

**Whitewater Township Board  
Minutes of Regular Meeting held March 17, 2020**

**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: Fire Chief Brandon Flynn, Deputy Supervisor Ron Bachi, John Nolan, Tom Slopsema, and 1 other

**Set/Adjust Meeting Agenda**

Popp noted that tonight's agenda does not include recommendation by the supervisor to approve the audit for fiscal year ending 03/31/2019 and requested it be added as item #13.

Goss explained that the audit was not included in the packet because it did not meet the board's guidelines for agenda items, i.e., it was not accompanied by a memo and there was no requested action.

Discussion followed.

The motion was not seconded. Motion failed.

There were no other adjustments.

**Declaration of Conflict of Interest**

None

**Public Comment (13:30)**

Ronald L. Bachi, 6987 Cook Road, filed a 1-page document with the clerk, made statements concerning the avoidance of panic, questioned why the meeting was taking place when closures have been ordered by the State of Michigan, and demanded on behalf of we the people of Whitewater Township to be represented by the board.

**(16:42)**

Vern Gutknecht, 6801 Bunker Hill Road, referring to the planning commission report in the 2/11 township board minutes, stated there is detail that is missing that should be added in, namely, that Goss refused to release the legal opinion from the lawyers that the township paid for and he paid for in his taxes.

**(18:12)**

There was board consensus that Popp address the reason why the legal opinion cannot be released.

Popp explained that confidential legal opinions, if released as written, may open up future legal cases that can pierce the secrecy of client confidential privileges, but a summary can be provided. Popp noted it is not a single board member who will not release it; it is a conscious board decision under attorney advisement, adding the attorney advisement was prompted by a previous decision a couple years ago.

**(19:51)**

Hubbell said he appreciated the citizen's comments (Bachi) and stated he thought long and hard about coming to this meeting, but as a public official, just like in Washington, the world has to still keep moving and it is our choice if we choose to be here to keep government moving, and stated it is no different for his family members who are nurses; it is their choice if they want to go to work. He said thank you to the last citizen that commented and gave him a tongue lashing for that, but no thank you. Hubbell feels he is doing the right thing by sitting here serving the public, and if he did not want to come here, then he did not have to come.

Lawson and Goss voiced agreement with Hubbell's comments.

There was no further public comment.

Popp noted we are trying to practice social distancing as much as possible, there are 9-10 people here and we are probably borderline with whatever requirements, but we are doing the best we can. Maybe we will have some different options for the public to attend our meetings after tonight.

**Public Hearing (22:15)**

None

**Reports/Presentations/Announcements/Comments (22:18)****County Board of Commissioners Report**

Gordie LaPointe is not present.

**County Road Commissioner Report (22:25)**

No one is present from the road commission.

**Mobile Medical Response Report (22:33)**

No one is present from Mobile Medical Response. February activity reports are in the packet.

**Fire Department Report (22:43)**

Brandon Flynn gave the following report:

- They had a busy month in February. They activated the snowmobiles three times, which was unusual.
- He provided pictures in the packet of the new fire engine under construction. The color scheme will be changed to the gun metal gray. The body was supposed to be in last week and it should come together quickly. They had a preconstruction meeting. There were a few changes, but he thinks the change order list has zeroed out because of additions and subtractions that they discovered while waiting for the chassis.

- Their work continues on the fire prevention ordinance. They sent out an initial letter to the township attorney and he did reply with some suggestions. They are writing an ordinance to give back to him. There are some caveats because of dealing with the county building codes and Metro for some of the fire sprinkler and Ansul systems.
- He noted the wildland turnout gear is on tonight's agenda. He is still working on the snowmobile trailer.
- He thinks the township should look at a fireworks ordinance. Since December 2018, local communities have the right to determine the fireworks laws in their jurisdiction, minus the 7 days the state allows them. If there is no ordinance, you can shoot fireworks all year long.

Discussion ensued concerning the new traffic signal at M-72 and Williamsburg/Elk Lake Road.

### **Planning Commission Report (29:54)**

Due to the fact Lawson was absent from the 03/04/2020 meeting, Popp provided the following information:

- Mangus, Dean, Savage and Hooper were present. No one could turn on the amplifier; hearing was an issue.
- Public comment from Gutknecht.
- Minutes of previous meeting reviewed.
- Zoning administrator report given.
- Lawson's report was given via text message.
- Regarding RC discussion, zoning administrator presented a build-out analysis of the current zoning, possible additional 123 building lots in entire district, 15% private, 85% state land. Similar analysis requested for other lot sizes.
- Survey for 5-acre created by Mangus and Dean was discussed. Will be brought back at 4/1 meeting, sent by 4/14, due back 5/15.
- Next agenda set, any zoning matter.
- Public comments were summarized.

Goss showed everyone the tablet and step-by-step instructions to turn on the sound system.

### **Parks & Recreation Advisory Committee Report (38:04)**

Cheryl Goss gave the following report:

- The Parks & Recreation Advisory Committee met last night. Five of six members were present.
- Minutes of the prior meeting were approved.
- Goss went over the Recreation and Park Fund facility repair/maintenance and capital expenditure budgets with the committee.
- A firm date was not chosen to hang the batting cage net.
- Melton watched a webinar about playground equipment and offered to provide some checklists to keep an eye out for maintenance problems.
- Regarding trail signage, changes were made at a previous meeting to the map and still need to be transmitted to Image 360.

- The dugouts were discussed. More options are being pursued.
- An item of new business was entitled “Covid-19 Discussion of Closure of Park.” The only park that was referred to was Whitewater Township Park. A motion and vote were taken “that the Whitewater Township Board talks about gatherings, talk about closing the Whitewater Park, any gatherings of over 10 people.”
- What to do about the April meeting was briefly discussed. As of last night, the committee is planning to meet in April.

Discussion followed. The campground is scheduled to open May 8, with online reservations beginning April 6.

There was consensus to add PRAC Recommendation for Camping Park Closure as New Business #15.

### **Consent Calendar (41:44)**

#### Receive and File

1. Supervisor’s Report for February 2020
2. Clerk/Parks & Recreation Administrator’s Report for February/March 2020
3. Zoning Administrator’s February 2020 Staff Report
4. Mobile Medical Response February 2020 Activity Reports
5. Fire Department February 2020 Report
6. Historical Society February 2020 Report
7. Treasurer’s Bank Accounts/Cash Balance Reports Nov 2019/Dec 2019/Jan 2020 and Interest Reports FY 2019/2020
8. Approved 01/08/2020 Planning Commission Special Meeting
9. Approved 01/08/2020 Planning Commission Regular Meeting
10. Approved 01/08/2020 Historical Society Minutes
11. Approved 01/13/2020 Parks & Recreation Advisory Committee Minutes
12. Approved 02/05/2020 Planning Commission Minutes

#### Correspondence

1. Grand Traverse County Sheriff Department Statistics for February 2020
2. Letter 11/20/2019 TCAPS re: 2020 Summer Tax Resolution
3. Email 02/11/2020 Martin Cloke re: Road Repair and Replacement
4. Public Notice 02/12/2020 Proposed Oil and Gas Lease Auction
5. Email 02/22/2020 Gordie LaPointe re: 2<sup>nd</sup> Amendment Resolution
6. Memo 03/04/2020 Ron Popp re: Correspondence from Dave Hauser
7. Memo 03/11/2020 Ardella Benak re: Spring Newsletter Deadline

#### Minutes

1. Recommend approval of 02/04/2020 special meeting minutes, 02/11/2020 regular meeting minutes, 02/13/2020, 02/18/2020 and 02/25/2020 special meeting minutes

#### Bills for Approval

1. Approval of Alden State Bank vouchers # 44979 through 45082
2. Approval of First Community Bank Miami Beach vouchers # 1263 through 1265

3. Approval of First Community Bank WMDLS voucher # (none)

Budget Amendments (none)

Revenue & Expenditure Report (none)

Goss referred the board to electronic packet page 58, a supervisor memo discussing letters of support submitted by Dave Hauser, specifically, the statement which says, "The full "stack" of support letters can be viewed by appointment and is on file in the Clerk's Office." Goss reported that this statement is fake news. Not one single letter of support has been provided by Popp to the clerk's office. Goss asked that the incorrect statement be stricken from the memo.

Popp said he will provide them before meeting's end; he has them available.

**Motion by Goss to approve the Consent Calendar as amended; second by Lawson. Roll call vote: Benak, yes; Goss, yes; Hubbell, yes; Lawson, yes; Popp, yes. Motion carried.**

### **Unfinished Business (44:15)**

#### **Update on Miami Beach Sewer System Sale/Transfer**

John Nolan and Tom Slopsema are present.

John Nolan, 9933 Miami Beach, provided the following update:

- On 2/12, a notice was forwarded to John Divozzo for township termination and a new agreement with MBRA.
- On 2/27, Divozzo submitted the notice via memo to the finance committee which covered the system transfer and also requested it to be forwarded to county legal counsel with a request to bring a contract to the BPW board no later than the April meeting. Divozzo references in his memo that he sees no issues with terminating with the township and is in favor of the agreement with the association.
- On 3/4, Divozzo's memo is shared at the county finance committee, BPW meeting. No minutes published yet.
- At the 3/12 BPW board meeting, Divozzo gave notice to the board that there is intent to bring a contract to the BPW board during the April meeting. Currently, they are awaiting a draft of the proposed new contract from county legal. They expect a 4/9 board meeting decision on filing for termination of the current agreement with the township and acceptance of a new agreement with MBRA.

There was no board discussion of this agenda item.

### **New Business (47:20)**

#### **Resolution #20-03 Township Board 2020/2021 Regular Meeting Dates**

**Motion by Benak to adopt Resolution #20-03; second by Lawson. Roll call vote: Goss, yes; Hubbell, yes; Lawson, yes; Popp, yes; Benak, yes. Motion carried.**

**Resolution #20-04 Agreement for Remittance of Property Taxes (48:04)**

Goss noted two corrections to the resolution, i.e., The word “certified” in the first Whereas paragraph should be corrected to “certain.” The spelling of Heide Scheppe’s first name in the third Whereas paragraph should be corrected to Heidi.

Referring to electronic packet pages 98 and 101, Popp raised an issue concerning language in a 2007 agreement and a statement in the updated agreement that, “This agreement shall be effective beginning with the 2019 tax collection and continue until terminated by either party.”

Benak assured Popp it is going to start in the 2020 tax year, and agreed to put a line through 2019 and write 2020.

**Motion by Goss to adopt Resolution #20-04 as amended; second by Popp. Roll call vote: Hubbell, yes; Lawson, yes; Popp, yes; Benak, yes; Goss, yes. Motion carried.**

**Resolution #20-05 Collection of 2020 Summer School Taxes - Elk Rapids Schools (53:10)**

**Motion by Popp to adopt Resolution #20-05 for the collection of Elk Rapids Public (sic) School taxes for the 2020 year at \$1.75 per parcel; second by Lawson. Roll call vote: Lawson, yes; Popp, yes; Benak, yes; Goss, yes; Hubbell, yes. Motion carried.**

**Resolution #20-06 Collection of 2020 Summer School Taxes – TBAISD (54:15)**

**Motion by Popp to adopt Resolution #20-06 for the collection of TBAISD taxes for the 2020 school year fiscal year at \$2.50 per parcel; second by Benak. Roll call vote: Popp, yes; Benak, yes; Goss, yes; Hubbell, yes; Lawson, yes. Motion carried.**

**Cleanup Day 2020 (55:08)**

Benak compared the service from American Waste and Area Waste. Benak recommends Area Waste, as well as T-J Tires for tire collection and Erickson’s Salvage for collection of scrap metal.

Discussion followed.

**Motion by Lawson to schedule Cleanup Day for June 13 and to contract with Area Waste for waste collection; second by Goss. Roll call vote: Benak, yes; Goss, yes; Hubbell, yes; Lawson, yes; Popp, yes. Motion carried.**

**Emergency Services Building Driveway Construction Agreement (1:01:05)**

**Motion by Benak to authorize supervisor to sign and date the Notice to Proceed document as presented; second by Lawson. Roll call vote: Goss, yes; Hubbell, yes; Lawson, yes; Popp, yes; Benak, yes. Motion carried.**

**Motion by Goss to authorize supervisor to sign the American Institute of Architect A101 Owner/Contractor Agreement in the amount of \$94,953.64 as presented; second by Benak. Roll call vote: Hubbell, yes; Lawson, yes; Popp, yes; Benak, yes; Goss, yes. Motion carried.**

**Approval of Expenditure for Whitewater Township Park Restroom Tile Work (1:03:13)**  
**Motion by Popp to approve the expenditure of \$17,841 for installation of wall tile at the Whitewater Township Park restrooms; second by Benak.** Popp questioned the date of the quote, 10/24/2018 (sic), and asked if it is still good. Goss verified that it is. **Roll call vote: Lawson, yes; Popp, yes; Benak, yes; Goss, yes; Hubbell, yes. Motion carried.**

**Approval of Application to Executive Fire Officer Program (1:05:14)**  
**Motion by Lawson to authorize Fire Chief Flynn's application to the National Fire Academy Executive Fire Officer Program and to provide a letter of board support as submitted; second by Hubbell.**

Chief Flynn advised that there is no cost to the township. It does require four trips in two years to Emmitsburg, Maryland, but they pay travel expenses, room and board, and all of the course materials. It boils down to whether the board is okay with him going there four times over the next two years.

**On voice vote, all those present voted in favor, none opposed. Motion carried.**

**Approval of Tobin & Co. 01/22/2020 Engagement Letter for FYE 03/31/2020 Audit (1:07:13)**

**Motion by Benak to authorize the Clerk to sign the FYE 03/31/2020 audit engagement letter from Tobin & Co.; second by Hubbell. Roll call vote: Popp, no; Benak, yes; Goss, yes; Hubbell, yes; Lawson, yes. Motion carried.**

**Approval of Purchase of Firefighter Wildland Personal Protection Equipment (1:08:21)**  
**Motion by Goss to permit Fire Chief Flynn to purchase 10 sets of Fire-Dex TecGen turnout gear from Apollo Fire Equipment through the Michigan DNR Volunteer Fire Assistance Program and proceed with the grant close-out documentation; second by Lawson. Roll call vote: Benak, yes; Goss, yes; Hubbell, yes; Lawson, yes; Popp, yes. Motion carried.**

**Approval to Lease New Postage Machine (1:09:42)**

**Motion by Lawson to authorize the Clerk to enter into a lease for the Neopost IN600 postage machine at a monthly cost of \$108.38; second by Hubbell.**

To Popp's question what is the current lease, Goss noted that the township owns the existing machine, but the meter lease is \$89 and some change per month.

Discussion followed.

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

**Approval of Revised Planning Commission Bylaws (1:12:12)**

**Motion by Benak to adopt the planning commission bylaws as revised 02/05/2020; second by Lawson.**

Brief discussion followed on the topic of whether board approval of the bylaws is required.

**On voice vote, all those present voted in favor, none opposed. Motion carried.**

**Development of Policy for Remote Meeting Participation (1:14:09)**

**Motion by Benak to authorize Attorney Patterson to develop a policy for remote member participation in board and commission meetings; second by Lawson. On voice vote, all those present voted in favor, none opposed. Motion carried.**

Popp raised the subject of closing the township hall to unrestricted public access and asked if we should make this an immediate part of our daily life here at the township.

Discussion followed.

No immediate action will be taken at this time.

**Removal of Unused Agenda Items (1:24:31)**

**Motion by Goss to remove the County Road Commissioner Report and Mobile Medical Response Report from Section G of the Whitewater Township Board agenda; second by Lawson. On voice vote, all those present voted in favor, none opposed. Motion carried.**

**PRAC Recommendation for Camping Park Closure (added) (1:24:57)**

As requested by the Parks & Recreation Advisory Committee, discussion took place regarding possible closure of Whitewater Township Park, which is scheduled to open May 8, 2020.

Hubbell said right now he thinks we should do business as normal and see what happens. He does not think we should turn away the online reservations. We can always put a blurb out. Right now, nothing is telling us that this might not be over by then.

Lawson commented wait and see.

Goss said she found it a little odd that the closure was only directed at Whitewater Township Park. With gatherings at Hi Pray Park at the pavilion and bleachers, there is just as much exposure there. If the park is ordered to close, 100% refunds can be given. Without knowing what is going to happen between now and May 8th, it is premature right now to do that. It can be closed quickly, if needed, and people's money refunded.

After further discussion, there was board consensus that there will be no closure of any parks in the township at this time.

**Tabled Items (1:33:56)**

None

**Board Comments/Discussion (1:33:58)**

Regarding the disaster declaration, Popp said he has information about a couple programs some businesses might be eligible for and has spoken to Chris at Mr. C's.



Brief discussion followed.

Popp also proposed cancelling the 3/19 final budget work session.

Brief discussion followed.

**Motion by Lawson to cancel the 3/19 meeting; second by Popp. On voice vote, all those present voted in favor, none opposed. Motion carried.**

Hubbell voice approval of the proposed motions document and thanked whoever did it. He also wants to know who ran over his gate on Elk Lake Road.

**Announcements (1:41:06)**

1. 03/24/2020 Township Board Special Meeting (Budget Public Hearing) @ 6:00 p.m.
3. 04/14/2020 Township Board Regular Meeting @ 7:00 p.m.

**Public Comment (1:41:47)**

None

**Adjournment (1:41:50)**

Motion by Lawson to adjourn; second by Popp. Meeting adjourned at 8:33 p.m.

Respectfully submitted,

Cheryl A. Goss  
Whitewater Township Clerk

3-17-2020

Ronald L Bachi 6987 Cook Rd. Please attach to the minutes verbatim.

Panic Definition: Sudden uncontrollable fear or anxiety, often causing wildly unthinkable behavior! If you were dropped off in the middle of a lake and panicked, you would drown. If you stayed calm and slowly made your way to shore, you would be fine. People, please don't panic! I often see when people panic, they blame others unnecessarily. This is not the time for that. It shows your weakness. Be strong and show strength in confidence. Your family and friends need this. Remember, we are the USA! Thank you President Trump, And our legislation for making unprecedented decisions that have saved so many lives and hardships! We truly are blessed to live in the greatest country in the world. Love one another, take care of each other, and this will pass. God Bless everyone.

Now, with that being said, why are we having this meeting tonight?

Schools, Churches, Government offices, Restaurants, Bars, Casinos, have all been ordered closed in the state of Michigan. No more than ten people should be at a gathering. Recommended spacing should be no less than six ft from one another. This all ordered from the President of the United States and our state Governor. Do you think that you are above them? Maybe you are not breaking any Open Meetings Acts Violations. I assure you it is most definitely a common sense, violation.

The health and welfare of our township citizens should be priority. I guarantee it is in your oath of office to do so. No meeting should be held without the full opportunity for our entire township public, to have full access to. Inviting the township citizens into our township building, under these dire circumstances, is irresponsible. Last week, we held our primary election voting right here in this building. Can we be assured that since hundreds of people have been through those doors, that the building has been thoroughly sanitized.

Our Township board needs to start making common sense decisions, that don't put our township citizens in harms way, or that locks them out from any decision that is made at this board. It is our township boards responsibility to lead by example. To set the tone. To be accountable.

We the people of whitewater township demand to be represented by you the board.  
Thank You.