

**Whitewater Township Board
Minutes of Regular Meeting held August 25, 2015**

Call to Order

Supervisor Popp called the meeting to order at 7:02 p.m. at the Whitewater Township Hall, 5777 Vinton Road, Williamsburg, Michigan.

Roll Call of Board Members

Board members present: Goss, Hubbell, Lawson, Popp

Board members absent: Benak

Others present: Risk Manager Paul Olson and 6 others

Set/Adjust Meeting Agenda

No adjustments.

Declaration of Conflict of Interest

None

Public Comment

Popp requested that a letter from Brad Link be read into the record, at Link's request.

Goss read the letter. (See attachment to minutes.)

Correspondence

None

Public Hearing

None

Reports/Presentations

None

Unfinished Business**Review Ordinance 22 Pension Plan**

This item is awaiting scheduling.

Review Whitewater Township Planning & Zoning Fees

This item is awaiting additional information.

New Business**Paul Olson – Municipal Underwriters of Michigan**

Olson stated that the township has been insured by the Michigan Township Participating Plan for 31 years and he has been around for almost 30. He presented each board member with a copy of the Summary of Coverages document showing all vehicles, all properties, and the limits of

liability that they insure. He stated August 2, 2015, will go down in history as the largest amount of claims ever submitted in one day.

Olson briefly explained the coverage for trees. Coverage is available for trees which land on township-owned tangible property. For trees and falling limbs that land on headstones, they go up to \$5,000 per occurrence. With all of these coverages, if a tree is on a building and there is a claim due to the tree being on the building, they will remove the tree and repair the property. Tree removal would be part of that claim.

There is also an endorsement which pays up to \$1,500 for removal of windblown trees (which did not fall on property).

Next year, they will have up to \$10,000 for trees which fall within cemetery boundaries but do not hit headstones. This will take effect January 1.

Goss noted there are lots of trees down at the campground but none that came down on fencing or buildings.

Popp stated there is a tree limb that came down and took a headstone out at Cedar Rapids Cemetery.

Olson reiterated the coverage limit of \$5,000 for that occurrence. In most cases, headstones can be repaired.

Goss noted the Workers Comp auditor was here a couple weeks ago. It resulted in an additional \$92 charge.

Olson stated there is still plenty of time to submit a claim (for storm damage).

GIS Expenditure

Popp stated we are being asked to participate with the Grand Traverse County GIS Department to update the orthographic maps in the county. Various offices here in the township use these on a regular basis. Popp provided a spreadsheet showing how the cost was amortized. It is \$1,400 to have access to the updated maps, which the assessor and Popp feel is a good expenditure. It will include the overlays that the Planning Commission uses. Orthographic pictures are satellite images of trees, water, rooflines, etc. They intend to do this every five years. If we choose not to participate, then we will be billed on each individual use.

Motion by Goss, seconded by Lawson, to spend up to \$1,400 on updated orthographic maps. Brief discussion followed. **Roll call vote: Benak, absent; Goss, yes; Hubbell, yes; Lawson, yes; Popp, yes. Motion carried.**

Storm-Related Discussion

Popp stated that when we were declared a disaster area by the Governor, control of most situations transferred from township hands to state hands. We were told we would have access to prisoners and state tree contractors. They are only taking care of life/safety items. They will

knock trees down but not dispose of them. At Petobego, there is tree debris on private property. One hundred plus trees have been cut down at Whitewater Township Park but need to be cleaned up. At Battle Creek and Lossie Trail, they felt the job was too big for the crew they had, which consisted of an Asplundh crew, seven members from a Department of Corrections unit, an 80,000 pound excavator with a claw, and a DNR chipper. They recommended having a logger come in.

The debris site in Whitewater Township closed tonight at 7:00 p.m. The chipper has been there 10 days. By conservative estimate, over 20,000 cubic yards came into the facility. Many residents are not fully cleaned up, but the resource must be shared. Elmer's will clean up the site to the wishes of the landowner.

Discussion followed, including the possibility of another debris site being made available in the township. The difficulties with manning the site and disposing of the debris were discussed.

Vaughn Harshfield asked if township residents can go to the debris site and get firewood.

Popp stated the DNR policy to issue permits for a fee to get dead and down wood was never adopted. Currently, the wood belongs to the landowner.

Discussion followed.

Popp encouraged Harshfield to call Ashmore.

Tim Shaffer asked where are people going to take storm debris, should they burn it on their own property, what the township is going to do to help or is it all on private landowners.

Popp noted that is a valid question. What is the policy we would like to adopt; should we seek out another landowner?

Issues of holding the property owner harmless from liability, staffing of a site, hours of operation, who would be responsible to clean it up, and volunteer labor from the Boy Scouts or other school classes/clubs were discussed.

Popp stated he will look into it. If anyone has ideas, forward them to him.

Mobile Medical Response – Proposed Contracts

Popp noted this is for preliminary discussion only; Benak is absent.

Goss stated the supporting municipality language is still in the ambulance service agreement. Where it says "in the area surrounding the township of Whitewater," it should say "within Whitewater Township." Exhibit D has no relationship to our situation. It needs revision.

Popp stated his comments have to do with principal municipality, supporting municipalities, use of township as opposed to region. Regarding response times, there should be no resetting if

priorities change. Severe weather or disaster could affect response time. Popp stated his original responses remain unaddressed.

Hubbell stated he is in agreement with the rest of the board. It may have to be revised more than once.

It was agreed that these comments should be forwarded to the attorney, as well as Goss's copy with her notations.

Kim Mangus re: July 1, 2015 Planning Commission Meeting

Popp noted Kim Mangus placed a phone call to Goss after the July 1 Planning Commission meeting with some concerns. Goss prepared a memo detailing the concerns. In response, Popp sent Mangus a letter in an attempt to address her concerns. Mangus sent a letter back.

Popp invited Mangus to come forward.

Goss noted that she put the memo together on July 2, when she got the phone calls from Mangus and Kim Halstead. On June 22, Mangus called Goss, stating it was a formal call regarding PC concerns. Mangus stated she also called Benak and Popp. It was regarding the Environmentally Sensitive Ordinance and the development of a multi-tier application process. Mangus felt this would be illegal, would do an end run around the public hearing process, and that Popp said we cannot just get rid of Article 27; also, it would apply to cutting of any trees. Mangus also made a statement, something to the effect that if she gets in the way of the PC developing an application, will put moratorium on.

Goss stated the next thing that happened was the two phone calls on July 1 (sic), and then the letter from Mangus to the board was dropped off on August 10. Goss noted that correspondence to the board goes into a file for the next board meeting. The letter dropped off on August 10 was received too late for the August 11 board packet. Hence, it was scanned and put in the folder for the August 25 meeting as an item of correspondence. Popp then moved it to an agenda item. The letter was not sent to Link by Goss because it was not addressed to him; it was addressed to the board.

In addressing Mangus's letter, Popp stated he did refuse to speak to Mangus that night. Popp stated he missed this part of the meeting. He came back in and only witnessed part; it was unflattering. Popp stated he does not believe we should respond until we get the whole story. Popp stated he was upset; he could not believe what he saw, but he did not see the action.

Mangus stated she was not made aware that this was going to be discussed at this meeting this evening either. She noticed her name on the agenda packet. At the meeting in question, there was an occurrence when Popp was out of the building. Mangus believes things were over the line; it went from civil debate to a situation where she honestly felt physically threatened. Mangus stated she has not asked for Link to be removed from the PC or removed as the chair. She did not ask Goss to send a memo to board members. Mangus felt the incident was enough that the board should be aware of, but it can simply be handled by her changing seats.

Mangus stated she did make an attempt to speak with Popp after the meeting, had no intention of making anything public, but wanted to privately make Popp aware of it.

Discussion followed regarding a public versus private meeting, whether Popp spoke with Mangus by phone to get all the information, and Popp's statement that he interviewed every PC member.

Mangus stated she has no agenda, but when the discussion or debate at the July 1 meeting went beyond verbal, it was inappropriate.

Hubbell asked what Link did that went beyond verbal. Hubbell said he heard Link took control of the meeting, slammed the gavel down and said that's enough.

Mangus stated he slapped his leg a couple times and said if you don't stop this, I'm going to break this gavel, and then tapped it on the board. But when he held up the gavel, that was not the impression he was giving. Mangus stated her personal perception was that she was sitting far too close. Mangus stated she does not have a problem with Link, and noted that at the time this occurred, she was not arguing with him.

Discussion turned to Article 27. Popp stated it is overreaching, to say the least, but it does outline a very desirable permit process, specifically, an application. Popp explained issues with the current application. The goal was to get an application process that would standardize all site plans. It was not the article they were after; it was the application only. Regarding moratorium, Popp stated right now, as it stands, there is no shoreline protection for Elk Lake or Skegemog Lake.

Mangus stated Popp made a request that she not interfere with that process. Mangus said that is exactly what she did. Mangus stated that she said (at the meeting) this is not something I can support, but she was not the predominant person speaking at the meeting. Mangus said she did exactly what Popp asked.

Popp stated, just for the record, he does not recall making that request.

Mangus said she thinks this is getting blown out of proportion. She agrees Article 27 needs to be adjusted but stated she was told it would take far too much time to address Article 27, to discuss, debate and correct it. She stated the document she handed out was her personal notes that she gave to other PC members and two people she had discussed the document with on the phone. Mangus stated it did not occur to her to step outside of the building. It was labeled as her own personal notes and it was an attempt at something that could be tried. Mangus stated we (the PC) should be able to have a civil debate. If someone has a problem with her, they should tell her. She stated she has never overrun the PC meeting and disregarded a vote or a request from the chair. A unanimous vote will not always happen. Mangus stated she sincerely would have preferred to mention it to Popp in private and moved on from there and not had it be an issue. She stated she was vague in her letter intentionally; she did not want this to be anything that someone could bring up against Link professionally. Her intention was to let the board know

that things were getting a little bit out of hand. Mangus stated she is not requesting any board action.

Goss stated she was under the impression that the new application was to specifically start enforcing Article 27, and asked if she was under a misconception about that.

Popp replied yes. The application process is just a set of standardized form questions. It started with a pole barn being built as a residential entity on commercial property. There are 25 different review items for commercial. It's an application that will cover everyone.

Discussion followed.

Lawson stated the purpose was to have a more complete application, but as the process of discussion carried along in June, that got confused between 27, because 27 was being used as a baseline to create those questions. Lawson thinks confusion kicked in and people were getting mixed up with what are we going to do about 27 versus we need a document that Vey can work with to do his job better.

Popp stated it was not the implementation.

Mangus stated that is not what was presented to the Planning Commission, and that is not what the Planning Commission has been working on. The Planning Commission voted by consensus to create a separate and unique application specifically for Article 27, and was specifically working on an application only for Article 27 and its implementation. Mangus stated they were not working on a general application to handle all things that came through the township or that would handle business and commercial and residential and streamline all the forms into one.

Popp stated it was not the intent to implement 27; it was the intent to use its outline of an application so one application could cover everything, and it would cover sensitive land.

Mangus stated she was told that the PC had decided to create a unique application just for implementation of Article 27.

Lawson stated in June that is where they were going with it.

Popp suggested, because Article 27 is so far-reaching, before there is an application for Article 27, the PC should spend some time on the actual verbiage of Article 27. Popp suggested professional help from a planner should come into play, rather than be stalled in argumentative debate.

Lawson stated it was also implied that 27 was going to start to be enforced.

Mangus agreed, stating the amount of time spent on the application should have been sufficient to rewrite it.

Referring to the meeting in question, Popp stated the portion he saw there was no headway being made, but he did not see what took place before. Popp stated he does not care to take it any further, unless Mangus has further requests.

Mangus stated she has no requests of the board. Her original statement was merely making the board aware. If it had not been brought before the clerk by other members, Mangus doubts it would have gone anywhere else.

Popp stated he takes exception to that. If an employee comes to him with a complaint, and because he chooses not to address the complaint because of their action that he witnessed could put them in a negative light, that is his prerogative. Popp encouraged Mangus to reach out to the other PC members and find out how fast Popp contacted them.

Mangus said her statement was she did not expect it to go any further.

Hubbell stated he talked to some of the people on the board (sic) when he heard about it. He will not mention names but stated they feel when Mangus is in a meeting, she debates too long over simple things and they feel they do not get anything done sometimes. It is like Mangus takes over the meeting on certain topics and they get really frustrated. Hubbell stated maybe Mangus should be a little more alert to that. One member said Mangus might spend 20 minutes on a word and it gets so frustrating. Hubbell suggested Mangus be a little more conscious of that if you want to be a better working board.

Mangus accepted Hubbell's comments.

Popp stated he knows what it is like to be the only person that votes no.

Tabled Items

Review Administrative Policy Section 5 (tabled 10/14/2014)

This agenda item was not addressed.

Review Graded Wage Scale (tabled 04/14/2015)

This agenda item was not addressed.

Board Comments/Discussion

Goss stated this is her first opportunity to let the board know that a week ago today we had someone who was injured at the township park. Goss went on to provide details of how the woman was injured on the boat dock, the reported hitting of the dock by a pontoon boat which moved the dock out and separated the last section from the main section of the dock, and what was done to repair the dock. Goss stated she asked all witnesses and park rangers involved to fill out incident reports and took pictures of the dock. Later in the day, Goss made contact with the injured woman at the park. Goss stated she turned all reports and pictures over to Paul Olson this evening and he is planning to contact the injured party.

Brief discussion followed regarding grant applications for video cameras.

Announcements

Popp noted that tomorrow is alternate dispute resolution for Rural Fire at the Hagerty Center. Popp encouraged all board members and public to attend.

There is an open house tomorrow night with the Planning Commission at 7:00 p.m.

The next township board meeting is September 8, 2015, at 7:00 p.m.

Public Comment

Kim Mangus, 1214 Cerro Drive, stated she would encourage the idea of cameras at multiple township locations. Following the July 1 meeting, her husband called the township and offered to buy a camera to record various board meetings. She believes that offer still stands. A security camera at the township hall would be a good idea, as well as an audio-video camera to record meetings.

Adjournment

Motion by Hubbell, seconded by Lawson, to adjourn. Meeting adjourned at 8:50 p.m.

Respectfully submitted,

Cheryl A. Goss
Whitewater Township Clerk