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Liability issues delay patrol contract of West Bloomfield lakes

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By RONELLE GRIER
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You won't see any sheriff's deputies patrolling the lakes in West Bloomfield Township this Memorial Day Weekend.

But if you fall out of your boat, you might expect to see one within 10 minutes.

Because of recent budget cuts eliminating routine marine patrol of local lakes, deputies will be handling accident and emergency calls only, said Sgt. Matt Snyder of the Oakland County Sheriff's Marine Unit.

"We will have the same rescue dive team that we've had before," Snyder said. "We have 12 full-time divers. We'll have two mobile jump boats starting at 11 a.m. until midnight on the weekends."

Snyder said the boats will be centrally located but spaced apart so rescue personnel can usually get to an accident scene within 10 minutes.

Some lakefront communities desiring routine patrol have chosen to "hire" the Sheriff's Office to provide patrol during specified hours at an hourly rate of about \$32 per boat. The money will come from the residents through special assessments.

So far, Snyder said, five contracts have been signed, providing marine patrol on six Oakland County lakes: Lakeville Lake in Addison Township, Lower Straits Lake in Commerce Township, Lake Orion in the village of Lake Orion, Voorheis Lake in Orion Township and Wolverine Lake in Wolverine Lake Village.

Members of the Pine Lake Property Owners Association in West Bloomfield Township were about to enter into a similar agreement when their legal counsel warned them that the wording in the proposed contract could result in potential lawsuits against the homeowners.

Association president John Saunders brought the issue before the West Bloomfield Township Board of Trustees at a recent meeting. He referred to a letter from association attorney John Hartwig, who requested changes in the portion of the contract relating to liability.

According to Saunders, both Oakland County and West Bloomfield Township are protected by governmental immunity, leaving the homeowners open to a potential "multimillion-dollar" lawsuit in the event of a serious accident or property damage.

"As homeowners, we could be putting ourselves in significant jeopardy," Saunders said.

Gary Dovre, attorney for West Bloomfield, advised the board against making changes to the contract that might put the township at risk. Dovre said he would schedule a meeting with representatives of the Sheriff's Office to try to settle the liability issues.

"Last year, the sheriff patrolled the lakes without a contract," he said.

West Bloomfield Trustee Howard Rosenberg said he is not in favor of requiring residents to pay for marine patrol of the lakes. He said the Sheriff's Office could and should allocate money for this service as it has in the past, and that it is unfair to make homeowners financially and legally responsible. Trustee Steve Kaplan agreed.

"If the sheriff wanted to do the right thing, he would," Rosenberg said.

Saunders said that other West Bloomfield homeowners groups from Walnut Lake, Lake Sherwood and Cass Lake are interested in using the Sheriff's Office for routine patrol but have decided to wait and see how the Pine Lake situation is resolved.

"There's no reason for (Oakland) county to shift the burden of liability to the homeowners," said West Bloomfield Township Clerk Cathy Shaughnessy. "It's enough that they've shifted the financial responsibility to the homeowners."

Waterford Township, which has more than 30 lakes including Pontiac Lake, Loon Lake, Crescent Lake and parts of Cass Lake, has opted not to have routine marine patrol this summer.

"We can't justify spending general fund dollars," said township Supervisor Carl Solden. "If we do it (marine patrol), it will have to be through a special assessment, but we haven't had any calls or complaints about it."

Snyder said other lake communities in White Lake and Commerce townships also are considering private contracts with the Sheriff's Office for marine patrol.

"We feel that this is not a luxury, it's kind of a necessity," Saunders said. "More important than street patrol. Any kid who turns 14 can drive a boat. We think the sheriff's presence can help prevent accidents. It would be nice to have them there."

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