

Whitewater Township Board
Minutes of Regular Meeting held September 23, 2014

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: 16

Set/Adjust Meeting Agenda

Benak would like to add a couple items to Unfinished Business, namely, update on the IGA with the Tribe and storage building findings. Added as #2 and #3 respectively under Unfinished Business.

At the Ambulance Coordinator's request, Popp would like to add #6 to New Business, request for supplies and equipment. Added as #6 under New Business.

Goss would like to talk briefly about the fact sheet for the ambulance millage. Added as #7 under New Business.

Declaration of Conflict of Interest

None

Public Comment

Michael Wyers, Troop 115, Williamsburg, stated he is here tonight because he would like the Board to consider his Eagle Scout proposal, which has three parts. Step 1 is cleaning headstones at Cedar Rapids Cemetery with water and a soft brush. Step 2 is using a foiling technique to make worn inscriptions stand out. This is done by pressing a thin sheet of tinfoil against the headstone with a sponge. Step 3 is logging the recovered information into the Find a Grave website and township records.

Goss stated that she is willing to take on the responsibility for any paperwork Michael needs for this Eagle Scout project.

Benak stated she thinks a lot of the headstones are forgotten and this is a great way to restore them.

Hubbell and Lawson agreed.

Popp recommended the volunteer release form be signed by anyone who works on the project.

Consensus was reached that Michael Wyers may proceed with his Eagle Scout project and will keep the Clerk's office updated as to his progress.

Correspondence

1. **Grand Traverse County Sheriff Department Statistics for August 2014**
2. **Email 08/29/2014 from Doug Straughen (provided to Popp on 09/10/2014)**

There was no discussion of Correspondence.

Public Hearing

None

Reports/Presentations

None

Unfinished Business**Master Plan Review – Possible Approval for Distribution**

The Draft Master Plan is not available yet.

Update on Tribal IGA (added)

Popp stated that he and Goss met with the Tribe last Friday. Chairman AI is wondering why we have not decided to negotiate with them. Popp is sharing with Chairman AI all correspondence back and forth between himself and Chuck Stewart.

Benak handed out copies of an email she got from Chuck Stewart and stated it concerns her. Benak read the email aloud (see attachment to minutes).

Benak further stated Stewart got back with her after a meeting today and relayed the following via email, “Counsel’s instructions was to tribal manager and I to meet with and prepare recommendations for their actions of their October meeting, moving forward on the facility construction in 2015 and any agreements.”

Benak stated that Popp went into the meeting with what she feels the whole group here told him to do, attorney to attorney. Benak believes we need to step back and this group needs to work with their group, and when we come up with a final product, then bring our attorney in. Benak stated if they were insulted, she believes it was not intentional on this Board’s part, but clearly they were.

Discussion followed.

Consensus was reached that a meeting with the Tribal Council should be scheduled. Popp will contact Stewart to see when the Council is available, as well as a proposed location, and report back tomorrow.

Storage Building Findings (added)

Hubbell apologized that he did not get back to Goss on this topic. He called his nephew twice, but the nephew never got back to him, so Hubbell assumes that is a no. Hubbell stated he tried another spot, too, but did not have any luck.

Lawson stated he talked to Don Hayden about using one of the bays at the High Pointe maintenance building on Bates Road. There is one available. Cost is \$650 a month with heat. The township would have an access code to get into their door. The bays are open to each other. They could house the ambulance and maybe the Kubota. It will be heated from 45-50 degrees. Three months would work for him, but longer is fine, too. It would not be plowed right as it snows but maybe the next day. It would be mainly for storage. A guy named Matt uses one of the bays and is the only other person besides Don who is in the building. If something needed to be moved, they would come down to the township and ask for someone to come and move it. We would need insurance on our vehicle.

Benak presented a Menard's flier showing building packages.

Discussion followed regarding whether putting up a storage facility should be discussed, what a new storage facility would be used for, future use of the current fire station, location of a storage facility, length of the Lucsy building lease, making a decision on the Bates Road offer, whether the township should follow the zoning guidelines in the Village District or exempt itself from that zoning, where the money will come from to pay for a storage building, suggestion of getting a loan, owning versus leasing, and the "homework" required to gather all the information.

Motion by Popp that Benak generates or has someone generate the bid documents, including engineering, for a 40' x 40' building.

Discussion followed.

Before she expends a lot of effort, Benak stated she would like some kind of assurance that the Board agrees we need to put up a building.

Popp stated he does not feel we need to put up a building because he believes we are going to have the existing fire station open for storage.

Goss and Lawson agreed.

Hubbell stated he thinks we should put up a building.

Benak stated she will not put the effort into it.

Further discussion followed pertaining to a proposed storage facility and what should be done about storage of the ambulance in the Moore Road building when the lease runs out on October 14th.

Popp stated there is cold storage available in the township.

Ambulance Coordinator Martin stated that the Bates Road location would be suitable if that is the closest heated building; she is opposed to cold storage.

Lawson reported the facility would likely be available within 2-3 days, with month to month rental to start with, unless longer than six months.

Discussion followed regarding a likely timetable for a tribal building and the fact that Chief Weber and the Tribe reportedly have an agreement that is 95% complete.

In response to a question from Hubbell, Popp stated he has not continued to pursue Plan B.

Lawson stated he is related to the owner of the Bates Road facility.

The Board briefly discussed that it would be a conflict of interest for Lawson to vote on the Bates Road storage facility issue.

Motion by Goss to move the second ambulance, as soon as the building is available, to Don Hayden's Bates Road heated facility at the proposed monthly rental of \$650 a month for a period of six months, with a lease to be drawn up within 30 days.

Popp recommended the current lease be sent to the owner of the building and let them approve or deny the lease, with necessary changes in terms. The lease could be acted upon at the 10/14/2014 meeting, with the ambulance potentially sitting outside for a couple days. Popp also stated that, later on in the agenda, he is recommending that we use the fire station the way it has been traditionally used, that is, both ambulances have always been in that building.

Discussion followed concerning fire vehicles housed in the station once the second ambulance was acquired and other movement of equipment, as well as staffing of both ambulances.

Goss restated the motion as follows: **Motion to move the second ambulance, as soon as the building is available, to Don Hayden's Bates Road heated facility at the proposed monthly rental of \$650 a month for a period of six months, with the understanding that utilities are included in the rent, and with a lease to be drawn up and signed within 30 days.**

Benak inquired if Goss could change the motion to say we are going to rent the building for emergency services equipment, instead of ambulance specific.

Vicky Emerson, 8785 Park Road, stated she is speaking as a nurse. Before the Board starts moving an ambulance out of the township, the Board should think about liabilities as far as delaying patient care. What is going to happen if there is a bad outcome and the ambulance is not even in the township?

Popp replied that, by statute, if we have a single ambulance that is already on station, meaning on call, it is acceptable to rely on mutual aid.

Emerson asked: How will you answer to your community if you have a bad outcome with a heart attack why the ambulance was not in Whitewater Township?

Popp stated this is the second ambulance, not the primary ambulance, and an ambulance we do not have staff for.

Brief discussion followed.

Emerson stated that later she would like to speak about another issue that there was not time allowed for public comment.

Goss withdrew her motion.

Motion by Popp to lease an auxiliary facility, including utilities and property maintenance, to include on-demand snow removal.

Discussion followed regarding how the storage facility would be snowplowed.

The motion was re-read as follows: **Motion to lease an auxiliary facility, including utilities and property maintenance.**

Popp added to the motion: For the purpose of storage of emergency equipment, terms of the lease to be negotiated consistent with existing lease of similar facility.

The motion was re-read as follows: **Motion to lease an auxiliary facility, including utilities and property maintenance, for the purpose of storage of emergency equipment, terms of the lease to be negotiated consistent with existing lease of similar facility.**

Popp thinks property maintenance still needs to have the snowplowing in there, but we should drop the on-demand.

The motion was re-read as follows: **Motion to lease an auxiliary facility, including utilities and property maintenance, including snowplowing, for the purpose of storage of emergency equipment, terms of the lease to be negotiated consistent with existing lease of similar facility.**

Motion seconded by Goss.

Popp stated because of the conflict of interest, Lawson should remove himself from the table.

(At 8:29 p.m., Lawson leaves the board table.)

There was no further discussion.

Roll call vote: Benak, no; Goss, yes; Hubbell, no; Lawson, abstain; Popp, yes. Motion fails.

(At 8:30 p.m., Lawson returns to the board table.)

New Business

Lawn Maintenance/Snow Removal Contract

Popp would like to hear Board comment. Does the Board like the idea of a multi-year contract? Does the Board like having the same person do the lawn maintenance and the snow maintenance?

Discussion followed concerning the same vendor winning both bids, lack of specifications for the cleanups, and work that needs to be done at the cemeteries.

Steve Donkers, 6754 Skegemog Point Road, commented that this township pays a contractor to do it. Other townships pay a person to do it. Why not use the park people that you pay \$10 an hour to mow the grass and do hedge trimmings and all that? You would have to buy a mower and a weed-whacker.

Popp commented that a previous board looked into that.

Discussion followed concerning liability, the maintenance person position in Acme Township, cost of maintenance of equipment, and creation of a job description for a maintenance person.

Consensus was reached to pursue the bid process for lawn maintenance and snow removal, as well as to add specifications to the cleanups and tree trimming. Popp stated he will put the bids out. A mandatory walk-through will be done.

The Board declined to see the revised specifications before they are sent out.

Realtor Matt Dakoske – 5825 Vinton Road for Sale – Asking Price \$28,500

Popp stated the adjoining property remains for sale. A previous board has looked at this parcel. They are asking for the assessed value.

Goss and Lawson stated they were not interested in purchase of the parcel.

Hubbell stated it would be a wonderful thing for the township, but the timing is not right. It should be tabled.

Brief discussion followed.

Rural Fire Chief Weber’s 09/04/2014 Email – Why All of a Sudden the “Be Aware Clause”

Popp stated this was previously in Correspondence, but it was not discussed.

Benak pointed out there is no lease, as stated in the email. Also, the building has been “traditionally used” for two ambulances.

Brief discussion followed regarding the capabilities of the brush rig, whether it requires heated storage, and the fact that something will have to be relocated out of the fire station.

Consensus was reached that Popp will send a letter to Chief Weber explaining the traditional use of the fire station, as well as questions about frost-proofing the brush rig.

New Rural Fire Pay Scale

Popp stated Rural Fire has adopted the proposed pay scale which is in the Board packet. There are two classifications, those who get paid and those who volunteer. As Popp understands it, members were asked to decide whether they wanted to be a volunteer status or a paid service. Popp added that as of October 1st, Whitewater Township will not be making payroll checks to any Rural Fire member. Popp was told this was rolled out to them recently.

Popp stated he voted no on the emergency acceptance of this policy because he was not provided with the math behind it.

Discussion followed.

Popp would like to leave this agenda item open to come back and review it.

Benak questioned whether we should be getting some kind of official letter from Rural Fire.

Goss stated it is her understanding that Captain Arbenowske will turn in payroll sheets only through September 30th to the Clerk's office.

Benak would like something from Rural Fire stating what the change of policy is, not just a list of what they are going to be paying.

Discussion followed.

Consensus was reached that Rural Fire will be asked to provide an official written notification of the policy change regarding payroll; also that when official notification is received, a copy will be included with each firefighter's final paycheck from Whitewater Township.

Possible Closed Session to Discuss Attorney Helen Mills' Legal Opinion re: Labor Law

Popp inquired whether this agenda item should be discussed in closed session or open meeting. He stated that potentially we may be, for the first time, releasing some information to people and forcing other townships to look into certain things, but Rural Fire has already done that.

Benak stated she is fine with open meeting.

Lawson thinks a lot of it should be made public, but we still need to protect our attorney-client privilege with the attorney.

Hubbell stated he is not sure he wants to put it out there yet.

Goss stated she does not see anything in it that is anything we are going to try to hide from anybody. It is an opinion on whether the pager duty personnel are employees or volunteers.

Popp agreed it be made public.

Popp noted there has been a lot of work by the entire Board, plus the Ambulance Coordinator, in how to get ambulance people to respond. Job descriptions were written and a couple plans were made using, in part, a model that Martin and Arbenowske proposed at budget time two years ago. This was used as a template, and then paid positions were put in for ambulance coverage during certain days of the week and hours of the day that are very hard to find people to be on call. The June (town hall) meeting was held, further refinements were made, and then we forwarded that information to attorneys who look at things from a labor point of view.

The response was that if we require someone who is on call to show up, they are no longer in control of their time. The township is in control of their time. Therefore, they are an employee, even if they are at home sleeping, cutting the grass, or playing cards. If they are working an on-call shift and receiving \$40 to listen for the pager and we require them to show up, they are employees. That means we have to pay at least minimum wage for the entire 12-hour shift, whether they are at home or at the station. We understand that we cannot rely on just volunteers anymore to answer the ambulance calls.

The attorney has advised that they are all minimum wage people. Those who have been paid on call in the past and not minimum wage can go back on the employer two years and recoup that money.

Lengthy discussion followed.

Popp provided 2013/2014 fiscal year ambulance revenue and expenditure figures, as well as costs of running the current fire station and future payroll figures for 24/7/365 staffing. Popp noted the 1.5 mills requested, if approved, will generate \$271,000 at the maximum levy. Approximately \$20,000 would still need to come from General Fund to fully fund the ambulance service.

General discussion followed.

Popp inquired if there were any questions about what we are going to do; we are going to pay our people; we are not going to make anybody volunteer; we are going to have two duty shifts.

Ambulance Coordinator Martin posed several questions to Popp, which were answered.

Ambulance Coordinator – Request for Supplies and Equipment (added)

Popp stated Martin has a couple items she wants to buy, recliners, etc. Her original 9/15 request is in flux. Popp is asking that the Board approve a dollar amount that they are comfortable with for her to spend on comfortable furniture for the fire station.

Martin stated she is requesting one recliner and two foldup beds.

Popp stated he is asking the Board to approve \$1500 to \$2000. There is money in Capital Expenditure, but those expenditures must be approved by the Board.

Wording of a proposed motion was discussed.

Motion by Hubbell to authorize the Ambulance Coordinator to buy office furniture to accommodate our duty crews out of the Ambulance Capital Expenditure line item, not to exceed \$2,000.

Popp noted that this authorization does not supersede the purchase order. The Ambulance Coordinator still must go through the Clerk for a purchase order.

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

Discussion of Fact Sheet for Ambulance Millage (added)

Goss stated that on August 12 the Board came to a consensus as to certain information to be provided to the public regarding the ambulance millage. Goss noted that ballots will be mailed out this week. Goss has provided an unfinished draft document for the Board's perusal.

Popp inquired if anyone else can come up with other ideas and bounce them back.

Goss will e-mail the document to all Board members.

Benak stated she should have some time tomorrow to work on it.

Discussion followed.

Tabled Items

None

Board Comments/Discussion

None

Announcements

The next Township Board meeting is on October 14th at 7:00 p.m. There may be a special meeting between now and then.

Public Comment

Kim Halstead, 7923 Cook Road, stated Rural Fire says they are 95% agreed with an intergovernmental agreement. What exactly are they going to pay out of that agreement? Are they going to pay for the fire station, and are they going to pay what it costs to run it? If they are, all we have to do is supply the ambulance service out of our old fire station, which will be empty. It's confusing what they are doing in their 95% agreement. The question would be:

What exactly are they agreeing to? He stated he thinks the Board better find out before some agreement gets made.

Popp pointed out that even if we as a Board objected to what Rural Fire agrees to, they still have the authority to do that.

Halstead asked: Then who is going to fund it? Rural? Somebody is going to have to pay, so if we are going to pay for the fire station, we should be the one in the agreement, not them.

Steve Donkers, 6754 Skegemog Point Road, stated he would like to know when the Board is going to approve the funds and buy the rest of the material to do Lossie Road. It has been over a year.

Discussion followed concerning conversations that have occurred regarding materials for marking Lossie Road.

Goss stated we need a list of how many, what kind, and where they are going to go.

Donkers stated he will count it up and provide it for the third time, in writing.

Benak inquired about Petobego.

Donkers stated we are waiting to buy materials.

Popp stated we are waiting for the sketch or the meeting minutes to include some sort of reference to the Management Plan. Disability Network forwarded a letter. Two items have not been discussed; one is the turning radius of the bus.

Donkers related his conversation with BATA.

Popp emphasized that he is just saying to make sure the fence is out far enough to make the parking lot the right size. It can come on a sketch, preferably, but also in the minutes. He stated he just wants to show that we have addressed what the original Management Plan asked us to address on any improvements. He noted Donkers did that by going to the Disability Network, who provided specifications.

Discussion followed concerning the gate opening.

Popp stated he just wants to make sure the Parks & Recreation Committee addresses the location of the trail, the size of the parking lot, and whether or not they are going to address handicap. Changes can be made to the original drawing. We can say we are not going to address the trail or the handicap line right now; we are not making any changes to what is already there.

Donkers stated they will do it at their next meeting in a couple weeks and he will get the other stuff to Popp in a couple days.

Adjournment

Motion by Hubbell, seconded by Lawson, to adjourn. Meeting adjourned at 10:32 p.m.

Respectfully submitted,

Cheryl A. Goss
Whitewater Township Clerk