

**Whitewater Township Board  
Minutes of Regular Meeting held January 14, 2014**

**Call to Order/Pledge of Allegiance**

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

**Roll Call of Board Members**

Board members present: Goss, Hubbell, Lawson, Popp

Board members absent: Benak

Others present: 11

**Set/Adjust Meeting Agenda**

Lawson will give a Planning Commission report (added under Reports/Presentations).

**Declaration of Conflict of Interest**

None

**Public Comment**

Tim Shaffer, 5309 Moore Rd, referred to a 12/25/2013 Record-Eagle article containing comments by the Supervisor. He is concerned that the comments do not comply with what has been thought of and recommended and pointed out by the personnel here for our department.

**Public Hearing**

None

**Reports/Presentations/Announcements/Comments**

**Grand Traverse County Sheriff Department Report** – No one is present from the Sheriff Department.

**County Board of Commissioner's Report**

Commissioner Inman gave the following report:

- The Board of Commissioners is spending January, February, and March going over all budgets line by line. They have \$1 million to cut that was transferred over from fund balance. There is about \$7,000,000 in fund balance, which is about 15% of expenditures. They do not want to drop lower than 15%. They continue to have increased healthcare costs and staggering SEVs, as well as accelerated costs in the defined benefit program. They have voted to meet every Friday between 3 and 5 to hammer out the budgets.
- Inman is pleased with Whitewater's overture regarding New Business #7 and feels it is important for local units of government to be involved in discussions regarding the impact of renewal of tribal agreements.

Popp inquired about the county-supplied secretary at Rural Fire. In the 2013 budget, a payment of about \$29,000 was allotted to compensate the county for this person's retirement fund. In 2014, the figure dropped to approximately \$7,000.

Inman stated there are 2 different methods they are tracking right now. There is \$43 million in Lansing at MERS for the defined benefit program. There is a shortfall of another \$35-40 million that will have to be made up through increased payments. The County has been spreading the unfunded portion over the various county departments as an expense to operate that department. There is a debate at the county board that that is not a true view of the actual costs of the department and the cost of employees and the cost of the services to the public. Discussion is going on that this amount of money should be shifted out of those departments and put in the separate general ledger.

Goss inquired how the unfunded portion came to be.

Inman replied that the market took a big dip in approximately 2007. Prior to that time, the County offered an early-out program. The actuarials said the County would save money if this program was offered. A massive amount of people left. It lowered costs, but it accelerated the amount of obligations that the County has to pay. Since the Detroit bankruptcy situation, the courts have now deemed that retirement programs can be touched, and where previously units of government were allowed to be less than 100% funded, MERS is now requiring 100% funding of the retirement programs and accelerated payments. Inman admits the County should have been paying more in previous years.

Goss stated she hopes the Board of Commissioners understands that today's taxpayers should not have to suffer a tax increase to get the unfunded liabilities caught up.

Inman replied that there is discussion of bonding the unfunded portion of the defined benefit program, but there is no plan on the table to go back to the public and ask them to fund it.

Goss also suggested a way to reduce health insurance premiums is to steer employees into ObamaCare.

Inman stated there are 13 bargaining units locked into 3-year contracts. For now, the County has switched from Blue Cross to Priority. Employees who are not in a bargaining unit are now required to pay 10% of the premium and they have a higher co-pay for doctor visits and higher prescription expense. This has helped offset the cost of the premiums. More discussions will be ongoing during labor contracts.

### **Fire Captain Report**

Captain Arbenowske gave the following report:

- Only 4 calls in December. One was a significant structure fire with a fatality.
- Year to date, there have been 52 calls (35 fire and 17 rescue). This is almost 50% of the 2012 run volume.
- The department has lost a member who has moved from the area (Levi Martin). Also, as of 02/01/2014, Tim Shaffer will be retiring. He has been with the fire department for 41 years and with the ambulance since it started. Captain Arbenowske commended Mr. Shaffer for all the years he has put in. Chief Weber and Arbenowske are discussing a way to commend him for his service. (Applause)

- Regarding the fatal fire, the Fire Marshall has done their investigation. All indications are that, with the extent and speed of the fire, the time it was reported, efforts to save the individual would likely have been unsuccessful. Also, there was an altercation between another truck and our department's truck. The condition of private roads in the township is a concern.
- Tom Emerson and Micaiah Foust went to Long Lake for training and learned about putting out a fire using positive pressure.
- The VASA ski race is coming up on February 8th. There is a new director; he will try to figure out how the different departments will handle it. There is a new bike race involved with the VASA.
- They have physicals this month for Station 3.
- Also, Lieutenant Emerson and Sergeant Ocie (sp?) will do some water rescue training at Twin Lake Park.

Goss inquired if there is reimbursement for VASA standby. Ambulance Coordinator Martin believes it is approximately \$300.

Popp stated Arbenowske's report comments concerning maintenance of private roads would be a good newsletter item. Also, Popp knows Chief Weber would like this type of information on Rural's website, but Popp will seek permission from him to put some type of statement on our website helping residents understand the sensitivities of large vehicles going down narrow roads.

Arbenowske stated it could be seasonal, in the spring for wildfire and in the fall for road plowing. Information has been put out in the past.

Popp stated it would apply to other things, too, such as tree trimming in the spring.

Popp stated that Arbenowske, Martin, and the other emergency personnel would like to have a meeting with the board. It has been agreed that the first meeting will be held at the Township Hall on February 11th. Chief Theo Weber will also be in attendance. Popp would like to be supplied with agenda items by Arbenowske and Martin.

Arbenowske commented that if Chief Weber is there, he would have to be the Rural representative in order to follow the chain of command.

Popp stated he does not want Chief Weber's presence to inhibit things that the emergency personnel would have to say.

Hubbell inquired how many hours of training are done to teach personnel how to drive the bigger rigs.

Arbenowske replied that the State of Michigan only offers a beginning class and it is all in the classroom. Most of the training is done in-house. They are not required to have a CDL.

Hubbell would encourage the emergency personnel to get training in this regard.

Discussion followed.

### **Ambulance Coordinator Report**

Ambulance Coordinator Martin gave the following report:

- For the month of December, there were 12 calls. Four of those calls were missed and NorthFlight had to assist.
- It is a treacherous time of year. 3A2 is 4WD; 3A is not. Driveways are a concern.
- Last week, they were toned out back to back. She would like to publicly thank her team and Tom Emerson for their team effort in responding to the ensuing chain of events.
- Micaiah Foust and Ben O'Connor will be taking their National Registry. Micaiah has his driving done. Ben will get the driving training in April.
- In the springtime, there will be a refresher driving course. This will be done yearly on the ambulance side.
- Martin stated she does have a CDL license, but ambulance drivers do not have to have CDL licenses.

Popp stated he would like Martin and Arbenowske to submit agenda items for the next meeting by January 20th.

Also, Popp inquired if the township owes money to Tom Emerson for pulling his vehicle out. Emerson replied no.

### **Planning Commission Report (added to agenda)**

Lawson gave the following report:

- The last PC meeting was on January 8. The first discussion was about how the PC will get the monthly training which, according to the by-laws, the Zoning Administrator is to do. Hadedank will do short training once a month.
- The by-laws were reviewed and accepted with no changes.
- Mickey Dean was elected Chair. Kim Mangus was elected Vice-Chair. Matt Lyons was elected Secretary. New terms start at the next meeting.
- Calendar for the fiscal year was accepted.
- There was discussion of an updated timeline for the Master Plan. They hope to set a public hearing date at their next meeting.
- They also discussed possibly needing extra meetings and what is available in the budget for number of meetings for the rest of this year and the next fiscal year. Lawson would like to get a copy of the PC's budget.

Township Board members had no items for Lawson to take back to the Planning Commission.

### **Consent Calendar**

Popp noted that the Zoning Administrator's report again mentioned Ordinance 16. Goss believes that is left over from the previous month.

Goss directed the Board's attention to the Parks & Recreation Advisory Committee (PRAC) minutes of 11/11/2013, specifically, under Approval of Meeting Minutes of 10/14/2013, which

states the following, “Knapp indicates that Heather Hettinger will not write the permit, but it will go by her office.” Goss inquired what permit was being referenced.

Popp replied that he believes Knapp is pursuing a permit to remove what the PRAC calls a “plug” at the south end of Elk Lake, adjacent to Cosgrove property and Battle Creek Natural Area.

Goss also directed the Board to the Reports/Presentations section of the 11/11/2013 PRAC minutes, specifically, “They like working with larger projects and suggest we add the installation of ‘swamp boards’ . . . .” Goss inquired what a swamp board is.

Popp replied that he learned at the 01/13/2014 PRAC meeting that apparently the township is behind on several requirements for the trust fund grant for BCNA, i.e., signs, boardwalks, and a viewing platform. Popp believes boardwalks are “swamp boards.”

Goss further referenced the statement at the beginning of the third paragraph under Reports/Presentations, which states, “Submit application for the permit.” Goss stated this sounds like something that should be done by the Township Board. Goss has heard that the Cosgroves do not necessarily agree with proposed activity near their property and she believes the Township Board needs to hear from them on this issue.

Discussion followed.

**Motion by Lawson, seconded by Popp, to approve the Consent Calendar items as follows:**

Receive and File

1. Supervisor’s Report for December 2013
2. Clerk’s Report for December 2013
3. Zoning Administrator’s Report for December 2013
4. Fire Captain’s December 2013 Activity Report
5. Ambulance Coordinator’s December 2013 Activity Report
6. Treasurer’s Reports – Revised September 2013 Cash Balance Report and Bank Accounts Report
7. Treasurer’s Reports – October 2013 and November 2013
8. Approved 12/04/2013 Planning Commission Minutes
9. Approved 11/11/2013 Parks & Recreation Advisory Committee Minutes

Correspondence

1. Grand Traverse County Sheriff Department statistics for December 2013, October-December 2013, and YTD 2013
2. Grand Traverse Rural Fire Department Minutes of 12/18/2013
3. 11/19/2013 County Road Commission Minutes
4. 11/21/2013 County Road Commission Minutes
5. 12/04/2013 County Road Commission Minutes
6. 12/04/2013 County Road Commission Study Session Minutes
7. 12/13/2013 Letter from Charter re: Annual Report
8. 12/20/2013 NWMCOG eNews

9. 12/26/2013 Letter from FERC to Mark Stone re: Acceptance of License Application

Minutes

1. Recommend approval of December 10, 2013 regular meeting minutes

Bills for Approval

1. Approval of Alden State Bank vouchers # 37729 - 37817
2. Approval of Alden State Bank Miami Beach vouchers # 1144

Budget Amendments (none)

Revenue & Expenditure Report (none)

**Roll call vote:** Benak, absent; Goss, yes; Hubbell, yes; Lawson, yes; Popp, yes.

**Unfinished Business**

**On Call Proposal from Tim Arbenowske and Dawn Martin**

Popp related the history of the on-call proposal. Popp asked whether the Board had any thoughts or questions about the proposal. Hubbell would like to digest it a little more before commenting. Goss suggested Popp bring everyone up to date on the 2% grant application which he submitted to fund the proposal. Popp described the particulars of the grant application and his proposal for a duty crew. Popp stated that the 5-minute response time may be problematical; other townships have a 10-minute window.

Arbenowske stated the proposal is that when personnel are on call, they need to be in the township. Most personnel are centrally located.

Popp has asked for statistics on when calls are coming in. If the proposal goes through, the ambulance budget will go from approximately \$98,000 to just over \$212,000. The grant application was based on Proposal A.

Hubbell inquired what would happen once the grant money ran out.

In that regard, Popp has also been in touch with Clearwater and Acme Townships concerning this issue. NorthFlight has also been contacted. A figure of \$350,000 was given to supply the personnel for an ALS service.

Popp opened the discussion to the audience for comments.

Tim Shaffer commented that a millage for EMS/fire will have to be promoted to the public. He also inquired what Metro is charging in millage for the fire system.

Popp responded that 2.2 mills covers 24/7 fire and ambulance. Their average response time from the Acme facility is under 7 minutes to the corner of Williamsburg Road and M-72.

Samantha Tracy, EMS Coordinator at Kingsley Ambulance, stated they are the busiest rural BLS station in Grand Traverse County. They had over 500 calls last year. Their budget is about \$220,000 and they staff full time during the day. She volunteered to come to the February meeting and answer questions. They are a private service (not township employees). They are a nonprofit; they are funded with a millage.

Arbenowske inquired what their millage is, as well as insurance reimbursement.

Tracy responded that their millage rate is 0.95. They received approximately \$112,000 from the millage last year and approximately \$80-90,000 from insurance. They service Paradise Township, 90% of Mayfield Township, a little bit of Union, and the northern part of Wexford during the night. Their 3 full-time people have benefits.

Discussion followed regarding marketing of the ambulance service.

Popp asked the Board where to go from here on this proposal. Consensus reached that we are still in an information-gathering mode.

Hubbell inquired why some calls were missed.

Martin responded that personnel were at work.

Popp stated that recently we have lost 55% of our responders during certain parts of the day.

Discussion followed.

## **New Business**

### **Consumers Energy Streetlight Agreement**

A Standard Lighting Contract has been received from Consumers. They have also supplied a resolution resolving that it is deemed advisable to enter into a contract with Consumers Energy Company for furnishing lighting service within the Township of Whitewater for a period of 1 year and thereafter from year to year, in accordance with the terms of the contract, and resolving further that the Supervisor and the Clerk are authorized and directed to execute such contract on behalf of the Township. **Motion by Lawson, seconded by Goss, to adopt Resolution #14-02. Roll call vote: Goss, yes; Hubbell, yes; Lawson, yes; Popp, yes; Benak, absent. Resolution adopted.**

### **Resolution #14-01, Alternative Starting Date for Board of Review**

The State of Michigan requires that the March Board of Review be held on a certain date. However, since the assessors cannot be in more than one township at a time, an alternate date is chosen and must be approved by resolution. Tuesday, March 11, 2014, is the alternate date. **Motion by Goss, seconded by Lawson, to adopt Resolution 14-01. Roll call vote: Hubbell, yes; Lawson, yes; Popp, yes; Benak, absent; Goss, yes.**

**ZBA Appointment (Therowin “Skip” Lake)**

Popp noted that Skip Lake has served the township nearly as long as Tim Shaffer and that he has agreed to continue to serve on the Zoning Board of Appeals. Popp recommends that he be appointed to another term, which will end on 12/31/2016. **Motion by Hubbell, seconded by Lawson, to confirm the recommendation of the supervisor appointing Therowin “Skip” Lake to a position on the Whitewater Township Zoning Board of Appeals, term to expire on 12/31/2016. On voice vote, all those present voted yes, none opposed, Benak absent. Motion approved.**

**Set 2014/2015 Budget Work Sessions**

Popp would like to get budget documents to Arbenowske and Martin right away. Popp has the ambulance budget done if Scenario A goes through. If it does not go through, there will have to be an alternate plan.

Arbenowske stated they need to discuss when they can sit down and go over it; Friday afternoons work the best for him.

Discussion followed.

Consensus reached that the 01/28/2014 regular meeting date will be a budget work session, with no preference stated as to which fund will be addressed first. Goss will provide budget documents to Arbenowske and Martin.

**Ambulance Consultant Discussion**

Popp would like to be able to consult with other people with respect to ambulance and be able to pay them for their time. He is proposing that approximately \$1000 would be used out of the ambulance budget, if needed. Popp would like board support for this proposal.

Martin does not approve of the proposal.

Hubbell inquired what a consultant would be needed for.

Popp replied there could be policies or rules that he does not understand. He feels he has done a pretty good job so far of understanding the State’s and Med Control’s ambulance requirements and has spent a great amount of time reading those.

Discussion followed.

Goss stated any expenses claimed will have to be turned in in writing.

Lawson suggested a list of goals to be reached with the budget, and if the budget reaches that goal, then a consultant could be added.

Martin does not feel she needs a consultant when neighborhood EMS coordinators and Med Control are available to answer questions.



Popp stated he has extensively used Daryl (Case) as a resource, to the point where Popp wonders if he is wearing out his welcome.

Arbenowske stated that if it is spread out among several different sources, it does not all fall on one person. Also, this is Daryl Case's job and he is already getting paid for it. Samantha Tracy has said she would volunteer.

Popp wants to go outside of the normal box. He feels (Samantha) Tracy will be a big help, but he does not want to ask people to do it free gratis.

Discussion followed.

**Motion by Popp that we have the ability to pay an outside consultant, if required, and to set a dollar limit of \$1000, with funding to come out of the Ambulance Fund.** Popp stated this proposed expense would be within the current fiscal year. **Goss amended the motion to set a limit of \$500. Amended motion seconded by Lawson.**

Hubbell senses unease from the volunteers about it and he would like to know why.

Martin inquired who the other person or persons are that Popp has in mind.

Popp replied Roger Gibson is the first person.

Tom Emerson, 8785 Park Road, stated he is not sure what the consultant position is or why a consultant is needed. He stated there are people here who know things. Also, Daryl Case would help, as well as people from Blair Township. The lady from Kingsley will help. It is generous of Popp to offer to pay them. He is concerned about the input this individual will give. He believes there is some question amongst the membership why this individual is being considered as a consultant or what position he would play with our EMS service.

Popp stated the rumor that both he and his wife are taking it over is not true. Popp stated his support is with Martin.

Emerson stated he would feel better if he knew the money was spread around, not to one person.

Popp stated there is no dollar amount and there is no one specific person he is set on. Popp feels many thoughts need to come together to make a plan that works for the community.

Lawson said there may be a time when we have to go outside of our resources and we may have to pay for that.

Hubbell feels there is some stir about the gentleman Popp mentioned. It has caused problems with the volunteers, so he should not be used.

Jeremy Jennett stated he has a personal concern about the gentleman mentioned because it is his understanding the gentleman has been recently let go from two departments.

Tim Shaffer stated that Roger Gibson is a person he will not work with because of some things that have happened, some things he has done.

Popp stated that Bill Sedlacek said publicly he is the only one person that could do the job of Rural Fire.

Emerson stated he knows why that happened and he saw conduct unbecoming of an officer.

Goss confirmed with Popp that he was going to consult various people and not give all the weight or credence to just one person.

Popp stated that his main go-to person will be our Ambulance Coordinator.

**Roll call vote: Lawson, yes; Popp, yes; Benak, absent; Goss, yes; Hubbell, yes.**

### **Committee Review**

Popp stated this agenda item ties in with some of the questions about the Parks & Recreation Advisory Committee minutes. Popp does not believe that all of our concerns are getting to the PRAC. Comments he has passed along at Board meetings indicated some sensitivity needs to be enacted when looking at the Battle Creek Natural Area (BCNA) and specifically with the neighboring Cosgrove property.

Popp then recited observations of the 01/13/2014 PRAC meeting:

- There were three people present at the meeting. The Recording Secretary indicated she did not send a meeting reminder.
- There were no public documents, including previous minutes. The audience had to ask for copies of the agenda. Previous minutes had not been distributed to committee members.
- Knapp stated he made a verbal presentation to the Elk-Skegemog Association. He did not state, nor did any member of the committee ask, what the presentation was. Knapp claims to have received a verbal answer to his presentation.
- Todd Vigland was present at last night's meeting.

(Ambulance Coordinator Martin interjected that a winter storm warning had been issued.)

- Popp learned last night for the first time that the township is behind on several items, i.e., more signs depicting trails, a lake viewing platform, boardwalks over the wet areas, and linking of the trails to the Lossie Trail.

Popp stated he has heard from the Cosgroves. They are concerned about the plug that Phil Knapp continues to insist on removing and statements that the bridge is illegal. Popp states he has seen a permit for the bridge, but yet they still indicate the Cosgroves have done something illegal.

- Popp got the feeling at last night's meeting that it was the first time the committee has heard this, because Mr. Mouser offered to change or modify the minutes from 07/08/2013.

Mouser stated it was pointed out there may have been some irregularities in the minutes and they will make a retraction or correction at the next meeting.

- Phil Knapp also stated that the DNR requires a permit to remove the plug, and Knapp asked Todd who should pull the permit. Todd answered for sure the township.
- There was a short discussion on the Huber Pond dam, potentially splitting up into subcommittees, what would be reviewed at the next meeting, and by-law review.
- During the second public comment of the PRAC meeting, Popp asked who the DNR official was at the site, who had reviewed the plug, who had provided the bridge information, who had contacted the person and who met with them. Knapp took responsibility and explained that he had called the DNR and met with them only via telephone. Knapp indicated he spoke to Heather Hettinger and Todd Kalish.
- Upon Popp inquiring what the verbal presentation was about, he was told it was at the Elk-Skegemog Association on 12/17 and they asked for funding to help remove the plug adjacent to the Cosgrove property. They appeared to agree to some type of funding.

Mouser interjected that they did not agree to anything. They recognized that funding was the key issue and was going to have to come from somewhere other than the township general fund. Mouser indicated Knapp had stated at previous meetings that his intention was to go to the Elk-Skegemog Association and inquire about funding. Mouser stated there was no commitment by Knapp and that Knapp stated at the meeting last night that he spoke as a member of an advisory committee and was not making a commitment for the township. Mouser does not believe there has been any subterfuge.

- At the PRAC meeting, Todd was impressed with the number of state bodies and other associations that the PRAC has been able to get involved in this issue.

Popp then inquired of Mouser if the committee had not in fact been touting that both the bridge and the plug are illegal.

Mouser replied that it has been presented to the committee that there are a number of things there that maybe are not what they should be.

In response to Popp's question whether the term illegal had been used, Mouser stated that the term illegal was used by someone.

Popp then inquired if the term anecdotal evidence, anecdotal data, anecdotal information was used.

Mouser said it probably was not written down, but it does not mean it was not used. Mouser would like to correct the record from their point of view.

Popp stated he has heard from the Cosgroves several times.

- During last night's public comment, Cosgroves stated they would like to have a copy of the BCNA Management Plan; they will contact the Clerk. They stated they enjoy Lossie Trail and the BCNA trails and hope work continues on both. Parking for Lossie Road Trail on Skegemog Point Road side could use some improvement. Mr. Cosgrove was concerned about PRAC's 07/08/2013 minutes indicating that Cosgrove had built a dam and an illegal bridge across a body of water.

Popp stated that he has indicated publicly that he believes there is a permit and that when you purchase a parcel of property adjacent to a stream, you own to the center thread of the stream.

- During last night's meeting Cosgrove set the record straight and Mouser indicated he would go through that process. Cosgrove stated he bought the property as it is today and wanted to know what was illegal. His last statement was that he felt a duty to protect his property rights.

Popp inquired of the Board if there were any questions.

Goss stated she had no questions, just concern.

Popp stated he has a concern that we are moving too fast and we are not up to speed on whatever the PRAC is looking to do, specifically, Mr. Knapp. Popp does not believe there is wrongdoing; he just thinks they are way ahead of the Board with our understanding of the process.

Lawson suggested Mouser could be on the agenda with a report.

Popp is asking for Board support for a moratorium or a cease and desist until such time as the Board can determine ownership. Popp stated the township bought the property in 2008, but a 2010 tax map shows someone else owned the property.

Goss inquired how we are going to get up to speed, how we are going to determine ownership, who is going to make that determination, as well as numerous questions about the plug. The township cannot move forward investigating how we are going to remove something and where the funding will come from and who will do it until we determine if it is going to come out. We do not know the history. The PRAC thinks they know the history. What documents have they looked at to prove that they know the history and that there is a reason that this should be removed? Goss does not know whether the DNR should be making a determination that it should come out. Goss believes the answers will be found in records at the township hall. Two different tax maps show different owners. Goss wants to see a report with facts concerning ownership.

Mouser stated that he has a number of statements which he would like to make at some point.

Popp indicated that Public Comment could be used to make those statements, and also stated that he had invited Mouser to give a report and provide full disclosure, but Mouser did not take the opportunity to do that, claiming Popp's question was too vague.

Popp would like to make a motion to put a cease and desist on it until we can get up to speed on this particular issue.

Popp stated if we are that far delinquent on that many projects, he does not see dumping 20-30 grand into BCNA in this next budget year. Lawson agrees.

Popp stated the main function of the PRAC, according to Ordinance 48, is to get the master plan done, which has been presented to us. It is now up to us to decide what to do with it. Ordinance 48 does allow for review of the management plans, and Popp agrees that those plans need to be reviewed.

Discussion followed clarifying the language of Popp's motion.

**Motion by Popp, seconded by Goss, to put a cease and desist on the Parks & Recreation Advisory Committee regarding the Battle Creek Natural Area only until such time that the Township Board has sufficient evidence to move forward on whatever the PRAC's ultimate end game is.**

Hubbell agrees and stated that if we are going to find out information from the DNR, the lawyers, whatever it involves, the entire Board should know about it.

Goss inquired who will get this information.

Popp stated this matter is sensitive. He has had several conversations with the Cosgroves and they have been very patient. Popp will do his best.

Discussion followed regarding a timetable for determination of ownership, as well as general Board discussion of the issue.

Further clarification of the language of the motion was discussed. The motion was revised as follows: **Motion by Popp, seconded by Goss, to put a cease and desist on the Parks & Recreation Advisory Committee regarding all actions related to the Battle Creek Natural Area only until the Township Board has sufficient evidence to move forward. On voice vote, all those present voted yes, none opposed, Benak absent. Motion approved.**

Popp indicated a formal letter will be sent to all Parks & Recreation Advisory Committee members informing them of the Board's decision.

**Generate Written Statements to Governor Snyder re: Distribution of 2% Class III Gaming Profits**

Popp would like approval to generate written statements to Governor Snyder regarding a revenue sharing board. He is requesting that our township specifically has representation at the 2%

negotiation proceedings. A draft letter can be prepared. Popp indicated Board members should look at the Emmet County agreement between the Odawa Indians and Emmet County. Popp stated that Federal Rule 408 prohibits Popp from discussing the County's 2% proposal.

Discussion followed.

**Motion by Hubbell, seconded by Lawson, to have the Supervisor request that Whitewater Township have representation at any and all discussions regarding 2% negotiations. On voice vote, all those present voted yes, none opposed, Benak absent. Motion approved.**

#### **Tabled Items**

None

#### **Board Comments/Discussion**

None

#### **Announcements**

The next regular meeting of the Township Board will be on 02/11/2014. The 01/28/2014 meeting will be a budget work session.

Goss notified the Board that the 02/25/2014 meeting date must be cancelled due to it being Election Day.

General discussion followed regarding the upcoming meeting with the fire/ambulance personnel.

#### **Public Comment**

Tom Cosgrove, 10300 Miami Beach Drive, commented on the Workers' Compensation rates discussed earlier.

Lynda Cosgrove, same address, encouraged that the Board really look at the factfinding. The house was purchased 4 years ago. The plug and the bridge were both there when they purchased. The plug looks like a bunch of sand to them. They have stated to the committee before that the bridge is a great thing to have for safety purposes because hunters do come there in the fall. She would really like the Board to get the facts.

Mr. Cosgrove stated that this blew up in their face on November 14th; that was the first time they ever heard about it. He appreciates what the park board does; the Lossie Trail is tremendous. He further stated we all want to be good stewards of public land, but there is still private land there and we still have property rights. Battle Creek is flowing out; it is not backed up. He appreciates the Board's help and feels it will be taken care of.

Bill Mouser, 11644 Topview, stated he would like to address some of the things that have been alleged but will not get into the minutiae. He stated the PRAC does understand they are an advisory committee, that they do not speak for the Township Board and cannot obligate the township to anything. Mouser feels Knapp has been clear on that. They are attempting to get answers. They are in the process of doing their due diligence. They have never made a

statement to anyone that we are making a commitment for the township or obliging it to anything other than factfinding. The outside groups are a source of funding. The committee has asked Todd Vigland for information and assistance in grant writing, sources of funding, etc.

As far as the issue about the property line, Mouser stated tonight is the first night he has personally heard there is any question. In the Management Plan, there are 3 pages of detailed information about where the property is. Mouser stated they would agree that the first thing to do is figure out where the property line is and who owns what. He stated one of the requirements is that there be a gate in the middle of the bridge with a sign and a lock. The idea of who owns the stream came from a DNR official, who said there is no property line in the middle of a free-flowing stream. Mouser stated we need to find that out and that the motion that was passed puts the committee in a conundrum. He stated the committee is trying to find the answers to these questions, but he is not sure how they will find the answers if they cannot do their due diligence. There are things the Advisory Committee could be doing, such as finding out if money is available, where from, and the conditions. There are several permits required from the DNR. They are part of the process to move forward to find out how that can be done.

Mouser stated they are trying to answer the questions. Elk-Skegemog Association could be a source of funding. As far as any malevolence or wrongdoing or intent to accuse anybody of any illegal activity, he would reject that out of hand. He disagrees that the committee has gone beyond the parameters of what they could or should be doing. Due diligence is all they have been doing. Once they have a package of specifics, they will make a report. Mouser feels it has been blown out of proportion.

Popp indicated that Vigland stated the township is supposed to do a complete perimeter survey.

Mouser disagrees, stating they have to identify the property, post signs, install a plaque. The committee asked for guidance in that regard. The Land Conservancy is willing to give information free of charge and help to plan.

Mouser further stated the committee is not trying to deprive anyone of their private property rights, they have not made any commitments, and nothing has been proposed yet. All they have been doing is due diligence, investigation, getting the facts. Any misstatements will be corrected.

Tim Shaffer, 5309 Moore Road, commented that the property in question is the former Snowday property and there was a decision by a previous board to put a gate across the bridge at the middle to separate the public and private property. To the best of his knowledge, the bridge was never completed and the gate was never put up.

Hubbell stated nobody follows through with anything and that is why he is not a believer in conservancy land. There is other land with fencing that has not been done. He stated the Board is going to get to the bottom of it.

Tom Cosgrove stated they did this in good faith; they just want to live in peace. Two months ago, this thing blew up.

Lynda Cosgrove stated they came and said you know there is going to be dredging in front of your house.

Informal discussion followed.

**Adjournment**

Motion by Hubbell, seconded by Popp, to adjourn. Meeting adjourned at 10:41 p.m.

Respectfully submitted,

Cheryl A. Goss  
Whitewater Township Clerk