

**Whitewater Township Board
Minutes of Regular Meeting held February 26, 2019**

Call to Order

Supervisor Popp called the meeting to order at 7:01 p.m. at the Whitewater Township Hall, 5777 Vinton Road, Williamsburg, Michigan.

Roll Call of Board Members

Board members present: Treasurer Benak, Clerk Goss, Trustee Lawson, Popp

Board members absent: Trustee Hubbell

Others present: Ron Bachi, Janet Bachi, John Nolan, Dan Belanger, Hal Deal, Bob Campbell, Rod Kuncaitis, Deana Jerdee, John Keuvelaar, Amy Keuvelaar, Rick Stout, Rob LaPlaca

Set/Adjust Meeting Agenda

Popp added appointment of deputy supervisor.

Added as New Business No. 3.

Declaration of Conflict of Interest

None

Public Comment (6:34)

Ron Bachi, 6987 Cook Road, stated he really appreciates the township board. He has had a chance to understand what the board is about and how they work together and appreciates the job the board does. He also made a few complimentary remarks about each board member.

Correspondence

1. Fahey Schultz Burzych Rhodes - Goodbye "Emily!": A Review of 2018 Lame Duck Laws Affecting Townships
2. Michigan Township Voice January 2019

There was no discussion of the correspondence.

Public Hearing

None

Reports/Presentations (10:47)**Fleis & VandenBrink - Whitewater Township Park Draft Conceptual Plan**

Popp stated we will come back to Reports/Presentations as soon as the representatives arrive.

Unfinished Business (11:06)**Sale of Miami Beach Sewer District**

John Nolan, 9933 Miami Beach Road, stated they recently talked to the road commission in reference to how to get a permit for the right of way that exists currently on Cook Road. Based on the e-mail they received a couple weeks ago from the road commission, it sounded like they

were going to work up the numbers, the requirements and restrictions. Not hearing from them after a couple weeks, Nolan contacted Mr. Rohloff and he mentioned that they needed to send in an application. Nolan did not know which application to use, utility application or right of way application. Both of them address new construction, nothing specific to transfer of ownership. Rohloff said to go the route of the right of way application. He suggested they submit a co-application by both the township and their association stating the intent to transfer the ownership if a sale is completed. Right now, they are in a holding pattern until they determine the terms of a transfer agreement. Everything is kind of leveraging that, to go to the next steps, they would need to see an agreement in regard to a transfer.

Nolan reported that back in 2012, Orchard Shores did a similar transaction with Acme Township and they used a quit claim deed, which was a very simple transaction. He is not sure if that necessarily would work for the township, but there is a precedent out there where they had a similar system. It did not involve any right of ways, it was all private property, but other than that, there is not much difference between our arrangements.

Popp stated that was all private property and the big difference here is that Miami Beach will actually be working under or crossing under public land, but in the Orchard Shores agreement, it was all private so it was a clean transfer.

Goss reported that she reached out to Attorney Patterson today to ask him where things are at. He said recently there was going to be a stakeholders' conference, but Goss has not heard any more on that and is not sure how that will be set up. She did not hear back from Patterson today, but hopefully there will be some information soon on when we can start looking at documents.

Nolan acknowledged the board is currently involved in the budget period and there are a lot of things on the board's plate with trying to finalize that.

Popp asked what is needed from the township as far as a co-applicant for a permit; was there any discussion with Rohloff about that.

Nolan stated that his thoughts are he would fill out the application the best he could and bring it to the township for review, get the agreement on that. The application has an applicant, which Rohloff suggested the township would be, and then the contractor section would be Miami Beach Road Association. Then there is a statement of work where we would say this is being developed for purposes of transfer. We would attach the designs we have, the construction layout. That paperwork gets submitted with that. The purpose of the application is to get it initiated to determine what fees and escrows may be necessary for it to be under a private ownership, private-public ownership. We still call it public, but it is privately owned.

Popp stated he has learned if there is more than one using a sewer system, it is public.

Nolan said he agrees with that definition.

Whitewater Township Park Conceptual Plan (18:15)

Rick Stout and Rob LaPlaca from Fleis & VandenBrink are present and brought two large drawings of their design work.

Stout stated the premises discussed at the first meeting were the launch facility and the available parking. With the topographical challenges at the site, relocation of the existing drain field was discussed. He stated that is what everything hinges on as far as the concept. Generally, the soils in the whole area are the same, so there is no reason to believe there is not a suitable location for relocation of the drain field. The question is: Can we find a location where we can still gravity flow it, or is it going to have to be pumped. Another question is: Will future restrooms (near the launch) be pumped, or are they going to be vault systems? He stated right now we are looking at design, not cost. The next step is to take the thoughts from this meeting and put some costs to them and give you some things to digest. This is going to be a phased project to the degree that grant monies will be available, but the emphasis of the initial work is that the waterways grant program focuses on boat launches and boat development, which will probably be the logical first phase.

He stated there was a discussion on how many launches can you accommodate, and said the general rule of thumb is 30 to 35 trailer spots per launch. He stated they can probably get about 90 total boat trailer parking spaces somewhere in the vicinity of the launch. It would be anywhere from 1,000 to 2,000 feet to walk from any potential overflow area, so about 90 spaces can be accommodated somewhere in the lower area. That is why the configuration shows three launch slips as opposed to four. There are only 40-some spaces now, and with the two launches, it is really under-parked.

They have planned for a single bypass lane coming in that the boaters could use, and maybe doing an electronic kiosk so they would not have to check in to the office, or they could use the office. A second drive lane coming in would service the ranger station check-ins and then also create a pull-up area. If there were large volumes, they could pull up and park their camper and then come in to the ranger station to check in, and then an in-and-out still going into the campground, so four lanes of maneuvering pretty close to where the ranger station is now.

As you get into the boat launch area, the main drive may have to be widened a little bit to accommodate two-lane traffic, but then the boat trailer parking areas would be one-way circulation.

He stated overall they looked at different options but settled on keeping the beach area where it is at. One of the comments at the meeting was could there be parking in that area. In trying to keep as much parking for the day use as possible, they looked at keeping the ADA trailer parking in combination with that because it is the flattest area, and then trying to accommodate a reasonable amount of parking for the day use and also a smaller angled parking area for a picnic area. They looked at picnic pads and some playgrounds in a couple locations, vault toilets, and started looking at a launch with a fixed dock and a kayak launch as part of that. Something that could be totally scalable and phase-able would be if you wanted to add some boat slips, it could be done over time. They are recommending kind of a main edge dock along the shoreline, which is below the bluff, and whether it is individual finger piers for the boats or you actually extend

out is a function of what is the marketability of having boat rental slips for a week, month, season. It is scalable. A lot of that can be programmed into the costs and then we can come up with a funding plan to take advantage of as many grants as possible over, say, a 5- or 10-year period, and chip away at the overall master plan. There is a possibility of having a stairway come up to the campground and a winding, meandering path. They tried to visually start programming some things so they can assign numbers as they go into outlining an overall capital improvements program.

Numerous questions were posed and comments made about the proposed plan by members of the board and others present.

Goss inquired as to the next step.

Stout stated they want to look at some of the costs that go with some of these things, but the next step would be taking some of the feedback, making some adjustments to the site plan and trying to determine what would be the scope of a grant, rethink it and figure out what really are the priorities. They have heard boats, docks, beach; something has to give.

Goss stated traffic congestion is the big priority and we need safe movement of traffic that intermingles with pedestrians. Secondly, we need at least one more launch in order to speed up the launch and retrieval process. The slips are not a priority right now. We have to deal with the safety issues and the fact that we need a longer dock and another dock, or some combination, so we can launch boats faster and get boats out of the water faster. At one point, a step-off dock was discussed, not a place to tie up to but a place to drop a driver to get the tow vehicle.

Stout replied that the thought on having the fixed dock is that it would serve as a transition to getting people in and out of the water. You could easily program four launch slips, but you would not have the parking to accommodate them.

Various ideas were tossed out to remedy congestion and parking issues.

Stout explained that the grants can be put in and still make changes to the plan. You can always change scale, but you cannot change scope. If you list an item, it has to be in there. Scale and scope are two different things.

(1:29:28) Bob Campbell spoke on the topic of invasive species and how they got into the lakes, the primary vector being trailered boats. Lake associations and townships have gotten very involved with this. Some have permanent boat wash stations at the DNR ramps, and townships have enacted required boat washing to prevent damaging invasives from getting into the lakes. He stated that will not work on Elk Lake as there are nine boat ramps, but he would like to make sure we educate boaters about what they need to do to make sure their boats are not carriers of invasive species.

Stout said it is definitely something to look at including in the grant, some educational things like that.

New Business (1:39:45)**Review/Approve Modification to Board of Review Poverty Guidelines**

Popp explained the proposed changes to the poverty guidelines resolution and they were discussed by the board.

Motion by Goss to adopt Resolution #19-03 as amended; second by Lawson. There was no further discussion. **Roll call vote: Benak, yes; Goss, yes; Hubbell, absent; Lawson, yes; Popp, yes. Motion carried.**

Mill Creek School Request (1:57:27)

Popp explained the request.

Motion by Goss to authorize Mill Creek School to use the Whitewater Township Hall parking lot as an emergency event media gathering area; second by Popp. There was no further discussion. **On voice vote, all those present voted in favor, none opposed, Hubbell absent. Motion carried.**

Appointment of Deputy Supervisor (added) (1:59:27)

Popp stated his life was good on January 23 but not so good on January 28. He has been made aware he can get some medical help out of town, but it will require him to be gone for at least the next 30 days, which leaves everybody in a bad time with budget and board of review coming up. He stated he has been busy since last Friday trying to think of folks who might be able to fill in as a deputy supervisor. He stated he should still be in contact via phone, text, and e-mail, but he will not physically be able to get here to pick up mail or to meet in person on the event barn things. He stated he wants to appoint somebody to take his place in those person-to-person capacities that need to be made.

Goss inquired: Just for 30 days?

Popp replied yes, only because it is such a busy time. Board of review will have questions, budget time.

Benak stated she does not have a problem with this. Obviously, she is concerned and it is Popp's personal business. She told Popp if he needs to take the time, he should take the time. She said she will support him.

Popp thanked her and stated he would like to appoint Ron Bachi as deputy Whitewater Township supervisor.

Ron Bachi is present and came to the podium.

Popp stated he got in touch with Bachi Sunday night after returning home and trying to get most of his important stuff figured out. Bachi has been in attendance at several meetings, has an idea of what is going on in different planning commission events.

Benak asked Popp to lay out exactly what he wants Bachi to do for him, so the board knows.

Popp replied that a deputy supervisor has all of the capabilities of a supervisor with the exception of voting. Popp affirmed that the deputy supervisor can run a meeting, and stated board packets would still be generated between Bachi and Popp just as it currently is, and related the process currently in place between he and Goss. Popp stated none of that will change; it should all be seamless, and really we only have two (regular) meetings, so that is where Bachi and he spent most of their time, is in the budget. Popp was attempting to bring Bachi up to speed and said he thinks he has a pretty good grasp of it, being in business for himself. He understands expense versus revenue.

Goss asked Popp if he is going to be back after 30 days.

Popp replied yes, God willing.

Goss questioned whether Bachi will be able to be that helpful, and stated she does not mind him being appointed, but there is so much that he does not know, and we are not going to be able to slow down and let him figure things out because the next month is one of the most critical months in the township. She pointed out that the board has had a budget public hearing without Popp before.

Popp added that the budget was done (in that instance).

Goss asked how Bachi will communicate with the board.

Popp stated phone calls and a deputy supervisor G-mail address.

Benak inquired if there will be office hours.

Bachi responded no, he will not be here for office hours.

Benak asked about pay.

Popp responded that, according to statute 41, Bachi is to get what Popp gets. Popp said he would include him and all of his payroll information, and Popp would forfeit his wage and have it go to Bachi.

Goss pointed out that we have to know when this is starting and ending.

Popp said Bachi has already said he really does not want the money, but Popp's interpretation of 41 is that he has to be paid for his time.

Lawson inquired if deputies are employees and whether Bachi has to go through the normal hiring process.

Popp stated they are not employees; they are appointed.

Goss stated the board does have to approve his wage, but the board does not have any say over who he appoints.

Popp stated he would like to appoint Ron Bachi as deputy Whitewater Township supervisor, and asked for a second.

Second by Lawson.

Goss asked for starting and ending dates of the appointment.

Benak suggested not putting an ending date because Popp does not know how things are going to turn out; why limit it.

Popp stated his thought behind this was two motions, one to approve Bachi, and a second motion would be the financial details.

Popp reiterated that there is a motion made and seconded to appoint Ron Bachi as deputy Whitewater Township supervisor. There was no additional discussion. On voice vote, Benak, Lawson, and Popp voted yes; Goss voted no; Hubbell absent. Motion carried.

It was pointed out that a new payroll period started Monday 2/25.

Popp inquired from Bachi if it would be a problem if he started getting paid in two weeks.

Bachi stated he really does not care.

After verifying payroll dates, Popp stated Monday, 3/11, would be his first paid position.

Goss inquired if that is the date he is going to actually start assuming responsibilities.

Popp stated no, that is the date he is going to be paid, and stated he (Popp) is going away tomorrow night. Popp confirmed that Bachi is going to be assuming responsibilities tomorrow night.

Goss stated then he has to start getting paid tomorrow night; Bachi cannot be asked to work for almost a whole pay period for nothing. Goss inquired again what the start date is, 2/27 or 2/28.

Popp stated he will be leaving Whitewater Township on Thursday, 2/28, so Bachi will assume his duties on March 1st.

Goss noted the current pay period then will be split because it sounds like Popp would be paid Monday through Thursday of this pay period, and starting on 3/1, Bachi would be paid. Goss then asked for confirmation that it will be open ended and the township will continue to pay Bachi until we find out that Popp has reassumed those duties.

Popp stated that sounds right.

Goss stated she will need to be notified of that in writing.

Discussion followed as to whether there should be a motion or consensus that Bachi will get the same salary as Popp, with duties being assumed as of 3/1.

Motion by Benak, second by Lawson, that Bachi will get the same salary as Popp, with deputy supervisor duties being assumed as of 03/01/2019. There was no further discussion.
Roll call vote: Goss, no; Hubbell, absent; Lawson, yes; Popp, yes; Benak, yes. Motion carried.

Bachi made a few final comments and said he will try to do the best job possible.

Benak noted that Bachi will have to be sworn in.

Tabled Items

1. Review Administrative Policy Section 5 (tabled 10/14/2014)
2. Review Ordinance 22 Pension Plan (tabled 10/25/2016)
3. Review Whitewater Township Planning & Zoning Fees (tabled 02/28/2017)

Board Comments/Discussion

None

Announcements

1. March Township Board meeting dates:
 - a. March 4 at 6:00 p.m. - Budget Work Session
 - b. March 7 at 6:00 p.m. - Budget Work Session
 - c. March 12 at 7:00 p.m. - Regular Meeting
 - d. March 18 at 6:00 p.m. - Budget Work Session
 - e. March 26 at 7:00 p.m. Regular Meeting (including 2019/2020 Budget Public Hearing)

Public Comment

None

Adjournment

Motion by Lawson to adjourn; second by Benak. Meeting adjourned at 9:16 p.m.

Respectfully submitted,

Cheryl A. Goss
Whitewater Township Clerk