

**Whitewater Township
Parks and Recreation Advisory Committee
Minutes for Monday, January 13, 2014**

Call to order 7:05

Roll Call: Mouser, Melton, Knapp

Absent: Leach, Hubbell

Set / Approve Agenda Motion by Knapp, seconded by Melton. All in favor. Agenda approved.

Declaration of Conflict of Interest None

Public Comment Tom Cosgrove, 10300 Miami Beach Rd., interested in information related to the Battle Creek Natural Area. (BCNA)

Approval of Meeting Minutes of 12/9/2013: Motion to approve minutes of 12/9/2013 by Knapp, second by Melton. All in favor. Motion carried.

Correspondence None

Reports/Presentations/Announcements/Comments: None

New Business:

1. **Parks and Rec Advisory Committee election of officers.** Motion to defer to next meeting by Melton, second by Knapp. All in favor. Motion carried.
2. **Grand Traverse Regional Land Conservancy representative Todd Vigland will provide information on the programs that may assist the Township.** Knapp invited Todd Vigland of the Grand Traverse Regional Land Conservancy (GTRLC) to speak to the committee. The Conservancy was the lead in the original purchase, Beckwith was Supervisor of Whitewater Township at the time, Vigland was project manager at GTRLC at that time. Discussion included: possible issues of sediment or vegetation at the mouth of the creek, purpose of the lands being for public education, hunting and fishing, the plan, signs and trails. The Management Plan outlines specific objectives and requirements, most of which have not been completed. Basics include signage at Skegemog Point Rd. parking lot, trail marking, viewing platform, boardwalk, linkage trail to connect to Lossie Trail. Legal access is available from Cook Rd. via a legal right of way. Get estimates, bids and a time frame. Our next step is to get assistance/guidance in getting funds to fulfill the basic obligations. The Conservancy and Conservation have worked on projects like this as have private contractors. Michigan Natural Resources Trust Fund also accepts development grant applications, which are (or at least used to be) match grants of 75% with a 25% local match. The match can be from other grants or sources. Our Recreation Plan Draft has been presented to the Board for approval. The Recreation Plan does include reference to the BCNA plan. Lossie Trail has been marked. Vigland: The Township can hire a contractor. The GTRLC can be hired or assist in designing and putting in the trails. Mouser: Are there standards or minimums that must be met? Knapp: Separate the priorities or do all together? Vigland: Linking Lossie Trail will be pretty involved. Phases would likely be best: Signage, trail with boardwalk, viewing platform and grow from there. Mouser: Lossie Trail parking, at least marked, to encourage additional use. Vigland: Doing ADA compliant would be substantially more costly. Can be upgraded to ADA in the future if the need is found. Melton: Is there a specific scope that has to be met? Vigland: Trust fund grant for meeting the objectives would be very well accepted in seeking assistance. Knapp: Location of the platform should be at the north boundary. Dennis Leach, Brett Bell, Larry Lake was all instrumental in the initial set up of the BCNA. In putting the stakes in at the Lossie Trail we got a lot of help from Supervisor Popp, the fire personnel and other volunteers. Knapp: Who approaches the DEQ regarding a permit to clear the mouth of the creek? The Township. Vigland: Any support from the DNR representative would be great on the application. Mouser: Set up phases, make the proposal and ask Vigland to critique with suggestions and possible cost estimates of signs, etc. Vigland: Providing public access is a priority. Happy to assist and walk through the process, etc. The Trust Fund Grant is in April. Some things can be done at very little cost. Mouser: Other sources that you know of? Vigland: The Community Foundation, donations of product/materials from businesses. Put the project together and present it to many groups, businesses and organizations. GT Conservation District is an excellent source of help and guidance.
3. **Review of Township Parkland and Management Plans:** Pull out specific items, list the commitments and prioritize. Melton: Are any of the other plans incomplete? Yes. Pinpointing details does not go against the

Capital Improvement list in the Plan. Once these items are identified there may be funding for these, whereas there may not be monies available for the others on the Capital Improvement list. Some projects will be lengthy processes, a couple years in the works, some not. Must establish what is needed and then prioritize. As this is an advisory committee, the information must be presented to the Board for them to create or approve a grant application. Defer creating the list to the next meeting.

4. **Next meeting: February 10, 2014** (1) Election of officers (2) Create the list of the specific items that need addressing in the management plans and develop the priority list. Please read through the plans to be prepared for discussion. (3) Unfinished business: Create a list of incomplete projects / follow-up items.

Public Comment: Ron Popp, 6237 Elk View Drive: Committee members are supposed to let the Chair know when they are not attending. Who did Phil Knapp speak with at the DNR to permit the mouth opening at the Battle Creek? Knapp spoke with Heather Hettinger, the “fish lady” at the DNR. Popp: What did the two of you discuss? Knapp: Had thought the DNR had looked at the project previously. Todd Kalish apparently had looked at it before and she is the one now. Knapp asked her about the process to get it going. No requests for her to check it have been made. Popp: You indicated that a verbal presentation was made to the Elk-Skegemog Lake Association (ESLA). Knapp: Asked if there was a chance they would give funds if there was approval to open up the mouth of the Battle Creek. They verbally committed to do that if we get approval. Popp: When was the meeting? Knapp: Believe it was the 17th of December. Popp: Correspondence was made with Knapp and Mouser and it did not come up in the correspondence section of the meeting. Knapp indicates that there was a verbal discussion however there was no written correspondence. Popp: There was written correspondence with the Chair. Mouser: Referring to the e-mails?

Tom Cosgrove, 10300 Miami Beach Drive: Is the report (the Battle Creek Natural Area Management Plan) available to the public? (Yes, it is available in the Clerk’s office.) The Lossie Trail is tremendous, parking is an issue, it is a great trail. Have also walked the Battle Creek Trail, a little hard to walk but we made it to Elk Lake. Hope the committee works on improving that. Monday, July 8 minutes: reports #2, previously discussed the dam at Miami Beach Rd. “The owner put the bridge and the dam in” The Cosgroves (the current owners) did not put the dam in. Would like that corrected. Mouser: Notes that it is not referring to the pond. Refers to a deposit of material that is blocking the flow of Battle Creek into Elk Lake. Cosgrove: Battle Creek does flow into Elk Lake. Indicates confusion regarding the July 8, minutes that states “the owner put the bridge and the dam in. Notes that the minutes say, “It is illegal and needs to be addressed for liability.” That is problem one. Problem two, down below says “the property owner, Mr. Cosgrove, built the dam.” Mr. Cosgrove indicates that he did not build the dam. Mouser: We deal with the information and what our understanding was at the time. If it is incorrect we will be happy to correct it. Cosgrove: Referring to the bridge and the dam as illegal. “What is illegal?”. Mouser: The area along the property as the original stream bed of Battle Creek. We do not have factual information on how the “plug” got there but it is there, restricting the flow of the original stream bed. There seems to be a lot of misunderstanding of what is and what is not fact. P&R is looking to ascertain information on the plug whether natural or man-made. No factual information to agree or disagree, at that point it was stated what we thought was true. Cosgrove states that he did not build the dam. Mouser: I don’t believe the intent was that it was the current owner, perhaps that was an oversight. Cosgrove: It was not flowing when we bought it. Mouser: There is a great deal of interest to get creek, streams and river beds back to the natural flow areas. That is why we are working with the DNR/DEQ to get that information and act on it once we know what is going on. We have no intent to impede anyone’s use of their private property, interest lies solely in the flow of the Battle Creek and that it is used as intended when initially purchased and given up to the township. Cosgrove: We have a need to protect our personal property for ourselves, our kids and our grandkids. Mouser: Public and private concerns have to mesh and work with facts. We encourage public input at these open meetings as a matter of public record. Cosgrove: Can the agenda be put on the website? Mouser: We had been focusing on the Recreation Plan. Cosgrove: Thank you for your time and efforts. Mouser: Appreciate your attendance and input on the meeting minutes. We are trying to piece together all the information we have been presented with and looking to clarify as much as possible.

Discussion: Mouser: To address the Supervisor’s statement: Supervisor sent an e-mail to Mouser. Mouser will forward the e-mail conversation to all for review. Mouser read through the three e-mails. Knapp (to Popp): What do you want? Popp: Would like a full disclosure on where this board is going with this Battle Creek Natural Area. This group is an advisory committee to the Board of Trustees and I have been advised that some of the actions are

offensive to certain people and I have also been advised that those people plan to protect their personal property rights. Obviously, this is going down a road that once we get to a certain point we will not be able to retract from. If actions of this group are creating such divide with the people, the Board has a right to know who you are talking to and what the ultimate end game is. Let the board decide how they should direct you. This is or can be an adversarial situation and would like to refrain from that happening. Knapp: Nothing I have done is adversarial. I have not come up against of that at all. When I went to the ESLA, they are ready to commit funds. Not aware of any problems. Popp: Mr. Cosgrove is. Knapp: We have not heard from Tom (Cosgrove). The problem is, we do not have a clue what that problem is. We (Mr. Cosgrove and Mr. Knapp) have walked that channel and it is leaching over the top, not flowing. Cosgrove: It is flowing. Let's make sure we are dealing from a (does not continue). Does not want to respond right now. Knapp: We would like to know what the problems are. Popp: The Township Board representative assigned to you has been told that there is a problem for two months. Knapp: It has not come to this board. Popp: Again, malfeasance. Mouser: To get an e-mail, paraphrased: sit down, shut up because there are things that you don't know about, we are not going to tell you and just get out of the way. Popp: You don't even know who built the bridge. Mouser: No. Popp: I quote, the anecdotal information (does not continue) Mouser: That is what we are trying to find out. Popp: Good job. So what I want to make sure is that you inform the Board and the Board will make the decision. This is advisory and you are in advisory territory here. Mouser: We are not making any policy here, we can recommend. Popp: To the Board, that is all. Knapp: There is no way we can come to the Board with a proposal if we do not do our work first. Mouser: We are doing due diligence now and we feel we are doing it by (does not continue) Popp: Where is the proposal? Mouser: There is not one yet. Popp: What do you hope to do? Knapp: That still needs to be decided. We are going to prioritize the next meeting, maybe we are in a position to come to the Board next meeting, we are not today, at least I am not. Popp: Obviously, there has been discussion about some type of plug. The term investigation, a term that was used by Lois (MacLean). Knapp: The word investigation is offensive to me. Popp: Not my word, it was Lois'. Knapp: When I am going around trying to find funds for a proposal from this committee that does not sound like investigation to me. Popp: What would your funds pay for? Knapp: The proposal was to take the plug out of the Battle Creek. Popp: That is what I want you to tell the board because these people (the Cosgroves) have certainly told the Board that it is offensive to them and that has been passed down from the Board through your liason. I apologize it hasn't gotten to you, obviously that link is not working. But clearly, the Township Board has known it has been a problem for more than two months. Mouser: It is a problem. Melton: Have you also heard from other public comments or otherwise, the concerns associated with the leaching along the shoreline? Popp: As early as last July, I met with the entire association and we discussed that very thing. I am no biologist but it is not a sediment, it is actually a growing plant that is attaching itself to the bottom. Some people say "oh, it can't be." So I encourage you to go about 1000' feet to the left, along the shore of Elk Lake to where Williamsburg Creek connects to the lake. You will see a larger plume yet, three times the size of what is coming out of Battle Creek. So it is the nutrient rich water or possibly water or chemicals from the eruptions from 1973 that are actually causing changes. Cosgrove: We have never, ever seen any sediment there and we are the closest ones. Popp: What's on the lake bed? Again, I am not a biologist, but you can scoop it up, it has a jelly-like consistency and has very delicate type of branches that emanate from this jelly-like thing. So it is almost like a plant that is trying to establish growth. That is as far as I can go. Melton: When the committee first started with this there had been some concerns from the public about that aspect, if there were sediment concerns. We had brought in the DNR to guide us to what the causes are, what the ramifications are and possible solutions. We are trying to look at the over-all good of the public and land owners in that area not only to the Battle Creek property but to the adjoining private properties as well. What does the public want to see and what is the best solution. I think that is where the conflict originated, I don't think it had anything to do with trying make any waves in this fashion. It was an establishment of a need to understand (a) what is the problem (b) what caused the problem (c) what is the solution and how, we as the board (committee) commit in terms of getting a project to the Township Board to approve at that point. Popp: Excellent. I ask you to review Ordinance #48 which indicates the Board shall direct, not the other way around. Mouser: We are not directing anything. We are advisory. Reading from Ordinance #48: "...shall recommend ... to the Township Board." Reading that quite literally that we are in the business of recommending. If that means we are going to recommend that the Board seek out a grant from the Trust Fund, here's the information, here's the documentation, here are the cost considerations to allow you to do that if it is determined to move forward. Whether it is a plan or whatever. We need to get the experts, get input, what are the costs, who can we get money from, are there matching requirements. If that creates an offense to somebody, until we propose something, until there is meat in it, I don't know what the concerns are. If there is information, facts that we need, bring it to our attention. But as far as our ability and our charge, as I read Ordinance #48, is to seek out and to recommend. That is all we are doing

right now, we are seeking out. Recommendations have no force of any sort what so ever. Popp: Unfortunately they do. They do cause collateral damage. That is what I think we are (does not continue) Mouser: Collateral damage, what does that mean? Popp: That Knapp went to a group and asked for money and they indicated they are ready to go with it. That is not an advisory statute. Knapp: In speaking with groups, I said IF the Board approves would they be interested in helping and they said overwhelmingly they would. Mouser: I am sure they are a reasonable group. They are not going to just give us a blank check, take it to the Board and do whatever you want with it. They are going to want something very specific brought to them, they are going to want to know what their money is being spent on. I would take that as not being adversarial or confrontational or doing anything more than advisory to say that we are advised that they (the group) has funds and are willing to look at various improvement projects for the township and if it becomes a project and gets approved, then they are willing to give some money. No different than talking to Mr. Vigland about the GTRLC assistance. There have been no commitments to anything on either side, other than asking for information. The information from the state is that they have money and may want to help the Township do some of these things. Whatever they are, once that is determined and approved by the Board. Popp: So this very conversation is exactly what I asked for, which you said couldn't be done. Mouser: I did not. Popp: In which you refused. Mouser: I did not. I could not take from your e-mail and understand what your comments were to this entire board. Popp: It was anything to do with BCNA. Mouser: It doesn't say that specifically. Popp: I thought it mentioned BCNA. Mouser: We have a liaison, we have public meetings and we have meeting minutes. Knapp: When will we get an approval of our Recreational Plan? Popp: It should be on the agenda soon but I don't know that it will get the April dead-line due to budget meetings taking place. Mouser: We know and understand these things do not move quickly. If you want specific information ask, don't say stop doing it. We have meeting minutes and that is what they are there for. If you want more specific information you only need to ask. I did not refuse. I said the e-mail was somewhat nebulous as to what it was concerning, something more specific would be helpful to provide a meaningful response to the questions that were left unsaid. I do not see that as a refusal. As has been brought up, there have been some inaccuracies brought up which we have responded to. Keep it specific and factual and we will keep our responses specific and factual to the best of our knowledge. Secondly, I think that type of request should come to the full board (committee). Popp: You are the Chairperson. Mouser: Yes, I do not have the authority to stop people, I cannot tell him that. Can you? Popp: Excellent point. Mouser: As a member of this committee or as a citizen. Popp: Excellent point. Mouser: Anymore than you can tell the Trustees to stop (does not continue) Popp: He has done this on his own? Mouser: He has done it on his own as a member of this committee trying to receive information in order to advise this group as to what possible sources of funding there may be to do a number of things. Popp: So under your direction. Mouser: Under the direction of the committee as a whole. Someone would need to direct us again that we have overstepped the boundaries as stated in Ordinance #48. We do not have a recommendation as of yet. If the full Board says they want more information than the meeting minutes, just say that, more detail in the meeting minutes – we can do that, if we have to. A very broad statement to say that we think you are doing something wrong, stop doing everything until you tell us everything you are doing then we will pick and choose what is and what isn't approved to continue. Maybe it was too broadly worded, for one. Popp: I only need one and I think you have provided that. Mouser: We are trying to work within the parameters of what is here then we will make a recommendation. Hopefully the recommendation will be, they are things the Township has already agreed to do, according to this documentation (the BCNA Management Plan). Ninety five percent of what we are talking about is already in the documents from 2008 / 2010. We are just looking for funds to do that, to meet those commitments. Knapp indicates that he would like to speak with the Cosgroves sometime.

Adjournment at 8:55 by Knapp, second by Melton.

Respectfully submitted,
Lois MacLean, Recording Secretary