

**Whitewater Township Board
Minutes of Regular Meeting held July 26, 2011**

Call to Order

Supervisor Lake called the meeting to order at 7:00 p.m. at the Whitewater Township Hall, 5777 Vinton Road, Williamsburg, Michigan.

Roll Call

Township Board members present: Benak, Boyd, Hockin, Hubbell and Lake.

Township Board members absent: None

Others attending Planning/Zoning Administrator Meyers and 11 others

Agenda

The agenda was approved as amended adding:

New Business:

6. Letter from Thomas Emerson
7. Fire Chief Employment
8. Separation of duties, Fire Chief/Ambulance Coordinator

Declaration of Conflict of Interest

None.

Public Comment

None

Unfinished Business

Medical Marijuana Moratorium Extension

Meyers presented suggestions made by the County Planning Commission regarding Amendment # 65 to the Zoning Ordinance. The amendment deals with medical marijuana and home occupations. The Planning Commission will need additional time to work on the changes, thus an extension of the Moratorium will be necessary. The extension will be Ordinance #47.

Moved by Boyd, seconded by Hubbell, to approve Ordinance #47, an Interim Ordinance Extending a Temporary Moratorium on Certain Land Uses Connected with the Use of Marihuana for Medical Purposes. Roll call vote: Lake, yes; Benak, yes; Boyd, yes; Hockin, yes; Hubbell, yes. **Motion approved.**

The ordinance will be effective upon publication.

Amendment #66 to Zoning Ordinance No. 6

At the township board meeting held on May 10, 2011 the board asked the Planning Commission to review Section 30.19(c) of the Zoning Ordinance regarding Temporary Civic and Charity Signs. The Planning Commission concurred that the approving agent should be the Zoning Administrator rather than the Township Board.

Moved by Hockin, seconded by Boyd, to approve Amendment #66 to Zoning Ordinance No. 6 as recommended by the Planning Commission and the Grand Traverse County Planning Commission. Roll call vote: Benak, yes; Boyd, yes; Hockin, yes; Hubbell, yes; Lake, yes. **Motion approved.**

Risk Control Representative Meeting Update

Hockin updated the board on a recent meeting with Jerry Adair, Risk Control Representative for the Par Plan, the township's liability insurance carrier. Areas that were discussed were:

- Changes in the Par Plan.
- Withdrawal from Rural Fire & possible liability changes that will occur.
- Playground equipment at the parks.
- Emergency Management Plan for the Township Park.
- Cemetery changes, specifically green burials.
- Township policies. A CD will be sent containing Fire & EMS sample policies.
- Zoning education.

New Business

Scheduled Meeting Date Change

Lake made the board aware of a personal scheduling conflict for the October 25th meeting. It was the consensus of the board to cancel the October 25th meeting and schedule a special meeting if necessary.

Revenue/Expenditure Report

The revenue/expenditure report was included on the agenda for this meeting since the clerk was not able to have it available for the meeting on July 12th. There were no questions on the report.

Budgeted Transfer

Budgeted transfers from the General Fund to the Ambulance and Recreation Funds were recommended by the clerk.

Moved by Hubbell, seconded by Benak, to approve the budgeted transfers of \$10,000 from the General Fund to the Ambulance Fund and \$10,000 from the General Fund to the Recreation Fund as recommended by the clerk. **Motion approved.**

Park Capital Expenditure

Hockin recommended that the boat launch parking lot sealing and striping be postponed until the 2012/2013 fiscal year. Due to rain, the work could not be done at the end of June, 2011 as planned.

Additional work needs to be done on the interior roads in the campground to avoid the roads being washed out during heavy rain. The recent heavy rain caused another \$1,325 in repairs/maintenance needing to be done. Cost of the additional work would be \$3,380. Hockin states this additional capital improvement will reduce the cost of repairs/maintenance from any additional heavy rains.

Moved by Boyd, seconded by Hubbell, to approve the proposal from Steuer Excavating in the amount of \$3,380 as a capital expenditure from the Park Fund. Roll call vote: Boyd, yes; Hockin, yes; Hubbell, yes; Lake, yes; Benak, yes. **Motion approved.**

Closed Session

Moved by Hubbell, seconded by Boyd, to go into closed session to discuss potential litigation. Roll call vote: Hockin, yes; Hubbell, yes; Lake, yes; Benak, yes; Boyd, yes. **Motion approved.**

Meeting was adjourned to closed session at 7:26 p.m.

Meeting was reconvened in regular session at 7:45 p.m.

Moved by Boyd, seconded by Hubbell, to proceed as discussed in closed session. **Motion approved.**

Thomas Emerson Letter

A copy of the Emerson letter is included in the minutes.

Benak

Feels letter should have been included in the board packet.

Lake

Did not include in the board packet since Chief Sedlacek had not completed his review.

There was considerable discussion regarding the situation.

Benak and Hubbell disagree that this is a situation to be handled by Rural Fire.

Lake feels Sedlacek should handle the situation and let the process work.

Hockin states let the Rural Fire process work.

Boyd agrees that the letter should have been in the board packet.

Lake reiterated that he felt that it was important to let Rural Fire handle the situation.

There was additional heated discussion regarding the letter.

Hubbell stated that Stites did not actively participate in the practice burn. His information comes from someone in the Elk Rapids Fire Department.

Boyd states “lead by example” is missing in Chief Stites.

Boyd read a letter from firefighter Tim Arbenowske. A copy of letter is attached to the minutes.

Boyd admits to soliciting the letter from Arbenowske.

Discussion of why Emerson letter was not included in the board packet. Boyd states correspondence should be included in the board packet at both regular meetings.

Lake stated inclusion will be a change to the policies.

Fire Chief/Ambulance Coordinator Employment

Hubbell stated the performance of Chief Stites has been very disappointing.

Boyd stated the following regarding the management and operations of the fire department:

- Over the past years there has been mismanagement of the Auxiliary books and monies that have created difficulties for the current auxiliary maintaining 401 (c) 3 status.

Hockin and Lake stated auxiliary problems are not an issue for the township board.

Boyd continued:

- Failure to follow Rural Fire mandatory requirements regarding turnout gear and attendance at meetings.
- Poor presentation and accuracy of purchasing and proposal requests.
- Failure to obtain new ambulance chassis in a reasonable amount of time.
- Misuse of the township owned vehicle for personal use.

Boyd's conclusion is that current Chief does not have the management skills to facilitate the proper management and future thoughts needed to go through to becoming an independent fire department. For those reasons Boyd finds it difficult to continue the employment of the fire chief. We pay the Rural Fire Department and we also pay the Battalion Fire Chief and provide a vehicle; we are not getting the value for the monies paid. There is mismanagement of the department.

There was discussion of termination of the position, management of the department by Rural Fire, elimination of the current chief, vehicle and all related expenses.

Benak stated she would like to discuss termination of Randy Stites in all Whitewater Township positions. Reasons for the termination in her opinion are:

- Lack of leadership in the community and at fire scenes.
- Lack of following Rural Fire procedures.
- Improper use of the Fire Chief vehicle by unauthorized persons.
- Attitude.
- Excessive personal use of the vehicle.
- Farm plans not done; only one completed.

Moved by Benak, seconded by Hubbell, to terminate Randy Stites from employment with Whitewater Township for the positions of Fire Chief and Ambulance Coordinator effective immediately.

Lake states he is not sure that an employee can be terminated immediately.

Benak stated we are an "at will" employer and this is a liability for the Township. I cannot trust what he says.

Boyd: As an at will employer we have the right to terminate immediately. Also the keys to the vehicle, all radios and equipment should be turned in immediately.

Lake: Rural Fire will follow up on return of the equipment.

Hubbell: Main concern is lack of leadership, not anything personal.

Hockin: Not sure that all information in the Emerson letter is factual. Rural has not completed review and reported back to the Township Board.

Lake: Stites has been evaluated, however signed copy has not been returned. Rural is following up on the situation. A letter has been forwarded to Emerson and Lake from Rural Fire regarding the Emerson letter. Lake was at the scene and observed some things that caused concern.

Boyd: Asked if it is true that the memo came from Rural Fire regarding turn out gear.

Lake: It is true that the memo was sent, however Rural Fire has a different command structure that he would have expected.

Hockin: Not all information in Emerson letter may not be correct; regarding the oxygen I have been told that there are four back up bottles in the ambulance. We pay extra for transports and it is my opinion that the EMT on the run is responsible for replacing the used supplies. Are we sure that Stites was the EMT on the run?

Hubbell: As ambulance coordinator, Stites is still responsible.

Roll call vote: Lake, no; Benak, yes; Boyd, yes; Hockin, no; Hubbell, yes.

Following the vote, Kyle Stites, James Domaglaski and Tim Shaffer placed there pagers on the board table and left the room.

Note: Tim Shaffer returned the next morning and picked up his pager, stating he did not want to leave the community without adequate coverage.

Separation of Duties-Fire Chief/Ambulance Coordinator

Benak stated that the positions of fire chief and ambulance coordinator need to be separated to provide more answerability.

Boyd recommends Dawn Michelle Martin for Ambulance Coordinator.

Hubbell stated we need to separate the departments.

Hockin stated Rural Fire will appoint a replacement for the chief. Whitewater needs to consider the position of fire administrative coordinator.

Moved by Benak, seconded by Boyd to temporarily separate the duties of Fire Chief & Ambulance Coordinator until the Whitewater Township Emergency Services Advisory Committee makes a recommendation. **Motion approved.**

Hubbell has talked to Martin and she would be willing to accept the position.

Public Comment

Judy York, 5721 Broomhead Rd

- Voiced concern regarding the termination and resignations. Asked who will be in charge?

Glenn Savage, 9833 Pineneedle Ln

- Due process was not followed; investigative process was not followed. Stites was accused, tried and convicted with out due process.
- Whitewater Emergency Services Advisory Committee duties have been undercut by the board.

Hockin stated she is disappointed in the board action. States the board has been dysfunctional in the past few months.

Benak stated the board has listened to the people and has done a good job.

Hubbell respects Savage's opinion but feels due process have been done.

- Savage asked if the board members have talked to the two firefighters who were in the building.

Lake stated that higher ranking officers were on the scene that should be able to investigate the complaint regarding the fire.

Boyd reported a problem with the non-emergency phone at the fire station and asked that the problem be corrected.

Announcements

- Regular board meeting on 08/09/11

Adjournment

The meeting was adjourned at 8:52 p.m.

Respectfully submitted,
Carol Hockin, Clerk