

To the Town of Bass Lake Board of Supervisors concerning the draft ordinance for the Public Access Strip in Northwoods Beach:

Since my last name is Packee, I expect that this will be taken as just another complaint from the Packee family. However, I have stayed out of this to this point. I have some questions that have not been answered and I do not want to take valuable time at the short public hearing to ask them. Thus, this letter is being sent.

When I taught students to analyze writings for manipulation and deceit, the first question they were to ask themselves was who would benefit from this. I would like to know what the Board sees as the benefit of the ordinance to the town and to the affected property owners. Since it is obvious from the letters and conversations that members of the affected property owners have been having that legal action will have to be taken to overturn this if it is passed, does it benefit the Town of Bass Lake to spend tax dollars to defend this ordinance? Has the attorney for the town read the stipulations of the 1967 lawsuit which specifically prohibit camping, picnics, vehicles, and loitering? If the attorney has read the stipulations, how can the ordinance contain any language that implies that any of these uses are permitted? Are the supervisors aware that they can be sued singly and severely for the impacts of this ordinance if they pass it in opposition to the lawsuit which established ownership? As the original draft of the ordinance did not have an accurate map of the Strip, does the Town Survey now accurately depict the Public Strip or does it just re-establish known property lines of the abutting properties? What value does this property have for the Town of Bass Lake which makes it necessary to pass a punitive ordinance impacting fewer than 60 properties (most of which are seasonal)? Why has the Town allowed this to get so far out of control that it will go to court and only benefit the lawyers litigating it when such litigation is not necessary? Why has the attorney for the Town not looked into the legalities of transferring the property to the abutting owners—if the Board can vacate an alley off Thoroughfare Road, why can it not vacate a flawed, fifty year old court decision and turn the property over to the abutting landowners? The benefit to the Town of vacating and deceding the property would be an increase in property taxes and the removal of an onerous ordinance which could easily spawn further lawsuits if not applied fairly to all abutting owners. The necessity for this ordinance defies logic and the whole process should be stopped now.

One last thing—is the Board aware that one of the defendants named in the 1967 lawsuit was deceased at the time the lawsuit was filed. However, he was found to have defaulted as he did not reply. An explanation of the legalities of suing a deceased property owner (not his estate) and the impacts such actions could have on the 1967 decision would be welcome from your attorney.

Judith Packee

7/7/2016

To the Town of Bass Lake Board of Supervisors

(I was going to make a call to one board member and thought a letter would get to them all)

As a property owner in the Town of Bass Lake we are very concerned about the proposed ordinance that is to be passed on Monday, July 11th. We bought our property in 2003. Little did we know there was such a thing as the Public Access Strip in the front yard of our property. So when all this commotion started with the PAS. We had no clue what any of this even meant. Maybe that is our fault. However, I'm not going to get into all the details of a couple of situations that happened to start all the nonsense of this ordinance or point any fingers. I will give you some of my personal thoughts on some of this, but will keep it short. You have gotten several letters from many property owners and its very clear how everyone feels about the ordinance. Which, you the board, should want to listen to the property owners. We are the ones that pay the taxes and **we all need** to work on situations like this **together**.

The frontage in front of our cabin is washing away from the high water levels and tires are coming out of the bank laying in the water. No one has come by our cabin to check out the erosion. And if they did would you be willing to pay roughly \$10,000 to riprap the shoreline? That is what it would cost. This is just one property on the strip. Just think if you had to do several! **THIS IS JUST ONE EXAMPLE**. Do you really want to deal with these situations? The property owners can work with the DNR on restoring the shoreline. This property means nothing to you or has no value to you. **IT DOES TO US!** We are willing to pay taxes to the Bass Lake Township.

This entire ordinance deal is ridiculous. We don't want a relationship with the town that is going to make people mad or bitter. What happened to working things out and coming up with a reasonable solution. Not just sticking it to us.

We urge the Board to vote to delay this ordinance and give us more time. We feel the best option would be to convey the property to the respective owners. Put it on the tax role. This property is of no value to you or the public. If someone were to walk on the PAS in front of our cabin. They would literally be 20 from my patio doors. Sorry, but that is not ok with me. There is no beach for people to walk on. My husband and I are trying to move to the lake. We love our place and have become friends with our neighbors. We have plans to move there within the next year. But then I ask myself do I really want to deal with all this mess, or do we sell and move?? Then I thought no! We all need to work on this together and figure it out. And be civil to one another like real people should. There is no reason why we can't come up with a better solution to all this that works out for the property owners and the Town of Bass Lake. We don't want hardship between parties!!!! Lets resolve this matter.

Thank you

Billie Jo and Pat Sabin

Erica Warshawsky

From: "James Hackbarth" <jrhack@mac.com>
Date: Thursday, July 07, 2016 10:02 PM
To: "Erica Warshawsky" <ericaw@basslakewi.gov>
Cc: <conservationstrip@gmail.com>
Subject: BLT Ordinance

I am unable to attend the meeting on 11 July 2016 regarding the proposed Public Access Strip ordinance. The following email shall be distributed to each board member, read out loud at the meeting, and entered into the administrative record.

Members of the Board,

As a concerned citizen, homeowner, and lifelong (40+ years) steward of Lac Courte Oreilles, I'm disappointed to see the disregard and bad faith posed by this ordinance for taxpayers and property owners who share the same love for the environment and lake that you claim to.

At this time when we all celebrate this nation's independence from tyrannical rule and taxation without representation, it would serve us well to recognize the high "lakefront" taxes payed by what you consider to be non-owners of the lakefront, who incidentally are in many cases seasonal residents who have no right to vote for or against those imposing this ordinance, and the first-line stewardship by the vast majority of property owners to maintain water quality, prevent erosion, support fragile hillsides, and preserve the natural beauty of a lake system we all love in spite of a historical lack of management by Bass Lake Township.

While the issues with this ordinance are numerous, I wish to highlight a few that are most egregious:

1. The ordinance consistently refers to Bass Lake Township as the owners of the reserve strips, however, the township has taken little interest historically in managing the reserve strips and preserving the environment, while at the same time imposing lakefront taxes on those who by your own definition do not own any lakefront. It is the taxpaying residents who have taken significant effort and personal cost to protect and maintain the shoreline—with no assistance or support from the "owners".
2. The ordinance absurdly expects to preserve the lakes' water quality levels and prevent shoreline erosion by punishing approximately 50 property owners, while hundreds of other lakefront owners have no restrictions on docks, boat lifts, staircases, boat houses, vegetation, etc. Moreover, Bass Lake Township attempts to do this, while the issues of environmental degradation and water quality would be best addressed, with all property owners being held to the same standard, by the Department of Natural Resources.
3. This ordinance fails to follow basic due process and treat property owners and tax paying residents with the respect they deserve. Not only are we threatened with repressive fines for failure to follow the diktats of a board that in many cases we are unable to vote for or against (though the board happily takes our tax dollars and benefits from our spending—while we residents impose a negligible fiscal burden on the community), but the committee attempted to ram-rod the ordinance through by limiting time for discussion or debate and punish the majority of responsible property owners for the perceived transgressions of a few.

4. The ordinance ignores previous court rulings protecting the rights and responsibilities of property owners.

As an United States Air Force officer with 25 years of service to our nation, I understand that our federal form of government wisely puts different tasks at different levels—and reserves certain rights and responsibilities for the individual citizen. We wouldn't want localities providing the national defense and we don't want the federal government running our school boards. Along that same line, the State of Wisconsin, through its Department of Natural Resources, is best able to manage issues of water quality and lakeshore protection in concert with property owners that span multiple townships and jurisdictions.

Perhaps the community would be better served by focusing your time and efforts on other issues plaguing the area, such as rampant theft and break-ins to homes that serve as the tax base for Bass Lake Township, rogue dogs that threaten citizens exercising their right to walk, jog, or bike on local streets, or apparently abandoned or severe eyesore properties that degrade property values and natural beauty across the township.

I urge the Board to dismiss this flawed ordinance, cede the PAS to the adjacent property owners (who have been caring for this land in many cases for generations), tax them appropriately, and hold them accountable (via the DNR) for actions in violation of their rights and responsibilities.

Very Respectfully,

Colonel James R. Hackbarth
United States Air Force

July 7th, 2016

To: The Town of Bass Lake Board of Supervisors concerning the draft ordinance for the Public Access Strip (PAS) in Northwoods Beach: Justin Hall, Chairman, Ralph Meixner, Supervisor, Joel Valentin, Supervisor, Doug Mrotek, Dave Aubart, Erica Warshawsky, Clerk, and Kari Aderman, Treasurer.

My name is Brian Stress and my family has owned a cabin on the PAS since the late 1960's on Grindstone Lake. I was fortunate enough to spend the majority of my summers as a child and into my adolescents at our cabin on Grindstone Lake. I learned many lessons while spending my summers at the cabin such as erosion control of the bank which was not only emphasized by my parents but all of my neighbors. By the way, as a child and adolescent, I really did not understand what the big deal was related to erosion control for the bank but was taught not to disturb the bank. To this day, respecting the bank, erosion control, is constantly being emphasized. I cannot tell you how many times I have been told not to disturb the bank, ad naseam, by my parents and neighbors. I cannot remember a time when I saw anyone from the township participate in any activities that involved erosions control or anything else related to the bank or access to the water by our family's property.

Then, I was informed by a neighbor about the proposed changes by the Township related to the PAS this past fall/winter. I attended a Township meeting in December 2016. I briefly spoke in the meeting suggesting that the Township send letters to owners of the cabins that would be effected by their proposed ordinance. That notice of such significant changes should be announced to the public through email, letters, and all other means possible considering the significance of such an ordinance whereas it was my understanding that most of the people that were going to be impacted by the ordinance did not live year round in the Township. The board listened to my statements and then voted to NOT NOTIFY owners of property besides posting on their website and their usually means. I was asked to provide my email address to the secretary who then informed the board that she does not get paid for her time and seemed quite upset about all of the time she has donated to the Township especially during her vacations from her paid job (maybe she should get compensated for effort beyond expectations). Nonetheless, I was very disappointed by the Townships response and it seemed to me that common sense was not being utilized, based upon my definition of common sense. In addition, last summer I was privileged enough to be invited to a county judge being sworn into his position. One of the Supreme Court Justices of Wisconsin spoke briefly during the ceremony indicating that being a judge is "...90% common sense and 10% law."

Currently, I have read numerous letters to the township authored by owners of property that would be impacted if the ordinance is passed as currently proposed. I am not going to go into specifics about my concerns related to the ordinance as a result of not wanting to repeat the well-articulated numerous concerns identified by the property owners. In addition, it is my understanding that the board is only going to allow 30 minutes for discussion by the community. Putting a time limit on tax payer's opinions/voices by a board funded by the same tax payers doesn't seem democratic to me for some reason!

In addition, my work includes interacting with numerous judges and attorneys around Wisconsin. I am not a lawyer nor am I trained in law, but it is my understanding that not only could the township end up in court for a poor decision but each member of the town board may be sued personally per case law *Hafer vs Melo* 1991 us code/1983 (<https://supreme.justia.com/cases/federal/us/502/21/case.html>.)

This is a very serious matter to me, my family as well as other property owners. As such, I am willing to assist in finding a lawyer as well as initially donate \$1,000.00 if necessary to begin to pay for any lawyer fees to attempt to rectify any decision made by the township board members if necessary. It is also my naive understanding that if the town board or persons on the board loses legal precedent in the future that the plaintiffs' lawyer fees, our lawyer fees, may also be recovered from the board and/or personally from participants on the board.

Respectfully submitted,

Brian Stress

Board of Supervisors
Town of Bass Lake, Sawyer County
Hayward, WI, USA

To whom it may concern:

As a concerned citizen, heir apparent, and family member of a generational home (80+ years), I am disappointed by the Bass Lake Township's unwillingness to work with homeowner regarding this Access ordinance.

First a select few homeowners (approx. 50) on Lac Courte Oreilles and Grindstone Lake should not be held accountable for water quality issues plaguing the entire lakes. Water levels are higher than past years and erosion and maintenance of the reserve strip has been the undertaking of homeowners abutting the Public Land Strip for generations. Until this ordinance mess came up, I had no idea the town had any interest in the property in front of the house. We have never seen a person from the township offer to maintain this property. All work has been done by the owners and many family members.

I have a few questions. Who will reimburse all current homeowners abutting the property for time spent, time is money, on maintaining these reserve strips, cost of materials and if structures, which should be grandfathered, are required to be removed, upon passing of the ordinance, at who's cost?

Because Bass Lake Township has never maintained the property and thus never expressed the ownership responsibilities of a property owner which were left to the abutting owners for decades and has, in the past and currently, chosen to ignore the 1967 court rulings (stipulations) regarding the property owners and their rights, I believe the public access strip on each lake should be deeded over to the adjacent landowners.

I urge the town to delay voting on this ordinance until all residents' questions have been answered in writing and in a satisfactory manner. The current version of the ordinance is flawed and does not address the stipulations and has errors of fact--i.e., what 1987 court case? I believe the board needs to do their due diligence regarding this matter and to do this correctly and all affected taxpayers' voices need to be heard. This has dragged on for more than a year--primarily due to the Town's lack of due diligence and action. Just deed the properties in the strips over to the current abutting homeowners-- problem solved and the town makes money every year (taxes) instead of paying for management efforts.

Thank you

Anne Will (Packee)

July 09, 2016
Gregory A. Henning
Courte Oreilles Drive
Northwoods Beach
Town of Bass Lake

Dear Members of the Bass Lake Town Board:

Unfortunately, I am unable to attend your meeting on July 11, 2016, because I am away. I want to share some thoughts with you, our elected officials, and our neighbors.

I feel Reason and Common Sense should be the guidance we all use throughout our lives: both personal, and public.

With that in mind, I try to look at some things through the eyes of the Reasonable Person. First just a little background. Our family property was purchased by my great grandfather, Joseph Karl, some eighty-nine years ago. My dad, Walter Henning, was a volunteer firefighter for the Bass Lake Fire department for many years. We have enjoyed, as well as given back to the community. We have been good stewards of the land since – including the reserve strip. We have treated that land with respect, and striven to preserve the natural nature of the steep hillside. We have a stairway to a dock, and storage facilities for use of the boat (not for the boat). Our view of the lake is a filtered view. I feel it appropriate to limit the view to that, with limited trimming to maintain such a view.

These rights have been an historic, continuous occurrence – and allowed by the township for generations. It is reasonable to expect those rights be continuously maintained, and in effect.

I submit a reasonable person would find removal of those rights would impose an undue, and unreasonable hardship on adjacent property owners.

All any of us want to do is enjoy this gift of nature, and the property purchased eighty-nine years ago, or last week. All while maintaining the integrity of the reserve strip.

We want to do that without regular uncertainty, and accompanying stress. None of us are here to add stress and uncertainty to our lives.

We want to enjoy the lake, and are willing to pay reasonable taxes. Currently we pay taxes for lakeside ownership. I think a reasonable person would agree.

Furthermore, stairs provide hillside access for firefighters. The dock provides access to water deep enough to for firefighters to pump out water to fight a fire. I submit that a Reasonable Person would think that valuable.

Would a reasonable person conclude it is proper to hold a small number of landowners to a different standard than all other landowners on all the lakes within the Town of Bass Lake?

I agree with the others that the best long term solution to this ongoing turmoil, and uncertainty is to transfer the hillside reserve strip to the adjacent landowners, and for the township to increase its revenue through the additional taxes so generated. I am convinced a reasonable person would concur.

Finally, I believe we are all neighbors, and custodians of a rich gift of nature.

It is reasonable to expect our township to work with landowners cooperatively in pursuit of a just, neighborly joint resolution.

Respectfully,

Gregory A. Henning