

**Whitewater Township Board  
Minutes of Regular Meeting held February 26, 2013**

**Call to Order**

Supervisor Popp called the meeting to order at 7:03 p.m. at the Whitewater Township Hall, 5777 Vinton Road, Williamsburg, Michigan.

**Roll Call of Board Members**

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

Board members absent: None

Others present: 6

**Set/Adjust Meeting Agenda**

No changes.

**Declaration of Conflict of Interest**

None

**Public Comment**

Renee Savage, 9833 Pineneedle Lane, expressed concern regarding the Record-Eagle article about the wastewater treatment plant and asked where the board stood. This is a squelching of free enterprise. What will be next? One church? One grocery store? She hopes something can be done.

Supervisor Popp asked the board if he could make a statement, to which there was no opposition. He stated that this body in 2004 enacted an ordinance, and the appellate ruling says the township stands as having more authority than state statute. There was no end date on the 2004 agreement. However, we could ask the county for release from our contract. Savage asked if there was any recourse. Popp responded no. Hubbell stated he did not vote for the septage ordinance and he thought there was a process to opt out. Lawson indicated that you must go to federal court if you want to stand on your constitutional rights. Popp further stated that the township attorney has said we would not be on strong ground if we raised breach of contract. However, other townships are pursuing breach of contract. Referencing the tribe's offer to assist with sewer to the lower burg, Benak stated the township attorney said the township can do that because it goes underground.

**Correspondence**

None

**Public Hearing**

None

**Reports/Presentation**

None

### **Unfinished Business**

#### **Discuss/Revise WWT Personnel Policies #4 and #11 to Offer a Consistent Statement**

Slight revisions and vacation time accrual for Personnel Policy #4 were discussed. Popp questioned whether the township should have a policy of payment in lieu of providing health insurance. Consensus was reached to leave health insurance as an 80/20 responsibility with no further stipulations. **Motion by Benak, seconded by Lawson, to make changes to Personnel Policy #4 as discussed. On voice vote, the motion carried.**

Revisions to Paragraph 3 of Personnel Policy #11 were discussed. The amount of notice to be given when submitting a resignation was debated. Consensus was reached that 14 days is sufficient. **Motion by Hubbell, seconded by Lawson, to make revisions to Policy #11 as discussed. On voice vote, the motion carried.**

### **Unfinished Business**

#### **Zoning Administrator Job Description – Discussion of Treasurer Benak’s Proposal**

Popp inquired if everyone had a chance to review the proposed ZA job description. Walton proposed that the second sentence of #17 be removed (assist PC Chair and ZBA Chair with annual budget if requested). Discussion followed. A change in #18 to make it 2 sentences with a period after “meetings” and the next sentence starting with “Attend” was proposed by Walton. Also, Walton proposed that #21 (monthly training) and #22 (annual written reports for ZBA and PC) be deleted in their entirety. Benak pointed out that removal of #21 would require an amendment of Section 8 of the Planning Commission By-Laws. Popp commented that reporting activity back to the Township Board from the ZBA and PC should be the responsibility of the board representatives to those bodies. Hubbell feels that would be the job of the PC and ZBA chairs. Popp questioned whether #20 (professional meetings, continuing education) should be included. Discussion followed, with consensus to leave it in temporarily. Popp referred to #8 and #6. Discussion followed concerning the reference to “the agreement” in #6. Benak will call the GT County Road Commission and find out what “the agreement” is. Popp requested that everyone read #8 and be prepared to comment at the next meeting. Consensus was reached to review the changes and bring this agenda item back at the March 12 meeting.

### **New Business**

#### **Address Public Comment – Review FOIA Request/Rules – Creation of Reports**

Popp added this agenda item in order to address an e-mail he received and two public comments by Arnell Boyd regarding lawsuits the board has been a party to. Boyd wants a detailed report of costs. Such a report does not appear to exist. Popp has reproduced portions of the Freedom of Information Act. Benak stated the board should set a policy that we will do this from this day forward in the interests of full disclosure and transparency. Walton stated it is unlikely a policy could be developed that would cover every situation; there has to be a set procedure, starting with a written request. Final expense report is being requested, which is not a document that is created in the course of any function in the Clerk’s office. Also, the FOI Act was strictly adhered to in the prior administration. The procedures of the FOI Act must be followed. Benak is not disputing the FOI Act. She stated Boyd is asking for us to do a better job of tracking information without having to do a lengthy FOIA in an effort to be transparent. Popp questioned how often such a report would be made available and whether frequent reporting could tip the hand of the township. Lengthy discussion followed. Hubbell understands what Boyd is saying

and recalls a similar situation involving his brother's plant and feels the public should have to come in and pay for the information.

Lawson feels the board should stick with the Freedom of Information Act as far as no new reports or summaries generated, but he does feel at the end of any major case event we need to disclose as much as we can, after everything is closed and determinations made, in a short report. Popp wonders what additional things would be requested to be tracked beyond legal expenses. Benak stated she creates the pie chart for taxpayers, but it is not a statutory duty. **Motion by Popp, seconded by Walton, to continue the use of the Freedom of Information Act (Act 442 of 1976) as written above and defined in Whitewater Township Policy & Procedure Manual Appendix I.** Benak stated the motion does not address what she suggested. Discussion followed. Popp asked if anyone wanted to change or amend the motion on the floor. **Motion by Walton that, if the Treasurer thinks we need to start from this point forward making summaries of legal bills, the Treasurer's office start tracking those.** Discussion followed. Benak does not have a problem tracking it but feels she cannot report it without the board's permission. Benak would like to make it a policy so other boards will have to follow suit. Popp inquired if a separate motion should be used and whether a policy and procedure should be designed first. Benak agreed. **The previous motion by Popp was restated. On voice vote, the motion carried.**

**Motion by Benak, seconded by Hubbell, to move forward creating a policy for transparency reporting for legal, post decision.** Discussion followed. Motion re-read twice. Roll call vote: Lawson, yes; Popp, yes; Walton, no; Hubbell, yes; Benak, yes. Walton stated she is not opposed to releasing any information that is maintained in the Clerk's office as long as it is not a personnel matter or something protected, but the Freedom of Information Act must be followed. Audience member Halstead inquired how far back the reporting would go. Popp replied that the vote was on moving forward with the development of a policy, which would likely address retroactivity.

#### **Introduce Credit Card Acceptance Information for WWT Park**

Popp has looked into using wireless for credit cards, but he has received advice that this would not work due to the amount of dirt that would be present. A machine costs \$480. Wireless service to the machine is \$20/month. Credit card company charges every time a card is swiped. Benak's concern is cost. Popp feels the board needs input from the park employees. Discussion followed. **Motion by Lawson, seconded by Hubbell, to bring the park employees in to discuss this issue further. On voice vote, the motion carried.**

#### **Whitewater Township Park Rates 2013**

Walton provided a memo detailing the park rates for the 2012 season and recommended no increase for the 2013 season. Lawson feels the rates should be reviewed later in the summer for the 2014 season. Discussion followed concerning seasonal sites and Rule 16. Audience member Tim Shaffer stated the rates cannot be higher than what the state park charges. **Motion by Hubbell, seconded by Lawson, to adopt the 2012 Whitewater Township Park rates for the 2013 season.** Roll call vote: Benak, yes; Lawson, yes; Hubbell, yes; Popp, yes; Walton, yes.

**Budgeted Transfer (from General Fund to Recreation Fund)**

Walton provided a memo detailing transfers to date from the General Fund to the Recreation Fund and recommended a \$3,000 transfer take place. **Motion by Hubbell, seconded by Benak, to transfer \$3,000 from the General Fund to the Recreation Fund.** Roll call vote: Popp, yes; Lawson, yes; Hubbell, yes; Walton, yes; Benak, yes.

**Tabled Items**

None

**Board Comments/Discussion**

None

**Announcements**

Next meeting date is February 27. The date on tonight's agenda is wrong.

**Public Comment**

None

**Adjournment**

**Motion by Walton, seconded by Lawson, to adjourn.** Meeting adjourned at 9:50 p.m.

Respectfully submitted,

Cheryl Walton  
Whitewater Township Clerk