

**Whitewater Township Board
Minutes of Regular Meeting held September 10, 2019**

Call to Order/Pledge of Allegiance

Supervisor Popp called the meeting to order at 7:00 p.m. at the Whitewater Township Hall, 5777 Vinton Road, Williamsburg, Michigan, followed by the Pledge of Allegiance.

Roll Call of Board Members

Board Members present: Treasurer Benak, Clerk Goss, Trustee Hubbell, Trustee Lawson, Popp

Board Members absent: None

Others present: County Commissioner Gordie LaPointe, Fire Chief Brandon Flynn, and 4 others

Set/Adjust Meeting Agenda

There were no adjustments.

Declaration of Conflict of Interest

None

Public Comment (6:10)

Michael Stephenson, 6007 Golfcrest Drive, Williamsburg, firefighter and licensed medical first responder with Whitewater Township Fire Department, spoke in favor of obtaining a medical license for their rigs.

(11:40)

Heidi Vollmuth, 8371 Winnie Lane, Williamsburg, told the board to heed Stephenson's words, stating you never know what might happen. She told the clerk she should keep the minutes verbatim so everybody who is not here can figure out what really happens.

Public Hearing (12:48)

None

Reports/Presentations/Announcements/Comments (12:58)

County Board of Commissioners Report

LaPointe gave the following report:

- Regarding the pension liability, they had a meeting with MERS. They are at 48% funded. They should be at 100% funded. He said he asked the representative from MERS how did that happen. The real reason is that boards, starting in the early 1990's, simply did not pay enough into the fund. The performance on the portfolio is not the issue; the county simply did not pay enough in. The problem is they are now paying in excess of \$7 million a year to catch up. At this time, this board and the administration is on board to get them to 100% funded and they are keeping a very close eye on this.
- Regarding TIF 97, Jean Derenzy from the DDA met in a study session to give the BOC their side of the story. They want it to continue to build a third parking deck. The BOC agreed to craft a resolution to state the board's position is that they want to be a partner in making the decision whether it is going to be extended; it should not be a unilateral decision by the city. The resolution will say that the county has to approve the extension.

They have not presented the resolution yet. By the end of the term, it will be well over \$1 million of county tax money that will be captured by the city. He said at least four or five members of the board are pretty adamant about it, as is the administration, and stated he may ask the Whitewater Township Board to consider a resolution on their behalf.

- He is on the board for the veterans' millage. They have a fund balance in excess of what they need. Starting next year, they are going to cut that millage by a third for the rest of the term.
- Regarding the Duck Lake and Silver Lake drain districts, there is a SAD going in. He noted there is a drain commissioner and the board does not have any control of what that individual does. They have come to an agreement from a fiscal standpoint where if he borrows money from the county to spend on a drain district, before the board will give him the money, there has to be a policy and plan in place on how he will return the money. Some of it has been owed to the county for several years.
- They had a presentation from Warren Call, the president of Traverse Connect. They have a plan for economic development for the entire area. In the next month or so, they will roll out their plan. They are going to be working with all the municipalities. He suspects they will be connecting with Whitewater Township at some point in time.
- Regarding Line 5, the board passed a resolution in support of the Line 5 tunnel, which was to proceed with what was put in place by the previous (governor) administration to go forth as fast as possible to build a tunnel. He said they caught a lot of flak for that from some folks. He refuted the statement that Line 5 has no benefit to the State of Michigan and provided statistical information in advance of the meeting to support the position that Line 5 is a significant economic driver in Northern Michigan.

Brief discussion followed.

County Road Commissioner Report (25:44)

No one is present from the road commission.

Mobile Medical Response Report (25:48)

No one is present from Mobile Medical Response. August activity reports were provided.

Fire Department Report (25:54)

Flynn gave the following report:

- They had a busy month as far as emergency calls, with six EMS assist calls, which is unusual.
- The DNR gave the fire department a portable pump on a trailer with a hitch; it has a small diesel engine and a very large centrifugal vane pump. Flynn picked it up in Lansing and believes it will be a great asset to their equipment and hopefully will fill the gap for the inoperable dry hydrants, as well as assist the DNR in case of an incident in Whitewater Township.

Brief discussion followed.

Planning Commission Report (31:20)

Lawson gave the following report:

- The PC meeting was last Wednesday. They discussed computers for members; they know they are available if they need them. Right now, two people do not want computers and everyone else is using their personal computer and do not want to set up another computer. If they have new members, they will start handing them out. They asked Lawson to make sure the board knew not to buy a bunch of computers as they are not needed yet.
- There was discussion on e-mail addresses. A couple of them asked if they could use the forward feature where it would go right to their personal e-mail.
- Mangus sent an update letter to the board on Article 27 Environmentally Sensitive and the definition of accessory structure. They are going to have a public hearing on that. They are also doing an open house, a special meeting from 6 to 7 before the meeting starts, for anything anybody wants to talk about. They are trying to get going on the master plan.

Brief discussion followed regarding e-mail addresses. Goss will set up forwarding for any PC member who contacts her about it.

Parks & Recreation Advisory Committee Report (35:17)

Goss gave the following report:

- The committee met last night, although it nearly did not happen as there was not a quorum until 7:15 p.m.
- Phil Knapp was present and is still interested in a boardwalk at the wet spot on Lossie Road Nature Trail. The Grand Traverse Land Conservancy representative has recommended culverts. Knapp is going to follow up with Neil Schock from EGLE to discuss his idea.
- The batting cage is still awaiting final approval. The code official says it is lacking some fasteners. Engineer Pressell has written a letter clarifying what the print says. The code official says Pressell's letter did not address everything. Goss has a call in to both Pressell and the code official but has not heard back from them. While the committee hopes to get final approval soon, the net will not be hung this fall as it is getting too late in the season.
- No update on the dugouts.
- Melton and Slopsema have gotten trail information for mapping purposes. Goss is awaiting receipt of the information in order to get signs ordered.

Consent Calendar (38:49)

Receive and File

1. Supervisor's Report for August 2019
2. Clerk/Parks & Recreation Administrator's Report for August/September 2019
3. Zoning Administrator's Report for August 2019 (none)
4. Mobile Medical Response August 2019 Activity Reports
5. Fire Department August 2019 Report
6. Approved 04/25/2019 Zoning Board of Appeals Minutes
7. Approved 07/08/2019 Parks & Recreation Advisory Committee Minutes
8. Approved 07/10/2019 Historical Society Minutes
9. Approved 07/10/2019 Planning Commission Minutes

Correspondence

1. Grand Traverse County Sheriff Department Statistics for January/February/March/April/May/June/July/August 2019 (delayed due to technical issue at county)
2. Fahey Schultz July 2019 E-Letter re: Recreational Marijuana Establishments
3. E-mail 08/09/2019 Bob Levine re: Okaiyoka Colony Comments on Proposed Party Barn
4. E-mail 08/14/2019 Paul Cook re: Complaint Whitewater Township Park
5. E-mail 08/15/2019 Steve Myers re: MMR Response Times
6. E-mail 08/19/2019 Kelly Dreher Complaints re: Elmer's Pit on Skegemog Point Road
7. E-mail 08/22/2019 Gordie LaPointe re: GT BOC and Enbridge Line 5
8. Township Insights 08/23/2019 re: Local Sand and Gravel Mining Preemption Bill
9. E-mail 08/26/2019 Heidi/Richard Coggeshall re: Cram Road Party Barn
10. Memo 08/27/2019 Clerk/P&RA Response to Paul Cook Complaint
11. Letter 08/27/2019 Paddle Antrim re: Thank You for Support of Chain of Lakes Water Trail
12. Mika Meyers Client Alert August 2019 re: Ransomware Cyberattack
13. E-mail 09/02/2019 John Nolan re Township Meeting 8.13 Minute Clarification

Minutes

1. Recommend approval of 08/13/2019 regular meeting minutes and 08/27/2019 special meeting minutes

Bills for Approval

1. Approval of Alden State Bank vouchers # 44349 through 44463
2. Approval of First Community Bank Miami Beach voucher # 1258
3. Approval of First Community Bank WMDLS voucher # (none)

Budget Amendments

1. Zoning Administrator Department
2. DNR Waterways Grant

Revenue & Expenditure Report (none)

Motion by Benak to approve the Consent Calendar; second by Lawson.

Popp said he will not be voting in favor of this only because he believes that the minutes do not accurately reflect two sides of a conversation that took place in the 8/13 and 8/27 minutes and he believes the payables presented are not in accordance with Whitewater Township Policy and Procedure Section 4.8a.

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

Unfinished Business (41:08)

Update on Miami Beach Sewer System Transfer

Popp provided a memo. There were no comments, and no action was taken.

Request to Medically License Fire Department Vehicles and Personnel (41:29)

Benak read the following language from Patterson's e-mail, "Additionally, as a condition of becoming licensed as a life support operation or medical first response service, the fire department will be required to have at least one properly equipped and licensed vehicle available on a 24-hour-a-day, 7-day-a-week basis," and questioned if this actually means we have to pay for somebody to man that 24/7, or does it just mean it has to be available sitting in the barn.

Flynn replied that it just means it has to be available sitting in the fire station.

Goss stated it does mean when you have a medical first response life support agency, the local medical control authority is going to issue a protocol of the calls that this unit has to respond to, and they will be required to respond to those calls at any time of day. Goss stated if they are dispatched, they have to respond.

Benak said that does mean we have to staff it 24/7 or risk losing the licensure.

Flynn said state law does not state anywhere you have to have 24-hour staffing.

Goss replied that they do not have to have 24-hour staffing over at the station, but someone does have to respond with that vehicle. A licensed MFR staff person has to respond with the MFR-licensed vehicle to any call that they are dispatched on.

Benak asked what happens if a call goes out, they are dispatched and nobody is available.

Goss stated that is a missed call.

Benak asked what happens when you have several missed calls.

Goss replied that she thinks you get talked to by the state.

Goss noted that Patterson said in his e-mail that he consulted Derek Flory (from MDHHS-EMS Section) and that, "If the township desires to pursue licensing, Derek's recommendation was to seek certification as a medical first responder as such a license would most appropriately match the fire department's certifications and equipment. Derek indicated that medical first responder licenses can work with dispatch services to be called only when absolutely necessary. This sounds like it may be a good fit for the fire department."

Benak inquired if you can tell dispatch to call only from 8 to 5, whatever the chief's hours are.

Goss said she does not know if you can tell dispatch that, and stated the local medical control authority will give dispatch their instructions, and added that that is what she was told by Flory.

Flynn stated the medical control authority provides the policy and protocols for patient care and response modes, like priority 1, priority 2, priority 3. They do not tell dispatch who to send what unit to what call.

Goss asked how the department will know when to go.

Flynn replied when MMR is absent and not in our area.

Goss asked Flynn how they will know that.

Flynn said dispatch knows that because they dispatched them to a call.

Goss said so then they would dispatch the MFR-licensed vehicle out of this fire station.

Flynn replied yes, and stated that is what they do now, and cited a recent incident when MMR was transporting another patient to the hospital and they called us for aid. They got there and then Elk Rapids MMR showed up. He stated when our ambulance is on another call, the fire department does fall under a tiered response system, because dispatch does not really know any better; they think we are still licensed MFR.

Goss stated if dispatch thinks they are still licensed MFR, they are sending them out when, technically, they can only be dispatched as a fire department, not as a medical agency.

Flynn confirmed Goss's statement to be correct. He said it is important to note that they will not be changing operationally. Like Firefighter Stephenson said, they are not going to dispatch us on all the medicals now. Up until the point the MFR licensure was taken away, the engine was licensed as a medical first responder; all the equipment is still on there. They would respond sometimes with MMR or whatever ambulance was responding, and sometimes in the absence of the first due ambulance company. So if they had to wait for 55-A1 or A8 from Metro and NorthFlight, or they had to wait for Clearwater Kalkaska unit, it basically reverts to a tiered response system. Most of the time, probably 90 to 95% of the calls, it functioned normally, like MMR gets called out and occasionally they call us for assistance. He said operationally speaking they will not be changing. He added that it is common practice for fire departments to provide some sort of EMS service, stating that is what everybody expects and dispatch is used to, and medical control has written their protocols to follow private and public service.

In response to board questions, the following information was provided:

- The fire department is proposing to become an MFR life support agency.
- The vehicle they are proposing to license is Engine 3.
- He does not have any idea what the expected annual call volume is going to be. He thinks to date this year they have probably been on four calls where MMR has not been available.
- The department currently has one paramedic license, four basic life services (sic), and two medical first responders.
- The cost information provided, i.e., \$1,000 for new equipment and \$375 annually for replacing the perishable stock, is for one vehicle.
- Flynn is not going to require current members who are not licensed to become licensed. He would like to require new members to be licensed, and acknowledged that could possibly limit the number of applicants.
- The \$800 training fee for new members is for MFR licensing.

- The department needs one licensed MFR per call.
- Flynn is not proposing a different hourly wage for those who have MFR training.
- He has not projected an annual cost for wages for MFR licensed personnel who go on strictly medical calls; he does not see the department operating any differently than what they are currently.
- Flynn said he is not proposing to have someone paid to be on call for responding. If someone does not answer a call in Whitewater Township, dispatch will send the next closest.

Brief discussion ensued regarding the lack of MFR licensure for the Elk Rapids Fire Department.

Benak stated as long as we are not in a competing situation with MMR and her question was answered concerning the 24/7 issue that was brought up by Patterson, that we are not going to be in jeopardy of losing licensure for the fire department if we do not respond to these calls, she does not see a problem with it, and stated we did run into a problem with our previous ambulance service; we did not have enough people covering and we were missing calls and we were getting letters from the state; it was a bad situation, and people were saying they were waiting for us and nobody was answering the call.

Goss stated she agrees with paying MFRs to keep their license with their training time, but if we are only going to be licensed to MFR, we should not be paying the training time for EMTs and paramedics, and stated since we do not need that level of licensure, she would not want that to be a cost to the township.

Flynn stated their view on that was they have two basic EMTs, who were the basic EMTs when the township was providing the ambulance service, so it is a historical thing. He stated the CE credit hours are very small for the difference between the MFR and the basic. He does not think that is going to be an issue.

Popp stated he completely disagrees with that point; he thinks if we have people who are willing to expand their talents and their horizons to serve us, the extra \$150 that might cost us in a year is well worth the cost.

Motion by Popp to authorize Chief Brandon Flynn to complete the proper registration, provisioning, and recordkeeping of Whitewater Township Fire Department vehicles and personnel to their highest level of medical licensing, as written in the packet; second by Benak.

Benak asked what is the highest level of licensing.

Popp said in this case the vehicle will be licensed MFR, but he is also in support of those people who have their paramedic license, that we should keep them, and those people who have their BLS license, we should also keep those.

Benak said she is not talking about the personnel; she is talking about the vehicle itself, and questioned isn't the highest level transport.

Flynn responded that the highest level is advanced life support, and explained that you can have an advanced life support non-transporting unit which is called an echo unit, and you can have an advanced life support transport unit, which is MMR 20-A1, and that is called an alpha unit. He explained that they are asking for MFR, which is the lowest.

Benak said Popp needs to modify his motion then because he said highest, and we do not need the highest.

There was back and forth discussion related to the level of licensure of personnel and vehicles.

Popp said it is a way to show support to those men and women who have those additional talents.

Lawson said that subject can also be a point to another meeting and we can vote on that separately; we need to focus on the vehicle right now. As far as the levels that they are going to be educated to and extra training and stuff like that, that is another discussion in another meeting. He stated he thinks we need to focus on getting the licensing for the vehicle so they can move forward with what they are doing, and then we can look at where we want to go from there with that as a separate action item.

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

Motion by Lawson that the vehicle is licensed to MFR and any other requirements that are required, and also that the finances are made available for them to provision and pay for licensing; second by Benak.

Goss said the licensing of the vehicle comes with the agency license, so what we really want to do is license the Whitewater Township Fire Department as an MFR life support agency. Once the application is in place, that will trigger a vehicle inspection to get the license approved.

Goss re-read the motion: **Motion by Lawson that the vehicle is licensed to MFR and any other requirements that are required, and that the finances are made available to provision and pay for licensing.**

Discussion followed with regard to budgeting for the new expenses.

Lawson agreed to modify his motion as follows: Motion for the Whitewater Township Fire Department to obtain an MFR life support agency license; second by Benak. Roll call vote: Goss, yes; Hubbell, yes; Lawson, yes; Popp, yes; Benak, yes. Motion carried.

Motion by Popp to transfer \$2,600 from the General Fund contingency budget line to the fire department contributions budget line item for the purpose of medically licensing fire department vehicles and personnel.

Discussion followed regarding costs and line items.

Popp modified his motion to transfer \$2,600 from the General Fund contingency budget line item to the fire department (sic) contingency line item for the purpose of medically licensing fire department vehicles and personnel; second by Benak. Brief discussion ensued. Roll call vote: Hubbell, yes; Lawson, yes; Popp, yes; Benak, yes; Goss, yes. Motion carried.

Update on Repeal of Ordinance No. 32 Private Road Ordinance (1:21:01)

Popp provided a memo and commented that his research has gone back to 2015.

Benak asked why it is important to have a timeline leading up to the board's decision in 2017 to repeal this.

Popp replied that he felt it would give Patterson an understanding of all of the board and planning commission discussion of where the process has been.

After further discussion, including Benak's suggestion of a synopsis instead of a timeline, there was consensus to obtain the repeal language and not do a timeline or synopsis.

Update on Possible Sale of Vinton Road Parcel 28-13-004-065-00 (1:26:16)

Popp provided a memo.

Discussion followed regarding the usability of various portions of the property and possible sale price.

There was board consensus to advertise the parcel for ~~\$34,400~~ \$30,440.

Update on 5-Acre Minimum Lot Size Issue in RC-1 District (1:33:10)

Goss provided a memo.

Motion by Goss to add it to the 10/8 agenda for discussion; second by Hubbell. On voice vote, all those present voted in favor, none opposed. Motion carried.

New Business

Budgeted Transfers for 2019/2020 Fiscal Year (1:34:16)

Motion by Goss to transfer \$10,000 from the General Fund to the Road Fund; second by Benak. Roll call vote: Lawson, yes; Popp, yes; Benak, yes; Goss, yes; Hubbell, yes. Motion carried.

Motion by Lawson to transfer \$50,000 from the General Fund to the Road Repair/Replacement Fund; second by Goss. Roll call vote: Popp, yes; Benak, yes; Goss, yes; Lawson, yes; Hubbell, yes. Motion carried.

Motion by Benak to transfer \$30,000 from the General Fund to the Recreation Fund; second by Lawson. Roll call vote: Benak, yes; Goss, yes; Hubbell, yes; Lawson, yes; Popp, yes. Motion carried.

Motion by Hubbell to transfer \$65,000 from the General Fund to the Ambulance Fund; second by Goss. Roll call vote: Goss, yes; Hubbell, yes; Lawson, yes; Popp, yes; Benak, yes. Motion carried.

Motion by Benak to transfer \$50,000 from the General Fund to the Public Improvement Fund; second by Hubbell. Roll call vote: Hubbell, yes; Lawson, yes; Popp, no; Benak, yes; Goss, yes. Motion carried.

Approval of Additional 2019 Park Ranger (1:37:29)

Motion by Goss to approve Jasmine Crabtree as a 2019 park ranger, to be compensated at the 1-year level on the 2019/2020 Graded Wage Scale; second by Hubbell.

Popp recorded an objection that we are not following township policy, and why aren't these people required to be here when others are requested to be present.

Discussion followed.

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

Request for Refund of ZBA Special Meeting Fee (1:40:53)

Motion by Goss to refund \$250 to Barbara and Dennis Reese for ZBA special meeting fee; second by Lawson. Roll call vote: Popp, yes; Benak, yes; Goss, yes; Hubbell, yes; Lawson, yes. Motion carried.

Approval of 2019 L-4029 Tax Rate Request Form (1:42:15)

Motion by Goss to authorize the clerk and supervisor to file the 2019 L-4029, with the addition of leading zeros in all places they are lacking; second by Lawson. On voice vote, all those present voted in favor, none opposed. Motion carried.

Popp said he will get the document to the clerk in the morning.

American Tower Lease Modification Request (1:43:34)

Discussion took place as to whether this is a forced lease modification or the current lease can remain in place, negotiation of leases, current annual and monthly revenue on the leases, and the possibility of opening up negotiations and having another analysis done.

Motion by Hubbell to retain the current lease; second by Lawson. On voice vote, all those present voted in favor, none opposed. Motion carried.

Popp will copy the board in on the response.

Board Direction on DTE v Whitewater Township Tax Tribunal Proceedings (1:52:22)

Discussion took place on the status of this matter, including Popp relaying last-minute information that none of these MTT actions are going through at this point until the STC rules or

methodology has been clarified. Popp said we were asked by our legal representation to join a class action with other townships to split the legal bill.

Discussion followed.

Motion by Popp not to join the class action suit offered by Karrie Zeits on the DTE MTT action; second by Lawson.

Discussion turned to seeking Zeits' advice on the advisability of agreeing to the new values.

Popp will ask about possible ramifications of entering a stipulation to agree.

The motion was not voted on.

Approval of Sidewalk Quote (1:59:28)

Motion by Popp to approve the quote from Steve Jahr in the amount of \$2,800 to remove one tree and construct a new sidewalk at the bathhouse; second by Lawson.

Popp brought up differences in the quotes and said a sketch would be helpful to accompany these proposals.

Brief discussion followed.

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

Review/Approve Modifications to Lawn Care Maintenance Specifications

Popp said he is asking that we begin working on something we can have for a future maintenance worker to go by and future bids. Popp confirmed the snowplowing contract takes us through the 2020 season and said he received a call from TNT Outdoor wanting to bid. This is a rough draft and he would like to get parks and rec input on it, especially for the trails.

Lengthy discussion followed.

There was board consensus that Popp will provide parks and recreation with this information for their comment.

Tabled Items (2:20:27)

None

Board Comments/Discussion (2:20:27)

None

Announcements (2:20:34)

Next regular meeting date is October 8, 2019, at 7:00 p.m.

Public Comment (2:20:43)

None

Adjournment (2:20:51)

Motion by Lawson to adjourn; second by Hubbell. On voice vote, all those present voted in favor, none opposed. Meeting adjourned at 9:17 p.m.

Respectfully submitted,

Cheryl A. Goss
Whitewater Township Clerk