

**Whitewater Township Board  
Minutes of Regular Meeting held October 28, 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: 10

**Set/Adjust Meeting Agenda**

Benak would like to add the Parks and Recreation Master Plan under Unfinished Business and would like it added to both the first and second meeting agendas.

After brief discussion, Popp stated it probably could be.

**Declaration of Conflict of Interest**

Hubbell declared a conflict of interest as to New Business Item #1 as one person offering storage is related to him.

**Public Comment**

None

**Correspondence****Elk-Skegemog Lakes Association September 2014 Newsletter**

No questions or discussion.

**Public Hearing**

None

**Reports/Presentations**

None

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

Popp noted there is still no Master Plan.

**Parks and Recreation Master Plan (added)**

See Board Comments/Discussion.

**New Business****Ambulance and Equipment Storage Options**

Popp noted that he spoke with Brandon Hubbell today. Brandon does not like the lease that Lucsy signed. He has not forwarded anything different, but he has given approval to use a

heated space in his barn measuring 15 x 50. He wants \$550 a month, which includes plowing, heat, and electricity.

Another option is a 15 x 45 heated area from John Lucsy for \$300 a month, plus heat, plus plowing.

Tony Dean has unheated space.

Popp stated we do not have anything to decide tonight until Brandon provides written paperwork. Popp asked if there is a way that the Board sees to put the equipment under cover temporarily without a written document in place.

Benak, Lawson, and Popp agree that the equipment needs to be under cover.

Popp noted that we do not know the heat or plowing cost at Lucsy's building.

Popp also noted that both Hubbell and Lucsy are concerned about the number of people having access to their buildings. Popp is recommending that just the ambulance coordinator have access to it, and that any time equipment is being moved or we intend to enter the building, an elected official also be there. This would protect the building owner and the township.

Discussion followed.

(At about 7:12 p.m., Trustee Hubbell leaves the board table.)

**Motion by Benak that we put an ambulance in Brandon Hubbell's barn for the next 30 days or until a written contract is established, at the rate of \$550 a month, which includes heat, electric, and plowing.**

Popp reminded Benak that there is other equipment to store and suggested the motion say "township equipment, including an ambulance."

Benak requested the motion be amended as suggested.

Motion re-read as follows: **Motion by Benak that we put township equipment, including an ambulance, in Brandon Hubbell's barn for the next 30 days or until a written contract is established, at the rate of \$550 a month, which includes heat, electric, and plowing.**

**Popp seconded the motion.**

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

(At about 7:15 p.m., Trustee Hubbell returned to the Board table.)

### **Review Helen Mills' Opinion on Pager Duty Job Description**

Popp stated this is an additional review of Helen Mills' first review. Originally, she felt she was asked to determine whether the ambulance on-call people were volunteers. Popp stated he believes this clears it up that the pager duty job description as written does allow us to compensate people \$40 for a 12-hour period of time and it does fit within both federal and state fair labor standards acts. Once they are activated by the pager and they report to the fire/ambulance station, they are paid an hourly rate.

Popp asked if anyone has any questions on what Mills has written or a different opinion.

Benak asked if pager duty is considered volunteers until they are activated, or the other way around.

It was discussed that the ambulance personnel are not volunteers; they are part-time employees.

Lawson inquired whether the requirement to be within 10 minutes of the station affects their status as far as being paid minimum wage.

Popp pointed to the following language in the Mills' opinion: "On-Call Time: An employee who is required to remain on call on the employer's premises is working while 'on call.' An employee who is required to remain on call at home, or who is allowed to leave a message where he/she can be reached, is not working (in most cases) . . . Additional constraints on the employee's freedom could require this time to be compensated."

Continuing, "Wage and hour laws and regulations consider whether an employee is required to remain (1) on premises or (2) so close to the premises (here, the Station) that the individual cannot use the time effectively for his or her own purposes while on-call. This is always determined under a case-by-case analysis. The Pager Duty position is different from other typical on-call scenarios where the employee is required to remain on premises, like the hospital employee who must stay at the hospital in an on-call room where the employee is able to sleep, eat, watch television, read a book, etc., but is not allowed to leave the hospital. Pager Duty personnel are not required to, but may, remain on premises. The other factor to consider is whether the Pager Duty personnel are able to use the on-call time effectively to engage in personal activities. Employers may permissibly require an employee to be accessible by telephone or paging device, or establish rules governing use of alcohol or participation in other activities while on-call, and still the employee may be able to use the on-call time to engage in personal activities, such as cutting the grass, going to the movies, going to a ball game, or engaging in other activities of his or her choosing."

Lawson noted the next paragraph talks about the 10 minutes.

Popp stated he thinks the job description we have designed is good and complies with both state and federal laws.

**Approval to Negotiate Consultant Contract with Rural Fire re: Water Point and Hydrant Maintenance**

Popp stated he has talked with Chief Weber about township water points and hydrant maintenance. Rural does not provide maintenance for the dry hydrants in the lake or the fire hydrants along Old M-72. Popp stated it is his understanding the Elk Lake water points are currently nonoperational. Chief Weber is recommending moving away from the water points and toward cisterns or hydrants.

Captain Arbenowske stated that when the Tribe put the hydrant system in, a lot of the water points were abandoned because the hydrant system is so much more efficient. He stated the Tribe is supposed to maintain and clear the hydrants, but out of common courtesy, the fire department has shoveled them out when the snow is really deep. Also, NFPA standards have changed. If they are not accessible all year-round 24/7, they suggest you abandon them.

Discussion followed.

Popp would like to engage Chief Weber as a consultant, for a fee, to provide information on where we should go with the township water supply, or perhaps the Tribe.

Arbenowske stated Chief Weber would probably be the best place to start.

Popp will get with Chief Weber and have a contract drawn up regarding what it would take for him to comment on removal/replacement of the water points.

Brief discussion followed regarding maintenance of the hydrants owned by the Tribe.

Popp stated he will check with Chuck Stewart to see where he wants to go with it.

**Ambulance Budget**

Popp stated the ambulance service would like the township to purchase radios. Approval was given a month ago for office furniture and beds. As we get closer to the vote, Popp wonders if we should go through with major expenditures or wait a few more days. Radios will cost in the neighborhood of \$6,000 to \$7,000.

Discussion followed.

General consensus was reached that the furniture should be ordered.

Further discussion took place concerning possible preapproval to purchase radios.

**Motion by Popp, seconded by Hubbell, to preapprove the purchase of 4 portable radios, at a cost not to exceed \$4,800, for the ambulance service, upon approval of the ambulance millage on 11/04/2014.**

Goss inquired what vendor would be used.

Popp stated there are three proposals, Otec in Elk Rapids, Grand Traverse Mobile in Traverse City, and Tele-Rad.

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

**Review and Approve Tobin & Co. Audit for FY Ending 03/31/2014 and 09/23/2014 Letter to Tobin**

Goss noted that everyone was provided with a copy of the audit. The letter in the Board packet is one that is supposed to be signed by the Supervisor, Clerk, and Treasurer, and they would need authority from the Board to do that.

Popp stated his interpretation of the 3-page letter is that it is an affirmation of the Board members that we knowingly have not broken any laws or know of any active fraud.

Goss stated no deadline was given for returning the letter. If the Board is not ready to address it, it can be put on the next agenda.

**Motion by Popp, seconded by Lawson, to authorize the Supervisor, Clerk, and Treasurer to sign and date the 09/23/2014 letter of affirmation to Tobin.** There was no further discussion. **Roll call vote: Hubbell, yes; Lawson, yes; Goss, yes; Benak, yes; Popp, yes. Motion carried.**

**Vehicle Policy Discussion**

Popp stated the 08/23/2011 minutes indicate a vehicle policy was discussed and approved, but the policy has not been found.

Benak stated there were a couple different policies on vehicles, one having to do with the use of the Expedition. Benak believes Leslie drafted the document and sent it to Carol. It was in one of the board packets.

Goss stated she has not found old board packets on the Clerk PC.

Benak stated she will look for the board packet and, if found, will provide it to the Clerk, and also will notify her if she does not find it.

Popp recommended this item be tabled to see if the document can be found.

**Tabled Items**

None

**Board Comments/Discussion**

Popp noted budget time is fast approaching and there are things we need to think about, i.e., overgrown cemeteries, what to do with parks and rec funding, term expiration of the entire Parks & Recreation Advisory Committee in December and their budget, Zoning Administrator resignation, amount of work in the zoning ordinance, Planning Commission desire for outside contract service help with the zoning ordinance, and roads.

Lengthy discussion followed.

On the subject of Baggs Road, Popp attended the Road Commission meeting last Thursday night. He stated they agreed in concept to spend \$5,000 on Baggs Road. We have to leave the negotiated maintenance contract from 1992 and enter into a construction agreement with Kaskaska. Once the road construction is done, then we leave the construction contract and move back into the repair contract. Popp stated that is what the intergovernmental agreement calls for when a road ceases to be repairable and is being replaced. If the attorney was able to draft a construction agreement for \$20,000, then they will give \$5,000.

Popp asked for thoughts on where to put money in the budget. What is highest on the priority list?

Lawson stated roads.

Goss stated she has been critical of prior Whitewater Township boards for growing the fund balance too much. Goss stated we should not do that; we should return that money to the taxpayers in a beneficial way.

Further discussion followed.

Benak noted that approval of the Parks and Recreation Master Plan would allow matching funds to be applied for.

Consensus was reached that the Parks and Recreation Master Plan should be put on the December agenda. Popp asked that comments come back to him or Benak.

### **Announcements**

Next Township Board meeting date is November 11th.

### **Public Comment**

**Kim Halstead**, 7923 Cook Road, asked what the AT&T flags are for alongside the roads, especially Skegemog Point Road.

Popp stated he will find out.

**Dan Belanger**, Whitewater Township Park employee, stated he wanted to share a letter of thanks with the Board regarding Cheryl Goss. He provided a copy to the Board and read it out loud. (See attachment to minutes)

**Tim Shaffer**, 5309 Moore Road, asked why Martin is not getting a PO for stuff already approved by the Board. Also, when the state and county took over roads from the township, their contract read to maintain at present condition or improve. That does not sound like what we have gotten from these road commissions and from the state. If townships wanted to improve roads, then they were responsible for a portion of it.

Goss stated the only PO that has not been issued is the one for the foldup beds and Popp said to wait till after the election.

Popp stated it was approved a month ago. We do not know why the purchase was not made. Now that we are seven days away from the election, it seems reasonable to ask again whether the purchase should be made.

Benak stated she and Hubbell said make the purchase (for the beds and chairs); hold off on the radios.

**Adjournment**

Motion by Hubbell, seconded by Lawson, to adjourn. Meeting adjourned at 8:42 p.m.

Respectfully submitted,

Cheryl A. Goss  
Whitewater Township Clerk