

**Whitewater Township Board
Minutes of Regular Meeting held February 24, 2015**

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, Goss, Hubbell, Lawson, Popp

Board members absent: None

Others present: Tim Shaffer

Set/Adjust Meeting Agenda

Popp stated he would like the Board's input on the upcoming ZBA meeting on Thursday night and the water problem.

Benak inquired if she should be participating in discussions, other than venue locations, since she is on the ZBA.

Popp stated the meeting location is the only topic, but noted Benak is welcome to recuse herself.

New Business #5 was added, ZBA hearing/water problem

There were no other adjustments to the agenda.

Declaration of Conflict of Interest

None

Public Comment

None

Correspondence**Letter 01/30/2015 Department of Treasury re: 2014 AMAR Review**

Popp stated the letter from Department of Treasury was good news.

Public Hearing (none)**Reports/Presentations** (none)**Unfinished Business****Master Plan Review – Approval for Distribution – Version 02/07/2015**

Popp inquired if there were any final words of wisdom.

Goss stated that she compared her previous comments with the newest version. All corrections were made.

Brief discussion followed regarding the location of “the new stores” shown in figure 28 on page 21 of the Draft Master Plan.

Benak stated she provided her thoughts when they first turned it over. She stated she has the same comments as then: It is low on vision, full of pretty pictures, and she disagrees with the location of the manufactured home park.

Motion by Hubbell, seconded by Lawson, to approve the 02/07/2015 version of the Draft Master Plan for distribution. Lawson inquired if the Township Board has to supply a document to the Planning Commission. Popp stated that will be covered under New Business #1. **Roll call vote: Benak, yes; Goss, yes; Hubbell, yes; Lawson, yes; Popp, yes. Motion carried.**

Review PRAC Master Plan (Recreation Plan)

Popp inquired if it is a master plan or a recreation plan.

Goss noted the former plan was named the 2003 – 2008 Recreation Plan. Also, the DNR guidelines and checklist refer to it as a recreation plan.

Popp stated he will submit his comments to PRAC. They already have Goss’s comments.

Lawson will put his in writing.

Hubbell has no comments.

Benak stated the PRAC already has her comments. If the Board would like to make it prettier, they could add a little more money like the Planning Commission got. Otherwise, it is homegrown.

Review Ordinance 22 Pension Plan

Popp noted this agenda item was brought back because of absences. As the plan is currently written, people working 35 hours per week or more are eligible for benefits. During a review of Ordinance 22, it was noted that the statute upon which it was adopted, PA 27 of 1960, was repealed nine years before the adoption of the plan. Popp would like to send it to Legal for an opinion on what that means and how to move forward.

Benak asked what we are asking for a legal opinion on.

Lawson stated it has been repealed, so there is no authority there. We want to find out if we are in the wrong by continuing without authority or is there something else that took its place.

Popp noted that further on we are going to find out how to maybe limit it to just elected officials like it was originally. The ambulance budget did not include benefits of this nature.

Benak noted that Popp made a good point previously that sometimes you need those benefits to attract quality personnel.

Further discussion followed.

Benak stated she would like a legal opinion on whether Act 27 of 1960 was valid at the time Ordinance 22 was created, and if it is not now, what public act should we be using if we choose to keep this ordinance in place. Also, if Act 27 of 1960 was not accurate, where does that leave the township. There was a question from Popp or Goss of what you do if it was not legal to begin with. An attorney did write it up; where is the liability there?

New Business

Review Michigan Planning Enabling Act, PA 33 of 2008

Because there is so much work in the Zoning Ordinance in front of us, and because the Planning Commission is now working on something other than the master plan, Popp stated he thought it wise for the Board to be a little more familiar with these two acts so each of us can identify that we are following the right processes. He noted there is a 15-day notice for the public hearing of the master plan. Each transportation authority in our district must be contacted. Popp stated the secretary of the Planning Commission is supposed to do all of these things. Popp wondered if the township clerk could help with following the noticing section.

Lawson stated that the Planning Commission has to approve it next and then the officers of the PC have to sign it and get an official copy to the Board. Then it goes out for 63-day review by other entities.

Goss stated she would like the PC to get the list of names and addresses together. Goss will help with a signature page and/or cover letter.

Popp suggested the PC schedule a work session to cover just that.

Review Michigan Zoning Enabling Act, PA 110 of 2006

Popp noted it is the same thing with the zoning enabling act. It is important for the Township Board to understand where we are at and what our responsibilities are. Popp would like the Board to become more familiar with these acts.

Brief discussion followed.

Review and Discuss 02/06/2015 Meeting Notes (NorthFlight/Acme Township/Northwest Regional Medical Control), Future of Whitewater Township Ambulance Service

Popp stated the meeting was called by NorthFlight. It was held here at the township hall. Present was Daryl Case (NRMCA), Roye Meis (NorthFlight Ground Transportation Director), and Jay Zollinger (Acme Township Supervisor). Dr. Rob Smith was supposed to attend but was absent.

Popp stated they pointed out some data. In 2014, Whitewater Township missed 51 transports because our ambulance was not available. This does not count any ALS transports that they

would have taken anyway. Roye and Daryl grew up in the EMS industry. NorthFlight generally arrives before Whitewater Township Ambulance Service is on scene. If possible, waits for WTAS before loading and transporting patient. Average work week at NorthFlight is 56 hours.

Popp stated there were some demands placed on the township:

- As of 02/06/2015, Whitewater Township Ambulance Service must notify NorthFlight of non-transport status. Non-transport status is defined as any reason we cannot transport an emergency call. Popp stated that means we have two responders available 24/7.
- Known openings in our schedule must be transmitted to Roye Meis and Daryl Case two weeks in advance.
- Emergency open shifts must be called in to NorthFlight (phone number given) and reported as soon as realized.

Further data reported at the meeting:

- Average out-the-door response time for NorthFlight is 7.2 minutes.
- Whitewater Township lacks a town center, meaning its populace is spread out over the township. The largest gathering of people is the Cook Road subdivision. This makes it hard for agencies to respond in a timely fashion. It also makes it difficult to find volunteers/local workers. Popp noted that this was identified by Daryl Case.
- Ambulance schedule should be no less than 90 days out; strive for one year.
- Grand Traverse Band is applying for agency status in Peshawbestown; could possibly include service to Turtle Creek Casino.

Popp stated here is our homework:

- Whitewater Township Board to decide within 30 days to stay in the ambulance business or get out.
- If we stay in, cover shifts 24/7/365 as required by state statute.
- If we get out, provide copy of contract either with Acme Township or outsourcing agency detailing ambulance service coverage.
- Provide recruitment ideas for new personnel.

Popp noted that the next meeting has already been scheduled.

Popp stated that Acme Township has offered to share their ambulance service, which is 16 hours a day. Our part of the share would be to cover half the salary of their Metro Fire Department driver.

Popp explained that Acme currently has one medical technician supplied by NorthFlight and an ambulance. Acme Township provides the garage and the driver for the ambulance. The driver is a Metro Fire employee. According to Zollinger, they pay that employee \$90,000 a year. This likely includes wage, benefits, etc. Whitewater Township's half would be \$45,000.

Benak inquired who created the list under J (in the meeting notes).

Popp replied that Daryl came up with the list.

Goss inquired what service Whitewater Township would receive in exchange.

Popp stated all of the billing would go to NorthFlight. They cannot offer 24-hour service. Service would come from Hastings Street for 8 hours a day.

Popp noted that more than a year ago the cost to get NorthFlight in Whitewater was \$350,000, no deals, no splitting with Acme. This was beyond what we had available to spend.

Popp stated, in his opinion, what has changed is that Elk Rapids now has MMR.

Discussion followed concerning how other ambulance services cover large areas, covering shifts into the future, significant overtime costs, employees not signing up for shifts, number of core people needed, as well as the ramifications of outsourcing.

Hubbell stated we should bring MMR in and have them give us an estimate of what they can do it for, and said this should be done at the board level. He stated he is being told that we can do it a lot cheaper than what we are doing, through MMR. We should have three options to look at, our own, the option presented this evening, and outsourcing. It's no secret that every township is going through this. In order to make the right decision for the community, we need to have all the apples on the table.

Benak inquired what authority they have to give us this ultimatum; has there been another letter sent to the state where our license is in jeopardy of being revoked.

Popp replied that some other supervisors with ambulance service in their township have said let NorthFlight or NRMCA slap you on the hands all they want. If they make you stop responding, this will shift the load to their already overworked service. Popp stated he thinks the decision they want from us in 30 days is fill the shifts.

Goss stated NorthFlight and MMR should both make presentations to the Board. Popp is good at getting information, but the Board may have other questions.

Popp stated, to be clear, the NorthFlight version has nothing to do with NorthFlight. We are sharing Acme's ambulance. We would not have a contract with NorthFlight. We would have a contract with Acme Township.

Further comments were made regarding Acme using their ambulance more, taking on another 200 calls a year, the new variable in Elk Rapids, the Torch Lake Township Supervisor's representation that they respond regularly into MMR's territory in Milton Township and pay NorthFlight \$250 for every priority 1 intercept that MMR is not responding to, and it has to do with which ambulance is closer. However, there are other factors and it may not be fair to MMR to say that they are not responding to a second call.

Benak stated for the meeting in March we should tell them we are staying in business and we have our shifts covered, but she does not have a problem with investigating outsourcing.

Lawson inquired when this all started.

Popp stated he asked that very question and Roye Meis told him this problem started the day Randy Stites left. Popp stated his first citizen complaint was in December 2012.

Hubbell said he thinks we should move forward and gather information. Whether we act on any of the information we gather or build on what we already are building on right now, it is still good business to gather information and see what the pros and cons are. He stated he would like to do it at the board level if we bring somebody in.

Discussion turned to whether NorthFlight or Acme Township should be asked to present information. Popp stated it was made clear to him that the contract would be with Acme Township. Goss stated it seems like any contract would be a three-way contract with NorthFlight, Acme, and Whitewater.

Further discussion followed.

Ambulance Coordinator Dawn Martin commented that since they have been fully staffed they have been getting out of the gates between 45 seconds to 1 minute. The most has been 2 minutes. Also, with the overtime being paid, the goal is set to not go any longer than 2 months, hopefully by May 1st. They don't want to work all the overtime, but they are doing it for the community because they are passionate about it.

In response to Popp's comment concerning uncertainty about the service, Martin said we are unstable right now. She stated she can probably bring maybe two or three more people on, but until they know what direction we are going, we need to be stable, to know that we are not going to be outsourced. Employees are wondering if they are going to lose their job here.

Popp stated that, after he processes all the information, he is going to ask the Board to make a commitment. If it is the Board's decision to stay with our own service, he is going to ask for a contract so these people know that they have employment.

Benak stated that when she voted on the millage, she voted on it fully expecting we were staffing our own ambulance service, not outsourcing. We are not even through the first 90 days; why would we change directions until we know if this is going to work for sure or not?

Various other comments were made with respect to the urging of others to go with outsourcing, the additional responsibilities placed on township staff, duty to the taxpayers, Benak's experiences with ambulance services, the difficulty of filling the positions, and the duty to look at all options.

Martin noted that the crew has passion, love, and commitment to what they do in this community, and some of them are not from this community, but they are giving up in other areas to come here to serve for us because that is what they want to do. It was a long and very trying day today out in the cold, but they went out and helped somebody today.

Hubbell stated the bottom line is we have to make sure we can get the people to do it and we have to make sure we can afford it.

Martin stated she validates all of that and it has been very frustrating on her end when they have not been able to make these calls. The last one they did not respond to was on February 1st. Martin said she went ahead and overstepped Popp and said okay guys let's do this; we can't miss any more calls; I'll take the kick in the butt for it, whatever that cost is going to be. She stated she did not want to miss any more calls.

Popp stated his meeting with MMR on Thursday is a preliminary meeting to introduce ourselves and put him on notice that maybe the Board is interested. If the Board wants Popp to have them put a package together and bring them in at a subsequent meeting, that is what they will discuss there.

Hubbell encouraged Popp to do that.

Regarding Hubbell's recommendation of a contract, and in order to try and attract three or more core people, Popp inquired if there is a motion out there that says for the next six or eight months we are not going to be making any changes and we are going to stay the course with Whitewater Township Ambulance Service.

Goss inquired why it would take six or eight months to get the information.

Hubbell stated his fear is there will still be uncertainty with any time period; it is a matter of trusting us.

Goss stated if you want to be fair to the people that are here, you get the information in the most expeditious manner possible and make a decision and don't leave people hanging for six or eight months. The longer you drag it out, the more painful it is for everybody. It will not take MMR six months to put a proposal together. With NorthFlight, a lot more details are needed. It is a fact-gathering process that should not be drug out for a long period of time.

Popp will request that MMR put a proposal together and inquired how many outsource numbers the Board wants and whether they want to see the contracts in advance.

Goss replied yes to seeing contracts in advance and would like them to come out to answer the Board's questions.

Very brief discussion ensued regarding possible changes in Acme due to increased activity there, the likelihood that NorthFlight does not want MMR in Whitewater Township, and getting the best service for the cost.

Clerk's 01/15/2015 Memo re: Parks & Recreation Advisory Committee

Popp stated that on 02/04/2014 Benak referenced a couple documents supposedly transferring authority from the Township Board to the Parks & Recreation Advisory Committee and there was also a packet or a zoning administrator's report.

Benak stated everything she could find that had anything to do with the beaver dams, with the plug, with Battle Creek, with the Parks & Recreation Advisory Committee and who said what at what meeting, including Larry Lake's memos, is in that packet (referring to documents she handed to Popp), including pictures of what is being talked about with the new camp area or fire pit area, the new beach area that is being made and utilized, about the dams that are not really beaver dams; they are manmade dams, Larry's information from the DNR officer. Benak stated she is not willing to rehash this crap again. If you guys want to play gotcha, do it, but she is not participating. If you want to take authority away from the PRAC for something, go ahead and do it. But it is not because someone is trying to pull a fast one or take control of something they have not been told to do. They have been told to do it by a previous board. Just because this Board was not there to witness it does not mean it didn't happen.

Goss inquired whether it was done via a motion.

Benak stated she does not care what the conversation is that is about to come out of Goss because she is not participating in it. Goss has some motions; why don't we save time and just vote on it. She stated to Popp that he is seeing a little hostility; she is just tired of it. Let it go; move on.

Popp stated we will get to the bottom of it, whatever it is. If authority has been transferred and then it is the decision of the Board to remove it, then so be it. If it has not been transferred, then how do you remove something that has not been transferred.

Benak stated you have told the PRAC not to look at it, and they haven't. The only thing this is about is Benak objected to Tom Cosgrove. The PRAC had concerns over Tom Cosgrove's appointment. Benak stated she has approved PRAC meeting minutes that show the meeting where Tom Cosgrove came and stated he will protect his property any means necessary, so it is a legitimate concern. It is not something people need to be going after somebody for because how dare they object to your recommendations. Benak stated head it off, stop it, I'm done with this. When it comes down to something actually happening down there, if it ever does happen because of these meeting minutes which states that it could happen, he is fully prepared to protect his property if this township ever removes that plug or those beaver dams, because it is affecting his property value. He rents that property out in the summer, or he did, and he advertises that little private island and he mows in there. Perception is there that there is a conflict of interest with Mr. Cosgrove. Benak stated maybe it will never come up, but it would be remiss of her not to point it out if she feels it is a possibility. She is looking out for the whole of the township, not just Mr. Cosgrove.

Goss noted that Benak said he mowed some area and built a campfire on public land. Anybody can use it.

Benak stated she is not having a conversation with Goss because that is totally different than what Goss was talking about; it is not in her list of what she wants to do. She brought it up to point out that Cosgrove does have a conflict of interest. He has an interest in keeping that area to himself. Benak stated that is just her opinion; she has a right to it; she has a right to say she

thinks it would be not in the best interests of this township to appoint somebody that has a conflict of interest to the PRAC. She stated she has a right to say that without expecting to be turned around and attacked by Goss by a 4-page memo.

Goss asked if we can agree that anything to do with the plug should not properly be in front of the PRAC.

Hubbell asked why they can't do the work and present it to us. They already did some of it, trying to find out if it is legally there, was it manmade. What is wrong with them finding that out?

Goss stated it was there before Cosgrove bought the property, so he didn't put it there. Goss stated: What problem is it causing; what problem are they addressing?

Benak stated if it is closing off the stream so you are not keeping your trout stream open, there is a problem. We haven't let the science play it out.

Popp stated he is going to stop Benak because the management plan definitely lists that the stream that is there today is adequate for trout. Read the management plan. Popp stated that is his only problem with this entire thing, is that the management plan speaks in direct defiance.

Benak stated it also says there is a possibility that it could block it because it is already narrowed so much. You are supposed to monitor it; you are supposed to check that every year. Who is doing that? Not a soul on this Board.

Goss noted that the management plan does not say anything about checking the plug. The management plan talks about checking the pond and the dam on the pond where the creek dumps into Elk Lake now. That is what is supposed to be checked to make sure that channel is deep enough for fish passage, which has nothing to do with the plug. It is 600 feet away.

Benak asked Goss what is her point; she wants to take one thing away from PRAC. You don't want any research done on it; you want it left alone. Why is that?

Goss stated because there is not a problem. What is the problem? The Battle Creek Management Plan does not talk about the plug.

Benak stated if a DNR specialist came through there and said this is a designated trout stream and it has now become blocked, because that happens over time, then you would say that there is a problem, or no, because it's not in the Battle Creek Natural Area plan.

Goss stated that the Land Conservancy and DNR were out there and they did not address it as a goal anywhere in the management plan to do anything about the plug, and they refer to it a number of times as the "former silted-in mouth of the creek." Goss noted the reason she brought the memo is because Benak said that it could be the subject of a lawsuit. If there is something that could be the subject of a lawsuit, they better be down here dealing with the Board, not with

an advisory committee who has no authority to speak on behalf of the township. The supervisor speaks on behalf of the township.

Popp stated he was a little concerned about Benak's comment on the lawsuit because he does feel that anything at that level should be in front of the Board.

Benak asked at what stage. Do you want them to give you the information, or do you want to find the information yourself?

Popp stated that is a valid question. Popp stated he felt back in February that it was out of control. He stated he will not rehash that, but he felt there was no communication between the two bodies.

Benak stated they haven't discussed this since that time.

Popp stated he understands that and he looks forward to having a different level of communication with the new board. With respect to the documents, Popp noted that Benak made mention of the zoning administrator putting together a slideshow or PowerPoint and asked if a copy could be provided.

Benak stated she does not have that; it would have been on the zoning administrator's computer. It was a PowerPoint. Leslie may have done it on her own laptop. She never had a township laptop. Benak stated she could ask her (Leslie) if she actually has that and would e-mail a copy of it. Benak stated her assertion is that the PRAC went on what they thought they were told to do by a previous board.

Popp said he understands that, but we now understand that there was apparently never an official motion made. If it was covered in a memo, that's why he valued Benak's information, what she was referring to, and we get to the bottom of it and move on.

Popp stated that as far as the maintenance plan down there and with all of the parks, we are so sadly behind on them, and he hopes the new board can find forward momentum.

Benak stated they have been working on the parks and recreation plan for a long time.

Popp noted that as far as water levels down there, he thinks it is the dam that causes the water level. That is his honest thought.

Benak stated whether this Board actually does anything to investigate and let the science talk for it or not, she thinks it would be beneficial to the township to have it done by the science.

Popp noted that he does make it a point to go down there every year, also for the water skiing amenity that he gets calls on. He invited Benak to go down there.

Hubbell commented that he would hope that what he sees has happened here that we can move on and treat each other good and be a good effective board, because he does not like to be part of

a board that is bickering. At the end, we are all here for one reason, because we believe in what we do, and we should not have the feeling like I am trying to get you or you are trying to get her.

Goss stated she is not trying to get anybody. She brought the memo because she wants the PRAC to move on to something constructive.

ZBA Hearing of 02/26/2015 – Water Problem (added)

Popp noted there is a ZBA case Thursday night for Horse Shows by the Bay. It is not right for the ZBA members to not have a bathroom. It will be a lengthy program. He has cleared it with Legal that we put a time limit on each presentation. Horse Shows by the Bay, Habedank, and Ferguson each have 15 minutes. Public comment is limited to three minutes each. We do not have water (at the township hall). Should we hold this, or shouldn't we? Fahey gave three options. Option 1 is to convene here and then move to another place. Option 2 is to cancel. Option 3 is we can convene here and within 36 hours reconvene at a different location. Popp stated he has called Mill Creek School but has not heard back from Cheryl Wall today. They usually need about 36 hours' notice to get set up. Popp inquired of the Board what they think.

The Board discussed the situation at length.

Consensus was reached that if Popp cannot make final arrangements tomorrow by the close of school business, the meeting will be cancelled.

Tabled Items

None

Board Comments/Discussion

None

Announcements

Upcoming Township Board meetings are March 2 at 5:00 p.m., March 3 at 6:00 p.m., and March 10 at 7:00 p.m.

Public Comment

Tim Shaffer, 5309 Moore Road, stated the ambulance service since the millage is like starting a new business. It is not going to start making a profit until you get at least three to six months into it. The other concern is the history of the ambulance service. Our service was started because of the ambulance responding from Traverse City. That was the reason an ambulance service and personnel got out here.

Since he is not in the fire or ambulance service anymore, he stated he cannot talk for them, but it does seem like there should be a little more cooperation, a little more working relationship for personnel hiring because there are at least six people who are EMTs on the fire department. Why aren't they working with the ambulance service?

Regarding the J4 issue, turn it over to the DNR and have them give a report. Make the DNR do their job and give you a definite answer. This issue has been going on since Snowday changed it

back in the early 80's. It needs to be turned over to the DNR and the Board take however they rule on it and leave it at that.

Regarding the water issue, he stated if he remembers the law of public building and public use, without water you can't have a meeting for the public here.

Popp noted Union Township has a bath with a path.

Adjournment

Motion by Hubbell, seconded by Lawson, to adjourn. Meeting adjourned at 9:34 p.m.

Respectfully submitted,

Cheryl A. Goss
Whitewater Township Clerk