

To the Charter Township of Oakland
May 16, 2020

My name is Lisa Caruso and my husband Doug and I live at 1620 N Rochester Rd. Oakland Township. My husband has lived in the township his entire life and I have lived in or near the Township most of my life. We moved into the family home in 2013 where Doug had grown up as a child and took care of the property in the winters when his parents were in Florida. I am writing to clarify so many misconceptions about our disapproval of the poultry farm next door. A new family moved into the house next door in the middle of 2017. They seemed like some nice people with kids. We really didn't think anything negative about them having some chickens and turkeys in the fall of 2017 when they first moved in. The first winter they lived next door they had no one to plow snow and Doug took the tractor over and plowed for them the entire season. They needed help several times and we were always good neighbors. In the beginning of 2018 my mother was gravely ill and I had to stop working full time as she needed more care. My mom had been living with us for several years and her life was winding down during that time. When my mom was without pain medication, I even asked the new neighbor to run up to the pharmacy for us. They helped me and got her pain medication that she could not live without in May of 2018. I figured that was proper since we had helped them out in the past. I had no other choice.

I had noticed a few things as time went on in early 2018. They seemed to be hatching a lot of eggs and had a lot of chicks. The neighbors began getting geese, ducks and quail. The neighbor had all these birds and she was frantically trying to build shelters for them and spread chicken wire and netting to house them. In March I got a text from her telling me that the chickens had found my leaf pile and she could not keep them at home when she let them out of the runs so they could free range. It happened more often and the noise and smell began to grow. She eventually had the greenhouse full of chickens and roosters.

Things got hectic for Doug and myself and sleep for me began to be interrupted by roosters crowing. They were in the greenhouse near Rochester Rd and when the cars on would pass and the headlights hit the greenhouse at 3 or 4 am the roosters would begin to crow. They crow all day long. I would be living on 2 to 3 hours of sleep. When I laid down I was approximately 150' away from the roosters constantly crowing. It began to disturb me but I was busy with my mom and didn't have time to complain. By the end of May Doug had found a website that belonged to the neighbor that described them as a commercial poultry farm. They have about 6 acres of land and they do not have good access to half of it as the protected wetlands run through the center of our properties. Our doorway in the bedroom on the South end of the house is 150' away from the coops and barnyard and I sleep on the other side of the door wall.

In late May and early June Doug and I both went individually to the Township and spoke with Mr. Don Mende who works as the planning coordinator, Mr. Tim Berger who is the building director and Mr. John Graham who is a code enforcement officer. Doug had found a website that advertised that they were a Poultry Farm. We expressed our concerns to the Township extensively. They had at least 200 fowl living on the other side of the brush barrier between our properties. Doug and I were constantly chasing birds back to their property. Sometimes up to 30 pecking at our grass and grub control that was sprayed around the tree's and the herbicide that was sprayed along the driveway. The driveway on the South side of our property runs along the property line with the chickens on the other side. The Township seemed to be very interested and seemed very opposed to this farm popping up. The farm was doing

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business by selling meat and eggs. They also advertised to raise animals for customers, process and deliver them to their door. There were meetings and discussion often through the summer of 2018. We were told that they would be taking them to court and wanted us to testify. We assured them that there would be no hesitation as we did not wish to live next door to a poultry farm. We expected to talk to the Judge.

Meanwhile the farmer knew that we had complained. They played loud music from a speaker for a couple of days pointed toward our house from the front of the chicken coops. I have documented Police reports made by my husband and myself. We have so many videos of fowl and the noise that they produced. Many of the New Guinea hens make a consistent quacking sound time after time for hours. There is also constant crowing and constant geese that aggressively squawk at us every time they see movement in our yard.

There is constant hammering as the farmer tries to make more and more places for them to live. So I kept telling Doug in between the constant complaining to the Police that we should find out what was going on at the township and why we hadn't heard anything. We would call periodically and I would go to the desk but everyone was always in a meeting or not in the office. This went on all summer for the year of 2018. I finally had to give up gardening as I simply couldn't stand the sound and smell as I gardened. I tried to wear a mask and ear plugs and nothing I did made it possible for me to enjoy my yard or to garden. I have 2 children, 1 in-law and 5 grandchildren whom I feed with my very large garden. This is not just a hobby but it is part of our livelihood. It is our source of food and we have been eating great organic vegetables and fruit from this method up until 2018 when there was little to no harvest. I have some huge raspberry bushes that I pick every morning for a month and produce enough berries to freeze and can for everyone in my family and give out to neighbors too. In fact when the people moved in next door I gave them jars of tomatoes and raspberry jam as a welcome gift.

My husband kept telling me that this would take time and he assured me that Tim Berger and John Graham would do their job and they just needed time. We trusted that we had been to the Township enough that they knew we were looking for the court date so we could be called upon to go to court. They even insisted that we were going to be need there and didn't want us to back out. We were so sick of spending the summer with all of these fowl animals. We were looking up Township ordinances and just trying to figure out how the ordinance works. It says that they are permitted around 30 birds but by July there were at least 300. When I went to the counter of the Township they referred to me as the Chicken Lady because they knew that I was there to complain about the chickens. I went with videos, complaints and sometimes tears. Every day we would see chickens in our yard. The farmer didn't have a fence around the perimeter of the barnyard so the chickens would come often. I actually have a text on my phone to this day from one of the farmers admitting that she was aware that there was no drainage and their yard floods. She said 8 times the barnyard had flooded in 2018. She acknowledged that the birds were loud and said she had processed the "loud goose". She said she wanted to co-exist with us and eventually make the farm where we wouldn't even notice they were there. I took this text to the township and showed it to Tim Berger and John Graham before the farm was even sited by the Department of Agriculture.

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I was so confused on why someone would move between two residential homes with a lot so narrow, on top of wellheads and in the path of natural wetlands to build a poultry farm. Even if they could use the entire 6 acres at this point, I really don't understand buying a house for this purpose and not considering the problems that they are facing. They complained to me that they had no knowledge they were not able to access the back of their property. They were planning on filling up their entire lot with them. They claimed to be building a fence in 2018 around the perimeter and claimed that the animals in our yard every day would stop. We were not on speaking terms any longer with the neighbors after June 28, 2018 after the music was left on. Doug and I were at work all of the time and would often come home daily to find 30 chickens in our yard.

I had even gone to the Police Station and talked with an Officer behind the desk in the summer of 2018 and told him that I couldn't be in my yard without all of the noise and smell. Not even to garden. The Officer chuckled and asked me if I was afraid of chickens? I told him that I was not necessarily afraid of a chicken. My concerns are the geese and the roosters. They are aggressive and mean. They have claws that they can attack you with. I told him that I was very tired of people not taking me seriously on this problem. I was told by the Officer that if I was approached by a goose or rooster that I would be allowed to shoot it with a gun. He said that I had to have proof that I was being attacked. I would need scratches on my arms to prove it was attacking me in order to shoot it. I honestly felt like I was in the twilight zone and that this guy had no idea what he was saying. I said loudly in the speaker in the glass "So I have never shot a gun before in my life but I should take a shotgun in the garden with me so I can shoot an animal while I am being attacked? Another Officer came running in from the back and told me that is not what they were saying. It was a big joke for me to go there and I was told I could keep adding on to my complaint every time a bunch of birds were in my yard. My husband and I were both working and it is easy to say that we would only be complaining every day of the week. We were just at the mercy of the problem. The Officers that came out to the house saw the mess. They were much more empathetic.

In the fall of 2018 Doug and I realized that the Township had been to Court with the farmers on September 11, 2018. According to a letter dated September 10, 2018 by the Department of Agriculture, the farm had already been sited. We bought the transcripts of the court as the Township did not make it available for us after we had requested it. That cost us \$25 to read in the transcripts that nothing was mentioned about neighbors with objections. There was no mention of any opposition from the Township. So we found out after the fact that there was 30 days after the court date to oppose and no one did. We had no idea, were unaware and weren't even informed that all of this had taken place. Tim Berger had told me on the phone later that he did mention us at the Court date and I can't even tell if he was there or not.

We called the Department of Agriculture next and in the findings of what was happening it boiled down to the farm was allowed 50 animal units. That is 100 birds per unit which means that they are allowed to have 4,999 birds before any setback regulations. I was informed by Olivia at the MDARD that I could only make a complaint about manure management. So I told them about the pile of manure by the greenhouse that was probably on my property line and had not been managed. I was told they would come out within 7 working days and investigate. By this point the farm was now legal which means buildings constructed for the animals did not need a permit. They were built before the farm was sited.

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We contacted the DEQ and any place that would hear our concerns. A man from the Department of Agriculture named Mr. Mahoney came out to inspect the farm in mid-November of 2018 and called me at work. He told me that he had sited the farm as a category 3 and mentioned that fact that there was "poor drainage" but like everyone else assured me that there is nothing I could do as it was already a sited farm. I did contact the Township before it was a farm. Doug and I have just felt hopeless. The Department of Agriculture informed me that she had 500 birds now and the smell and the sound meant I could not open windows or enjoy the peace and quiet of my back yard ever. As soon as we are not home the farmer's birds come over and the farmers do not care. I have seen their birds in my yard and the owners standing at the edge watching their birds devour my yard. They more we complain the more we are ignored.

Let's talk about wellheads. The Township is trying to say there are 13 residential wells in a specific radius of the farm. We have counted more than the Township and MDARD. We believe that there are 14 or possible 15 wells. Either way the fact that the manure may be seeping into the ground with only limited drainage means that at least 13 wells could be affected. MDARD seems to think this is alright because they don't have 5,000 birds yet. There are also commercial wellheads involved that should be considered. This could be a huge health risk. She also starts fires on the weekends that smell awful. I suspect that she is burning manure. Two other residences contacted the fire department about one fire smoldering. The fire department assured me that everything about them was legal even though no one would walk through the manure out back to assess the situation. I just told the fire department to put me down as the third resident to complain.

The runoff of the manure could also affect the protected National acclaimed wetlands. MDARD claims that proper manure management is being practiced. Yet there are a lot of birds from the farm constantly in my yard that are not being clean up after. I have 8 acres and would have to do some pretty heavy duty cleaning to find where they are dropping manure in my yard. The barnyard smells very bad and it is very hard to breathe when it's humid. Chickens carry human disease. My grandson has a form of asthma that makes it difficult to be around this farm or my house. The wetlands eventually lead to the Clinton River. The chickens and fowl are pooping all over the area so there is not any way that the farmers are following the GAAMPS. We are told that there are not any ordinances in Michigan to be followed for stray chickens on your property. If it was a dog or a child destroying the property then we could make complaints but we are not able to get responses from our complaints.

There used to be wild animals like sand hill cranes, blue herons, wild turkey or other animals that do not come around anymore. They quit coming around when the farm appeared. What we do have now are a lot of coyotes, raccoons, possums, and all predators that kill chickens. Our back yard is full of coyote droppings and I see raccoons going in and out of the farm as well. One neighbor across the street told me he is trapping twice as many raccoons since the farm moved in. At 2 am or 5 am we hear fowl getting drug off into the woods. All the fowl start screaming and then you hear one as it goes to the west into the woods to be eaten. This happens all year long. As I am typing this letter I had a few chickens just outside my door that were loud and I had to chase them off at 4:00 pm in the afternoon. I chased them back home but they will return. They always return. On hot summer days when the grass grows a little long I will be mowing the back portion of the property and the long grass will hide portions

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of that are dead. When I see the feathers come out of the grass hoot I drive off as fast as I can because the smell of a dead chicken wing decomposing is very disturbing. I have actually vomited before just hitting a dead portion of a chicken. The feathers are not of a wild bird but of the chickens from next door and we have pictures but I could never let you know how bad it smells. There are also eggs that are broken open and left in the yard baking in the sun. I will not allow my grandchildren to play in my yard as this happens often and I am afraid of botulism or something worse.

I have described this to numerous people and have been told that maybe Doug and I should simply build a fence or move. This has been the family homestead for over a half a century. This is where we work and live. We have family here and who is going to buy a house next to a stinky farm? We would take a big loss to sell right now.

In 2018 the farmers had a survey done to "build a fence" but they didn't build the fence until a month ago during the pandemic in 2020. After crying to Officers and Township Officials for 2 years they finally did put up a fence. There was a construction ban at the time but I didn't complain because I welcome the idea of keeping these creatures out of my garden because I would love to plant a garden as the price of food rises and a shortage is threatened. The fowl can still get into my yard though. This did not do anything to help. I took a horn out and scared a chicken right over the top of the fence. We still have them in our yard almost every day. They can walk around the back of the fence and come from around the corner as well. No one wants to see video's though or hear our cries as we are told this is our new way of life and the nothing can be done. We live indoors mostly with our windows shut and the television or music loud like prisoners in our own home. Where would we go at our age and find new jobs? Why should we have to change our life? If this moved in next door to you would you take the loss and leave?

The Township had a meeting last fall about this held in closed session. We are not allowed to hear the discussion or have any remarks about our home life. The Township has turned a deaf ear to us. My husband was approached by an Officer of the Township in the parking lot at work after the meeting and was told that the Police have been instructed to leave the farmer alone and not knock on their door for any reason as they are protected by the Right to Farm Act and we have no protection at all. The Township is said to be "afraid" of a lawsuit from the protected farmers. So last summer when I got home from work the raspberry bushes were all eaten and I was very upset. I had given up gardening and the raspberries were the only thing I had left growing in the yard. The raspberries had just started ripening and everything had been devoured by about 30 or 40 turkeys. We have installed cameras and have a video of the turkeys coming directly from the farm and it took them 2 hours to eat every berry green or read off the bushes. That is a year's supply of berries for at least 15 people or more. We called the police and he said there was nothing he could do. The Police Officer remembered us well and he responded to a similar complaint the year before. The farmer had cried and told the Officer in 2018 that she had been trying to get a fence built. She accused Doug and I of being prejudice. She acts like we are harassing her. We had no problem with anything about them other than this farm that is way too close. It is a nuisance. The Officer in the summer of 2019 about the raspberries felt helpless and even told us he felt that it was destruction of property and this let us know that the farmers are now above the law and not held to the

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same standards as we are. The Officer was very sorry that he was not able to do anything and that was obvious that he would have gone over and done something about the problem but he simply couldn't.

My father-in-law was up from Florida in the late summer in 2019 visiting and we had other company as well. I woke up and saw a bunch of chickens in our yard once again. I went up to the Township and went to the counter and started crying. I was telling them once again that we have a swarm of chickens in our yard make all kinds of noise and something needs to be done about this continuing problem. I saw Mike Bailey coming down the hallway. I had written him a letter asking him to come into my yard and see for himself and I had not heard anything back from him. As soon as Mike saw me he turned around and started walking back to his office. I was standing at the counter and called out to him. "MIKE! I am here to talk to YOU!" He turned around to face me and I asked him "Did you come out to my house? Did you walk down my driveway and see the Poultry Farm?" Mike did inform me that he in fact had come out to look. I asked why my yard is full of chickens right now today. Why can't the Police do anything about this? I was very upset and crying and I just didn't care who heard me. Somehow I ended up at the desk of Tim Berger where this all started. He scolded me that I just can't come into the Township and start yelling at people and making a scene. One of the Administrative Assistance whom I know brought me a box of tissue and sat with me as I sobbed at the fact that it had gotten so bad for me. No one cares and no one responds. They just want me to shut up and go away and live with the nightmare next door. I can't sleep throughout a night. I can't open my windows. I can't go outside without a flock of geese shouting out disapproval that I am in my own yard. Tim Berger sat with a smirk and told me that this is not a problem for the Township. He said that this is a problem for the State. He asked me how many letters I have written to the State. How many phone calls have I made? I asked him "How many people have YOU contacted? How many letters have YOU written?" Then an Officer walked in the door and stood against the wall. They won't let me call the police on the birds destroying my yard but they had called the Police on me. I was shocked and pissed off to no limit. I was just beside myself. The Officer was there to make sure I was safe while leaving the building. I told her that she was NOT going to be escorting me out of the building. Of course Mike Bailey had been long gone and didn't want any part of the discussion.

Tim Berger knows good and well that this started out with my complaint of an illegal poultry farm and a bunch of buildings before they were sited as a legal farm. I thought you were supposed to get a permit and then build a farm. Not start the farm with no idea what you are doing and put your neighbors through hell and then have it all regarded as legal. Then to make matters worse my boss has a family member that was at the Township and heard the whole thing who had discussed it with a co-worker so I heard about it again when I went to work. I have quit my job as I cannot go through the mental agony of being woken up at all hours of the night and go to work for 10 hours a day.

We did hire an attorney last year that claimed to know about properties and Doug and I spent hours at the desk teaching him all that we had researched and figured out. We have a lot of time involved in the documentation of everything that is happening to us. The day the Lawyer said to me "Well this is a case that won't put my kid through college..." I knew I was at the wrong Attorney. I am not looking to put anyone's kid through college. I had already paid \$800 up front and forfeited that money as a lost cause. In fact, the GAAMPS laws frequently change and it is very hard to find a knowledgeable lawyer that can

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do anything to help us sort this out. Later, when I found out that the Township had gone to court with the poultry farm on September 11th, 2018, I felt left out once again. Shouldn't I have had any input at all? So by the Township not being transparent with me it makes it more impossible. This is where my family used to congregate for holidays. This is where we had the Kemler Family Reunion every year. We can go to the farthest part of the North side of the property and still hear the noise and smell the manure. When it is humid and hot you can practically see the moist mud from the wetland and the manure steam. There will be a puddle of water in the middle and the geese and ducks are swimming in it. The farmer claims she in a text I have that she wants to make it like she isn't even here and then she cut every bush and tree between our properties so we can see nothing but the farm. She had written in to me before the farm was sited asking me if I knew a certain member of the Historical District because she was nervous selling eggs. Why? She faces no fines. She doesn't have to worry about anything. The township has nothing to say about her tactics. The township is afraid of the Right to Farm Act. This act was intentionally created for the farmer who had been in business for year and a subdivision wants the farm to go away. But the farm was there first. This law has been turned around completely and is totally backward for my situation.

This year during the pandemic the farmer built a fence. She had gotten a survey in 2018 and she believed my driveway was an easement even though we had explained to her that she was wrong. She sent a hunter up the driveway right after she moved in and told him he could hunt out back. Doug saw the man walking up the driveway on the South side and the man told Doug that he had permission from the farmer. The farmer had a survey but we had no idea if it was correct of who had done the survey. A month ago with the fence was put up I welcomed a fence. But the farmers didn't follow their own survey and put the fence onto our property. They cleared some brush and a small tree and made the fence in the shape of a question mark. We in turn go a survey of our own so we could control that situation. The farmer came out and talked to the people doing the survey and they moved the fence onto their own property. That saves us from having an attorney write them a letter although we took plenty of pictures. We had contacted another attorney that told us we needed a survey of our own. This has cost us thousands of dollars not to mention the wear and tear on our nerves and the fact that we have lost every civil liberty we thought we had.

They have 4 or 5 dogs barking every morning and one is a pit bull. Every time the pit bull comes outside the flock all go off. The dog got loose last month and ran our kitten up a tree. After the farmer caught the dog she made sure to stand in front of us and praise the dog. "Good Boy!" We called the Police that said they would give her a warning. The neighbor across the street told me she got a citation for her dog on her porch on her own property. It really has gotten this bad. It seems to get worse and I fear that one day they will have the 4,999 fowl that they are allowed. As they clear and build there are just more and more. 500 are unbearable.

We have been good people of the Township. We have always paid our taxes. We have 2 cats and 2 gold fish. Just the two of us living here. My husband and I have really tried to handle this problem rationally. This involves our livelihood in ever since of the word. We don't like to go in our yard anymore. We don't open the windows and we don't even open the curtains on the south side because all you see is the mess next door. We have no idea what has been discussed. We only have rumors and guessing to go by.

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The Township has not only neglected us but they have made it impossible to live here in peace. It is wearing on us mentally and physically. Our lives here are changed forever and the chickens in Oakland Township have been given more rights than the people. The farmer have put a stack of trees on the South side of the barnyard in the back so the geese and new guinea hens can sit up high and see every movement in our yard. We can hear them even better now. I feel harassed, betrayed and forgotten. No one wants to discuss this much less do anything to help out our situation. The Township ordinance is clearly written for everyone to follow. I believe it should be discussed where you can move in a farm before the farm is built. I also think the wellheads and in this area should be considered for the people that are living in an area where they can be contaminated. This is just so wrong to live through. A fence is not helping as suggested by Mike Bailey.