach, entitled Exhibit A and Exhibit B, for your review.

Please feel free to contact me at 202-812-2186 should you have any questions or wish to discuss anything further with me.

With due respect,

Andrew H. Balderson

Cc: Robert and Brigitte Fowler
Greta McVay
Ben Owens, PPPOA President

Attachments:
Exhibit A
Exhibit B

EXHIBIT B

Andrew H. Balderson
8232 Eastern Avenue
Charlevoix, Michigan 49720

Ron Vanzee, Supervisor
Hayes Township Board of Directors
9195 Major Douglas Sloan Road
Charlevoix, Michigan. 49720

RE: Hayes Township Eastern Avenue Beach

My first experience with the beach was in 1968 when my girlfriend at the time, Linda Potts, brought me to a family gathering at her aunt Helena's cabin at 8232 Eastern Avenue in Pine Point. I hitchhiked every weekend that summer from Michigan State University in East Lansing to experience "Up North", so different from summers in my home state of Maryland. My degree from Michigan State University is a B.S. in Landscape Architecture. Linda Potts became my wife, and we moved to Maryland but spent vacations with her family in Petoskey and Charlevoix.

In the practice of landscape architecture/site planning I became a principal in Donovan Feola Balderson and Associates, Inc., formerly T. D. Donovan and Associates, Inc., the oldest landscape architectural firm in Maryland, established in 1955. Throughout my career I have consulted with clients as an expert witness before planning commissions and boards of appeals in Maryland, Virginia, and the District of Columbia and the Circuit Court of Montgomery County, Maryland. Our practice included residential, commercial, historical, institutional and parks and recreation projects. As principal owner, I sold my firm in 2019 and am semi-retired, spending my summers at our Pine Point home here.

Under the FOIA I have reviewed from Hayes Township the documents pertinent to the Agreement between the Darntons and Hayes Township dated 1995 and the Agreement between the Abels and Hayes Township dated 2000, Certified Boundary Survey titled "Exhibit B" prepared by John E. Furguson Associates, Inc., pertaining to the above-reference agreements, certain attorney correspondence, and Hayes Township correspondence to and from Corinne Vita.

Please feel free to contact me at 202-812-2186 should you have any questions or wish to discuss anything further with me.

Sincerely,

Andy Balderson

Cc: Robert and Brigitte Fowler
Greta McVay
Ben Owens, PPPOA President

The Lands of the Eastern Avenue Beach:
Public and Private Usage

Prepared by Andrew Balderson, 8232 Eastern Avenue
Hayes Township Parks and Recreation Committee Meeting 10/7/2024

Introduction:

As some of you know, on August 23,2024, I was sitting on a bench at the Eastern Avenue Beach when I overheard disinformation being shared regarding the neighbor's dock location and thoughts of expanding the beach area. From these statements, I felt compelled to research and explain the facts about the public and private use of the lands of the Eastern Avenue Beach.

Tonight, I'm doing just that.

Eastern Avenue Beach Research:

1. Obtained from Hayes Township:
    a. Exhibit B, 1995 Darnton Hayes Township agreement
    b. 2000 Abel Hayes Township agreement
    c. State of Michigan Court of Appeals judgement in 2015
    d. various FOIA correspondence.
2. Talked at great length with Bob and Brigitte Fowler and Greta Abel McVay, adjoining beach property owners
3. Met with Charlevoix Equalization staff to obtain an aerial photograph and tax maps of the Eastern Avenue Beach
4. Worked with Paul at Village Graphics to digitize and enlarge documents for printing and presentation
5. Talked with Darnton descendants regarding the history of Eastern Avenue Beach and gather additional information about the specifics of the 1995 Darnton and Hayes Township Agreement

Special qualities of Eastern Avenue Beach:

1. Eastern Avenue Beach is a special place. Allow me to share a quote from architect Donlyn Lyndon's poem, *Caring about Places*, "Good places enrich our lives; they are thresholds between what has been and what might be...Good places result from successive generations of care." In addition to caring for the beach itself, we need to be respectful

and kind to one another, and show the same courtesy to Greta McVay, Robert and Brigitte Fowler and their guests.

2. Eastern Avenue Beach has been enjoyed by generations, and we need to preserve this special place of natural beauty and breathtaking waterfront views -- protected from the northwest winds with abundant Northwoods scenery, opportunities for swimming, recreation, family and community gatherings or quiet meditation (and soon-to-be improved ADA accessibility).
3. I am pleased to donate my time to clarify and educate the community about the usage of Eastern Avenue Beach. We love it, our children and grandchildren adore it, and professionally I have the experience to make sense out of the various, complicated documents.

In my professional opinion as a registered landscape architect, I submit the following Summary of Findings:

1. The 2000 Agreement between Ransom Abel and Hayes Township, in addition to specifics addressed for the Abel property, includes directives limiting the off-street parking, prohibits parking adjacent to the Abel property in the right-of-way, The agreement specifies trash container maintenance and regular pick-up, and states that the beach area "shall not be enlarged."
2. The Beach Area "shall be designated as a public recreation and swimming area and no use shall be made of the Beach Area for any other purposes."
3. "No box, pit, or portable toilet shall be placed on any portion of the premises."
4. The West Natural Area on the Abel property is permitted to be mowed and planted by Greta McVay and the successors of the Abel lot.
5. "The township agrees to exercise its police powers in an attempt to ensure the peaceful enjoyment thereof by the owners of the Abel lot."
6. There is an ingress and egress pedestrian easement from the beach area to the creek, 30' wide from the water's edge of Lake Charlevoix.
7. This easement is for non-stop walking only to and from the creek. Walked dogs must be on a 6' leash and droppings removed in the 30' easement and in the Beach Area.
8. The Darntons and their successors "shall reserve an exclusive, perpetual easement appurtenant to their land...including all rights of a

riparian owner."

9. "The township agrees to enact such procedures and ordinances as are necessary to assure compliance with the provisions set forth above."
10. The swim buoys inadvertently placed 13'+ closer to the Fowler's dock shall be located next season opposite the Eastern north/south property line of the beach area.

Recommendations for Hayes Township:

1. Prepare a professional sign, graphically showing the public use areas: the Beach Area, parking area, and 30' pedestrian easement from the Beach Area to the creek along the water's edge of Lake Charlevoix
2. Install a natural Boulder along the eastern boundary of the Beach area to identify the entrance to the 30' pedestrian easement
3. Include in the sign a list of ordinances
4. Coordinate with Pine Point Property Owners Association (PPPOA) and owners of rental homes to include a rental document explaining the public use areas of the Eastern Avenue Beach and its ordinances for signature with the rental agreement
5. Reconfigure the ADA mat to include a secondary walk toward the end of Eastern Avenue, directed toward the lake with pull-off areas for wheelchairs, walkers, and baby strollers.

Personal Background:

1949-	Linda Potts was photographed at Eastern Avenue Beach, age 2
1968-	I hitchhiked each weekend all summer from MSU to visit Petoskey and Pine Point with my girlfriend, Linda Potts. We visited with her aunt and cousins at 8232 Eastern Avenue.
1969-	I married Linda Potts; we visited summers at Petoskey and Pine Point.
1996-	We purchased 8232 Eastern Avenue from Linda's cousins.
2007-	We renovated our 8232 Eastern Avenue cottage and visited much of the summer season every year.
2024-	We became residents of Michigan.

Professional Background:

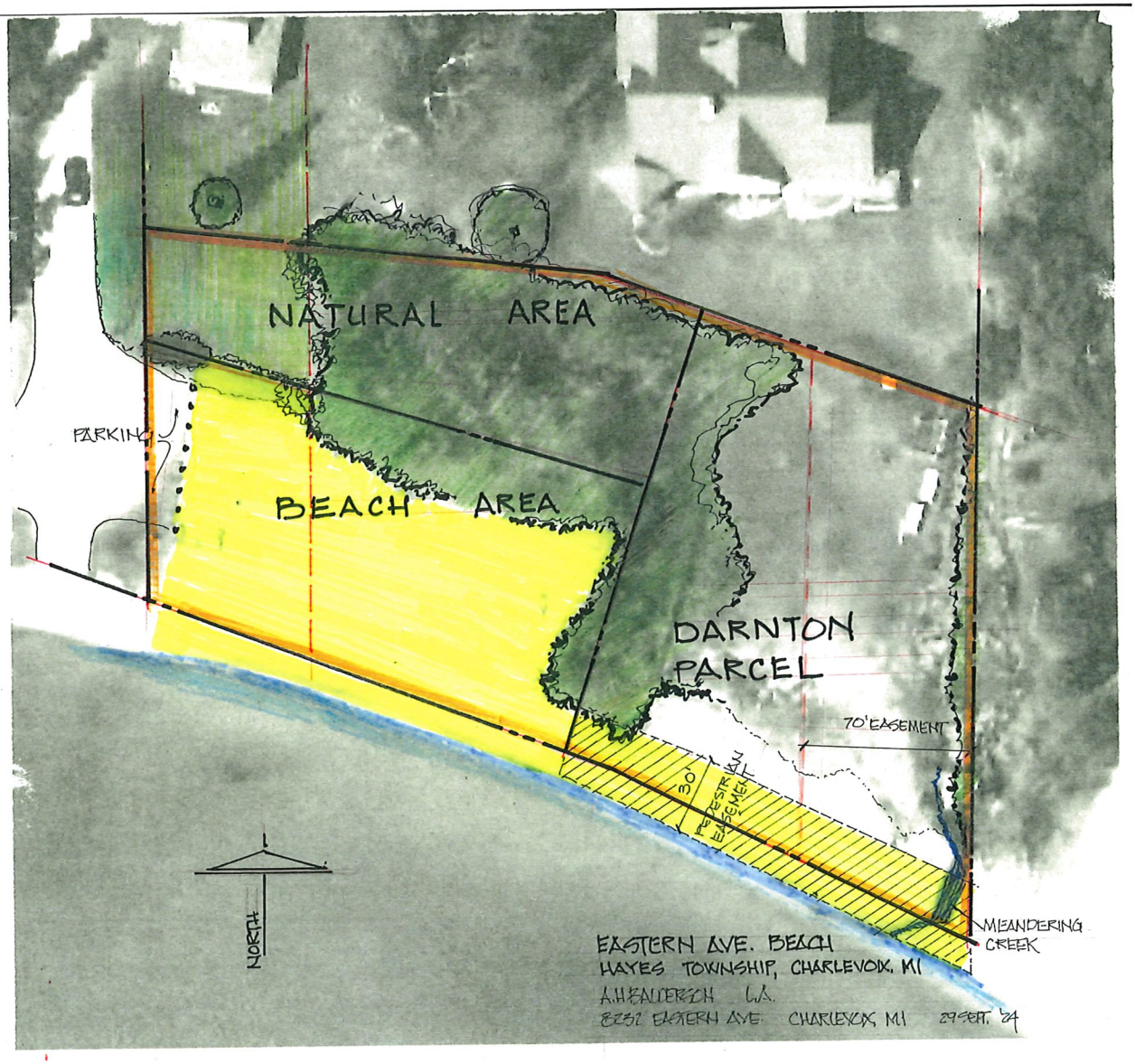
1966-	As a junior at Michigan State University school of Landscape Architecture and Urban Planning, I was selected to be a summer intern at the Maryland National Park and Planning Commission Department of Parks.
1968-	Graduated from MSU with a B.S. in Landscape Architecture
1972-	Began fulltime work with T.D. Donovan and Associates, Landscape Architects
1974-	Licensed in Maryland and later 8 other states
1977-	Became partner in Donovan Feola Balderson and Associates, Inc.
2019-	Sold Donovan Feola Balderson and Associates, Inc. to Intreegue Design Landscape Architects

Projects included: urban parks, community parks, estate development, town centers, streetscapes, roof deck landscaping, hotel landscaping, golf course community design, forest conservation, Chesapeake Bay Critical Area mitigation, Institutional landscaping.

Expert Witness for Montgomery County, Maryland Circuit Court, MNCPPC and other municipality planning commissions, various Boards of Appeals, arbitration witness, and principal quality control review consultant for Clark Construction's $10M Mets Park project for Amazon's new headquarters in Arlington Virginia.

Founder of Three Springs Nursery 1983 Laytonsville, Maryland; sold January 2024.

Awards: American Society of Landscape Architects, Landscape Contractors Association, American Association of Nurserymen, Montgomery County, Maryland various awards

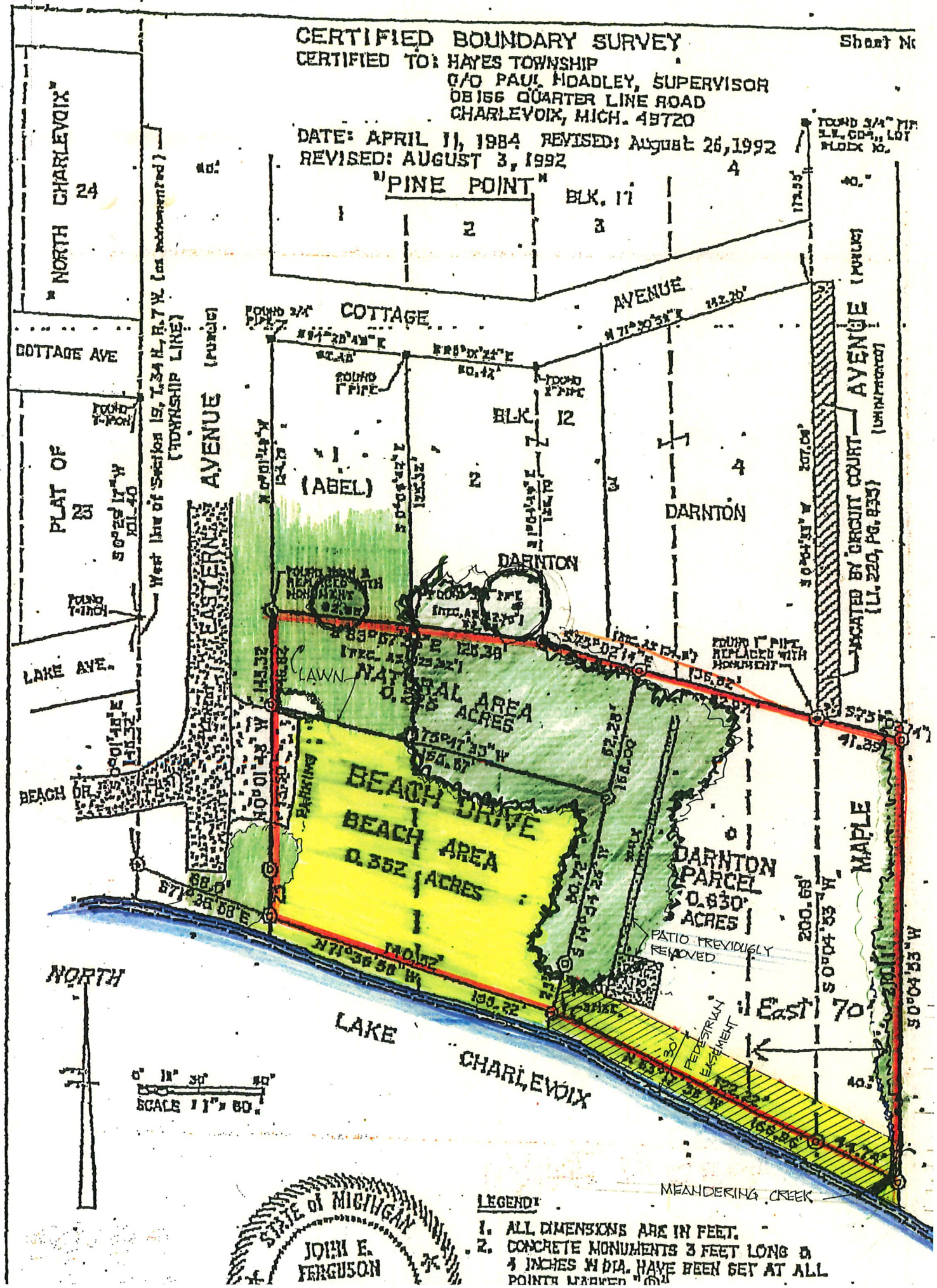

NATURAL AREA
PARKING
BEACH AREA
DARNTON PARCEL
70' EASEMENT
30' PEDESTRIAN EASEMENT
MEANDERING CREEK
NORTH
EASTERN AVE. BEACH
HAYES TOWNSHIP, CHARLEVOIX, MI
A.H. BALLERSCH L.A.
8231 EASTERN AVE. CHARLEVOIX, MI 27 SEPT. '24

CERTIFIED BOUNDARY SURVEY

Sheet No

CERTIFIED TO: HAYES TOWNSHIP
C/O PAUL HOADLEY, SUPERVISOR
08156 QUARTER LINE ROAD
CHARLEVOIX, MICH. 49720

DATE: APRIL 11, 1984 REVISED: August 26, 1992
REVISED: AUGUST 3, 1992



LEGEND:

1. ALL DIMENSIONS ARE IN FEET.
2. CONCRETE MONUMENTS 3 FEET LONG & 4 INCHES IN DIA. HAVE BEEN SET AT ALL POINTS MARKED "(0)"

Sign In Sheet

Park & Rec Oct. 7, 2024

Judith Stockhavon
John D. Hogan
Michael MacMillan
Mark Sapa
Greta McVay
Brigitte Fowler
Bob Fowler
Tom Toomey
Nancy LaCroix
Susan Howak
Sharon & David Bagley
Sarah Turschak