

**Whitewater Township Board
Minutes of Regular Meeting held October 24, 2017**

Call to Order

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

Roll Call of Board Members

Board members present: Benak, Goss, Hubbell, Lawson, Popp

Board members absent: None

Others present: Planning Commission Chair Kim Mangus and 13 others

Set/Adjust Meeting Agenda

Popp would like to add discussion of an NFPA subscription for the fire department.

Added as New Business #3.

Declaration of Conflict of Interest

None

Public Comment

Scott McBride, 5842 Moore Road, stated he is here to thank the board for keeping the dialogue active regarding Michigan medical marijuana licensing activities. The survey clearly showed the majority of the residents were not in favor of this activity in the township. He pleaded with the board to think about the minority of people in the community who would benefit by having access to medical marijuana in their community. There are potential business opportunities for individuals in the township. He stated he appreciates the board staying open to this idea even if the board decides not to opt in in the near future.

Mr. McBride provided some written material to the board.

Correspondence

1. E-mail 10/13/2017 Scott McBride re: Medical Marijuana Facilities Licensing Act
2. E-mail 10/13/2017 Ardella Benak re: Medical Marijuana Facilities Licensing Act
3. E-mail 10/17/2017 Scott McBride re: Medical Marijuana Facilities Licensing Act

Correspondence was not discussed.

Public Hearing

None

Reports/Presentations**Grand Traverse Rural Fire Department (Supervisor)**

At the 10/18 Rural Fire Board meeting, the board decided to dissolve by 03/31/2018. There are a few business items to close out, i.e., what to do with all the records, who has access to electronic cloud-based software if you do not pay the fees. The next regular meeting is 11/9 at 6:00 p.m. (rescheduled from the 15th to the 9th).

Brief discussion followed regarding Rural Fire records.

Acme Christian Thrift Store (ACTS)

There is no representative present for ACTS.

Unfinished Business**Emergency Services Building Renovation/Addition Project**

Goss provided an update memo, including an extensive progress report provided by Chris Richter (RCI). The next formal progress meeting is Friday at 10:00 a.m.

Update on Junk Complaint

The Zoning Administrator's 09/26/2017 memo regarding junk complaints was in the board packet. There were no questions.

Discussion of Whitewater Township Fire Department

Popp stated he got an e-mail this morning from Bob Shugart, who provided comments on the sample ordinance.

There is no one present from the fire department.

Goss stated she is happy to hear Shugart's comments and noted that she also has questions that need to be answered. Goss proposed that a 2-person subcommittee of the board, along with Nick Carpenter and Bob Shugart, be formed to work on the ordinance.

Benak agreed with the formation of a subcommittee.

Popp went on to list Shugart's comments as follows:

- Drop the probationary requirement to six months. Too many policy items in the ordinance. Just refer to the probationary period and let the policy file dictate the length of probation.
- Section 3, add water and ice rescue to the services provided.
- Section 4.3, selection of officers below the chief internally (by members), then submit the names to the township board for approval. See policy file 11 for the method of selection.
- Section 15.1, fire truck could happen upon an emergency and may use emergency lighting to block off traffic or to investigate. The wording "officially dispatched" is too restrictive.
- Section 17, use of firehouse parking is covered in the policy file.

- Other comments indicate we can pull more out of the ordinance and deal with it specifically in policy. Might be easier to change policies than ordinance. Go generic with ordinance and specific with policy.
- Deputy chief does not require 5 years of financial experience. This should be deleted from the deputy chief job description.

Popp noted that Shugart has provided the first 21 policies.

Goss and Benak both stated they did not receive the policies, at which time Benak reiterated that a group e-mail was supposed to be set up.

Shugart will be asked to copy all board members on anything sent out.

A subcommittee of Goss and Popp will be set up which will meet in the evening. Carpenter, Arbenowske, and Shugart will be invited to participate.

Discussion ensued, including following the MTA sample ordinance, timing of hiring of a fire chief, ordinance effective date.

Benak stated she has a serious question about the added Section 17, Soliciting Donations, which states the fire department wants their own nonprofit corporation, but they want the funds to be deposited into the treasurer's account to be distributed by the township. Benak stated she cannot take private funds, put it into township accounts and redistribute it to the township. In the past, donations have been given to the fire department through the township and the township distributes it, but it is not at the request of what the fire department wants.

Popp stated he also has questions about Section 17 because it is not how we currently operate.

Discussion followed.

Goss noted several insertions that do not appear in the original MTA sample.

Referring to Section 2, Geographic Coverage Area, Popp noted that Rural Fire belongs to two different groups, the Mutual Aid Box Alarm System of Michigan and the Michigan Emergency Management Assistance Compact, and stated the township was the recipient of assistance from these two groups during the August 2015 storm. Popp inquired if the names of these two groups should be included in the ordinance.

Goss, Benak, and Hubbell voiced the opinion that the township should concentrate on what we have to do first.

With respect to Section 3, Scope and Level of Services, subsection E, Emergency Medical Services, Benak stated she feels strongly that "non-transport" needs to be added to the wording. The township has MMR (Mobile Medical Response) and she does not want the fire department to in any way get an idea that they are going to compete with them.

Discussion of a scenario where both ambulances were busy and someone would be transported in the chief's vehicle ended with Benak's statement that, in that situation, more ambulances would be called. Putting a citizen in the chief's vehicle and driving them to the hospital is never going to happen in this day and age. They will stabilize as best as possible and North Flight will be on the way.

Goss noted the following questions and comments on the proposed ordinance:

- Section 2, Geographic Coverage Area, the added language in red: Do not understand what is being proposed; what does it mean. Needs attorney review.
- Section 3e, Emergency Medical Services, "non-transport" needs to be added.
- Section 3j, what is "confined space rescue?"
- Section 3i, what is "high angle rescue?"
- Section 3k, Public Act 207 of what year?
- Section 4.1, "firefighters" should be changed to "on-call firefighters."
- Section 4.3, who will be creating the "department policy file?" Who will have the authority to revise the "department policy file?" (Brief discussion followed on this question.)
- Section 5.2, the language in red is not needed.
- Section 8.2b, last sentence, change "Township Supervisor" to "Township Board."
- Section 8.2d, first sentence, change "Township Supervisor" to "Township Board."
- Section 8.2e, first sentence, change "Township Supervisor" to "Township Board."
- Section 8.2e, second sentence, change "subsequent" to "immediate."
- Section 8.2g, delete "purchasing policy" and replace with "Financial Administration Policy." Also, what is meant by the language in red?
- Section 9.1, first sentence, "paid" should be inserted in front of "on call firefighters."
- Section 9.2, second sentence needs revision. "Each firefighter appointed by the Township Board shall be an employee of Whitewater Township." Paragraph 9.2 needs attorney review.
- Section 9.3, original MTA language says probationary period is six months, but change in red to "not less than one year."
- Section 10.1, missing word in the first sentence.
- Suggest that an MFR license not be required, in order to recruit those who wish to pursue firefighting but have no desire to provide emergency medical services.
- Section 10.2, add "non-transport" after "emergency medical services."

Concerning Section 11.2g, "Township Board shall have previously deputized firefighters who direct traffic . . .," Benak stated she does not recall ever doing this and inquired if Rural has ever deputized firefighters to conduct safe traffic flow during the time of an accident.

Brief discussion followed, with agreement that the language can probably be removed.

Goss resumed her questions as follows:

- Section 13, Compensation, is monthly going to be the frequency that the firefighters get paid? (Benak suggested the firefighters be given the choice of monthly, quarterly, yearly.)
- Section 13, third sentence, time records shall be submitted monthly to the “Township Clerk,” not “Township Board.” Also, Goss would like to add, “All time slips shall also be signed as approved by the Fire Chief before they are submitted to the Township Clerk's office.” All time sheets need approval by a department head.
- Section 18, Soliciting Donations, Goss questions whether WESA already serves this purpose.

With respect to hiring a fire chief, Popp stated the existing budget does not accommodate that position.

Hubbell stated before we start advertising, we ought to have some expectations of what we expect the chief to do and what we are going to be able to pay.

Discussion followed.

There was consensus that the ordinance and the chief's job description are the number one priority.

There was discussion of asking Nick Carpenter to be the interim fire chief or perhaps a consultant to the board. Bob Shugart has volunteered to do this also, but he is out of town for the next four months.

Popp will ask Carpenter and see what he says.

There was consensus that Popp and Goss will be a subcommittee for drafting of the ordinance.

Lawson noted that Public Act 207 of 1941 is the Fire Prevention Code.

Miami Beach Sewer System – Condition Assessment Proposal – Phase One Approval

Popp reported that Gary Kotesky is interested in helping folks with their socks, but he has not returned anything for the conditional survey of the system. Popp believes it was the consensus of the board that we would have Kotesky provide a price for a Phase 1 inspection.

Goss stated what was agreed on at the last meeting was that an estimate of the pumping fees was needed. Along that line, the County DPW provided information that there are four 1600-gallon tanks in the Miami Beach system and the last time they were pumped there was 1900 gallons of septage taken to the septage treatment facility. The total bill was \$520.20. Goss questioned why we would wait on getting the condition assessment done; it is a 20-year-old system. Also, Divozzo thought the \$3,200 quote from Gourdie-Fraser was very reasonable. However, other quotes could be obtained.

Discussion followed, including comments from Miami Beach property owners, primarily suggesting that other quotes be obtained, whether there is any urgency to the assessment, the system was designed for 30 years.

Motion by Popp to contract with Gourdie-Fraser Inc. (GFA) to perform the Phase 1 scope of services for the Miami Beach Sewer System at a cost of \$3,200, as outlined in GFA's 09/21/2017 proposal letter to John Divozzo, plus pumping fees and reimbursable costs; second by Benak.

Audience member Dave Hauser stated Butch Strait could do an inspection, or Gmoser or Williams and Bay, probably a lot cheaper than Gourdie-Fraser.

Popp stated Gourdie-Fraser is also taking a look at constructing a new one and giving us a projection of cost, and suggested there is a significant amount of work that goes into costing out a new system and figuring out what is going to have to be done to today's standards, which is included in the \$3,200.

In response to audience member comments suggesting Gourdie-Fraser may have a conflict of interest and that the condition assessment should be put out for bid, Popp disputed both assertions and stated he would rather have the information sooner than later as we still have an ordinance to draft.

It was also noted that time is of the essence because the existing ordinance and contract with the county is no longer in force. The county is continuing to provide the inspections and the billing services without a contract in place due to their good graces.

There was no further discussion.

Roll call vote: Benak, yes; Goss, yes; Hubbell, yes; Lawson, yes; Popp, yes. Motion carried.

Popp will notify GFA that they have been awarded the job.

Statistical Importance of Medical Marijuana Survey

Popp reported that Vaughn Harshfield no longer has the ability to calculate the number; the software was on a computer that he no longer has. Popp contacted Mickey Dean, who took the opposite position to Harshfield with respect to statistical importance. Harshfield advocated 98%; Dean advocated some lower number.

Discussion followed.

Benak stated she will calculate the response rate and provide it to the board.

Discussion followed on the topic of whether the board believes it has sufficient information to make a decision on whether to opt in or opt out, or is there other input that the board wants to hear.

Goss stated the only additional input she previously suggested might be beneficial would be from people who could tell us the impact, pro and con, of having these types of facilities.

Benak stated you will not find anyone in Michigan who can tell you that because it is new. She stated she is open to hearing from experts on the pros and cons of having them within your township; she always thought the survey was a first step. Benak said we have had people approach us who want to come in and talk; is that something we are interested in.

Benak and Lawson expressed support for people to come in and talk.

Hubbell said he is convinced that it works; he wants to know if this is the right thing to do for this township.

Popp stated he has been to as many seminars as everyone else and is thinking that he has never heard someone speak positively on the total business aspect. There has always been an element of negativity. How do we get Hubbell's question answered regarding if it is going to be a good thing for the township? What we are dancing with is not following the majority rule. Popp stated he has no interest in pursuing this item any further but will keep it on our docket every quarter, as we have for the last 18 to 24 months.

Further discussion indicated there is not a big rush, we do not need to be the first one in, you can see how it is working out for other communities before you make your decision, how do we come back once we cross the line, fear of the unknown for the community, not going against the survey results, look at it every quarter to see how it is working elsewhere.

Popp indicated that we will put it on a quarterly basis from this point forward, i.e., the second board meeting of January.

There was consensus that the board is going to do nothing at this point.

Ordinance 32 Private Road Ordinance – Update on Mangus/Habedank/Goss Review

Goss provided a memo describing the progress that has been made; a first draft should be available for the 11/14/2017 meeting.

New Business

Review of Zoning Ordinance Amendment No. 72

Planning Commission Chair Kim Mangus is present.

Referring to Article 3, Benak inquired about the definition of accessory buildings.

Mangus explained the Planning Commission's thinking on the definition.

Discussion followed.

In order that the board can see what wording was added and what was removed, Mangus will prepare a new document for Article 3 which contains the existing definitions and the proposed definitions.

The same information will be provided for Articles 17 and 19.

This matter will be brought back at the November 14 meeting.

Review Bids/Award Winter Maintenance Contract

Motion by Goss to award a 3-year snow removal contract to 365 Outdoor; second by Hubbell. Discussion followed regarding 365 Outdoor's record of past service and the various bid prices. **Roll call vote: Goss, yes; Hubbell, yes; Lawson, yes; Popp, no; Benak, no. Motion carried.**

NFPA Subscription

Popp stated there are various NFPA manuals that need to be ordered for the fire department, most of which cost between \$30 and \$55 each. There is interest in looking into a subscription in order to print and have electronic access. A subscription fee is \$1,500 or they can be ordered individually.

Discussion followed.

Popp will check with the Firefighter Training Council; they may have these available to us.

This matter will be brought back at the next meeting (11/14).

Tabled Items

Review Administrative Policy Section 5 (tabled 10/14/2014)

This agenda item will remain tabled.

Review Ordinance 22 Pension Plan (tabled 10/25/2016)

This agenda item will remain tabled.

Review Whitewater Township Planning & Zoning Fees (tabled 02/28/2017)

This agenda item will remain tabled.

Board Comments/Discussion

Popp stated he needs further direction on the tree on the north side of the township hall. If the large horizontal branch is removed, the tree is going to be extremely lopsided. Do we just cut it down? Popp asked the board to take a look at it during the day and provide some direction.

Popp stated he got the first 21 (fire department) policies last night and will make sure they go out to the board, and will make sure Shugart sends out a group e-mail.

Announcements

The next township board meeting is on Tuesday, November 14, 2017, at 7:00 p.m.

Public Comment

Tim Shaffer, 5309 Moore Road, provided comment on the medical first responder training for firemen. He stated from his experience there is going to be a lot of times where they need first aid training to assist the ambulance service or on certain scenes. His personal feeling is firemen need first aid training, basic CPR, defibrillator training, because you never know what situation you are going to be in. Also, when you go through the policy proposals, you need Nick or Tim or Bob here to explain certain things in the policies.

Adjournment

Motion by Lawson to adjourn; second by Hubbell. Meeting adjourned at 9:30 p.m.

Respectfully submitted,

Cheryl A. Goss
Whitewater Township Clerk