WHITEWATER TOWNSHIP BOARD
AGENDA FOR 1st REGULAR MEETING – SEPTEMBER 11, 2018
7:00 p.m. at the Whitewater Township Hall
5777 Vinton Road, Williamsburg, MI 49690
Phone 231-267-5141/Fax 231-267-9020

At this time, the board invites everyone to silence their electronic devices.

A. Call to Order / Pledge of Allegiance / Moment of Silence in Observance of 09/11/2001 Tragedy

B. Roll Call of Board Members

C. Set/Adjust Meeting Agenda

D. Declaration of Conflict of Interest

E. Public Comment
Any person shall be permitted to address a meeting of the township board. Public comment shall be carried out in accordance with the following board rules and procedures:
1. Comments shall be directed to the board, with questions directed to the chair.
2. Any person wishing to address the board shall speak from the lectern and state his or her name and address.
3. Persons may address the board on matters that are relevant to township government issues.
4. No person shall be allowed to speak more than once on the same matter, excluding the time needed to answer board members' questions. The chair shall control the amount of time each person shall be allowed to speak, which shall not exceed five (5) minutes.

F. Public Hearing (none)

G. Reports/Presentations/Announcements/Comments
1. County Board of Commissioners Report
2. County Road Commissioner Report
3. Mobile Medical Response Report
4. Fire Department Report
5. Planning Commission Report
6. Parks & Recreation Advisory Committee Report
7. Terry Martin – Junk Complaint

H. Consent Calendar
Receive and File
1. Supervisor's Report for August 2018
2. Clerk/Park & Recreation Administrator's Report for August/September 2018
3. Zoning Administrator's Report for August 2018
4. Mobile Medical Response August 2018 Activity Reports
5. Whitewater Township Fire Department August 2018 Report
6. Approved 08/01/2018 Planning Commission Minutes

Correspondence
1. Grand Traverse County Sheriff Department Statistics for August 2018

2. Thank You Card from Louella Dittrich to Fire Chief Brandon Flynn
3. E-mail 08/24/2018 Ron Beitel re: Road Mess on Skegemog Point Road
4. E-mail 08/28/2018 John Nolan re: Whitewater Township Meeting
5. E-mail 08/29/2018 Tom Slopsema re: Miami Beach Sewer Ordinance

Minutes
1. Recommend approval of 08/14/2018 and 08/28/2018 regular meeting minutes

Bills for Approval
1. Approval of Alden State Bank vouchers # 43069 through 43192
2. Approval of First Community Bank Miami Beach voucher # 1244
3. Approval of First Community Bank WMDLS vouchers # (none)

Budget Amendments (none)

Revenue & Expenditure Report (none)

I. Unfinished Business
   1. Review/Approve Assessor Employment Contract and Review/Approve Job Description
   2. Resolution #18-16 In Opposition to Michigan House Bill 6049 and Senate Bill 1025
   3. Discuss Appointment Process – Review Policy and Procedure Manual

J. New Business
   1. Review Phase II Environmental Site Assessment – MDOT Parcel
   2. Zoning Administrator Request for Direction re: Junk Complaints
   3. Review Planning Commission Recommendations re: Article l7
   4. Review Attorney's Recommendation re: Article 17
   5. Request to Accept or Decline Responsibility – Elkwood Shores Community Drain Field Project
   6. Decision re: Third Brine Application
   7. Consumers Energy Franchise Renewal
   8. Resolution #18-17 to Set Rates for Cemetery Services
   9. Approve New Park Ranger – Seth Anderson

K. 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)

L. Board Comments/Discussion

M. Announcements
   1. Next township board meeting date 09/25/2018 at 7:00 p.m.

N. Public Comment

O. Adjournment

Whitewater Township will provide necessary reasonable auxiliary aids and services to individuals with disabilities who are planning to attend. Contact the township clerk at 231-267-5141 or the TDD at 800-649-3777.

To: Township Board Members

From: Cheryl A. Goss, Township Clerk

Date: 09/07/2018

Re: **Consent Calendar 09/11/2018**

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Budget Amendments (none)

Revenue & Expenditure Report (none)

An appropriate motion would be: Motion to approve Consent Calendar items as presented.

Moved by _____, seconded by _____. Roll call vote:

Whitewater Township Supervisor's Report

August 2018

1) Investigate citizen observations:

   A. The major earth work that was reported and investigated on last month appears to have been started without proper permits. I am looking to the DEQ to provide the Township with additional information soon.

   B. Phone call and email from Skegemog Point Road North resident detailing the poor condition of the Road. Understanding the amount of money it takes to repair roads, it could be time to look at Township wide effort to raise funds for just such a purpose.

2) Office duties:

   A. Meetings:

      1) I attended Planning Commission meeting to listen to public comment on event barns. The meeting was well attended by public who were concerned about the lack of information that had been distributed on a Zoning District Change. This the third time this year Township Residents have shown up in great numbers on Zoning or General Ordinance issues. It should be the Townships Board's goal to offer ideas on how best to change this.

      2) Participated in monthly Supervisor's meeting. Inquired about a spare fire engine while ours goes out for additional repairs. Most of our Grand Traverse counter parts have moved to pumper tankers with larger water capacity and a pump that work as a temporary engine if the need arises.

      3) Meeting with John Divozzo, Grand Traverse County DPW supervisor, about developing a 2019/2020 budget and replacement schedule for the Miami Beach Sewer system. Work continues to move along on this item with my goal of getting a proposed budget and rate resolution released in the September 2018.

      4) Meeting with Fire Chief Brandon Flynn. The Chief and I met about budgets, equipment, the challenges of locating a spare engine and grant writing. Chief has a 2% grant idea for updating rescue tools which will continued to be refined over the next few weeks. Thank you Chief!

5) A draft copy of the new Miami Beach Road Sewer Ordinance was provided to the Township Board and public. I look forward to reviewing comments from Miami Beach Road Residents and incorporating the input into the final version

Respectfully Submitted,

Ron Popp
Whitewater Township Supervisor.

Clerk/Parks & Recreation Administrator's Report for August/September 2018

To: Whitewater Township Board Members

From: Cheryl A. Goss, Township Clerk

Date: 09/07/2018

This report details activity in the Clerk's office since my last report dated 08/08/2018.

Meetings Attended (in addition to Township Board meetings):
1. 08/13/2018 Parks & Recreation Advisory Committee
2. 08/16/2018 Grand Traverse County Municipal Clerks' Association
3. 09/05/2018 Mobile Medical Response Advisory Board

Elections: Preparations are well under way for the November 6 General Election. We just found out yesterday that straight ticket voting will not be an option for this election. This has been a controversial subject in Michigan. However, most states do not allow straight ticket voting. I have requested and received a quote on a second ExpressVote device with stand. I'll be bringing this quote to the board for approval once I determine if the funds are available in the Elections budget. These devices are so popular that some jurisdictions are using them exclusively.

Whitewater Township Park: Labor Day Weekend is now behind us and there are fewer campers in the park. Weekends are busier. We do have a bass tournament coming up the last weekend of September, as well as the 2nd Annual Halloween Camping Event and Party on October 11 through 13. The park closes for the camping season on Sunday, October 14. Work continues on getting the used playground equipment installed at the campground. The swing set poles have been set. New swings and chains have arrived but need to be installed. There will be another work session to set up the monkey bars and pour concrete for the merry-go round base. We are in the process of obtaining quotes for tile work in the showers and upgrade of the pit toilet building. It's impossible to keep paint on the shower walls.

Hi Pray Park/Battle Creek Natural Area/Lossie Road Nature Trail/Petobego Natural Area: Kyle Riegle of Avery Excavating will be grading/graveling the Hi Pray parking lot this month. The Parks & Recreation Advisory Committee will meet soon to discuss progress on the batting cage project and trail work.

8380 Old M-72 Renovation/Addition Project: Regular mowing is now taking place at this facility. We may need to bring in some black dirt to get a nice crop of grass growing in order to make the Soil Erosion people happy.

Other News: The L-4029 Tax Rate Request form is due to the county by the end of this month. Hopefully, the supervisor will have this completed soon.

# # #

Zoning & Planning

Whitewater Township
P. 0. Box 159 – 5777 Vinton Rd.
Williamsburg, MI 49690

September 6, 2018

Whitewater Township Board of Trustees

The following is a synopsis of my activities for the month of August 2018:

- Following Senate Bill 329 & House Bill 4503 dealing with short-term rentals – both bills are designed to remove any local control over short-term rentals by amending the Zoning Enabling Act of 2006 – if these bills are passed, short-term rentals will be classified as a residential use by right… I have heard that it is coming to life again. Both Bills are strongly opposed by Michigan Townships Association and the Michigan Municipal League.

- Reviewing the Township Zoning Ordinance at the request of the Planning Commission and creating a list of needed corrections.

- Worked with Attorney Patterson regarding Event Barns, Fence Dispute, Article 17 – Administration and with MDEQ/ Cadillac with respect to a Wetlands Violation north of M-72 and east of Cook Road.

- Monitoring the clean-up progress of Fender-Bosner property – NE corner of Park Road and Elk Lake Road.

- Issuing land use permits and completing inspections and issuing Certificates of Occupancy – answering questions and reviewing paperwork – follow-up with Grand Traverse County Soil Erosion, Well and Septic, Road Commission and Drain Commissioner regarding pending approvals.

- Reworking the Land Use Permit Application and the Land Use Permit so they can be filled out electronically and submitted via email.

/s/ Dennis L Habedank

Fractile Response Time

Company IS MOBILE MEDICAL RESPONSE; AND Trip Date IS BETWEEN 08/01/2018 AND 08/31/2018; AND Initial Priority IS P-1 Life Threatening Emergency OR P-3 Downgrade (No Lts/Sirens); AND Dispatch Zones IS GT-Whitewater; AND Dispatch Status IS Canc...

MOBILE MEDICAL RESPONSE

	Call Count	Cumulative Call Count	Percent of Total Calls	Cumulative Percent of Total Calls
03:00 - 03:59	1	1	8%	8%
04:00 - 04:59	2	3	15%	23%
05:00 - 05:59	4	7	31%	54%
06:00 - 06:59	2	9	15%	69%
07:00 - 07:59	1	10	8%	77%
09:00 - 09:59	2	12	15%	92%
10:00 - 10:59	1	13	8%	100%

Total Calls for MOBILE MEDICAL RESPONSE: 13

Demand Analysis by Day of Week for Whitewater Twp

From 08/01/2018 to 08/31/2018

TIME OF DAY	1.SUN	2.MON	3.TUE	4.WED	5.THU	6.FRI	7.SAT	Total
01:00 - 01:59	0	0	1	0	0	0	0	1
02:00 - 02:59	0	0	0	0	0	0	1	1
04:00 - 04:59	0	0	0	0	1	0	0	1
06:00 - 06:59	0	0	0	1	0	0	0	1
09:00 - 09:59	0	0	1	0	0	0	0	1
10:00 - 10:59	0	0	0	0	0	1	0	1
11:00 - 11:59	0	0	1	0	0	0	0	1
13:00 - 13:59	0	0	0	0	0	1	0	1
15:00 - 15:59	0	0	0	0	1	0	0	1
16:00 - 16:59	0	0	0	0	0	0	1	1
18:00 - 18:59	0	0	0	0	1	0	0	1
19:00 - 19:59	1	0	0	0	0	0	0	1
20:00 - 20:59	0	0	0	0	0	2	0	2
21:00 - 21:59	0	0	0	0	0	0	1	1
22:00 - 22:59	0	1	0	0	0	0	0	1
23:00 - 23:59	1	0	0	0	0	0	0	1
Total	2	1	3	1	3	4	3	17

Requests by Nature of Call in Whitewater Twp

From 08/01/2018 to 08/31/2018

	Total
Allergies (Reactions)/Envenomations (Stings, Bites)	1
Back Pain (Non-traumatic or Non Recent Trauma)	1
Sick Person (Specific Diagnosis)	15
Total	**17**

Transport Count by Month

	8/2017	9/2017	10/2017	11/2017	12/2017	1/2018	2/2018	3/2018	4/2018	5/2018	6/2018	7/2018	8/2018	Total
Village of Elk Rapids	22	17	7	12	17	11	4	13	15	6	16	10	18	168
Elk Rapids Twp	5	5	4	4	5	6	6	4	5	7	5	3	6	65
Milton Twp	12	16	11	7	6	11	6	9	8	15	7	6	11	125
Whitewater Twp	9	20	9	19	16	9	6	13	17	14	12	20	12	176
Torch Lk Twp	2	0	0	0	0	0	0	0	0	1	2	0	2	7
Kalkaska County	0	1	0	0	0	0	0	0	2	0	1	1	0	5
GT County	1	2	3	3	1	8	2	1	2	5	1	4	3	36
Total	51	61	34	45	45	45	24	40	49	48	44	44	52	**582**

WHITEWATER TOWNSHIP FIRE DEPARTMENT

8380 OLD M-72 • PO BOX 9 • WILLIAMSBURG, MICHIGAN 49690 • 231.267.5969 • FIRECHIEF@WHITEWATERTOWNSHIP.ORG

Monthly report August

Alarms:
The Fire Department responded to 8 alarms for the month of August. An injury accident on M72, a motorcycle injury accident on a State Land trail, an illegal burn complaint, an EMS call with MMR and 4 storm related calls from the severe storm that passed through our area in the early morning hours of August 28, 2018.

Training:
The Firefighters attended 4 training sessions in August including vehicle maintenance, ropes/ladders, vehicle extrication and fire suppression training.

Meetings/Other:
Whitewater FD attended the Elk Rapids Harbor Days Parade on August 4 with Engine 3 and Air 3. The Fire Chief attended a County Fire Chiefs meeting, a 911 board meeting and a fire officer meeting. In addition, two Apparatus Committee meetings were held at the fire station.

Alex Johnson was officially hired as a firefighter as of August 15. He will attend the Fire Academy this winter.

Firefighter Andrew Jeurink has resigned from the Fire Department as of August 16, 2018. He and his family have moved to Manistee.

Top Line Electric completed the apparatus bay lights on Thursday Aug. 16, 2018

The last of the Firefighter protective gear has been inspected. Over the past 3 months, I sent in a total of 12 sets of gear for cleaning, inspecting, re-lettering and repairs if needed.

DUNS information has been edited to reflect Whitewater Township Fire Department. This number enables us to apply for Federal Grants.

The Firefighter annual physicals have been completed this month.

I attended the funeral for a retired Williamsburg Fire Department volunteer Gerald Dittrich. Jerry and his wife Lou were active members of the department and auxiliary for over thirty years.

WHITEWATER TOWNSHIP FIRE DEPARTMENT
8380 OLD M-72 ◆ PO BOX 9 ◆ WILLIAMSBURG, MICHIGAN 49690 ◆ 231.267.5969 ◆ FIRECHIEF@WHITEWATERTOWNSHIP.ORG

The Fire Chief requests an amendment to the Salary and Wage Schedule 2018-2019 to include a Probationary Firefighter Hourly Rate. The recommended rate is $11.25/hour for Training and Response Time.
The rational to this tiered pay scale is that probationary firefighters have limited duties during Response Time and are considered "always training" until they complete the required training and one year probationary period.

WAGES

Fire Chief	$55,000 to $70,000/yr
Assistant Fire Chief	$18.00/hour
Fire Captain	$17.50/hour
Fire Lieutenants	$17.50/hour
Safety Officer	$17.50/hour
Firefighter - Training Time	$11.25/hour
Firefighter – Response Time	$16.50/hour
Probationary Firefighter - Training/Response Time	*$11.25/hour*
Interim Fire Chief	$18/hour
Interim Deputy Fire Chief	$18/hour
Interim Fire Captain	$18/hour

WHITEWATER TOWNSHIP PLANNING COMMISSION
MINUTES FOR REGULAR MEETING
August 1, 2018

Call to Order at 7:05 p.m.
Roll Call: Dean, Hooper, Jacobson, Mangus, Render, Savage
Absent: Lawson
Also in attendance: Recording Secretary MacLean + 61
Set / Adjust Agenda: Set.

Declaration of Conflict of Interest: None

Mangus: Welcome and thank you all for coming to tonight's meeting. Statement regarding the PC packet and agenda. The township has not issued any permits for event barns. There are no proposals before us. There is no amendment that allows for event barns. We are looking at a special use permit ordinance that would allow someone to apply to potentially have an event barn. With any such application all neighbors would be notified and a public hearing would be held for every occurrence of an event barn in the township. There is some confusion that construction has begun and notices did not go out. That is not the case. We do not have an ordinance that would permit an event barn. No blue prints are before us. No permits are before us. Nothing has started construction to our knowledge anywhere in the township on something intended to be an event barn.

Public Comment:

Ron Bachi, 6987 Cook Rd. Thank you for taking time to listen. You have our respect and appreciation. It is not intent to offend you, anyone here or anyone in our community. Whitewater Township Planning Commission has been approached to create an ordinance that would allow event barns on agricultural property. The original intent of event barns was to give farmers with historic barns the opportunity to earn some extra income. An individual has purchased land which has a driveway across from Cook Road with the intent of putting in an event barn which would affect our quiet, peaceful neighborhood and endanger the public.

A petition was formed: "We, the undersigned concerned citizens who call upon our planning commission to abandon the ordinance that would allow event barns as a special use in the agricultural and recreational districts." 162 signatures have been gathered from Cook Road, Miami Beach, Palestrum and Wintergreen Heights. 162 people approached, most knew nothing about it, 100% were opposed. The fact they are opposed is not a surprise. The fact they did not know anything about it is disturbing.

In going around the neighborhood we received a lot of feedback. Overwhelmingly people were in disbelief.

It is a beautiful rural community and I have learned that we have to fight for what we have.

How does this help the community? Cannot think of any way this can help our community.

Negative effects: Increases traffic, noise pollution, light pollution, property values will drop dramatically. Then add alcohol and sounds like a recipe for disaster.

Spoke with someone with some legal background and he said it could not happen. It is ag property in a rural community. Upon further investigation and reading of previous meetings' minutes he seemed surprised and noted that this was being pushed through with no opposition. He then went through the six page ordinance and asked where do I sign (on the petition)?

How did people find out? Semi-truck loads of fill appearing and disappearing on the property. DEQ has been contacted. A violation has been issued. No permits had been applied for or issued. An undetermined amount of fill put in to create a road to facilitate an access to M72. Wetlands have been affected. DEQ said they will push for total rehabilitation of the wetlands.

I live in a beautiful community and from my point of view I see a piece of agricultural land surrounded by rural community. Everyone knows it is agricultural land. You can farm and build houses but you cannot disturb the protected wetlands. You cannot build a road to access a party barn, fill the party barn with 250 people, serve alcohol, play loud music, charge a lot of money and then send them down a road in a rural community. Then do it again and again.

Downloaded pictures and a mission statement from the township website. According to the mission statement posted on the township website, "The Whitewater Township Board will strive to maintain the rural character of our community" and it includes pictures. One picture is a historic red barn on a farm. The allowing of the special use permit would no way support the mission statement or protect our agricultural land and residents around it. A commercial event barn does not belong on agricultural land.

People are uninformed. The opposition is real.

Abandon the ordinance that would allow event barns as a special use within the agricultural and recreational districts. Thank you.

Jon Moothart, 9815 Miami Beach Road. In looking at the proposed ordinance, don't know who prepared it. I assume it was drafted by the developers attorneys – I don't know. I assume this is an ordinance that was recommended by an individual who wants to do something on a particular piece of property.

Doesn't seem to be a ground swell of people who are interested in amending our ordinance to allow event barns in agricultural areas. Isn't there just one person who wants this?

The proposed ordinance would allow up to 250 people per event, 35 events per year. That is a lot of people.

". . .Noise that accessively annoys people. . ." (reading from the proposed ordinance). It is worded such that it can be litigated in court once the SUP is approved.

Read through the alcohol portion.

It is questionable if this is an agricultural use of land.

From the minutes of the June 12 board meeting: Mansfield notes that the Williams' are the property owners. They feel strongly that uses in the agricultural zoning district provides owners of larger parcels with additional potential revenue streams and opportunities to keep the parcels whole and preserve the rural character of the township.

The way you preserve the character of the community is to not allow a party of 250 people, 35 times a year next to the Burfiend property. Don't put a square peg in a round hole.

Calling it an ag use does not seem honest.

Mangus: For clarification: The Planning Commission proposed language for an ordinance. The township attorney then created a proposed ordinance. It is part of tonight's meeting packet. The PC has not reviewed the attorney's proposed ordinance. This is in legalese terminology, not the terms the PC used in its version of the ordinance. The PC, at this point, has not reviewed or endorsed this document. This is not based on input from the developer.

This has been on our list of things to do since before the Williams' came to us. The courts have determined that event barns are considered agri-tourism and as such they are allowed in our ag district. They would go through the zoning administrator. The PC was trying to set up guidelines were it to occur, as opposed to waiting and having no structure in place what so ever.

As the PC, we receive and address thoughts and recommendations from groups, individuals, the board and from our own review of the ordinance. We are currently in the process of going through our ordinance and addressing amendments, conflicts and inconsistencies that have accumulated throughout the years. Then it will go through a recodification process. Mangus explains the processes that are taking place. There are many opportunities throughout the process for public input. The PC welcomes public input.

Tom Slopsema, 9693 Miami Beach Rd. Does the public get to vote on amendments to the ordinances? (Mangus – no)

Reading from the attorney created document amendment. Would like to see the distance from houses more than the 500 ft. stated. My opinion is that I would like it to be 7,000 ft. from neighboring residences.

Would prefer Event Barns be in the commercial district.

It would be great that events with alcohol be required to hire a uniformed officer.

Section L – As previously addressed, noise: ". . .assessiveley annoys. . ." and ". . . unreasonable . . .". It should be a specified dba level.

Light pollution is also a big concern.

Brian Johanson, 7679 Cook Rd. Security officer is mentioned, would like to see more specifically an armed officer.

Two or three years ago someone was hit on Cook Road and while care was being rendered they were hit by another car. You are looking at sending 8,730 people down Cook Road after they have been drinking. It is a bad idea. I walk Cook Road and there is not enough room. Look at the intersections of M72 and Cook Road and M72 and Williamsburg Road. Those are dangerous intersections. We don't need to add alcohol and a bunch more cars.

Wally Weir, 7792 Cook Rd., Longest property owners on Cook Road. Family settled in 1862. I like the atmosphere, rural setting and everything we have here. A proposed amendment that might be a problem in the future should be especially restrictive so variances can be allowed. This is not a very restrictive proposed ordinance.

Jordan Babcook, 6727 Cook Rd. Four years ago there was a drunk driver accident. Adding more alcohol to people's blood content through the parties that would go on would be a very terrible idea. I was the one that was hit and will have on-going complications for the rest of my life because of alcohol. I think this is not a good idea.

Sally Laudermilk, 7485 Cook Rd. I have been in the area for 10-15 years. I think what a lot of people are really worried about is to look what happened at Torch Lake and you are asking us to put up with that 35 times a year.

Tracy Peal 9727 Cushman Court. Grew up on Torch Lake and am very familiar with the issues there now. Here to encourage the PC to keep our rural character in mind when making changes and decisions.

Ryan Stibbs, 9675 Old M72. I note that a lot of comments are specific to the event barn on Cook Road. When thinking about event barns my initial thought goes along with the pictures of the barn and old settings. We cannot keep everything old but I do want to make sure when this review is done that something is in there about the barn in general. Using an old, existing barn a couple times each year for events is one thing. Taking down the barn and building something new is a business. We love our old township. We love our old buildings. Commercializing the rural character is of concern.

Doug Chichester 6879 Cook Rd., which is right across the street. I refer to it as the Webster farm. You have to accept new homes and develpment. We all live on someone else's farm. The size of this development is scary. I like my neighbors but if he invited 250 of his friends, with bands, 35 times a year I might get upset. Not saying development is a bad thing. I could hear the bands at the casino and that was miles away. This would be right across the street.

Deepak Prabhaker, 6925 Cook Rd. I have been to the destination events, weddings at rustic barns. What makes them work is that they are in the middle of nowhere. This is not the middle of nowhere, this is home. My encouragement is to review the excessive noise, the setbacks, the number of events per year and consider limited the use. Put the needs of the community before the ambitions of one couple.

Bonnie Babcock 6727 Cook Rd. When the drunk driver hit my daughter I went to help and I was also hit. The roads are still the same, they are not safe, there is no shoulder. Gotta stand for something. How long does it take for an ambulance to get here in this township? What if someone is just choking? Visibility is not what it should be. These people have already done something under the wire. They don't care about your amendment. They are going to do whatever they want to do. My advice is to stand for something.

Mangus notes: We are looking at event barns in general. If you like the idea of event barns but not at that location, we need to know that. By show of hands most of the people are opposed to event barns in the township regardless of location.

Hooper, lives on Cook Road. This PC told the people that that is not a good area. They came back and immediately changed the location – out on M72.

What if they put a sub-division on all the large properties, how many cars will be on the road? One of the things we are trying to do is to allow people with large properties to afford the properties. We are trying to protect the large parcels of property. When people are thinking that they don't want anything you have to be aware that subdivisions are allowed. We would like them (the event barns) to be on M72.

Bachi response: Comparing homes and this is not the same. If people moved into the area they would likely want to have the same things we have. It would be forty homes of people who care about the community. Not people coming in for a party who don't care about our community.

Mangus: We do want to listen and respond to a few questions.

Hooper: I am not here to represent them (the property owners). I am here to represent the community. We come here with an open mind. We don't always agree with each other. I am trying to help you understand our thought process on this whole thing. Asking you to listen when we explain things. The PC has not come to any decisions on this yet. Wish people would show up at all the meetings to provide input.

Tom Czerwienski 7021 Cook Rd. In agreement with the previous speakers. Commercial is not equitable to a subdivision. Notification is a problem. There was a three minute public hearing back in May because no one showed up. Legal notice was posted in the Record Eagle on April 15. That was the only notification. Suggest there has to be a better way to notify people. Residents and property owners need to be notified of what is going on. When people know what is going on they are interested. There was nothing in the newsletter. There is nothing on the township website home page. We can go through the meetings and agendas on the website. Possibly a separate page for notifications on the website.

Mangus: We have been working on trying to get information out, more communication. This (event barns) is something we have been addressing, on and off, for a year and half.

Savage: How many are here regarding the event barn proposed on Cook Rd.? Is it the location or the event barn? If this was proposed on Bunkerhill Road would you be here? We would like people involved in all of our meetings.

Heidi Vollmuth, 8371 Winnie Lane. Here for one reason, the ordinance. I have never seen so many people stand behind one thing. If you read the ordinance it is all willy nilly. Read through some of the minutes of the July meeting. We have to follow the rules when it comes to the public comment. We want to set a precedence. We want a well written ordinance. Supposed to work under best practices. Supposed to get it right the first time. Supposed to show some sort of transparency. Some say by passing this Special Use Permit allows the powers that be the powers to police the

issues. Reminder: your job is to recommend to the township board land use practices, design standards, ordinances and amendments that will protect and enhances the natural and built environment which are fiscally responsible and consistent with the Master Plan over long term health and care, safety and welfare of the residents of Whitewater Township. That is right out of your rules. I wish I could believe you. Trust is earned respect is given. I see more questions that need answers. There is a process. If you read the ordinance – who decides if the events are in the guidelines of the ordinance? We are here today to be informed. Write an ordinance that has consistency. Asking that the PC does their homework. Is there a process to police this? Who is responsible for the IAP (instant action plan)? There are a lot of questions that need answers yet. Explore a better fix for this. Do a community work shop. A townhall meeting. Don't miss the board meetings. We are all neighbors. You (the PC) work for us. Don't' keep us in the dark. What if you violate the ordinance?

Heidi Young, 6388 Bebe Court. Wanted to say I am a contractor working in several township and counties. This township is amazing because of their willingness to think outside the box and give people the time of day about what makes sense. Thank you for being willing to look at the issues.

Renee Savage, 9833 Pineneedle Lane. Three weeks ago went to an event barn event, The Sunshine Barn in Gaylord. Looked like something out of a Kentucky horse ranch. There were buffers for sound. You couldn't see the parking from the road. All of the music contained inside, could not hear it even at the parking lot. Don't know if it fits but I would rather see that on 400 acres than a pig farm.

Lauren Harris, 11130 French Court. I think I would like more information on the background. What is the primary purpose and the secondary purpose? It should be written into the ordinance. If it is to keep the property as ag the number of events can be limited. Primary purpose AG, secondary purpose to hold events.

Rob Opsasnick , 6325 Applewood Lane. Went to an event barn party in Kingsley, off the highways. Our roads are not in shape for this. Why would the Williams' purchase 180 acres of land without a permit to build? (The PC does not tell people they can or cannot purchase land)

Mangus: The input the Williams' got from this commission and when we specifically told them NOT on Cook Rd. but on M72. Event barns was on our agenda review list before the Williams' came. We gave them a choice that they could request an appeal to the ordinance or wait until we got to it. They opted to wait until we came to that section of the ordinance. This was on our list of items that are not addressed and should be covered. This was specifically highlighted in a conference three years ago as items that need to be addressed in our ordinance. We were trying to be pro-active so someone would not be able to get one in without any of our input.

Hooper: The Zoning Administrator has had multiple inquiries regarding event barns. We are not talking specifically about Cook Road.

Jeanie Bachi 6769 Cook Rd. Letter from the Williams' from the packet. Reading through the letter.

Bachi asks once you allow this how can you stop it on the other 66 properties that meet the size? Mangus: That is only one of the specific proposed requirements.

Bachi notes from the Williams' letter that they have been working with the PC and that specific items have been addressed specifically for them. Mangus notes that the Williams' have been to meetings – that is the full extent of their participation in meetings.

Mangus also notes: If something that is brought through as a Special Use Permit (SUP), there are extensive approvals that must be met, all terms are reviewed. It is not a use by right. We have had no SUP come to this board. We can put on additional requirements. An SUP can be rescinded if terms are not met or continue to be met.

The letter was addressed to the board.

PC comments:

Dean: I am not going to try to change anyone's mind. My comment is you need to be careful what you wish for. The large parcels are getting harder and harder to keep by tilling the land. We need to come up with collective ideas on what we can do. It is getting harder for farmers to stay in business. There is a $2 ml (+) farm available on Townline Road with an old historic barn. The farmers are not buying it. We (the PC) are guarding against people coming in and manipulating the system.

Hooper: Try to have an open mind about what we are trying to accomplish. We let you know it is not going on Cook Rd. We are trying to preserve the nature of the community in a time when farming is getting more difficult. An example is the Pulcifer Farm in Elk Rapids. They are looking to sell and there are no farmers willing to buy. We are not just thinking of Cook Rd. We are thinking of all of Whitewater Township.

Jacobson: I see a lot of people I don't know. We all need to realize we all came here from somewhere. The large pieces of land are getting harder and harder to hold onto.

Savage: Had a gentleman say he moved to this area because it was a pristine area. We have to have progress and we

are trying to control the progress that meets the needs and wants of the community. You cannot move into an area and then roll up the streets behind you.
Hooper: Many of us on the PC have been here a very long time.
Mangus: Need to keep in mind when it comes to zoning: Things change. It is inappropriate to govern or direct development in a way that says only people who were born here get to enjoy this area. Have to be careful to be respectful of everyone's rights. Hope you can keep in mind what we are trying to accomplish using the tools that are available to us, to help maintain the heritage of the area. Sometimes we have to look at non-traditional things.

From the audience: The Cook Road issue came up as a hot item because the first thing they did when they came into town to make a party barn was to tear down a perfectly good barn. (Mangus) The barn that was there was not preservable. They brought in engineers. They went to a good bit of expense to preserve and maintain as much of the original barn lumber as possible with the intent of rebuilding it in a new location up to code. The foundation was not stable.

Josh Patzer, 6811 Cook Rd. Replica of a barn? Or an actual barn? Mangus: Deference would be given existing barns.

(Most of the attending public leaves the building)

No public hearing this month. The clerk did not have adequate time to process after the July 11, meeting. The board is going to process the existing amendments before we move anymore to the board. The board currently has Articles 6, 7, 14 and Event Barnes. Article 17 (Land Use Permits) is being looked at by the attorney. It will be addressed after the others are complete. Articles 6, 7 and 14 have not been sent to the attorney for review yet.

Approval of Minutes:
Motion to approve the July 11, 2018, minutes by Hooper, second by Savage as amended. All in favor. Motion carried.

Correspondence:
Elk Rapids Village / Township will be reviewing their combined Master Plan. Will be forwarded when available.
Williams' have put in the formal request for an amendment. Even if they rescind the request we still need to address it.
From the Board / ZA regarding Habedank's attendance at the PC meetings. We (and the board) knew when he got hired he had a previously scheduled conflict on the first Wednesday of the month. Have made a request to get a written review of amendments in lieu of attendance at the meetings. Can we accommodate Denny's schedule? First or third Tuesday or second Wednesday instead of first Wednesday each month?
Reports:
Zoning Administrator Report, Habedank: Requested comment from Habedank regarding event barns. Feels the attorney's ordinance is appropriate. It is able to be defended in court, if necessary.
We are looking to get written input from Habedank on each thing before it goes to the board.
Dean: Using all the legalese is difficult for the general public and that is why we get the confused input from the public like we got tonight. This process may make things much more difficult for people to understand with all of the attorney legalese.

Chair's Report, Mangus: Per discussion with the Supervisor, Articles 6, 7, 14 and Event Barns will go through the process as planned: PC, ZA, Board, attorney, PC, public hearing, Board. Glenn notes that the Clerk will do some corrections before sending it on to the attorney. Will the PC review what the clerk changes?

We are trying to get the ordinance straightened out so it can be sent out for recodification and attorney review. Now it is going for legal review at each step. Defending an ordinance and taking the heat on an ordinance that is not written by the PC can be very difficult for the planning commissioners. Tonight's public input is an example.

The ZA had indicated that the attorney said it was urgent to get Article 17 taken care of. In the conversation Mangus had with the Supervisor he indicated that his conversation with the attorney was that it is important but not urgent and can wait. Article 17 has been sent to the attorney.

Savage notes that at one point the township was spending over $100,000 on attorney fees. They had dropped significantly for a number of years. It appears the attorney fees will be right back up there.

Dean would really like to have a joint meeting with the PC and Board. Keep asking for a meeting until they agree. We need dialog.
Motion to have a joint meeting with the Board for dialog by Hooper, second by Savage. Discussion: Mangus would like to continue with the new process on 6,7, 14 and Event Barns to see how that works out then have the meeting. Dean agrees with Mangus. Hooper wants input from the board on the process, what it is we are doing, working on and why. Thought of a referendum vote for Event Barns, through the whole township – not now. A survey may be an option with the township.
Roll call vote on motion: Dean – no; Hooper – yes; Jacobson – no; Lawson – n/a; Mangus – no; Render – yes; Savage – yes. Tie vote. No request this month. It will come back next month.

Township Board Rep., Lawson: N/A.
ZBA Representative, Hooper: No meetings.
Committee Reports: None.
Additional Items: None.

Old Business:

1. Recodification Preparation Progress Update: There are six items that we are not currently working on that likely should be reviewed before sending for recodification.
2. Event Barns – Attorney recommendations: postponed.
3. Article 17 – land use permits – attorney recommendations (postponed)
4. Article 37, balance of text, starting with Home Occupations: Postponed.
5. No reschedule of Public Hearings at this time, until we get things back from the Board.

New Business: None

Next Regular Meeting September 5, 2018.
Agenda: Attorney documents, Event Barns.

Public Comment:
Tracy Peal, 9727 Cushman Court. Thank you for the clarifications. The information has been helpful.

Brenda Welch, 5982 Cook Rd. Questions the commercial use in an Ag land. If it is commercial it should be in commercial. Mangus: Any event barn can go into the commercial district as a use by right.

Jon Moothart, 9815 Miami Beach Road. I don't see the legalese as the problem in the Event Barn ordinance it is what it is. Can it be legally forced onto the township rather than open the door and regulate it? You are appreciated.

Mangus: There are commercial uses for ag land, like the Cherry Growers food processing plant along US31.

Commission Discussion/Comments: None
Continuing Education: None.
Adjournment: 9:55 p.m.

Respectfully Submitted
Lois MacLean,
Recording Secretary

Grand Traverse Sheriff Department Calls for Service Statistics

Month August **Year** 2018

Day of Week	Mon	Tues	Weds	Thurs	Fri	Sat	Sun	TOTAL
	442	555	736	653	663	404	357	3,810

Hour of Day												
	0	1	2	3	4	5	6	7	8	9	10	11
	112	89	63	34	30	33	58	109	157	214	211	235
	12	13	14	15	16	17	18	19	20	21	22	23
	206	203	223	242	227	246	233	172	169	194	200	150

Location	Citations	Traffic Crashes			Arrests		*Other	Criminal	Non-Criminal	Traffic Crashes	Totals
		Fatal	PIA	PDA	OWI	Criminal					
01 Acme	23	0	0	12	2	4	141	38	50	12	241
02 Blair	22	0	7	26	4	9	240	96	105	33	474
03 East Bay	30	0	2	24	3	9	231	76	111	26	444
04 Fife Lake	12	0	2	6	0	0	120	3	21	8	152
05 Garfield	72	0	10	76	7	118	628	376	451	86	1,541
06 Grant	3	0	0	4	1	0	20	9	12	4	45
07 Green Lake	10	0	0	6	0	10	124	24	43	6	197
08 Long Lake	6	0	3	6	2	4	54	39	53	9	155
09 Mayfield	9	0	1	1	0	0	61	4	7	2	74
10 Peninsula	4	0	0	3	0	0	67	7	68	3	145
11 Paradise	8	0	0	7	0	7	63	20	22	7	112
12 Union	2	0	0	3	1	1	16	2	7	3	28
13 Whitewater	8	0	1	6	0	1	64	8	17	7	96
29 Fife Lake Vlg	0	0	0	2	0	1	12	6	12	2	32
30 Kingsley Vlg	2	0	0	1	0	7	40	15	21	1	77
66 Traverse City	5	0	0	0	5	68	0	0	0	0	0
84 Out of County	0	0	0	0	0	18	0	0	0	0	0
Totals	216	0	26	183	25	257	1,881	723	1,000	209	3,813

*Other Calls for Service Include: 911 Hangups; BOL; Follow-up to Complaints; Motorist Assists; Public Relations; Serving Legal papers; Traffic Stops; Warrant Attempts

As of 1/01/18, MIP alcohol citations are civil infractions, therefore no arrest is applicable.

Ticket stats are based on what District Court has entered as of 8/31/18.

Arrest stats are as of 9/02/18.

Totals are not equal.

Cheryl A. Goss

From: Brandon Flynn <firechief@whitewatertownship.org>
Sent: Wednesday, August 29, 2018 3:57 PM
To: 'Cheryl A. Goss'
Subject: Jerry Dittrich
Attachments: Jerry Dittrich.pdf

Hi Cheryl,

Attached is a card I received from the family of Jerry Dittrich.

Jerry and his wife were long time members of the Williamsburg Fire Department. Sadly Jerry passed away on August 13, 2018.

I stopped by the funeral home on August 18 to represent the Fire Department.

Thank you,

Brandon Flynn | Fire Chief
Whitewater Township Fire Department
8380 Old M 72 | PO Box 9
Williamsburg, Michigan 49690
p. 231.267.5969 | c. 810.217.2718 | e. firechief@whitewatertownship.org

We would like to thank you for honoring Jerry, by representing the fire department. Thank you for your dedication and service.

During a time
like this
we realize how much
our friends and relatives
really mean
to us....
Your expression
of sympathy will always
be remembered.

Sincerely,
Mrs. Louella Dittrich and family

Louella Dittrich
3608 Williamsburg Rd
Williamsburg, MI 49690-9755

USA
FOREVER

Mr. Brandon Flynn
8380 Old M-72
Williamsburg, Mi.
49690

Ron Popp

From: Beitel, Ron [redacted]
Sent: Friday, August 24, 2018 2:51 PM
To: supervisor@whitewatertownship.org
Subject: road mess on skegemog point

[redacted]

This is a message to the twp to bring up the awareness of how much a mess the road condition are from the farm to the point.. please bring this up to the commitee

Ronald Beitel - Owner

[redacted]

Ron Popp

From: [redacted]
Sent: Tuesday, August 28, 2018 11:24 AM
To: supervisor@whitewatertownship.org; clerk@whitewatertownship.org; treasurer@whitewatertownship.org; trustee01@whitewatertownship.org; trustee02 @whitewatertownship.org
Cc: [redacted]
Subject: Re: Whitewater Township Meeting

Mr. Popp,

Can you help me understand your commitment at the Miami Beach Road Association (MBR) meeting to communicate, in advance, the proposed repeal ordinance verbiage and financial data to the Residents of Miami Beach? As you are aware from the annual meeting, I fail to see the urgency to repeal the existing ordinance without a review of a financial plan and overview of how the existing system is performing.

The placing of this item on tonight's agenda on such short notice fails to provide the Miami Beach residents adequate time to attend and participate in discussion. This timing is another example of how the Township fails in openly communicate to its contingents. Hopefully, the Township Board would consider tabling this giving the Miami Beach Residents time to evaluate and provide input.

Regards,

John Nolan

Ron Popp

From: Tom Slopsema[redacted]
Sent: Wednesday, August 29, 2018 9:05 AM
To: Ron Popp; [redacted]
Subject: Aug 28 Township Meeting re. Miami Beach Road sewer Ordinance

To: Ron Popp and Whitewater Township Board

On behalf of the Miami Beach Road Association, I would like to thank you folks for the good Township meeting last night (28 Aug) regarding the topic of a new ordinance for the Miami Beach Road Association sewer, and for considering our individual comments on this issue.

I want to especially thank Ron Popp for all his work in compiling the first draft of a new ordinance for this issue.

I also want to thank the Township for getting the Conditional Assessment done on the Miami Beach sewer system during the past year. This is great data for moving forward with a new ordinance. And, thank you to Cheryl Gross for noting locations of the past sewer cost reconciliation statements with DPW. I easily found and downloaded them. Great data, thanks again.

Initiate R.F.P.
An open topic of discussion was whether to proceed with specifying that Grand Traverse DPW is the entity to continue doing system maintenance and repair, or if we can contract this work out to a private company, which could possibly reduce costs. Cheryl Gross suggested that the Township could publish an RFP in order to see if a private firm would bid on this opportunity. Many of us folks on Miami Beach fully support this idea. We would very much appreciate if the Township can help us get additional quotes, and respectfully request that such an RFP be initiated.

I understand, from the 28 Aug meeting, that last night was the first time the Township Board discussed this new proposed sewer ordinance, and that the Township would like to have this ordinance complete by the early October 2018 timeframe.

Thanks again for all your help. Please feel free to include myself in communication with Miami Beach Road Association (MRB) on this topic or to request further work or data from MRB to help complete this ordinance.

Tom Slopsema
[redacted]

Whitewater Township Board
Minutes of Regular Meeting held August 14, 2018

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: Benak, Goss, Lawson, Popp
Board Members absent: Hubbell
Others present: 18

Set/Adjust Meeting Agenda
Goss requested the addition of approval of a quote from Precision Landscaping.

Added as New Business #7.

Declaration of Conflict of Interest
None

Public Comment
Popp stated Ron Bachi has supplied him with 23 pages of petition signatures.

The petition pages were given to the clerk.

Ron Bachi read the petition. The signatories are calling upon the planning commission to abandon the ordinance that would allow event barns as a special use within the agricultural and recreational districts.

Bachi, 6987 Cook Road, stated his concerns about event barns and the August 1 planning commission meeting.

John Moothart, 9815 Miami Beach Road, stated his concerns about the appointment of two planning commissioners.

Public Hearing
None

Reports/Presentations/Announcements/Comments
County Board of Commissioners Report – Carol Crawford is not present.

County Road Commissioner Report – No one is present from the Road Commission.

Mobile Medical Response Report – No one is present from Mobile Medical Response; July reports are in the board packet.

Fire Department Report
Chief Flynn gave the following report:

- July was uneventful with only 3 emergency calls. There were 3 training sessions.
- Firefighter gear is being cleaned, repaired, and relabeled.
- Work on the apparatus bay lights will be starting this week.
- Parts have been ordered for the rescue boat.
- He attended two monthly meetings, the 911 Committee meeting and the County Fire Chiefs' meeting. He has been included on the list for the local planning team meeting.
- They have three AEDs which were in disrepair after the separation from Rural, but they are now fully functional.
- The DOT and NFPA compliant chevroning for the back of the fire apparatus is complete.
- Engine 3 needs repairs. He is working out some of the details. When he has more financial information, he will present it to the township board. Since the department does not have a spare engine, an engine will need to be rented. They are not serious repairs. As it stands, the engine is fully functional and ready to respond.
- He would like to present a new firefighter to the board.

Popp inquired about water points which were abandoned.

Chief Flynn responded that the water points are in disrepair, and stated he is not sure if the department will keep them up or completely abandon them. They are there as a last resort. They did spend most of their training at the cisterns, which are fully functioning and topped off with water. Flynn stated the department does have two TurboDraft devices. They have trained with other departments recently on the TurboDraft. He stated they will probably continue with that type of training versus spending time on the water points.

Chief Flynn introduced Alex Johnson as a new firefighter. He stated Johnson is new to the industry and will be sent to Firefighter I and II this fall. Johnson works for USIC, which is MISS DIG. His territory is basically the M-72 corridor, so he will be nighttime help and hopefully some daytime help. He thanked Johnson for coming aboard.

(Applause)

Planning Commission Report
Lloyd Lawson stated he does not have a report as he was not able to attend the PC meeting last week.

Parks & Recreation Advisory Committee Report
Cheryl Goss gave the following report:

- The August Parks & Recreation Advisory Committee meeting was held last night; Goss attended. All members were present except Dennis Leach.
- The engineered drawing for the batting cage roof was received yesterday and the committee looked it over. Once approved by the township board and a sealed drawing has been obtained, a licensed builder, Lynn Peterson, will get the construction permit. The committee anticipates the second week in October for putting the structure up.

- A finish grade was put on the playground area at the campground this past weekend. Two stumps need to be removed, which Josh Tress will take care of. The committee has set a work bee date of Saturday, August 25th, from 9 a.m. to 2 p.m. to get the swing set and monkey bars installed. The merry-go-round will be installed at a later date. The committee asked if it would be possible to pay "day laborers" to help with installation. Goss posed the question to the township's auditors, who said you either have employees or independent contractors or volunteers. Independent contractors could invoice the township but would need to provide their own insurance. Otherwise, they would be an unpaid volunteer who would need to sign the hold harmless agreement.
- Success on being awarded 2% grant funds was discussed. The various improvements to be funded with the money were discussed. A man by the name of Anthony Rupard, who works for the Land Conservancy, has offered to help with getting these projects done. Melton will give him a call. It was reported that Phil Knapp has also offered to help with the trails.
- Goss reported that she sought and received a quote from Avery Excavating to grade and/or gravel the Hi Pray parking lot. The quote was very reasonable, either $600 for just grading or $1,000 for 20 yards of gravel and grading. Kyle Riegle did say the parking lot is in pretty good shape.
- Goss reported that, due to requests to stripe the second tennis court for pickle ball, she sought and received a quote from a local company by the name of Hentco. The owner said the striping will not stick without cleaning the courts, and he has provided a quote for $1,995 for cleaning both courts and striping one. This will be brought to the board later.
- At their September meeting, the committee will discuss locations for the new trail signs and the tennis backboard and dugouts for Hi Pray Park which are to be purchased with the 2% funds.

Brief discussion followed regarding tennis court cleaning.

Consent Calendar

Receive and File

1. Supervisor's Report for July 2018
2. Clerk/Park & Recreation Administrator's Report for July/August 2018
3. Zoning Administrator's Report for July 2018
4. Mobile Medical Response July 2018 Activity Reports
5. Whitewater Township Fire Department July 2018 Report
6. Treasurer Reports June and July 2018
7. Approved 06/06/2018 Planning Commission Minutes
8. Approved 06/11/2018 Parks & Recreation Advisory Committee Minutes
9. Approved 06/13/2018 Historical Society Minutes
10. Approved 07/11/2018 Planning Commission Minutes

Correspondence

1. Grand Traverse County Sheriff Department Statistics for July 2018

2. Letter 07/24/2018 FEMA re: National Flood Insurance Program Final Notice
3. Deepak Prabhaker Event Center Comments
4. Babcock Event Barn Comments
5. Request for Event Barns as Special Use in Agricultural Zoning District
6. Letter 07/31/2018 Carol/David Williams re: Withdrawal of Request for Event Barn Ordinance
7. Rental Fire Engine from Blair Township

Minutes

1. Recommend approval of 07/10/2018 and 07/24/2018 regular meeting minutes

Bills for Approval

1. Approval of Alden State Bank voucher #s 42914 through 43068
2. Approval of First Community Bank Miami Beach voucher # 1243
3. Approval of First Community Bank WMDLS voucher # 1314

Budget Amendments (none)

Revenue & Expenditure Report (none)

Regarding the June 6 meeting of the planning commission, under the chair's report, Popp questioned the statement that says the board heard from a lot of people that ADUs are okay, but rentals are not. Popp stated he is pretty sure we heard that ADUs were not okay.

Benak stated it is her opinion that the planning commission chair would like to see ADUs and that is where the statement came from. Benak agrees that that is not what the public told us.

Lawson said that is contrary to what we have all heard.

Goss noted that five members of the planning commission were here that night (when numerous members of the public turned out against ADUs).

Referencing the Parks & Recreation Advisory Committee minutes of June 11, Popp questions a statement by Melton about investigating with the school to have the property at BCNA given to the township, which could be used for parking. Popp does not believe the school owns any property around BCNA.

Goss stated it was represented by Dennis Leach that the school does own a small parcel south of the entrance to Lossie Road Nature Trail off Skegemog Point Road. The thought was that it would be nice to acquire the parcel for parking.

Popp stated it should be Lossie Road in the minutes, not BCNA. His search did not show up a parcel on Skegemog Point Road owned by Elk Rapids Schools.

Referring to a statement in the supervisor's report, Goss asked how soon the rest of the board can be provided with the condition assessment for the Miami Beach sewer system. Goss confirmed that she has not received it from John Divozzo.

Popp stated he will forward it tomorrow.

Motion by Lawson to approve the Consent Calendar as presented; second by Benak. There was no further discussion. **Roll call vote: Benak, yes; Goss, yes; Hubbell, absent; Lawson, yes; Popp, yes. Motion carried.**

Unfinished Business

Review/Approve Batting Cage Plan

Goss noted that the engineered drawing for the batting cage roof was received yesterday. Goss stated the name of the park is incorrectly shown and there are a couple spelling errors, which she will bring to Pressell's attention for correction. Goss asked that the drawing be approved.

Popp asked why it has to be covered; it looks pretty ugly.

Discussion followed.

Motion by Benak to approve the drawing for the batting cage roof; second by Goss. There was no further discussion. **Roll call vote: Goss, yes; Hubbell, absent; Lawson, yes; Popp, no; Benak, yes. Motion carried.**

Review Proposed Event Barn Ordinance Drafted by Attorney Chris Patterson

The planning commission's draft event barn ordinance and the attorney's proposed event barn ordinance are in the board packet.

Goss stated she does not know where all of the public who has shown up at township board and planning commission meetings got the idea that there was ever going to be an event barn entrance on Cook Road, and stated she never understood that was being proposed and doubts it would have been approved, although both versions of the ordinance say they can be located on any county-maintained road.

Goss also stated, for the public present, that no one from the township knew about the activity going on on Cook Road, the township did not give permission for that to happen, and it does not have anything to do with an event barn, that we know of. Goss noted that the condition of Cook Road is horrendous and, as a board member, she would never have approved any commercial establishment, event barn or otherwise, having an entrance off Cook Road. Goss reiterated that there was never any contemplation that there was going to be anything to do with event barns on Cook Road.

Popp commented that he does not think allowing a commercial activity in an agricultural or residential or a recreational zoned area fits at all. Commercial needs to stay commercial.

Goss related her recent conversation with local planner Roger Williams regarding what was being proposed at the former Webster property. On questioning, Williams said it is a "gray area" as to whether event barns are considered to be commercial uses.

Benak stated that agricultural is considered a commercial venture.

Goss stated that, before any ordinance was drafted, she would have liked to have this issue brought to the board so that the board could explore with the township attorney what this proposed use would be considered and if there is any case law on the commercial versus agritourism issue. Goss stated there are things in the ordinance about which she has questions for the attorney, namely:

- 2B, the setback of event barns shall be "500 feet from neighboring residences." Should it say "500 feet from the property line?"
- 2I, what is "the structure."
- 2K, no dumpster on the property.

Noting that there may be places in the township where it may be appropriate to have an event barn, Goss stated she does not agree with totally banning event barns in the township.

Lawson stated we may not be able to stop event barns, but we can regulate where they go.

Benak stated the event barn phenomenon that is going on around our state is happening for a reason; there is a need for it. It's a trend; people want to get married in barns. It's also giving the farmer an opportunity for income, especially in lean times, so that he won't sell the farm land and turn it into something else. If it's not a farm, you are losing some rural character. She agreed that it does not belong in neighborhoods or right next to a neighborhood, even if it is agricultural land. She went on to say that 20 acres is not a lot when it comes to noise. Maybe we need to do a survey to the rest of the township to find out how they feel about event barns and then put restrictions on it to protect the neighbors, whether it is commercial, recreational, or residential.

There was discussion of "the use of existing structures of recognized agricultural heritage" and the number of parcels in the township that might fit this description.

Benak stated she is not objecting to event barns; she would like to see them in the township but in the appropriate setting, not next to a subdivision.

Popp stated the ordinance says all events shall take place principally in barns, and commented on the proposed language regarding noise. What is "reasonable?" What is "excessively annoys?"

Discussion followed.

Benak reiterated her call for a survey of township residents regarding event barns.

Popp referred to subparagraph S, "Additional consideration shall be given to facilities that incorporate the preservation or use of existing agricultural structures," and stated this appears to be contradictory to what it says in the beginning.

Motion by Popp that we abandon the addition of event barns as a special use in the agricultural and the RC district until such time we have a petition from the public to review it.

At Popp's request, the motion was re-read by Goss.

Motion failed for lack of a second.

Motion by Benak that we abandon until we do a survey on the topic; if the public comes back and say that they want event barns, then we would continue. Second by Lawson.

Discussion followed concerning the wording of the motion, i.e., the word "abandon" and other suggested substitutes, such as held in abeyance, tabled, pause consideration of, and also whether there needs to be a petitioner before a zoning ordinance amendment can be considered.

Benak stated she is going to leave her motion the way it is; it does cover her intent, which is to revisit it once the survey is done.

Benak's motion was re-read by Goss.

On voice vote, Benak, Lawson and Popp voted aye, Goss opposed, Hubbell absent. Motion carried.

Park Road Rebuilding
A proposal has been presented from Team Elmer's regarding work on the township-owned portion of Park Road. Popp explained his reasoning for requesting the proposal. Adding the road commission's estimate to the Elmer's bid, it would cost $170,000 to fix the last quarter mile of Park Road.

Goss stated it is a ridiculous proposal and is unnecessary. Goss stated she travels the road up to four times a week, every week, and it is in the best shape this year that it has been in six years. Furthermore, Goss is unsure where the funds would come from. Neither the Park Fund, Road Fund, or the General Fund have the monies for this proposal.

After discussion, there was consensus to take the proposal off the agenda as not needed.

Review Whitewater Township General Ordinance No. 49
Since not all members of the board are present, this matter will be brought back on the 8/28 meeting agenda.

National Flood Insurance Program
Popp stated he heard from Chris Patterson that FEMA has made a couple changes to the proposed ordinance.

Goss stated it is set for public hearing on 8/28 and changes can be made on that date. There are two resolutions that should also be on the 8/28 agenda.

Discussion followed regarding the length of the township's participation in the program, the giving of authority to the county construction code office to enforce floodplain management provisions of the state construction code, no complaints from residents that it has not been administered correctly, updated maps, and FEMA's request for an updated resolution and an ordinance.

Discussion turned to whether those people who currently have flood insurance under this program would lose it or suffer other adverse consequences if the township did not continue to participate.

There were no questions from the board about the proposed ordinance.

Popp will forward the changes from Chris Patterson.

New Business
Fire Department – Indoor Tanker Fill
A proposal has been provided by AFP Specialties to install a new water fill location inside the Emergency Services Building for the purpose of filling fire apparatus.

Motion by Popp to accept AFP Specialties' proposal of $1,375 to install the interior tanker fill line; second by Goss.

Benak reminded the board that when they fill at the hydrant, they don't pay for it. When they fill inside, we will be paying for the water.

Discussion followed regarding whether the fill water will be going through the water meter. Popp claimed it will not.

Goss re-read the motion.

There was no further discussion. **Roll call vote: Hubbell, absent; Lawson, yes; Popp, yes; Benak, yes; Goss, yes. Motion carried.**

Zoning Administrator Request for Direction re: PC Meetings
Popp stated the zoning administrator cannot make the planning commission meetings on a regular basis and wants direction. Mangus would like to have written input from the ZA on any issues before the PC. The PC has looked at changing their meeting dates so he can attend.

It was noted that there are 10 months remaining in the zoning administrator's obligation which conflicts with the PC meeting date.

Discussion followed.

Habedank has stated he would like to get the packets sooner so he is better able to respond. Popp stated he will make that recommendation to the PC chair.

There was consensus that the planning commission regular meeting date will not be changed.

Review/Approve Appointment of Abandoned Buildings Hearing Officer
Popp is recommending the appointment of Ryan Stibbs to the position of abandoned buildings hearing officer. The term will end on 12/31/2019.

Ryan Stibbs, 9675 Old M-72, stated he has lived in Williamsburg for the last 15 years and has had his contractor's license since 2006 and is a partner in an electrical business. He stated he has a well-rounded background in the building trades and would like to use his skills to help the township.

In answer to questions from Goss, Stibbs stated he was provided with a copy of the Abandoned Buildings Ordinance and has read it. He stated he has some questions about it and would definitely have to work with the board to make sure he is interpreting things correctly.

Goss noted that Stibbs would be working closely with the zoning administrator and would be required to write reports.

Stibbs stated his background as far as structural integrity of buildings is as a general contractor, pretty much the whole package from building from the ground up. He has been asked to rebuild houses that have burned down five years after they were constructed and already require new code updates and more framing. He believes he also has great practical knowledge as to what is going to stay up and what is going to cause damage or harm to others. He stated he has questions about the paperwork requirements. There is nothing specifying what form may need to be filled out.

Benak noted Stibbs' youthful appearance and pointed out that dealing with somebody being told they have to take care of an abandoned or dangerous building may not be a pleasant experience, and asked Stibbs if he is sure he is up to this.

Stibbs stated he hopes to bring to the table the logic and reasoning behind any decision, and noted that building has a lot of building codes and regulations to help us.

Benak pointed out that the person in this job may not always be liked and it is difficult to deal with homeowners who are looking at spending money or they don't have the ability to be able to fix or remove damaged dangerous buildings. She wants Stibbs to be aware that it is not going to be as easy as writing a letter and they are going to comply.

Stibbs responded that he has had experience with pleasant and unpleasant customers.

Benak then disclosed that she does know Stibbs; he was the best man at her daughter's wedding, but noted that it gives him no favoritism.

Motion by Lawson to confirm the recommendation of the supervisor appointing Ryan Stibbs to a 2-year position as Whitewater Township Abandoned Buildings Hearing officer; the term will end 12/31/2019; second by Benak. There was no further discussion. **Roll call vote: Lawson, yes; Popp, yes; Benak, yes; Goss, no; Hubbell, absent. Motion carried.**

Request from Planning Commission for Direction re: Event Barns
Popp stated this was a separate request from Mangus, and opened up a discussion as to whether Article 19 of the zoning ordinance limits the board to only changing the zoning ordinance when there is a "petitioner."

Various discussion followed, including suggestions of doing surveys, using social media, webpage postings, monthly newsletters.

Popp stated this will be an ongoing discussion of how we communicate with the public.

Request from Planning Commission re: Amendment Naming
Popp stated he failed to e-mail documents for this agenda item to the clerk, and noted it was a request from the planning commission on how to name amendments.

Discussion followed as to confusion created when there are multiple articles being revised in one amendment number and when entire amendments are not adopted.

Discussion followed.

Benak suggested a set of procedures and instructions be created for the planning commission.

The suggestion was briefly discussed. Lawson will take the suggestion back to the PC.

There was board consensus that the planning commission will do their due diligence, and when it is forwarded to the board, that is when a proposed amendment number will be put on it.

Approval of Wages for New Park Ranger Robert Daniels
Motion by Popp to approve $11 per hour starting park ranger wage for Robert Daniels; second by Benak. There was no further discussion. **Roll call vote: Popp, yes; Benak, yes; Goss, yes; Hubbell, absent; Lawson, yes. Motion carried.**

Approval of Quote from Precision Landscaping
Goss presented a quote for bringing in stone to fix a washed out area on the north side of the playground area caused by a road drain. A couple stumps will also be removed. Goss proposed to take the expenditure out of Facility Repairs & Maintenance or Capital Expenditure.

Motion by Benak to approve expenditure of $3,500 to Precision Landscaping for the retention pond runoff ditch and the playground leveling in the park; second by Goss. There was no further discussion. **Roll call vote: Benak, yes; Goss, yes; Hubbell, absent; Lawson, yes; Popp, no. Motion carried.**

Tabled Items

Review Administrative Policy Section 5 (tabled 10/14/2014)
This agenda item will remain tabled.

Review Ordinance 22 Pension Plan (tabled 10/25/2016)
This agenda item will remain tabled.

Review Whitewater Township Planning & Zoning Fees (tabled 02/28/2017)
This agenda item will remain tabled.

Board Comments/Discussion

None

Announcements

Next township board meeting date is Tuesday, August 28, 2018, at 7:00 p.m.

Public Comment

John Moothart (who also spoke earlier) voiced his concerns about the noise regulations in the proposed ordinance amendment for event barns. He also reiterated his concern about appointments to the planning commission that he says may not be valid.

Thomas Czerwienski, 7021 Cook Road, stated he has to give the board credit that they are addressing the problem of communication. He looked at the planning commission public hearing; it lasted two minutes; no one showed up. He suggested the website might be a good venue for doing this, and that the subject of amendments be listed, as opposed to article numbers. He also commented that the ordinance is going to affect every single parcel in the township.

Adjournment

Motion by Lawson to adjourn; second by Benak. There was no further discussion. Meeting adjourned at 9:58 p.m.

Respectfully submitted,

Cheryl A. Goss
Whitewater Township Clerk

Whitewater Township Board
Minutes of Regular Meeting held August 28, 2018

Call to Order
Supervisor Popp called the meeting to order at 7:00 p.m. at the Whitewater Township Hall, 5777 Vinton Road, Williamsburg, Michigan.

Roll Call of Board Members
Board members present: Benak, Goss, Hubbell, Lawson, Popp
Board members absent: None
Others present: Assessor Dawn Kuhns and 11 others

Set/Adjust Meeting Agenda
Popp stated he would like to move New Business 1 and 2 up to in front of G, Public Hearing.

There was no objection to the adjustment.

Declaration of Conflict of Interest
None

Public Comment
Tom Slopsema, 9693 Miami Beach Road, stated he wants to comment on the proposed ordinance for Miami Beach Sewage Disposal System. In section 5B, changing of effluent filter socks annually and private tanks pumped no less than every 3 years, he said he agrees with the filter socks being changed on an annual basis. He hopes they can get consideration to only require the private tanks to be pumped as indicated by their annual evaluations. There was a professional system evaluation done on the entire system over the past year. The chart showed peak usage was up to 4,000 gallons a day, against a system designed for 10,000 gallons a day. Most of the evaluation of the components is anticipated that it should last 50 years. Some minor things add up to less than $3,000.

Heidi Vollmuth, 8371 Winnie Lane, stated she attended the planning commission meeting; turned out to be a town hall meeting. For some reason, Ordinance 75 (sic) has been abandoned. The planning commission treated it like a little kid that got spanked, even though they knew there was some verbiage in there that the party who claimed to want the ordinance withdrew from the table. The majority of the people in the room wanted a good ordinance written; they did not want it thrown out because there is no protection for the agricultural community if you throw out the ordinance. We need something to protect the homeowner and the quality of life. An event barn is a commercial piece of property. They need to put it somewhere where it is commercial. She would rather see the survey money spent on new life vests for the rescue boat. She stated 160+ signatures were brought to the table, out of a population of 2,600. Vollmuth also suggested that anything about an amendment or an ordinance or a vote be put in the Elk Rapids paper. She stated she read 3 years of planning commission notes; it is apparent there is a big problem; there is a lot of friction. She said that commission works for us; if they have a problem with remembering that, go to their bylaws and read what a planning commissioner is

supposed to do. She stated she did not like that she was told be careful what she wishes for; it was unprofessional.

Ron Bachi, 6987 Cook Road, asked if the survey was sent out. If so, how was it worded? If it has not been sent out, could the public be part of that process? He stated he does not understand how we got to the point of sending out a survey. He stated he has not seen one applicant for event barns at any of the meetings he has attended. He questioned why it is an issue if there are no applicants. He stated he is a contractor who has to follow codes, licensing, and answer to the state. He asked if something is done illegal or unethical in the planning commission or the township board, who does the board answer to; who is the board's governing body. Moothart mentioned the possibility of two planning commissioners who were illegally appointed. What direction do we go to actually investigate that? Who is it that the board has to answer to? What is the procedure, hypothetically speaking. He stated the votes of the people on the planning commission and the township board are powerful and control the residents' quality of life either positively or negatively.

Bachi presented an application for appointment to the planning commission to Popp.

Review AD Assessing Proposed 3-Year Contract (moved up on agenda)
Assessor Dawn Kuhns is present and stated September 30 is the end of their contract. October 1 would be the renewal. They took the existing contract and added a 3% per year increase. Everything else remains the same. She offered to answer any questions.

Goss reminded Kuhns that there also needs to be renewal of the Employment Contract, which can be done at the next meeting.

Kuhns stated there will be no changes to that document, just the dates. She will update it and send it to Goss.

Brief discussion followed, including praise of the job that Kuhns is doing.

Motion by Goss to approve the new 3-year contract with AD Assessing; second by Lawson. There was no further discussion. **Roll call vote: Benak, yes; Goss, yes; Hubbell, yes; Lawson, yes; Popp, yes. Motion carried.**

Kuhns provided two copies of the new contract to the supervisor and asked that a fully executed copy be returned to her.

Review/Approve Resolution in Opposition to HB 6049 and SB 1025 (moved up on agenda)
Popp stated these bills attempt to remove local assessing from our authority.

Assessor Kuhns reported that she attended a forum a couple weeks ago in Gaylord which Senator Stamas put on. The state treasurer and the executive director of the State Tax Commission are the ones pushing this legislation. It is a move to take assessing out of the hands of townships. She stated there were a lot of great comments and she felt Senator Stamas listened. She explained some of the proposed changes.

Popp stated he received the resolution after the meeting in Gaylord, and the township has an opportunity to comment via the resolution in opposition.

Kuhns recommended opposing the bill.

Goss noted that, due to numerous errors, the resolution is not in a format that can be adopted this evening. She suggested it be put on the 9/11 agenda and will make the revisions.

There was agreement that the resolution will be brought back on 9/11.

Correspondence

Board of Canvassers – Canvass of Votes re: Ambulance Millage

Goss noted the overwhelming support of the ambulance millage and thanked the community for their support.

Public Hearing

Ordinance No. 53 – Whitewater Township Floodplain Management Ordinance

Popp opened the public hearing at 7:28 p.m., reminded everyone that, if they plan to comment, there is a sign-in sheet for names and addresses, and stated the legal notice was published in the Traverse City Record-Eagle on Saturday, 08/11/2018.

No written comments were received.

There were no public comments.

Popp closed the public hearing at 7:29 p.m.

Reports/Presentations

None

Unfinished Business

Board Discussion/Vote re: Ordinance No. 53 – Whitewater Township Floodplain Management Ordinance

Motion by Popp to adopt Ordinance No. 53, Whitewater Township Floodplain Management Ordinance; second by Benak. There was no further discussion. **Roll call vote: Goss, yes; Hubbell, yes; Lawson, no; Popp, yes; Benak, yes. Motion carried.**

Goss noted that the attorney made one change to the ordinance in Section 4, a slight rewording due to a FEMA requirement.

Popp signed the ordinance.

Resolution #18-15 to Adopt Intergovernmental Agreement to Manage Floodplain Development for the National Flood Insurance Program

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Motion by Popp to adopt Resolution #18-15; second by Benak. There was no further discussion. **Roll call vote: Hubbell, yes; Lawson, no; Popp, yes; Benak, yes; Goss, yes. Motion carried.**

County of Grand Traverse Resolution to Adopt Intergovernmental Agreement to Manage Floodplain Development for the National Flood Insurance Program
Goss explained that this is not a resolution the township adopts. It has been sent to Chris Cramer at Grand Traverse County for their 9/5 meeting agenda.

Review of Whitewater Township General Ordinance No. 49
Popp stated he is recommending legal counsel review the ordinance to make sure that it still pertains to what we are attempting to do.

Discussion followed regarding:

- The fact that the penalty for violating the ordinance is a civil infraction.
- It has no direction on the appointment process, i.e., length of appointment, oath of office.
- Employees are not eligible to be appointed as the hearing officer.
- In B, it should state who the report is being filed with.
- In D, how does the hearing officer inform them, i.e., certified mail or other.
- It should state that the fines would be determined by the schedule of fees of the county magistrate.

There was agreement to send the ordinance to legal counsel to address clarifications.

Benak will send her notes to Popp, who will forward the ordinance to the attorney.

New Business

Review AD Assessing Proposed 3-Year Contract
See Page 3201 of these minutes.

Review/Approve Resolution in Opposition to HB 6049 and SB 1025
See Page 3201 of these minutes.

Review Proposed Ordinance for Miami Beach Sewer System
Popp stated he met with the Miami Beach group at one of their annual meetings in July. He has spoken to John Divozzo several times about different ordinances and different township systems that he runs. This is a first blush; we are not adopting anything tonight. There will be plenty of time for the public to read the ordinance, ask questions, and have input. Popp noted there is no financial information in the ordinance, but it is not needed as there will be a different document that will be adopted along with this ordinance.

Popp admitted that he drafted the document and described two major departures. One is that the ordinance defines what the township owns, and two, the rates will be referenced by resolution, which will be done annually from now on. Popp stated he is in the beginning stages of the financial and the budget.

DRAFT

Referring to Section 3, Benak stated it feels like Popp wants Whitewater Township to do the billing and collection, because Grand Traverse County Board of Public Works is taken out.

Popp said partially yes, partially no. The users may want to have some flexibility; they may decide to go out and hire a third party or recommend to the township board to hire a third party to run the organization.

Board discussion followed.

Linda Slopsema, 9693 Miami Beach Road, commented on Section 3 and the flexibility that was built in. She thinks it is a great idea to have flexibility regarding privatizing something because it keeps people on their toes. She agrees we should not specifically name Grand Traverse County. Generally, there are no concerns that she knows of regarding their responsiveness to take care of issues. The concern she has is the inaccurate information that Mr. Divozzo spreads around about pump costs and how much we have been using the system. His people that do the work are great, but she is not impressed with his grasp of the system and what it costs.

John Vert, 9675 Miami Beach Road, said he would like to see the engineering studies that were supposedly done. He did systems for Ford Motor Company that were much more dangerous than human fluids; he would like to read some of this information. The DPW has done a very good job for them, but apparently there is bad information out there. They were told the usage was way more than it is. He does not understand why we are allowing these kinds of numbers to circulate when we know they are wrong. He would rather see them (the residents) run the thing and not have the township involved. He thinks they should be sent some of the information that was generated.

Goss asked Vert if he had the condition assessment.

Popp said the condition assessment was sent to Ralph Brozzo, who said he would distribute it to the organization.

Goss suggested copies be printed for those who wish to have one.

Noting a couple Miami Beach residents do not want the Grand Traverse County DPW involved, Goss asked if they want someone else involved if it is a lot more expensive.

Vert reiterated that they think the BPW has done a fine job. They are just not happy with the information that is being circulated.

Popp stated at the meeting where Divozzo was here, he thought it was close to 10,000 gallons a day, and Popp made a mistake about the pump replacements, stating $77,000 instead of $7,700 for pump and labor.

Goss stated that if there is a thought that we would go with someone other than the County DPW, a request for proposal should be put out and get bids for annual maintenance and operation of the system.

Lawson stated he thinks they are trying to leave it open so if they ever chose to change, they could. He does not think they are eliminating DPW now. He does not think the ordinance needs to say who is going to do the job, just that the job needs to be done.

Board discussion followed.

Juanita Pierce, 9747 Miami Beach Road, stated they have been very happy with DPW; they have done a good job for them. She would be very sad if the board appointed someone who doesn't know anything about their sewer system to administer it.

Popp said the only thing he can think of that would be better than the DPW is Mr. Kotesky, who is very familiar with the system, but Popp does not think his company does that type of administration, nor does he think he is interested.

There were no other comments from Miami Beach residents.

Popp stated he wants to hear from other Miami Beach board members and make sure everybody gets a copy of the condition assessment. He asked those present to talk to their neighbors to see who doesn't have a copy and rectify it as promptly as we can.

Goss questioned whether there would be adoption of the proposed rate resolution and renewal of the operation/maintenance contract at the same time the revised ordinance is adopted.

Popp answered probably not because we do not currently budget for this.

Brief discussion regarding how the 590 Miami Beach fund works and that the residents do not currently pay the township directly; they are billed by the county.

Public Communication – Passive or Active
Popp summarized prior discussion about possible methods of communication with the public, i.e., social media, newspaper, timeline, e-mail blast,

Lengthy discussion followed, including comments from residents Heidi Vollmuth and Janet Bachi.

There was consensus that if the board is going to review an ordinance, a notification will be sent out to Benak's e-mail list. Popp will draft it.

After further discussion, Popp stated he is asking for permission to notify the public via the e-mail blast that we are going to discuss an ordinance at the board meeting. It may not be at the next board meeting; it may be at the following one.

After more lengthy discussion, there was consensus that anytime there is going to be discussion of an ordinance at the board level, an e-mail will be kicked out. The e-mail will list the date the discussion is to take place.

DRAFT

Benak asked if this should be used for the planning commission.

Popp preferred to see how this works out first.

It with agreed that this topic can be taken off the agenda for a while until we see how the process works.

Discuss Appointment Process
Popp asked: What do we do?

Benak stated the policy and procedure that governs this should have been in the packet, and then look at which ordinances have appointments to be done, i.e., planning commission, zoning board of appeals, parks and rec, and any special committees that would be formed. She suggested those policies and procedures be reviewed and standardized.

Popp stated we will bring that back.

Brief discussion followed.

Goss will forward the planning commission ordinance to all board members.

Tabled Items
Review Administrative Policy Section 5 (tabled 10/14/2014)
This agenda item will remain tabled.

Review Ordinance 22 Pension Plan (tabled 10/25/2016)
This agenda item will remain tabled.

Review Whitewater Township Planning & Zoning Fees (tabled 02/28/2017)
This agenda item will remain tabled.

Board Comments/Discussion
None

Announcements
The next regular township board meeting is September 11, 2018, at 7:00 p.m. A moment of silence will be observed for the victims of 9/11.

Public Comment
Heidi Vollmuth (who spoke earlier) stated the planning commission says the pledge every meeting. She thinks we need to follow a better practice. She suggested a proclamation for 9/11.

Ron Bachi (who spoke earlier) apologized for speaking out of turn; he felt like he was being responded to directly. He added that information and getting it out and people being informed is one of the biggest, most important things the board can do. There is no absolute answer, but

common sense has to fall into play. He stated he has heard that the township board and planning commission don't want them to know; they want to just do what they want to do without us knowing. This is what he has heard from most people.

There was brief discussion between board members and Bachi on several topics, i.e., event barns, communication, policy and procedure, and the appointment of Ryan Stibbs.

Janet Bachi, 6987 Cook Road, stated they would like to be involved in the ordinance when it comes to event barns.

Adjournment

Motion by Hubbell to adjourn; second by Lawson. On voice vote, all those present voted in favor, none opposed. Meeting adjourned at 9:28 p.m.

Respectfully submitted,

Cheryl A. Goss
Whitewater Township Clerk

DRAFT

Bills for Approval
September 11, 2018

ALDEN STATE BANK	**43069 - 43192**	
PAYROLL 8/17	43069 - 43096	Gross Payroll $15,544.80
ELECTION PAYROLL 8/17	43097 - 43114	Gross Payroll $2,289.75
ACCTS PAYABLE 8/22	43115 - 43142	Grand Total $18,874.16
PAYROLL 8/31	43143 - 43168	Gross Payroll $13,615.90
ACCTS PAYABLE 9/4	43169 - 43192	Grand Total $13,246.93

FIRST COMMUNITY BANK - MIAMI BEACH	**1244**	
ACCTS PAYABLE 8/21	1244	Grand Total $35.15

FIRST COMMUNITY BANK - WMDLS

ALDEN STATE BANK - MONEY MARKET

Check Register Report

Bills for Approval 09/11/2018

Date: 09/06/2018
Time: 5:21 pm
Page: 1

Whitewater Township

BANK: ALDEN STATE BANK

Check Number	Check Date	Status	Void/Stop Date	Vendor Number	Vendor Name	Check Description	Amount
ALDEN STATE BANK Checks							
43115	08/22/2018	Printed		ACE	ACE HARDWARE	PADLOCK FOR SHED	258.12
43116	08/22/2018	Printed		ALLIED	ALLIED 100 LLC	BATTERIES FOR AEDS	620.60
43117	08/22/2018	Printed		AMERIGAS	AMERIGAS	284.5 GALLONS	756.35
43118	08/22/2018	Printed		AT&T-PARK	AT&T	08/01-08/31/2018	72.75
43119	08/22/2018	Printed		BILL MARSH	BILL MARSH AUTOMOTIVE GROUP	REPAIRS AND OIL CHG ON SQUAD 3	366.62
43120	08/22/2018	Printed		BRICK HOUS	BRICK HOUSE INTERACTIVE	SECURITY REQUIREMENTS FOR	60.00
43121	08/22/2018	Printed		CHEMICAL	CHEMICAL CONTROL CO INC	2ND APPLICATION	81.00
43122	08/22/2018	Printed		CONSUMERS	CONSUMERS ENERGY	07/16-08/13/2018	2,722.69
43123	08/22/2018	Printed		BENAK	DON BENAK	REPAIR POSTAGE MACHINE	102.00
43124	08/22/2018	Printed		EFTPS	EFTPS	PAYROLL 7/06/18 & 7/20/18	7,101.86
43125	08/22/2018	Printed		FIRE SER	FIRESERVICE MANAGEMENTLTD	CLEAN & REPAIR TURN OUT GEAR	718.93
43126	08/22/2018	Printed		FUELMAN	FUELMAN	FUEL FOR FIRE/PARK	340.12
43127	08/22/2018	Printed		GILL-ROY	GILL-ROY'S HARDWARE 6737	CHAIN FOR BIG CHAIN SAW	182.70
43128	08/22/2018	Printed		GINOP	GINOP SALES INC	1 DAY TRAILER RENTAL	600.00
43129	08/22/2018	Printed		GOLFIRE	GOLFIRE, INC.	12 HELMET SHIELDS	503.98
43130	08/22/2018	Printed		HOME CITY	HOME CITY ICE COMPANY	165 BAGS	375.90
43131	08/22/2018	Printed		KERRY K	KERRY KINERY	MILEAGE FOR 8/5/2018	7.63
43132	08/22/2018	Printed		KSS ENTER	KSS ENTERPRISES	SUPPLIES	191.30
43133	08/22/2018	Printed		LAWN-N	LAWN-N-ORDER	PO4068 Wood splitting	1,337.50
43134	08/22/2018	Printed		MATTHEW M/	MATTHEW MARCINIAK	5 CORDS SPLIT/DELIVERED	175.00
43135	08/22/2018	Printed		MICHAEL S	MICHAEL A. STEPHENSON	CPR/AED RENEWAL	40.00
43136	08/22/2018	Printed		ROBERT D	ROBERT DANIELS	MILEAGE 08/08-08/10/2018	6.54
43137	08/22/2018	Printed		SCI NET	SCI NETWORKS	8/14-9/13/2018	174.32
43138	08/22/2018	Printed		STAPLES	STAPLES CREDIT PLAN	PARK/TWP BOARD/FIRE/CLERK	279.71
43139	08/22/2018	Printed		STATE TAX	STATE OF MICHIGAN - TREASURY	PAYROLLS 7/06/18 & 7/20/18	1,536.27
43140	08/22/2018	Printed		TC RECORD	TC RECORD-EAGLE, INC.	PUBL. OF PUBLIC ACCURACY TEST	83.50
43141	08/22/2018	Printed		THIRLBY	THIRLBY AUTOMOTIVE	BLOWER MOTOR RESISTOR	91.35
43142	08/22/2018	Printed		UNIFI EQ	UNIFI EQUIPMENT FINANCE, INC.	LEASE COLOR COPIER	87.42
43169	09/04/2018	Printed		AD ASSESS	AD ASSESSING INC	SEPT 2018	1,803.36
43170	09/04/2018	Printed		AT&T-PARK	AT&T	08/23-09/22/2018	46.85
43171	09/04/2018	Printed		BRANDON F	BRANDON FLYNN	SEPT 2018	40.00
43172	09/04/2018	Printed		CHARTER	CHARTER COMMUNICATIONS	09/01-09/30/218	279.05
43173	09/04/2018	Printed		CHEMICAL	CHEMICAL CONTROL CO INC	2ND APPLICATION	69.00
43174	09/04/2018	Printed		CHERRYLANI	CHERRYLAND ELECTRIC COOP	M72 & COOK RD	43.42
43175	09/04/2018	Printed		CONSUMERS	CONSUMERS ENERGY	07/27-08/26/2018	90.10
43176	09/04/2018	Printed		DTE ENERGY	DTE ENERGY	07/24-08/21/2018	34.88
43177	09/04/2018	Printed		ERNEST	ERNEST L KEECH	CREMAINS ALICE SINKO	50.00
43178	09/04/2018	Printed		FIRE SER	FIRESERVICE MANAGEMENTLTD	CLEANING/REPAIR/RELABEL	251.26
43179	09/04/2018	Printed		GINOP	GINOP SALES INC	ONE DAY TRAILER RENTAL	600.00
43180	09/04/2018	Printed		GOLF CARS	GREAT LAKES GOLF CARS	PARTS & SERVICE FOR GOLF	688.43
43181	09/04/2018	Printed		HOME CITY	HOME CITY ICE COMPANY	80 BAGS OF ICE	77.00
43182	09/04/2018	Printed		KIM FINCH	KIM FINCH	JULY & AUG 2018	200.00
43183	09/04/2018	Printed		KSS ENTER	KSS ENTERPRISES	SUPPLIES	536.73
43184	09/04/2018	Printed		LAWN-N	LAWN-N-ORDER	PO4156 CHIPPING & STUMP GRIND	1,350.00
43185	09/04/2018	Printed		MATTHEW M/	MATTHEW MARCINIAK	5 CORDS OF WOOD	175.00
43186	09/04/2018	Printed		CULLIGAN	MCCARDEL CULLIGAN WATER COND	SEPT RENTAL	9.00
43187	09/04/2018	Printed		MUNSON OH	MUNSON OCCUPATIONAL HEALTH	E Arbenowske/T Arbenowske/	1,385.50
43188	09/04/2018	Printed		NYE	NYE UNIFORM	DRESS SHIRT EMBLEMS	225.00
43189	09/04/2018	Printed		PRECIS	PRECISION LANDSCAPES	PLAYGROUND LEVELING	3,500.00
43190	09/04/2018	Printed		PRESSELL	PRESSELL ENGINEERING & DESIGN	DRAWING FOR BATTING CAGE	500.00
43191	09/04/2018	Printed		TC RENT	TC RENTALS	24 HR STUMP GRINDER RENTAL	225.00
43192	09/04/2018	Printed		VISA	VISA	PO'S 4146/4149/4164	1,067.35

Check Number	Check Date	Status	Void/Stop Date	Vendor Number	Vendor Name	Check Description	Amount
				Total Checks: 52		**Checks Total (excluding void checks):**	**32,121.09**
				Total Payments: 52		**Bank Total (excluding void checks):**	**32,121.09**

Check Register Report

Bills for Approval 09/11/2018

Whitewater Township

BANK: FIRST COMMUNITY BANK MB

Check Number	Check Date	Status	Void/Stop Date	Vendor Number	Vendor Name	Check Description	Amount
FIRST COMMUNITY BANK MB Checks							
1244	08/21/2018	Printed		GTC TREAS	GRAND TRAVERSE CO TREASURER	DPW EXPENSES JULY 2018	35.15
				Total Checks: 1		**Checks Total (excluding void checks):**	**35.15**
				Total Payments: 1		**Bank Total (excluding void checks):**	**35.15**
				Total Payments: 53		**Grand Total (excluding void checks):**	**32,156.24**

Fund/Dept/Acct	Vendor Name	Invoice #	Invoice Desc.	Check #	Due Date	Check Date	Amount
Fund: 101 GENERAL FUND							
Dept: 101 Township Board							
101-101-727 Office Supplies & Exp							
	STAPLES CREDIT PLAN		PARK/TWP BOARD/FIRE/CLER	43138	08/09/2018	08/22/2018	123.58
							123.58
101-101-940 Equipment Rental							
	UNIFI EQUIPMENT FINANCE	435529	LEASE COLOR COPIER	43142	08/21/2018	08/22/2018	87.42
							87.42
					Total Dept. Township Board:		**211.00**
Dept: 195 Elections							
101-195-901 Publishing							
	TC RECORD-EAGLE, INC.	07182055	PUBL. OF PUBLIC ACCURACY	43140	07/31/2018	08/22/2018	83.50
							83.50
					Total Dept. Elections:		**83.50**
Dept: 209 Assessor							
101-209-807 Assessing Services							
	AD ASSESSING INC		SEPT 2018	43169	09/01/2018	09/04/2018	1,803.36
							1,803.36
					Total Dept. Assessor:		**1,803.36**
Dept: 215 Clerk							
101-215-727 Office Supplies & Exp							
	STAPLES CREDIT PLAN		PARK/TWP BOARD/FIRE/CLER	43138	08/09/2018	08/22/2018	12.99
							12.99
					Total Dept. Clerk:		**12.99**
Dept: 265 Township Hall & Groun							
101-265-740 Operating Expense &							
	MCCARDEL CULLIGAN WATI		SEPT RENTAL	43186	09/01/2018	09/04/2018	9.00
							9.00
101-265-810 Janitorial Services							
	KIM FINCH		JULY & AUG 2018	43182	08/31/2018	09/04/2018	200.00
							200.00
101-265-851 Internet/Website							
	CHARTER COMMUNICATION		08/30-9/29/2018	43172	08/20/2018	09/04/2018	59.99
							59.99
101-265-922 Electricity							
	CONSUMERS ENERGY	201094416174	07/16-08/13/2018	43122	08/13/2018	08/22/2018	184.43
							184.43
101-265-923 Electric Heat							
	CONSUMERS ENERGY	201094416175	07/16-08/13/2018	43122	08/13/2018	08/22/2018	40.19
							40.19
101-265-924 Telephone							
	CHARTER COMMUNICATION		08/30-9/29/2018	43172	08/20/2018	09/04/2018	54.09
	SCI NETWORKS	1076073	8/14-9/13/2018	43137	08/14/2018	08/22/2018	174.32
							228.41
101-265-930 Facility Repairs/Maint							
	CHEMICAL CONTROL CO IN	9434	2ND APPLICATION	43121	08/10/2018	08/22/2018	81.00
							81.00
101-265-931 Office Equipment Rep							
	DON BENAK		REPAIR POSTAGE MACHINE	43123	08/08/2018	08/22/2018	102.00

Fund/Dept/Acct	Vendor Name	Invoice #	Invoice Desc.	Check #	Due Date	Check Date	Amount
							102.00
					Total Dept. Township Hall & Grounds:		905.02
Dept: 276 Cemetery							
101-276-808 Cemetery Sexton							
	ERNEST L KEECH		CREMAINS ALICE SINKO	43177	08/28/2018	09/04/2018	50.00
							50.00
101-276-922 Electricity							
	CONSUMERS ENERGY	201361332664	07/16-08/13/2018	43122	08/13/2018	08/22/2018	24.36
							24.36
					Total Dept. Cemetery:		74.36
					tal Fund GENERAL FUND:		3,090.23
Fund: 203 ROAD FUND							
Dept: 446 Road Right of Way							
203-446-921 Street Lights							
	CHERRYLAND ELECTRIC CC		M72 & MOORE RD	43174	08/22/2018	09/04/2018	13.74
	CHERRYLAND ELECTRIC CC		M72 & SKEGEMOG PT RD	43174	08/22/2018	09/04/2018	14.84
	CHERRYLAND ELECTRIC CC		M72 & COOK RD	43174	08/22/2018	09/04/2018	14.84
							43.42
					Total Dept. Road Right of Way:		43.42
					Total Fund ROAD FUND:		43.42
Fund: 206 FIRE FUND							
Dept: 336 Fire Dept							
206-336-727 Office Supplies & Exp							
	STAPLES CREDIT PLAN		PARK/TWP BOARD/FIRE/CLER	43138	08/09/2018	08/22/2018	49.40
							49.40
206-336-739 Fuel & Oil							
	FUELMAN	N6DJW-FVFM9	FUEL FOR FIRE/PARK	43126	08/16/2018	08/22/2018	311.26
							311.26
206-336-740 Operating Expense &							
	ALLIED 100 LLC	942477	ELECTRODES FOR AEDS	43116	07/13/2018	08/22/2018	201.60
	ALLIED 100 LLC	941587	BATTERIES FOR AEDS	43116	07/11/2018	08/22/2018	419.00
	GILL-ROY'S HARDWARE 673	1808-636674	CEILING FAN & MISC SUPPLIE	43127	08/20/2018	08/22/2018	63.47
							684.07
206-336-747 Uniforms							
	FIRESERVICE MANAGEMEN	18970	CLEAN & REPAIR TURN OUT G	43125	08/06/2018	08/22/2018	718.93
	FIRESERVICE MANAGEMEN	19076	CLEANING/REPAIR/RELABEL	43178	08/28/2018	09/04/2018	251.26
	GOLFIRE, INC.	23980	12 HELMET SHIELDS	43129	08/08/2018	08/22/2018	503.98
	NYE UNIFORM	658005	DRESS SHIRT EMBLEMS	43188	08/30/2018	09/04/2018	225.00
							1,699.17
206-336-803 Medical Professional							
	MUNSON OCCUPATIONAL H	00170012-00	E Arbenowske/T Arbenowske/	43187	08/30/2018	09/04/2018	1,385.50
							1,385.50
206-336-851 Internet/Website							
	CHARTER COMMUNICATION		09/01-09/30/218	43172	08/22/2018	09/04/2018	64.99
							64.99
206-336-880 Education & Training							
	MICHAEL A. STEPHENSON		CPR/AED RENEWAL	43135	08/09/2018	08/22/2018	40.00
							40.00

Fund/Dept/Acct	Vendor Name	Invoice #	Invoice Desc.	Check #	Due Date	Check Date	Amount
206-336-920 Natural Gas							
	DTE ENERGY		07/24-08/21/2018	43176	08/27/2018	09/04/2018	17.44
							17.44
206-336-922 Electricity							
	CONSUMERS ENERGY	201361332663	07/16-08/13/2018	43122	08/13/2018	08/22/2018	215.90
							215.90
206-336-924 Telephone							
	CHARTER COMMUNICATION		09/01-09/30/218	43172	08/22/2018	09/04/2018	99.98
							99.98
206-336-930 Facility Repairs/Maint							
	GILL-ROY'S HARDWARE 673	1808-636674	CEILING FAN & MISC SUPPLIE	43127	08/20/2018	08/22/2018	79.99
							79.99
206-336-933 Vehicle Repair & Mair							
	BILL MARSH AUTOMOTIVE C	727890	REPAIRS AND OIL CHG ON SQ	43119	08/13/2018	08/22/2018	366.62
	THIRLBY AUTOMOTIVE	199132	DC CONVERTER FOR BRUSH	43141	08/14/2018	08/22/2018	61.99
	THIRLBY AUTOMOTIVE	193802	BLOWER MOTOR RESISTOR	43141	08/09/2018	08/22/2018	29.36
	VISA		PO'S 4146/4149/4164	43192	08/28/2018	09/04/2018	655.35
							1,113.32
206-336-956 Miscellaneous Expen:							
	BRANDON FLYNN		SEPT 2018	43171	09/01/2018	09/04/2018	40.00
							40.00
					Total Dept. Fire Dept:		**5,801.02**
					Total Fund FIRE FUND:		**5,801.02**
Fund: 208 PARK FUND							
Dept: 756 Township Park							
208-756-727 Office Supplies & Exp							
	STAPLES CREDIT PLAN		PARK/TWP BOARD/FIRE/CLER	43138	08/09/2018	08/22/2018	93.74
							93.74
208-756-739 Fuel & Oil							
	FUELMAN	N6DJW-FVFM9	FUEL FOR FIRE/PARK	43126	08/16/2018	08/22/2018	28.86
							28.86
208-756-740 Operating Expense &							
	ACE HARDWARE	107715	LAWN MOWER/MISC SUPPLIE	43115	08/14/2018	08/22/2018	232.13
	ACE HARDWARE	107813	PADLOCK FOR SHED	43115	08/20/2018	08/22/2018	25.99
	GILL-ROY'S HARDWARE 673	1808-982105	CHAIN FOR BIG CHAIN SAW	43127	08/07/2018	08/22/2018	28.28
	KSS ENTERPRISES	1106128	SUPPLIES	43132	08/05/2018	08/22/2018	95.56
	KSS ENTERPRISES	1107578	SUPPLIES	43132	08/08/2018	08/22/2018	95.74
	KSS ENTERPRISES	1111555	SUPPLIES	43183	08/29/2018	09/04/2018	277.67
	KSS ENTERPRISES	1109903	SUPPLIES	43183	08/22/2018	09/04/2018	259.06
	VISA		PO'S 4146/4149/4164	43192	08/28/2018	09/04/2018	199.00
							1,213.43
208-756-741 Ice							
	HOME CITY ICE COMPANY	4441180888	132 BAGS	43130	08/10/2018	08/22/2018	123.80
	HOME CITY ICE COMPANY	3954182992	104 BAGS	43130	08/13/2018	08/22/2018	98.60
	HOME CITY ICE COMPANY	3954183042	165 BAGS	43130	08/19/2018	08/22/2018	153.50
	HOME CITY ICE COMPANY	4441181086	80 BAGS OF ICE	43181	08/31/2018	09/04/2018	77.00
							452.90
208-756-743 Wood							
	LAWN-N-ORDER		PO4068 Wood splitting	43133	08/21/2018	08/22/2018	337.50
	MATTHEW MARCINIAK	5	5 CORDS SPLIT/DELIVERED	43134	08/13/2018	08/22/2018	175.00
	MATTHEW MARCINIAK	6	5 CORDS OF WOOD	43185	08/26/2018	09/04/2018	175.00

Fund/Dept/Acct	Vendor Name	Invoice #	Invoice Desc.	Check #	Due Date	Check Date	Amount
							687.50
208-756-748 Sales Tax							
	STATE OF MICHIGAN - TREA	SMIBUS002224162	JULY SALES TAX	43139	08/21/2018	08/22/2018	267.00
							267.00
208-756-809 Lawn Maintenance Se							
	LAWN-N-ORDER		PO4156 CHIPPING & STUMP G	43184	09/04/2018	09/04/2018	550.00
							550.00
208-756-851 Internet/Website							
	BRICK HOUSE INTERACTIVE	080818WWT	SECURITY REQUIREMENTS FI	43120	08/08/2018	08/22/2018	60.00
							60.00
208-756-860 Mileage Reimbursem							
	KERRY KINERY		MILEAGE FOR 8/5/2018	43131	08/05/2018	08/22/2018	7.63
	ROBERT DANIELS		MILEAGE 08/08-08/10/2018	43136	08/20/2018	08/22/2018	6.54
							14.17
208-756-922 Electricity							
	CONSUMERS ENERGY	203586122739	07/17-08/14/2018	43122	08/14/2018	08/22/2018	1,788.13
	CONSUMERS ENERGY	203586122738	07/17-08/14/2018	43122	08/14/2018	08/22/2018	223.04
							2,011.17
208-756-924 Telephone							
	AT&T	231267509108	08/01-08/31/2018	43118	08/01/2018	08/22/2018	72.75
							72.75
208-756-925 Cellular Phone							
	AT&T		08/23-09/22/2018	43170	08/22/2018	09/04/2018	46.85
							46.85
208-756-929 Propane							
	AMERIGAS	3081257647	284.5 GALLONS	43117	08/04/2018	08/22/2018	756.35
							756.35
208-756-930 Facility Repairs/Maint							
	CHEMICAL CONTROL CO IN	9875	2ND APPLICATION	43173	08/22/2018	09/04/2018	69.00
	GINOP SALES INC	WP72473	2 DAYS SKID STEER RENTAL	43128	08/08/2018	08/22/2018	550.00
	GINOP SALES INC	WP72474	1 DAY TRAILER RENTAL	43128	08/08/2018	08/22/2018	50.00
	GINOP SALES INC	WP72891	TWO DAY SKID STEER RENTA	43179	08/22/2018	09/04/2018	550.00
	GINOP SALES INC	WP72893	ONE DAY TRAILER RENTAL	43179	08/22/2018	09/04/2018	50.00
	GREAT LAKES GOLF CARS	9047	PARTS & SERVICE FOR GOLF	43180	08/20/2018	09/04/2018	688.43
	LAWN-N-ORDER		PO4068 Wood splitting	43133	08/21/2018	08/22/2018	1,000.00
	LAWN-N-ORDER		PO4156 CHIPPING & STUMP G	43184	09/04/2018	09/04/2018	200.00
	TC RENTALS	22733	24 HR STUMP GRINDER RENT.	43191	08/24/2018	09/04/2018	225.00
	VISA		PO'S 4146/4149/4164	43192	08/28/2018	09/04/2018	213.00
							3,595.43
208-756-970 Capital Expenditure							
	PRECISION LANDSCAPES	219	PLAYGROUND LEVELING	43189	08/28/2018	09/04/2018	3,500.00
							3,500.00
						Total Dept. Township Park:	13,350.15
						Total Fund PARK FUND:	13,350.15
Fund: 209 RECREATION FUND							
Dept: 757 Recreation							
209-757-809 Lawn Maintenance Se							
	LAWN-N-ORDER		PO4156 CHIPPING & STUMP G	43184	09/04/2018	09/04/2018	600.00
							600.00
209-757-922 Electricity							

Fund/Dept/Acct	Vendor Name	Invoice #	Invoice Desc.	Check #	Due Date	Check Date	Amount
	CONSUMERS ENERGY	201094416173	07/16-08/13/2018	43122	08/13/2018	08/22/2018	30.73
	CONSUMERS ENERGY	205188013202	07/27-08/26/2018	43175	08/26/2018	09/04/2018	90.10
							120.83
209-757-930 Facility Repairs/Maint							
	GILL-ROY'S HARDWARE 673	1808-987336	DOOR CLOSER HARDWARE	43127	08/08/2018	08/22/2018	10.96
							10.96
209-757-970 Capital Expenditure							
	PRESSELL ENGINEERING &	95746	DRAWING FOR BATTING CAGI	43190	08/21/2018	09/04/2018	500.00
							500.00
						Total Dept. Recreation:	**1,231.79**
						Fund RECREATION FUND:	**1,231.79**
Fund: 210 AMBULANCE FUND							
Dept: 651 Ambulance							
210-651-920 Natural Gas							
	DTE ENERGY		07/24-08/21/2018	43176	08/27/2018	09/04/2018	17.44
							17.44
210-651-922 Electricity							
	CONSUMERS ENERGY	201361332663	07/16-08/13/2018	43122	08/13/2018	08/22/2018	215.91
							215.91
						Total Dept. Ambulance:	**233.35**
						Fund AMBULANCE FUND:	**233.35**
Fund: 590 MIAMI BEACH SEWER							
Dept: 000							
590-000-805 Contracted Services-I							
	GRAND TRAVERSE CO TRE/	95165	DPW EXPENSES JULY 2018	1244	07/31/2018	08/21/2018	35.15
							35.15
						Total Dept. 000:	**35.15**
						MI BEACH SEWER FUND:	**35.15**
Fund: 750 PAYROLL CLEARING F							
Dept: 000							
750-000-258 Accrued Payroll Taxes							
	EFTPS	270862141569389	PAYROLL 7/06/18 & 7/20/18	43124	08/09/2018	08/22/2018	7,101.86
	STATE OF MICHIGAN - TREA	SMIBUS002185540	PAYROLLS 7/06/18 & 7/20/18	43139	08/08/2018	08/22/2018	1,269.27
							8,371.13
						Total Dept. 000:	**8,371.13**
						YROLL CLEARING FUND:	**8,371.13**
						Grand Total:	**32,156.24**

EMPLOYMENT AGREEMENT

1. This agreement is effective October 1, 2018 and is between Whitewater Township Board of Trustees, representing Whitewater Township ("Township"), and Dawn Kuhns, of P O Box 1506, Kalkaska, Michigan 49646-1506 ("Dawn").

2. The Township wishes to appoint Dawn as the Township's certified assessor, as provided for in MCL 41.61(1).

3. Dawn will prepare and certify the assessment roll and tax roll for the Township, and will deposit them with the Township Supervisor. This work is expected to include duties and responsibilities listed in Whitewater Township Job Description herein attached.

4. For this work, Whitewater Township will compensate Dawn in the amount of $1200.00 per year, as a part-time employee.

5. It is anticipated that in preparing and certifying the assessment roll and tax roll, Dawn will rely on the services and work product of AD Assessing Incorporated, a firm of which she is a co-owner and which has an independent contractor agreement with the Township.

6. This Agreement shall continue in effect until the contract with AD Assessing Incorporated is terminated.

WHITEWATER TOWNSHIP

By:

_____

Ron Popp, SUPERVISOR

_____

Dawn M. Kuhns

Whitewater Township
Assessor Job Description
(Approved 01/12/2016)

Job Title: Assessor
General Description:
The Assessor shall:

Be responsible for overall direction, management and supervision of Township's property appraisal program. Oversee identifying, inventorying, and determining market values and calculating assessed valuation for all township properties in accordance with the State Tax Commission regulations, methods and procedures to ensure fair and equitable assessments. Maintain accurate homestead and property transfer information in compliance with applicable state laws.

Qualifications

1. Michigan Certified Assessing Officer (MCAO) certificate required. Michigan Advanced Assessing Officer (MAAO) certificate preferred.

2. Ability to work and communicate with elected and appointed officials and the public with appropriate etiquette and diplomacy.

3. Possess adequate writing and computer skills to perform the duties of the job.

4. Ability to pay close attention to details; to organize, prioritize, and work independently; to schedule and produce work on a timely basis.

5. Possess a valid driver's license to meet travel requirements and be able to make site inspections during all seasons.

Physical Demands
Good general health. The work is light with some walking, standing, stooping and crouching. Visual acuity is important.

Work Environment
This is mainly an office job. From time to time, the assessor will be exposed to outside weather conditions.

Salary
Employee compensation shall be as set forth on the Salary/Wage Schedule. Independent contractor compensation shall be as set forth in the Independent Contractor Agreement.

Hours of Work
The Assessor shall be considered a part-time employee, working a flexible schedule up to 4 hours per month. Hours worked pursuant to the Independent Contractor Agreement shall be determined by the Assessor and sufficient to perform all duties of the position.

Typical Duties Include, But Are Not Limited To:

1. Plans, administers, and provides overall supervision of property appraisal programs for assessment purposes; maintains appropriate level of qualified staff to ensure work is completed to achieve overall department goals.

2. Develops policies and procedures for staff in determining true cash value of assessable real and personal property, including locating, identifying and inventorying quantity and characteristics of the property for determining appropriate value and classification.

3. Responds to inquiries and requests for assessment information from the public.

4. Oversees maintenance of departmental files, including property records/cards, physical data, legal descriptions, splits and combinations of parcels, and ownership transfers; strives to identify new/improved methods for carrying out responsibilities of the department.

5. Represents the Township in defending assessments appealed to the Michigan Tax Tribunal Small Claims Division and, when requested, will assist the Township Attorney with Entire Tribunal cases.

6. Conducts field inspections of all classes of property; gathers, analyzes data and performs assessment ratio studies to determine true market values; may input data into computer system; updates personal property records and supervises sending of assessment notices annually to notify property owners regarding assessed values.

7. Ensures that periodic checks are performed with home and business owners regarding changes made to facilities.

8. Supervises and participates in the preparation of the property assessment roll for presentation to the Board of Review; supervises adjustments of the tax roll directed by the Board of Review; participates in Board of Review sessions, compiles results and oversees preparation of letters and reports associated with this process.

9. Submits a timesheet once per month to the clerk's office, on a township-approved form, showing hours worked as an employee of the township.

10. Submits invoices or expense reimbursement forms to the clerk's office for expenses incurred on behalf of Whitewater Township, in accordance with policies and procedures established by the township board.

11. Proposes solutions to any problems encountered in administering the job of Assessor.

I have read the above job description and fully understand the conditions set forth therein. I will perform these duties to the best of my knowledge and ability.

Date: 8-30-18 Signature: Karen M Kuhn

To: Whitewater Township Board

From: Cheryl A. Goss, Clerk

Date: 09/07/2018

Re: Resolution #18-16

A resolution on the same topic was in the board's 8/28 meeting packet. However , it was not in suitable format for adoption.

A revised resolution in the appropriate format is attached.

An appropriate motion would be: **Motion to adopt Resolution #18-16.**

# # #

RESOLUTION #18-16

Resolution in Opposition to Michigan House Bill 6049 and Senate Bill 1025

Whitewater Township
Grand Traverse County, Michigan

At a meeting of the Whitewater Township Board, Grand Traverse County, Michigan, held at the Whitewater Township Hall, 5777 Vinton Road, Williamsburg, MI 49690, on the 11th day of September, 2018, at 7:00 p.m.

PRESENT: _____

ABSENT: _____

WHEREAS, the Michigan Department of Treasury has developed a proposal to shift local assessing duties to county equalization departments and to amend Public Act 206 of 1893, Sections 211.28 and 211.34; and

WHEREAS, Whitewater Township opposes House Bill 6049 and Senate Bill 1025 for the following reasons:

1. The proposed legislation will result in higher administrative costs and loss of local control.
2. Local boards of review do have knowledge of local conditions which impact individual tax assessments and attend training to acquire knowledge.
3. Regional boards of review are not necessary as the commercial and industrial property owners already are allowed to bypass local boards of review and appeal directly to the Michigan Tax Tribunal.
4. Mandates for county or multi-jurisdictional units would have no accountability to the local townships, who are elected to oversee the sections of law dealing with taxation and assessing.
5. A $12 million tax collection limit is unrealistic in rural townships and forces townships to cross county jurisdictions, which becomes a costly burden to county equalization departments.
6. Requiring full-time hours are cost burdensome to rural areas and does not address local needs where limited office hours are offered or contact information is available for the public to connect with officials.
7. Removing the 1% property tax administration fee from the township tax collection portion to be used only for assessing is cost prohibitive.
8. Requiring district-wide boards of review takes away local knowledge and expertise and is an additional cost to townships.
9. Prohibiting elected supervisors with proven ability to perform assessment administration effectively, efficiently and equitably is not prudent in the limited field of assessors.
10. Requiring all assessors to become Level 3 or 4 is not realistic in the proposed time frame; experience gained from working in individual units in a professional, effective manner is accomplished by other levels of assessing certification.

11. Removing the authority to administer the assessing roll with proven quality employees would be highly disruptive to township and county governments and to residents.

NOW, THEREFORE, BE IT RESOLVED that the following actions are recommended to the Michigan Legislature as appropriate and effective steps to improve property tax assessment administration:

1. Focus reform measures on those units which fail to demonstrate equitable valuations or noncompliance with legal requirements;
2. Train elected officials to improve local oversight and accountability of assessment practices.
3. Provide state financial support for local assessment administration to help with the increased expenses from state mandates and judicial decisions.
4. Create a new assessor technical support division within the Michigan State Tax Commission which is separate from the enforcement function.

A motion to adopt the foregoing resolution was made by _____ and seconded by _____.

Upon roll call vote, the following voted:
Yes:
No:
Abstain:

Resolution declared adopted.

_____
Ron Popp, Whitewater Township Supervisor

CERTIFICATE

STATE OF MICHIGAN)
)
GRAND TRAVERSE COUNTY)

I, the undersigned, the duly qualified Clerk for Whitewater Township, Grand Traverse County, Michigan, HEREBY CERTIFY that the foregoing is a true and complete copy of certain proceedings taken by the Whitewater Township Board at a meeting held on the 11th day of September, 2018, and further certify that the above Resolution #18-16 was adopted at said meeting.

_____
Cheryl A. Goss, Whitewater Township Clerk

Office of the Whitewater Township Supervisor

Memo

To: Whitewater Township Board

From: Ron Popp, Supervisor

CC:

Date: 09-4-2018

Re: Township Administration Policy and Procedure – Existing Appointment Process

---

Board Members,

At the last meeting during discussion of the appointment process it came to light Board Members want to review the existing Township Policy on the subject.

Attached please find those policies.

Respectfully,

Ron Popp
Supervisor, Whitewater Township

3.0 Personnel Administration

3.1 Personnel Director

3.1(a) Designation of Personnel Director

To provide for efficient and uniform administration of personnel matters, the township board appoints the township supervisor as the township personnel director.

3.1(b) Personnel Director's Duties

The personnel director shall do the following:

1. Work with Personnel Administrator to develop and recommend to the township board job descriptions for all township positions; update as needed.
2. Work with Personnel Administrator to recruit applicants for position vacancies in accordance with Section 3.6**.**
3. Work with Personnel Administrator to recommend to the township board necessary changes in the personnel policies manual.
4. Discuss with Personnel Administrator and provide interpretations of the township personnel policies and procedures when requested by department heads or employees. The interpretation of the personnel director shall be considered final, unless an appeal of the interpretation is filed with the township board.
5. Work with the personnel administrator to recommend to the township board appropriate pay grade or compensation for employees.
6. Develop and implement a standard employee evaluation form.
7. Oversee disciplinary actions for employee misconduct pursuant to the township personnel policies manual.
8. Prepare and present letters of appreciation to terminating employees.

3.2 Personnel Administrator

3.2(a) Designation of Personnel Administrator

To provide for efficient and uniform administration of personnel matters, the township board appoints the township clerk as the township personnel administrator.

3.2(b) Personnel Administrator's Duties

The personnel administrator shall do the following:

1. Provide new employees with a current copy of the township personnel policies manual; provide all employees with copies of amendments made to the township personnel policies manual.

2. Maintain a permanent personnel record of each township employee.
3. Work with the personnel director to recommend to the township board appropriate pay grade or compensation for employees.
4. Keep a record of paid holidays, vacation time, sick days, jury duty pay, and funeral leave for employees pursuant to the township personnel policies manual.
5. Monitor changes in state and federal law that impact on township personnel practices.
6. Work with Personnel Director to develop and recommend to the township board job descriptions for all township positions; update as needed.
7. Work with Personnel Director to recruit applicants for position vacancies in accordance with Section 3.6.
8. Work with Personnel Director to recommend to the township board necessary changes in the personnel policies manual.
9. Discuss with Personnel Director and provide interpretations of the township personnel policies and procedures when requested by department heads or employees.
10. Designated as chief privacy officer, responsible for coordinating the township's privacy policies and compliance with those policies.

3.3 Employee Recordkeeping

3.3(a) Personnel Records

The township clerk (personnel administrator) shall maintain a permanent personnel record for each township employee. Each employee's personnel file shall contain the following:

1. Application and/or resume submitted
2. Licensure records, if applicable
3. Employment interview record, if available
4. Reference check
5. Offer of employment
6. Contract/salary resolution, if applicable
7. Job description
8. Applicant release form; employee release form(s), if applicable
9. Background and driver record checks
10. Physical examination information, if applicable (to be kept in separate file)
11. Employee information sheet
12. Record of township asset issued
13. Beneficiary information
14. Federal W-4, Michigan W-4, and I-9 forms and documentation
15. Signed acknowledgment page from personnel policies manual
16. New hire checklist
17. Record of positions held
18. Performance evaluations
19. Use of authorized leaves
20. Commendations and/or disciplinary actions
21. Insurance and pension records

22. Letter of resignation/notice of termination

3.3(b) Confidentiality of Personnel Files

The contents of the employee personnel files shall be considered confidential. Any employee may examine the contents of his or her personnel file under the direct supervision of the clerk. Board members and the personnel director shall be provided viewing of any personnel file. The contents of an employee's personnel file shall not be removed by anyone. Confidential information contained in a personnel file shall be released to others only with the written authorization of the employee. Personnel files will be kept for at least five years following an employee's termination.

3.3(c) Freedom of Information Act Requests for Personnel Files

Requests for copies of documents contained in the personnel files that are made pursuant to the Freedom of Information Act will be released only after confidential information that may be contained on the document is deleted. The clerk may contact the township attorney for advice in responding to a Freedom of Information Act request involving personnel records. Pursuant to the Michigan Freedom of Information Act, the township supervisor, after consulting with the township attorney, shall notify in writing any party requesting confidential information that the request is denied.

3.3(d) Social Security Number Privacy Policy
Only personnel who have legitimate business reasons to know will have access to records containing Social Security numbers. The department heads having access to records containing Social Security numbers shall determine which other personnel within their departments have a legitimate reason in the Township's ordinary course of business to have access to such Social Security numbers. Personnel using records containing Social Security numbers must take appropriate steps to secure such records when not in immediate use.

3.4 Classification and Compensation (Amended 5/18/2004)

The township board shall establish an equitable compensation system for township employees. The board shall determine a pay range for all township positions. Each employee shall be entitled to the annual salary or hourly wage determined by the township board and as appropriated in the township budget.

Merit increases may be given at the employee's anniversary date. A merit increase is one given for a job performance that is clearly outstanding and is granted in addition to any adjustment or progression increase for which the employee may otherwise be eligible. Requests for merit increases shall be recommended by the department head and/or personnel director at the time of the employee's evaluation and shall be approved by the township board.

3.5 Employee Safety

It shall be the duty of the supervisor and clerk, working cooperatively, to assess the general working conditions of the township on a continual basis and comply with related state and federal laws.

3.6 Employee Selection

The personnel director and/or the official/committee designated by the personnel director shall utilize the following procedures in filling any vacant employment positions (except for the deputy supervisor, deputy clerk and deputy treasurer who are selected by the supervisor, clerk and treasurer, respectively, and appointed officials who are selected in accordance with section 3.10):

3.6(a) A notice of position vacancy shall be developed based on the current job description. The posting shall provide the title, brief position description, education and experience requirements, application deadline and state that the township is an EOE.

3.6(b) The position vacancy shall be published in the Traverse City Record-Eagle and, with board approval, in selected trade journals.

3.6(c) The applications and/or resumes submitted will be screened and a list of qualified candidates will be developed.

3.6(d) Interviews will be conducted and references contacted.

3.6(e) The selected candidate shall be submitted to the township board, who may schedule an interview with the candidate at a board meeting. Following board concurrence, the candidate will be offered the position, pending a suitable background check, driver record check, when applicable, and satisfactory completion of a physical examination, when applicable.

3.7 Employee Supervision

Department heads shall provide direction to employees in a manner that complies with the provisions of this administrative policies and procedures manual, as well as all federal and state laws, township ordinances, and the township personnel policies manual.

In the absence of a department head, the personnel director will assume this role.

3.8 Employee Evaluation

Employees shall be evaluated by their department head (or the personnel director in the absence of a department head). During the ninety (90) day probationary period for all new employees, the employee's job performance shall be reviewed at thirty (30) days and sixty (60) days, with an employee performance evaluation at ninety days. Following the probationary period, evaluations will be done at the discretion of the department head, but at least yearly, within one month of the employee's anniversary date. An evaluation shall be signed by both the department head/personnel director and the employee, and placed in the employee's personnel file. Department heads shall be evaluated by the personnel director.

3.9 Employee Discipline

3.9(a) Warnings

The personnel director and department heads may administer verbal or written warnings pursuant to guidelines adopted in the township personnel policies manual. A warning shall be documented, signed by both the personnel director/department head and the employee, and placed in the employee's personnel file.

3.9(b) Suspension

The application of suspension shall be authorized by the personnel director after consultation with the department head, pursuant to guidelines adopted in the township personnel polices manual. All relevant facts that gave rise to the suspension shall be documented, signed by both the personnel director and the employee, and placed in the employee's personnel file.

A suspension may be appealed within three (3) days or at the next township board meeting, whichever comes first. An appeal shall be requested in writing to the personnel director, who shall promptly notify the board of the appeal and all relevant facts that gave rise to the suspension. The appeal shall be heard at the next township board meeting or at a special meeting called for that purpose.

3.9(c) Discharge

The application of discharge shall be authorized by the personnel director after consultation with the department head, pursuant to guidelines adopted in the township personnel policies manual. All relevant facts that gave rise to the discharge shall be documented, signed by the personnel director and the employee, and placed in the employee's personnel file.

A discharge may be appealed within three (3) days or at the next township board meeting, whichever comes first. An appeal shall be requested in writing to the personnel director, who shall promptly notify the board of the appeal and all relevant facts that gave rise to the

suspension. The appeal shall be heard at the next township board meeting or at a special meeting called for that purpose.

3.10 Appointments

The supervisor shall oversee the appointment of members to boards, commissions and committees. Where procedure is not specified in state statute, the supervisor shall recommend appointments to the township board for their approval.

3.11 Elected Officials

While recognizing that the duties of the supervisor, clerk, and treasurer are defined by state statute, the township board expects that each official will devote sufficient hours of work, including appropriate office hours, to effectively perform the duties of their office.

3.12 Employee Recognition

The supervisor will present a letter of appreciation from the township board to any township employee, volunteer or appointed official who resigns from their township position.

Appointments, resignations and other special recognition given to any township employee, volunteer or appointed/elected official will be published in the township newsletter.

3.13 Ethical Standards

All elected and appointed officials, employees and volunteers shall fulfill their duties with the utmost attention to serving the best interests of the township citizens, and no official, employee or volunteer shall participate in a decision or transaction on behalf of the township that would result in a direct financial benefit to the township official, employee or volunteer.

Any official, employee or volunteer who believes that he or she may be placed in a potential conflict of interest shall immediately notify the township board, and any subsequent action shall be in conformance with state law.

No employee shall accept employment that conflicts with performing his or her township duties.

No officer or employee shall accept any gift or consideration from a person or company providing goods or services to the township, or who is soliciting township business.

Office of the Whitewater Township Supervisor

Memo

To: Whitewater Township Board

From: Ron Popp, Supervisor

CC:

Date: 09-4-2018

Re: MDOT Rail Property Due Care Plan

Board Members,

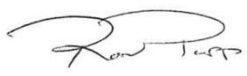
Looks like the Phase 2 study showed some signs of contamination on the MDOT Rail Property and if we decide to continue a Due Care Plan is in order. Our future plans of a driveway or even a cold storage building on the property is the best possible outcome for the Due Care Plan.

I have also included the information we received from the legal department for refresher.

Mark Collison, of Otwell Mawby, has offered to maintain the price of his original quote and a copy of that has also been included.

I think we could use this information to our advantage with State and should look a negotiations of the set price for the land.

Respectfully,



Ron Popp
Supervisor, Whitewater Township

Ron Popp

From: M. Collison, OMPC <mcollison@otwellmawby.com>
Sent: Tuesday, September 4, 2018 12:13 PM
To: 'Ron Popp'
Subject: MDOT Property Phase II ESA Report
Attachments: Whitewater PhII ESA.pdf

Good afternoon Ron,

Please find attached to this email the completed Phase II ESA report for the MDOT parcel of property.
We are also sending you a hard copy in the mail for your file to go along with the digital copy.
As we had discussed the property is a Facility, and a BEA should be completed for the purchase.
Please review and let me know how you would like to proceed, or if you have any questions.
Thank you and have a great day.
Mark

Sincerely,

Mark Collison, C.E.S.
Otwell Mawby, P.C.
Consulting Engineers
309 E. Front Street
Traverse City, MI 49684
(231) 946-5200
(231) 946-5216 FAX

mcollison@otwellmawby.com
www.otwellmawby.com

Environmental ▪Brownfield ▪Asbestos ▪Geotechnical ▪Materials Testing

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Michigan Department of Transportation Railway Property
Old M-72
Section 4, Township 27 North, Range 09 West
Whitewater Township
Grand Traverse County, Michigan

PHASE II
ENVIRONMENTAL SITE ASSESSMENT

August 2018

Prepared for:

Whitewater Township
C/o: Mr. Ron Popp, Supervisor
5777 Vinton Road
P.O. box 159
Williamsburg, Michigan 49690

Prepared by:

Otwell Mawby, P.C.
Consulting Engineers
309 East Front Street
Traverse City, Michigan 49684

Otwell Mawby Project Number: 17-247

Environmental ▪ Brownfield ▪ Asbestos ▪ Geotechnical ▪ Materials Testing

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APPENDICES

FIGURES

Figure 1 – Site Location Map
Figure 2 – Parcel Boundary Map
Figure 3 – Sample Location Map

TABLE

Table 1 – Soil Analytical Summary (1 Page)

ATTACHMENTS

Attachment A – Soil Boring Logs
Attachment B – Analytical Laboratory Reports

1.0 INTRODUCTION

At the request of Mr. Ron Popp, Supervisor, for Whitewater Township, the prospective purchaser, Otwell Mawby, P.C. (Otwell Mawby) has conducted a Phase II Environmental Site Assessment (Phase II ESA) of the Michigan Department of Transportation Railway Property (MDOT Railway Property) located along Old M-72, in Whitewater Township, Grand Traverse County, Michigan (hereafter referred to as the subject property). The subject property consisted of one undeveloped commercial parcel. This Phase II ESA was based upon recommendations made in the Phase I Environmental Site Assessment (Phase I ESA) dated November 2017 and prepared by Otwell Mawby. The Phase I ESA should be reviewed in its entirety to obtain information regarding the assessment of Recognized Environmental Condition (REC) for the subject property.

The location of the subject property is indicated on Figure 1, Site Location Map and Figure 2, Parcel Boundary Map. A diagram depicting subject property features and sample locations has been provided as Figure 3, Sample Location Map.

1.1 Historical Property Use

Based on information (site photographs and publications) obtained during the completion of the Phase I ESA, the subject property had been undeveloped since at least 1892. The subject property was purchased by the railroad (Chicago and West Michigan Railroad) in 1892 as part of a larger land purchase for the establishment of a railroad line and depot in Williamsburg. The subject property remained undeveloped until the early 1900s when a railroad siding and two commercial buildings were developed on the property. The buildings had been utilized for the operation of a granary/grist mill and a potato warehouse. The subject property remained developed until the late 1970 or early 1980s at which time the two buildings were removed. The subject property was acquired by MDOT in 1982. At the time, of the Otwell Mawby Phase I

ESA site reconnaissance (Monday, October 30, 2017), the subject property consisted of undeveloped field vegetation, scrub shrubbery and varying age tree growth. The railroad siding and remnants of the building foundations were noted on the subject property.

1.2 Recognized Environmental Conditions

The following REC was identified in the November 2017 Phase I ESA for the subject property:

1. **Presence of an Onsite Railroad Siding:** During the completion of the Phase I ESA, review of historical aerial and site photographs, and provided MDOT Railway Map depicted a railroad siding on the subject property along the southern portion of the parcel. Given the time period the railroad siding was present, coal and cinder deposits may be present along the location of the siding. Coal and cinders, as well as the railroad ties and track ballast itself, have the potential to impact soil and groundwater with metals, hydrocarbons, and other hazardous constituents. The presence of the railroad siding on the subject property represents an REC.

In light of these findings, a Phase II ESA was recommended to address the REC identified by the Phase I ESA for the subject property.

2.0 PHASE II SITE INVESTIGATION

On Wednesday, July 25, 2017, Otwell Mawby personnel conducted Phase II ESA activities, on the subject property to further investigate the REC identified in the Phase I ESA. To address the presence of the onsite railroad siding located on the subject property, Otwell Mawby completed six hand auger soil borings and collected soil samples (three total soil samples) from the subject property. All of the sampling locations are shown on Figure 2.

Soil samples were collected utilizing a stainless-steel hand auger sampling device and the boreholes were backfilled with natural cuttings upon completion. Samples were placed into laboratory-supplied containers and kept cool until delivery to the laboratory. The laboratory analyses included the polynuclear aromatics (PNAs) and the Michigan 10 metals. The analytical methods used included 8270 for PNAs and the 6010/6020 series for the Michigan 10 metals.

The samples were submitted under chain-of-custody to ALS Environmental Laboratory (ALS) of Traverse City and Holland, Michigan for analysis.

During the completion of the six soil borings, soils were continuously field screened (PID, visual evidence, and olfactory) for potential evidence of a release as the soil borings were advanced. During the completion of the soil borings, visual and olfactory conditions were observed which would indicate the presence of VOCs or PNAs in the soils. The soils generally consisted of a mixture of sands indicative of the native soils within the area of the subject property. Soil boring logs are included as Attachment A.

2.1 Soil Sampling Investigation

Six soils borings (HA-1 through HA-6) were completed to address the identified REC at the subject property. All of the soil boring sampling locations were continuously screened for evidence of potential contamination including vapors using a photo ionization detector (PID), visible staining, and olfactory evidence. There were no PID readings or other indications of a release having occurred observed during the Phase II investigation. Three soil samples (HA-1, HA-4 and HA-5) were collected from the locations, based on the visual observations during the completion of the soil borings. The soils generally consisted of a mixture of fine to medium sands with trace to some gravel. Soil boring logs are included as Attachment A.

The three discrete soil samples were collected for laboratory analyses as identified above. A summary of the soil borings and sampling activities are present in the table on the following page:

Summary of Soil Sampling Activities

Boring I.D.	Total Depth (in. / ft.)	REC Investigated	Soil Sampling Interval (in. / ft. below ground surface) For Potential Laboratory Analysis	Observations	Laboratory Analyses Performed
HA-1	2.0’	Historical Railroad Siding	8”	Fine to medium sand, Fill	PNAs MI 10 Metals
HA-2	2.0’	Historical Railroad Siding	None	Fine to medium sand, Fill	Not Analyzed
HA-3	2.0’	Historical Railroad Siding	None	Fine to medium sand, Fill	Not Analyzed
HA-4	2.0’	Historical Railroad Siding	11”	Fine to medium sand, Fill	PNAs MI 10 Metals
HA-5	2.0’	Historical Railroad Siding	8”	Fine to medium sand, Fill	PNAs MI 10 Metals
HA-6	2.0’	Historical Railroad Siding	None	Fine to medium sand, Fill	Not Analyzed

Approximate sampling locations on the subject property are depicted on Figure 2, Sample Location Map. Laboratory analytical results of the soil samples are discussed in Section 3.0 of this Report.

3.0 DISCUSSION OF FINDINGS AND ANALYTICAL RESULTS

The results of the Phase II ESA for the subject property are presented below. The Phase II ESA identified the presence of impacted soil believed to be from the existing onsite railroad siding located on the subject property. A summary of the results of the Phase II ESA of the subject property are presented below. The complete analytical data package is included as Appendix B.

Analytical results are summarized on Table 1, Soil Analytical Summary.

3.1 Soil Investigation Analytical Results

Three discrete soil samples (identified as samples HA-1, HA-4 and HA-5) were collected from the locations of the identified REC on the subject property and submitted for laboratory analysis. Analysis of the three samples that were submitted, all three of the soil samples exhibited constituents at concentrations above the laboratory target detection limits (TDLs), of which all three also exhibited concentrations above the MDEQ Part 201 Generic Cleanup Criteria (GCC) - Residential, for Groundwater Surface Water Interface Protection Criteria and Direct Contact Criteria, as provided in Table 1. Concentrations detected above MDEQ generic clean-up criteria (GCC) are summarized below. All other parameters were not detected above laboratory method detection limits (MDLs).

Summary of Soil Concentrations Above GCC - Residential

Sample ID	Sample Depth (In./Ft.)	Parameter Exceeding Criteria / CAS #	Parameter Analytical Result (ug/Kg, ppb)	GCC Exceeded (ug/Kg, ppb)
HA-1	8”	Mercury CAS #: Varies	540	GSI – 50
		Zinc CAS #: 7440666	390,000	GSI – 120,000
		Benzo(a)pyrene CAS #: 50328	5,600	DCC – 2,000
		Fluoranthene CAS #: 206440	9,800	GSI – 5,500
HA-4	11”	Zinc CAS #: 7440666	150,000	GSI – 120,000
		Benzo(a)pyrene CAS #: 50328	2,400	DCC – 2,000
		Fluoranthene CAS#: 206440	6,000	GSI – 5,500
HA-5	8”	Lead CAS #: 7439921	670,000	DCC – 400,000
		Selenium CAS #: 7782492	870	GSI – 400
		Zinc CAS #: 7440666	180,000	GSI – 120,000

DWP – MDEQ Part 201 Drinking Water Protection Criteria
GSI – MDEQ Part 201 Groundwater Surface Water Interface Protection Criteria
DCC - MDEQ Part 201 Direct Contact Criteria
ug/Kg – Micrograms per kilogram (i.e., parts per billion)

Based on the analyte exceedances of GCC (residential) for Groundwater Surface Water Interface Protection and Direct Contact Criteria, in the soil samples HA-1, HA-4 and HA-5, the subject property meets the definition of a "facility" as defined by Part 201 of Act 451 of 1994, as amended.

As presented above, the analytical results identified the presence of fluoranthene, mercury, selenium and zinc in the soil samples at concentrations in excess of the residential criteria protective of the Groundwater Surface Water Interface Protection Criteria. For Groundwater Surface Water Interface Protection Criteria to be considered relevant or a complete pathway surface water would have to exist or be in relative proximity to the subject property. There are currently no surface water bodies within relative proximity to the subject property, therefore, the GSI is not considered a complete or relevant exposure pathway.

The complete analytical data package with chain-of-custody documentation are included as Attachment B.

4.0 CONCLUSIONS AND RECOMMENDATIONS

A Phase II ESA was completed for the MDOT Railway Property located along Old M-72, in Whitewater Township, Grand Traverse County, Michigan, to evaluate the REC identified in the Phase I ESA completed by Otwell Mawby, P.C. in November 2017. The Phase II ESA consisted of evaluation of the existing onsite railroad siding identified on the subject property during the completion of the Phase I ESA. Otwell Mawby collected and analyzed soil samples (HA-1, HA-4 and HA-5) from various locations across the subject property.

The laboratory sample results have identified soil impact that exceeds MDEQ Part 201 GCC - Residential criteria for Groundwater Surface Water Interface Protection and Direct Contact Criteria in soil; and as a result of the Direct Contact Criteria exceedances, the subject property is

a “Facility”, as defined by Part 201 of Act 451 as amended under Part 201.

A Baseline Environmental Assessment (BEA) and Section 7a Due Care Plan is recommended for the subject property to protect a future purchaser from liabilities associated with the existing environmental impact and ensure safe future use of the subject property. The BEA must be conducted and substantially complete (including all site investigation, sampling and analysis, and historical research) within 45 days of purchase, occupancy, or foreclosure of the property classified as a Facility.

Additional investigation activities, including soil and groundwater sampling and analysis, may be required to meet “due care” responsibilities prior to future site use and/or redevelopment.

The scope of the Phase II ESA investigation activities described herein was designed to assess the REC identified in the November 2017 Phase I ESA of the subject property. Soil boring locations were selected based on information presented in the Phase I ESA. Subsequent sample depths and locations were selected to reasonably represent those areas with the greatest likelihood of environmental impact from the identified REC. As this investigation was only conducted to a standard of “reasonable inquiry,” it is possible, that other areas of the subject property may be impacted.

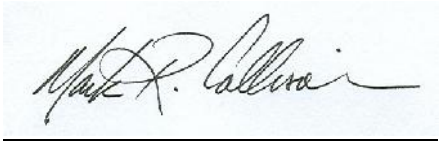
5.0 LIMITATIONS

The observations and discussions provided in this Report are intended to assist in making a reasonable assessment of risk with respect to potential environmental contamination at this site.

This information is provided in response to a limited scope of investigation and should be used in light of the limited effort expended. The information contained in this report is valid as of the date of this report.

The opinions of environmental risk should not be construed as legal advice or financial recommendations. It cannot be stated unequivocally that this assessment is sufficient to meet the appropriate inquiry standard of law, although the opinions and recommendations of Otwell Mawby, P.C. are the product of a professional evaluation of the property, consistent with existing industry practice in this area.

Roger L. Mawby, P.E.
Project Manager



Mark R. Collison, C.E.S.
Environmental Professional

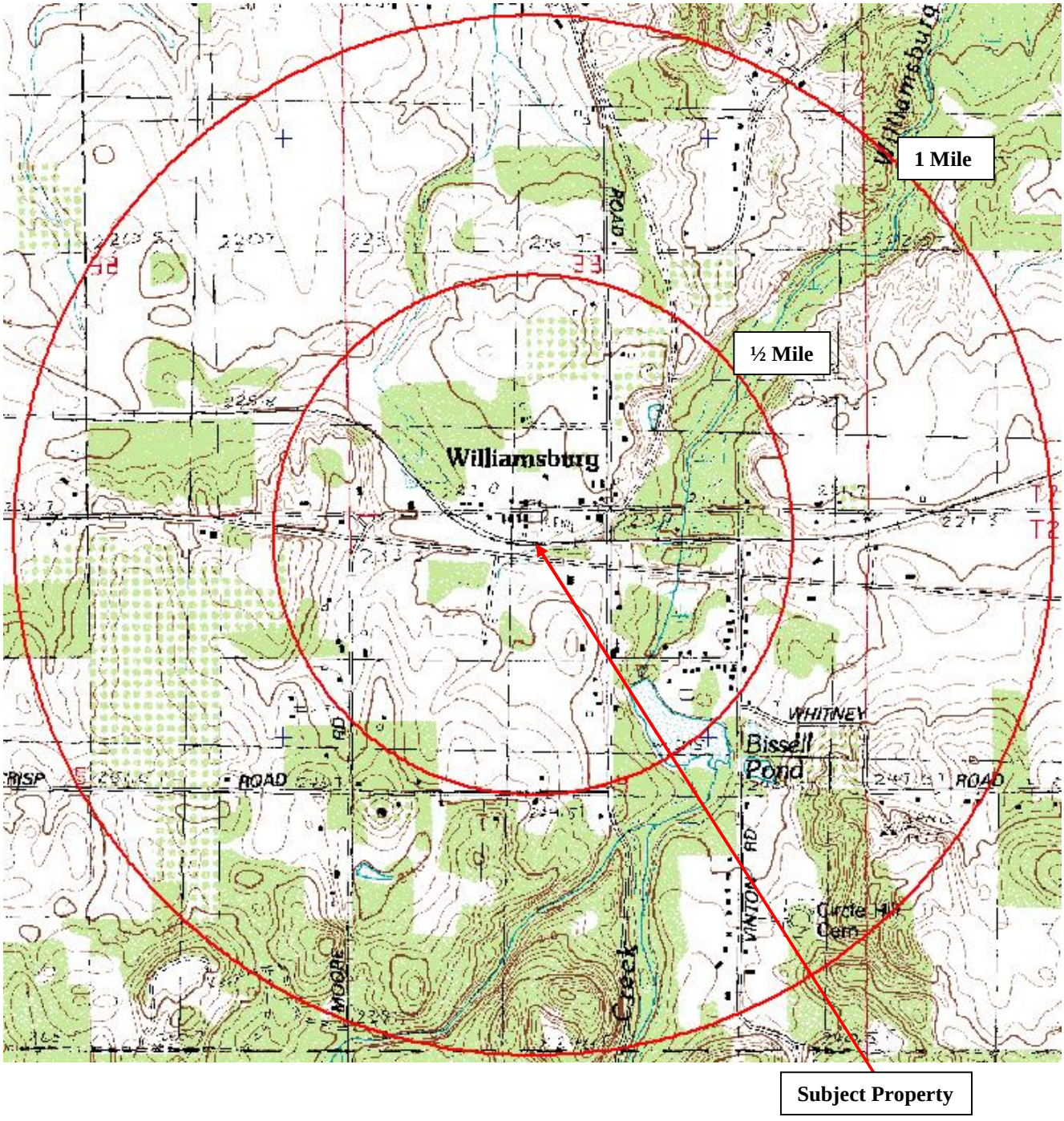
Otwell Mawby, P.C., Consulting Engineers
Environmental ▪ Brownfield ▪ Asbestos ▪ Geotechnical ▪ Materials Testing
Project Number: 17-247

FIGURES

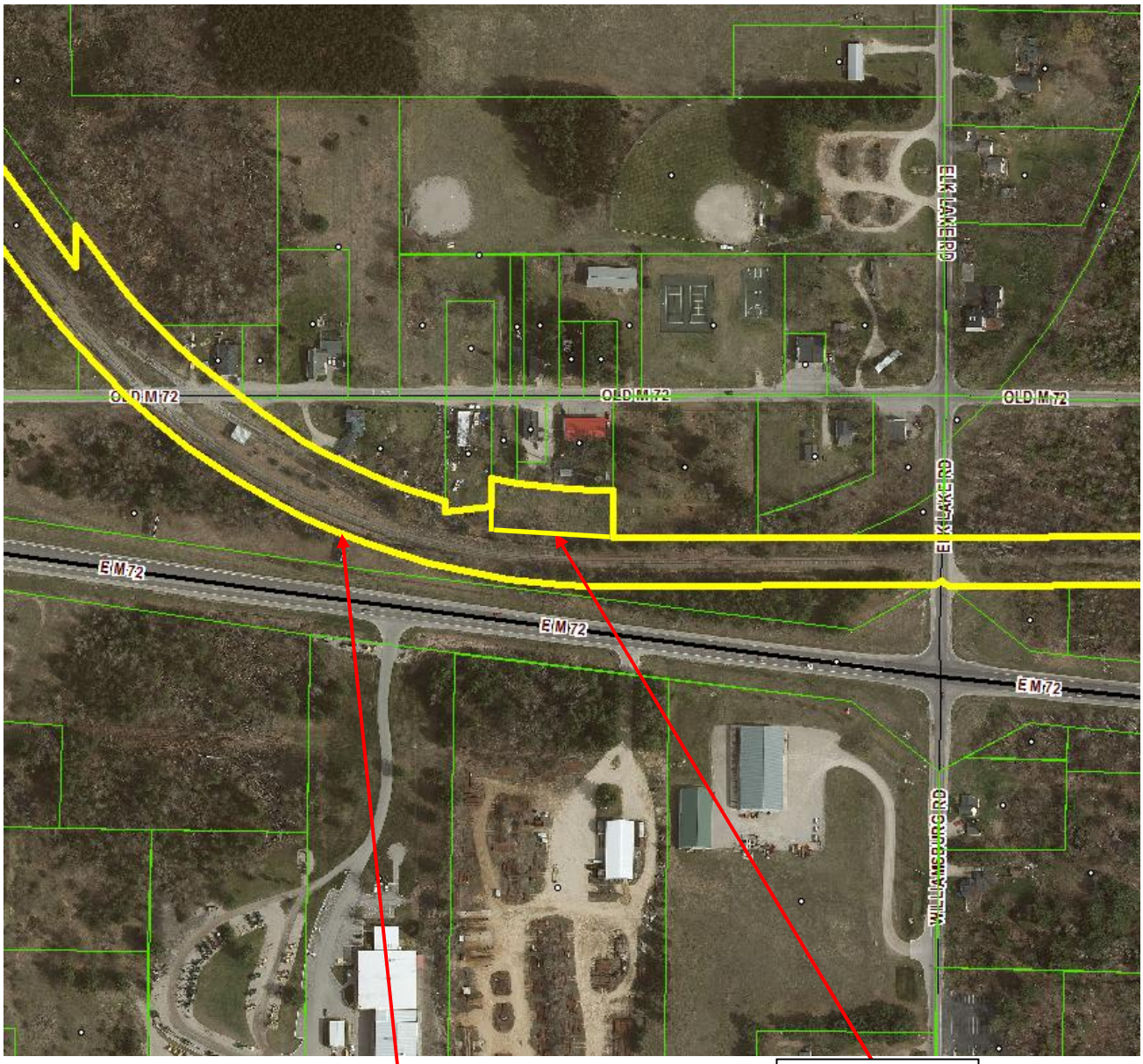
Figure 1 – Site Location Map

Figure 2 – Parcel Location Map

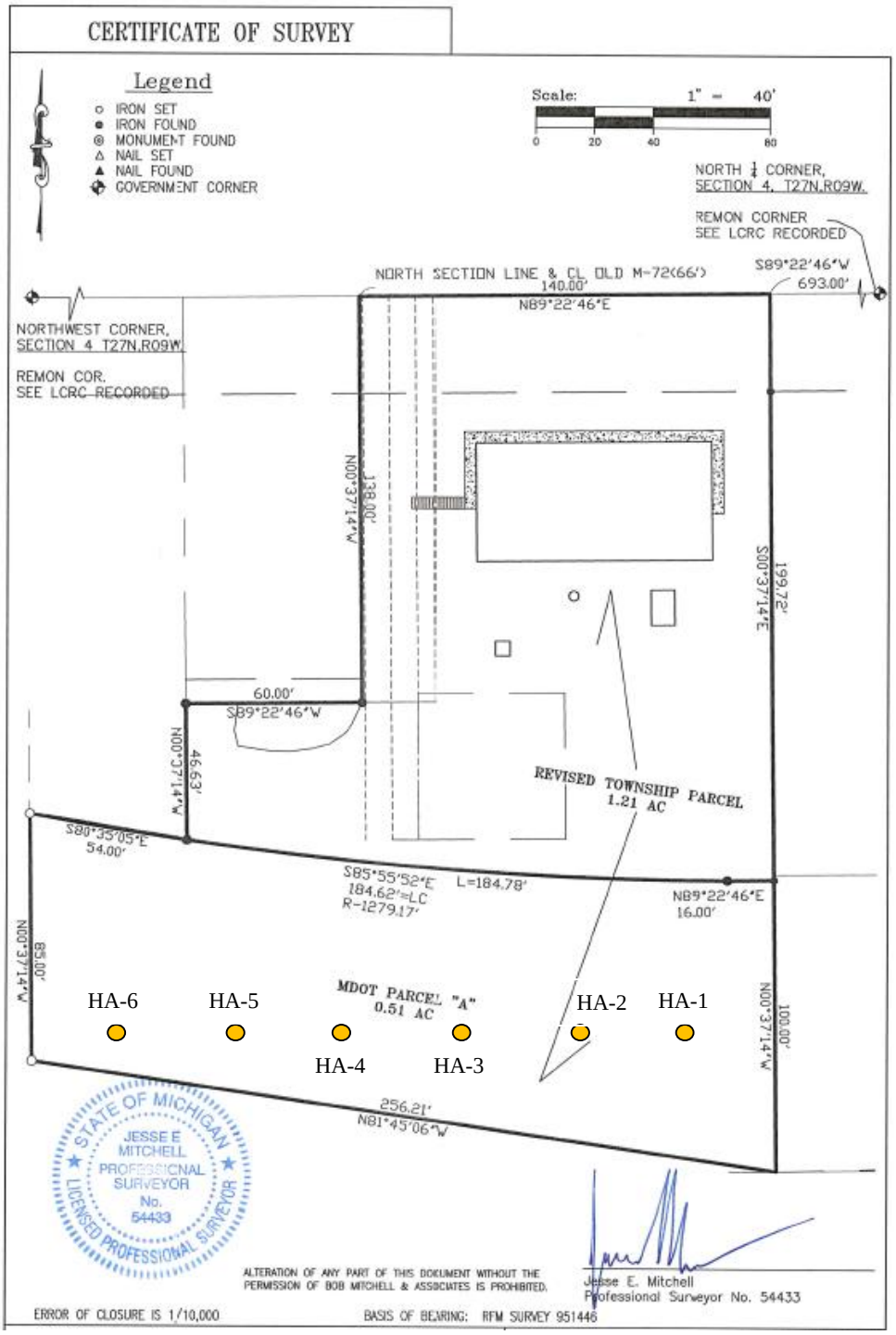
Figure 3 – Sample Location Map



MDOT Railway Property **Old M-72, Section 4, T27N, R09W** **Whitewater Twp., Grand Traverse Co., MI** **Phase II Environmental Site Assessment**	**Figure 1:** **Site Location Map** Scale: 1 : 24,0000 Datum: WGS84 **NORTH**		
Otwell Mawby, PC **Traverse City, Michigan**	**Project No:** **17-247**	**Date:** **8/21/17**	**Source:** **USGS – Williamsburg, 7.5 Min. Quad**



MDOT Railway Property **Old M-72, Section 4, T27N, R09W** **Whitewater Twp., Grand Traverse Co., Michigan** **Phase II Environmental Site Assessment**	**Figure 2:** **Parcel Boundary Map** **NORTH**		
Otwell Mawby, PC **Traverse City, Michigan**	**Project No:** **17-247**	**Date:** **8/21/17**	**Source:** **G.T. Co.**



MDOT Railway Property **Old M-72, Section 4, T27N, R09W** **Whitewater Twp., Grand Traverse Co., MI** **Phase II Environmental Site Assessment**	**Figure 3:** **Sample Location Map** **NORTH**		
Otwell Mawby, PC **Traverse City, Michigan**	**Project No:** **17-247**	**Date:** **8/21/18**	**Source:** **Bob Mitchell & Associates**

TABLE

Table 1 – Soil Analytical Summary

Table 1

Soil Analytical Summary
(1 Page)

Table 1 - Soil Analytical Data Summary
MDOT Property - Old M-72, Whitewater Township, MI
Project Number: 17-247

Analyte - MI 10 Metals	CAS #	MDEQ Part 201 Statewide Default Background Criteria	MDEQ Part 201 Drinking Water Protection Criteria	MDEQ Part 201 Groundwater Surface Water Interface Protection Criteria	MDEQ Part 201 Direct Contact Criteria	HA-1 8" 7/25/2018	HA-4 11" 7/25/2018	HA-5 8" 7/25/2018
Arsenic	7440382	5,800	4,600	4,600	7,600	1,500	4,100	5,400
Barium	7440393	75,000	1.30E+06	G=470,000,X	3.70E+07	25,000	40,000	47,000
Cadmium	7440439	1,200	6,000	G=3,800,X	5.50E+05	ND	ND	ND
Chromium	16065831	18,000	30,000	G=3,200,000,000,X	2.50E+06	4,800	4,900	6,800
Copper	7440508	32,000	5.80E+06	G=75,000	2.00E+07	5,700	12,000	17,000
Lead	7439921	21,000	7.00E+05	G=3,000,000,M,X	4.00E+05	16,000	78,000	**670,000**
Mercury	Varies	130	1,700	50 (M), 1.2	1.60E+05	**540**	35	42
Selenium	7782492	410	4,000	400	2.60E+06	ND	ND	**910**
Silver	7440224	1,000	4,500	100 (M), 27	2.50E+06	ND	ND	ND
Zinc	7440666	47,000	2.40E+06	G=120,000	1.70E+08	**390,000**	**150,000**	**180,000**
Analyte - PNAs								
2-Methylnaphthalene	91576	NC	57,000	4,200	8.10E+06	ND	ND	ND
Acenaphthene	83329	NC	300,000	8,700	4.10E+07	ND	ND	ND
Acenaphthylene	208968	NC	5,900	ID	1.60E+06	ND	ND	ND
Anthracene	120127	NC	41,000	ID	2.30E+08	2,800	480	ND
Benzo(a)anthracene	56553	NC	NLL	NLL	20,000	10,000	3,500	1,200
Benzo(a)pyrene	50328	NC	NLL	NLL	2,000	**5,600**	**2,400**	780
Benzo(b)fluoranthene	205992	NC	NLL	NLL	20,000	13,000	4,200	1,800
Benzo(g,h,i)perylene	191242	NC	NLL	NLL	2.50E+06	2,000	1,200	470
Benzo(k)fluoranthene	207089	NC	NLL	NLL	2.00E+05	4,800.00	1,400.00	950
Chrysene	218019	NC	NLL	NLL	2.00E+06	12,000	3,100	1,300
Dibenzo(a,h)anthracene	53703	NC	NLL	NLL	2,000	750	340	ND
Fluoranthene	206440	NC	7.30E+05	5,500	4.60E+07	**9,800**	**6,000**	2,800
Fluorene	86737	NC	3.90E+05	5,300	2.70E+07	ND	ND	ND
Indeno(1,2,3-cd)pyrene	193395	NC	NLL	NLL	20,000	3,400	2,000	750
Naphthalene	91203	NC	3.50E+04	730	16,000,000	ND	ND	ND
Phenanthrene	85018	NC	56,000	2,100	1.60E+06	1,000	790	750
Pyrene	129000	NC	4.80E+05	ID	2.90E+07	9,900	4,800	2,000

ND = Not Detected

= GRCC Exceedences

ID = Insufficient Data

NC = No Criteria

NA = Not Analized

NLL= Hazardous substance not likely to leach under most soil conditions.

C = Value presented is a screening level based on the chemical-specific generic soil saturation concrentration (CSAT) since the calculated risk-based criterion is greater than CSAT.

DD = Hazardous substance causes developmental effects. Residential direct contactcriteria are protective of both prenatal and postnatal exposure. Nonresidentialdirect contact criteria are protective for a pregnant adult receptor.

G = Groundwater surface water interface (GSI) criterion dependes on the pH or water hardness, or both, of the receiving surface water.

J = Hazardous substance may be present in several isomer forms. Isomer-specific concentrations shall be added together for comparison to criteria.

M = Calculated criterion is below the analytical target detection limit, therfore, the criterion defaults to the target detection limit.

X = The groundwater surface water interface (GSI) criterion shown in the generic cleanup criteria tables is not protective for surface water that is used as a drinking water source.

Attachment A

Soil Boring Logs

Client: Whitewater Township
Project: MDOT Railway Property, 17-247B
Location: Whitewater Twp., Grand Traverse Co., MI

Boring Log Of: HA - 1
Date Drilled: 7/25/2018
Drilling Contractor: OMPC
Page 1 of 1

Std. Penetration Resistance (N)	Recovery	Sample Method	Sample Type/Interval	Depth (inches)	Soil Type	Soil Description		Comments
						Surface Conditions: Grass		
			HA			SAND, dark brown to black, trace gravel, roots, wood fragements, dry to moist, loose		Boring advanced using stainless steel hand auger.
			HA					
			HA	5				
			HA					Sampled collected 7"-8" b.g.l.
			HA					
			HA	10		SAND, poorly-sorted, mostly fine grained, moist, loose		
			HA					
			HA					
			HA	15		-grades to light brown		
			HA					
			HA					
			HA	20				
			HA					
			HA					
				25		End of Boring at 24"		
				30				

Top of Casing : N/A
Ground Elev.: N/A
Casing: N/A
Screen: N/A
Screen Setting: N/A

Well Construction / Boring Data

Water Encountered: None
Date: 7/25/2018
Logging Method: Visual
Development Method: N/A

Driller: JM
Helper: RW
Logged By: RW

Otwell Mawby, P.C.
309 E. Front Street
Traverse City, MI 49684
231-946-5200
Fax 231-946-5216

Client: Whitewater Township
Project: MDOT Railway Property, 17-247B
Location: Whitewater Twp., Grand Traverse Co., MI

Boring Log Of: HA - 2
Date Drilled: 7/25/2018
Drilling Contractor: OMPC
Page 1 of 1

Std. Penetration Resistance (N)	Recovery	Sample Method	Sample Type/Interval	Depth (inches)	Soil Type	Soil Description		Comments
						Surface Conditions: Grass		
		HA				Poorly-sorted SAND, black, roots, dry to moist, medium to fine, loose		Boring advanced using stainless steel hand auger.
		HA						
		HA		5				
		HA						Sampled collected 7"-8" b.g.l.
		HA				Poorly-sorted SAND, light brown, mostly fine, moist, loose		
		HA		10				
		HA				-grades to tan		
		HA						
		HA		15				
		HA						
		HA						
		HA		20				
		HA						
		HA						
				25		End of Boring at 24"		
				30				

Top of Casing : N/A
Ground Elev.: N/A
Casing: N/A
Screen: N/A
Screen Setting: N/A

Well Construction / Boring Data

Water Encountered: None
Date: 7/25/2018
Logging Method: Visual
Development Method: N/A

Driller: JM
Helper: RW
Logged By: RW

Otwell Mawby, P.C.
309 E. Front Street
Traverse City, MI 49684
231-946-5200
Fax 231-946-5216

Client: Whitewater Township
Project: MDOT Railway Property, 17-247B
Location: Whitewater Twp., Grand Traverse Co., MI

Boring Log Of: HA - 3
Date Drilled: 7/25/2018
Drilling Contractor: OMPC
Page 1 of 1

Std. Penetration Resistance (N)	Recovery	Sample Method / Sample Type/Interval	Depth (inches)	Soil Type	Soil Description		Comments
					Surface Conditions: Grass		
		HA			Poorly-sorted SAND, dark brown, moist, roots		Boring advanced using stainless steel hand auger.
		HA					
		HA	5				Sampled collected 6"-7" b.g.l.
		HA					
		HA			Poorly-sorted SAND, brown, moist		
		HA	10				
		HA					
		HA	15		-grades to light brown, trace gravel		
		HA					
		HA					
		HA	20				
		HA					
		HA			End of Boring at 24"		
			25				
			30				

Top of Casing : N/A
Ground Elev.: N/A
Casing: N/A
Screen: N/A
Screen Setting: N/A

Well Construction / Boring Data

Water Encountered: None
Date: 7/25/2018
Logging Method: Visual
Development Method: N/A

Driller: JM
Helper: RW
Logged By: RW

Otwell Mawby, P.C.
309 E. Front Street
Traverse City, MI 49684
231-946-5200
Fax 231-946-5216

Client: Whitewater Township
Project: MDOT Railway Property, 17-247B
Location: Whitewater Twp., Grand Traverse Co., MI

Boring Log Of: HA - 4
Date Drilled: 7/25/2018
Drilling Contractor: OMPC
Page 1 of 1

Std. Penetration Resistance (N)	Recovery	Sample Method	Sample Type/Interval	Depth (inches)	Soil Type	Soil Description		Comments
						Surface Conditions: Grass		
		HA				Poorly-sorted SAND, dark brown, roots, dry to moist, fine to medium, loose		Boring advanced using stainless steel hand auger.
		HA						
		HA		5				
		HA						
		HA						
		HA		10				
		HA						Sampled collected 11"-12" b.g.l.
		HA				Poorly-sorted SAND, brown, mostly fine, moist, loose		
		HA		15		-grades to tan		
		HA						
		HA						
		HA		20				
		HA						
		HA						
				25		End of Boring at 24"		
				30				

Top of Casing : N/A
Ground Elev.: N/A
Casing: N/A
Screen: N/A
Screen Setting: N/A

Well Construction / Boring Data

Water Encountered: None
Date: 7/25/2018
Logging Method: Visual
Development Method: N/A

Driller: JM
Helper: RW
Logged By: RW

Otwell Mawby, P.C.
309 E. Front Street
Traverse City, MI 49684
231-946-5200
Fax 231-946-5216

Client: Whitewater Township
Project: MDOT Railway Property, 17-247B
Location: Whitewater Twp., Grand Traverse Co., MI

Boring Log Of: HA - 5
Date Drilled: 7/25/2018
Drilling Contractor: OMPC
Page 1 of 1

Std. Penetration Resistance (N)	Recovery	Sample Method	Sample Type/Interval	Depth (inches)	Soil Type	Soil Description		Comments
						Surface Conditions: Grass		
		HA				Poorly-sorted SAND, dark brown to black, medium to fine, roots, dry to moist, loose		Boring advanced using stainless steel hand auger.
		HA						
		HA		5				Sampled collected 7"-8" b.g.l.
		HA				- grades to light brown, moist, medium to fine		
		HA		10				
		HA				-grades to tan		
		HA		15				
		HA						
		HA		20				
		HA						
				25		End of Boring at 24"		
				30				

Top of Casing : N/A
Ground Elev.: N/A
Casing: N/A
Screen: N/A
Screen Setting: N/A

Well Construction / Boring Data

Water Encountered: None
Date: 7/25/2018
Logging Method: Visual
Development Method: N/A

Driller: JM
Helper: RW
Logged By: RW

Otwell Mawby, P.C.
309 E. Front Street
Traverse City, MI 49684
231-946-5200
Fax 231-946-5216

Client: Whitewater Township
Project: MDOT Railway Property, 17-247B
Location: Whitewater Twp., Grand Traverse Co., MI

Boring Log Of: HA - 6
Date Drilled: 7/25/2018
Drilling Contractor: OMPC
Page 1 of 1

Std. Penetration Resistance (N)	Recovery	Sample Method	Sample Type/Interval	Depth (inches)	Soil Type	Soil Description		Comments
						Surface Conditions: Grass		
		HA				Poorly-sorted SAND, brown, medium to fine, roots, dry to moist, loose		Boring advanced using stainless steel hand auger.
		HA						
		HA		5				Sampled collected 5"-6" b.g.l.
		HA				Poorly-sorted SAND, tan, medium to fine, moist, loose		
		HA						
				10		-grades with fine to coarse gravel		
		HA						
		HA						
		HA		15				
		HA						
		HA						
				20				
		HA						
		HA						
				25		End of Boring at 24"		
				30				

Top of Casing : N/A
Ground Elev.: N/A
Casing: N/A
Screen: N/A
Screen Setting: N/A

Well Construction / Boring Data

Water Encountered: None
Date: 7/25/2018
Logging Method: Visual
Development Method: N/A

Driller: JM
Helper: RW
Logged By: RW

Otwell Mawby, P.C.
309 E. Front Street
Traverse City, MI 49684
231-946-5200
Fax 231-946-5216

Attachment B

Analytical Laboratory Reports

31-Jul-2018

Mark Collison
Otwell Mawby, P. C.
309 E Front St.
Suite #200
Traverse City, MI 49684

Re: **Otwell (White Water Twp MDOT 17-24B)** Work Order: **18071695**

Dear Mark,

ALS Environmental received 3 samples on 26-Jul-2018 09:30 AM for the analyses presented in the following report.

The analytical data provided relates directly to the samples received by ALS Environmental - Holland and for only the analyses requested.

Sample results are compliant with industry accepted practices and Quality Control results achieved laboratory specifications. Any exceptions are noted in the Case Narrative, or noted with qualifiers in the report or QC batch information. Should this laboratory report need to be reproduced, it should be reproduced in full unless written approval has been obtained from ALS Environmental. Samples will be disposed in 30 days unless storage arrangements are made.

The total number of pages in this report is 17.

If you have any questions regarding this report, please feel free to contact me:

ADDRESS: 3352 128th Avenue, Holland, MI, USA
PHONE: +1 (616) 399-6070 FAX: +1 (616) 399-6185

Sincerely,

Gary Byar

Electronically approved by: Gary Byar

Gary Byar
Project Manager

Report of Laboratory Analysis

Certificate No: MI: 0022

ALS Group, USA

Date: 31-Jul-18

Client: Otwell Mawby, P. C.
Project: Otwell (White Water Twp MDOT 17-24B)
Work Order: **18071695**

Work Order Sample Summary

Lab Samp ID	Client Sample ID	Matrix	Tag Number	Collection Date	Date Received	Hold
18071695-01	HA-1	Soil		7/25/2018 14:00	7/26/2018 09:30	☐
18071695-02	HA-4	Soil		7/25/2018 14:00	7/26/2018 09:30	☐
18071695-03	HA-5	Soil		7/25/2018 14:00	7/26/2018 09:30	☐

ALS Group, USA

Date: *31-Jul-18*

Client:	Otwell Mawby, P. C.	**Client Sample ID:**	HA-1
Work Order:	18071695	**Collection Date:**	7/25/2018 2:00:00 PM
Project:	Otwell (White Water Twp MDOT 17-24B)		
Lab ID:	18071695-01	**Matrix:**	SOIL

Analyses	Result	Report Limit	MDEQ OP Memo 2 TDL	Qual	Units	Dilution Factor	Date Analyzed
MERCURY BY CVAA			**SW7471B**		Prep Date: **7/31/2018**		Analyst: **RSH**
Mercury	**0.54**	**0.042**	**0**		**mg/Kg-dry**	2	7/31/2018
METALS ANALYSIS BY ICP			**SW846 6010C**		Prep Date: **7/27/2018**		Analyst: **ABL**
Arsenic	**1.5**	**0.36**	**0**		**mg/Kg-dry**	1	7/27/2018
Barium	**25**	**0.45**	**0**		**mg/Kg-dry**	1	7/27/2018
Cadmium	ND	0.90	0		mg/Kg-dry	1	7/27/2018
Chromium	**4.8**	**0.45**	**0**		**mg/Kg-dry**	1	7/27/2018
Copper	**5.7**	**0.90**	**0**		**mg/Kg-dry**	1	7/27/2018
Lead	**16**	**0.45**	**0**		**mg/Kg-dry**	1	7/27/2018
Selenium	ND	0.90	0		mg/Kg-dry	1	7/27/2018
Silver	ND	0.45	0		mg/Kg-dry	1	7/27/2018
Zinc	**390**	**0.90**	**0**		**mg/Kg-dry**	1	7/27/2018
SEMI-VOLATILE ORGANIC COMPOUNDS			**SW846 8270D**		Prep Date: **7/27/2018**		Analyst: **RM**
2-Methylnaphthalene	ND	330	330		µg/Kg-dry	1	7/28/2018
Acenaphthene	ND	330	330		µg/Kg-dry	1	7/28/2018
Acenaphthylene	ND	330	330		µg/Kg-dry	1	7/28/2018
Anthracene	**2,800**	**330**	**330**		**µg/Kg-dry**	1	7/28/2018
Benzo(a)anthracene	**10,000**	**500**	**330**		**µg/Kg-dry**	10	7/30/2018
Benzo(a)pyrene	**5,600**	**330**	**330**		**µg/Kg-dry**	1	7/28/2018
Benzo(b)fluoranthene	**13,000**	**500**	**330**		**µg/Kg-dry**	10	7/30/2018
Benzo(g,h,i)perylene	**2,000**	**330**	**330**		**µg/Kg-dry**	1	7/28/2018
Benzo(k)fluoranthene	**4,800**	**500**	**330**		**µg/Kg-dry**	10	7/30/2018
Chrysene	**12,000**	**500**	**330**		**µg/Kg-dry**	10	7/30/2018
Dibenzo(a,h)anthracene	**750**	**330**	**330**		**µg/Kg-dry**	1	7/28/2018
Fluoranthene	**9,800**	**500**	**330**		**µg/Kg-dry**	10	7/30/2018
Fluorene	ND	330	330		µg/Kg-dry	1	7/28/2018
Indeno(1,2,3-cd)pyrene	**3,400**	**330**	**330**		**µg/Kg-dry**	1	7/28/2018
Naphthalene	ND	330	330		µg/Kg-dry	1	7/28/2018
Phenanthrene	**1,000**	**330**	**330**		**µg/Kg-dry**	1	7/28/2018
Pyrene	**9,900**	**500**	**330**		**µg/Kg-dry**	10	7/30/2018
Surr: 2-Fluorobiphenyl	*75.0*	*20-140*			*%REC*	1	7/28/2018
Surr: 4-Terphenyl-d14	*56.1*	*22-172*			*%REC*	1	7/28/2018
Surr: Nitrobenzene-d5	*82.6*	*28-140*			*%REC*	1	7/28/2018
MOISTURE			**SW3550C**				Analyst: **SBR**
Moisture	**18**	**0.050**	**0**		**% of sample**	1	7/30/2018

Note: See Qualifiers page for a list of qualifiers and their definitions.

ALS Group, USA

Date: *31-Jul-18*

Client:	Otwell Mawby, P. C.	**Client Sample ID:**	HA-4
Work Order:	18071695	**Collection Date:**	7/25/2018 2:00:00 PM
Project:	Otwell (White Water Twp MDOT 17-24B)		
Lab ID:	18071695-02	**Matrix:**	SOIL

Analyses	Result	Report Limit	MDEQ OP Memo 2 TDL	Qual	Units	Dilution Factor	Date Analyzed
MERCURY BY CVAA			**SW7471B**		Prep Date: **7/31/2018**		Analyst: **RSH**
Mercury	**0.035**	**0.019**	**0**		**mg/Kg-dry**	1	7/31/2018
METALS ANALYSIS BY ICP			**SW846 6010C**		Prep Date: **7/27/2018**		Analyst: **ABL**
Arsenic	**4.1**	**0.35**	**0**		**mg/Kg-dry**	1	7/27/2018
Barium	**40**	**0.44**	**0**		**mg/Kg-dry**	1	7/27/2018
Cadmium	ND	0.87	0		mg/Kg-dry	1	7/27/2018
Chromium	**4.9**	**0.44**	**0**		**mg/Kg-dry**	1	7/27/2018
Copper	**12**	**0.87**	**0**		**mg/Kg-dry**	1	7/27/2018
Lead	**78**	**0.44**	**0**		**mg/Kg-dry**	1	7/27/2018
Selenium	ND	0.87	0		mg/Kg-dry	1	7/27/2018
Silver	ND	0.44	0		mg/Kg-dry	1	7/27/2018
Zinc	**150**	**0.87**	**0**		**mg/Kg-dry**	1	7/27/2018
SEMI-VOLATILE ORGANIC COMPOUNDS			**SW846 8270D**		Prep Date: **7/27/2018**		Analyst: **RM**
2-Methylnaphthalene	ND	330	330		µg/Kg-dry	1	7/28/2018
Acenaphthene	ND	330	330		µg/Kg-dry	1	7/28/2018
Acenaphthylene	ND	330	330		µg/Kg-dry	1	7/28/2018
Anthracene	**480**	**330**	**330**		**µg/Kg-dry**	1	7/28/2018
Benzo(a)anthracene	**3,500**	**330**	**330**		**µg/Kg-dry**	1	7/28/2018
Benzo(a)pyrene	**2,400**	**330**	**330**		**µg/Kg-dry**	1	7/28/2018
Benzo(b)fluoranthene	**4,200**	**330**	**330**		**µg/Kg-dry**	1	7/28/2018
Benzo(g,h,i)perylene	**1,200**	**330**	**330**		**µg/Kg-dry**	1	7/28/2018
Benzo(k)fluoranthene	**1,400**	**330**	**330**		**µg/Kg-dry**	1	7/28/2018
Chrysene	**3,100**	**330**	**330**		**µg/Kg-dry**	1	7/28/2018
Dibenzo(a,h)anthracene	**340**	**330**	**330**		**µg/Kg-dry**	1	7/28/2018
Fluoranthene	**6,000**	**330**	**330**		**µg/Kg-dry**	1	7/28/2018
Fluorene	ND	330	330		µg/Kg-dry	1	7/28/2018
Indeno(1,2,3-cd)pyrene	**2,000**	**330**	**330**		**µg/Kg-dry**	1	7/28/2018
Naphthalene	ND	330	330		µg/Kg-dry	1	7/28/2018
Phenanthrene	**790**	**330**	**330**		**µg/Kg-dry**	1	7/28/2018
Pyrene	**4,800**	**330**	**330**		**µg/Kg-dry**	1	7/28/2018
Surr: 2-Fluorobiphenyl	*58.8*	*20-140*			*%REC*	1	7/28/2018
Surr: 4-Terphenyl-d14	*47.5*	*22-172*			*%REC*	1	7/28/2018
Surr: Nitrobenzene-d5	*76.8*	*28-140*			*%REC*	1	7/28/2018
MOISTURE			**SW3550C**				Analyst: **SBR**
Moisture	**10**	**0.050**	**0**		**% of sample**	1	7/30/2018

Note: See Qualifiers page for a list of qualifiers and their definitions.

ALS Group, USA

Date: *31-Jul-18*

Client: Otwell Mawby, P. C. **Client Sample ID:** HA-5
Work Order: 18071695 **Collection Date:** 7/25/2018 2:00:00 PM
Project: Otwell (White Water Twp MDOT 17-24B)
Lab ID: 18071695-03 **Matrix:** SOIL

Analyses	Result	Report Limit	MDEQ OP Memo 2 TDL	Qual	Units	Dilution Factor	Date Analyzed
MERCURY BY CVAA			**SW7471B**		Prep Date: **7/31/2018**		Analyst: **RSH**
Mercury	**0.042**	**0.018**	**0**		**mg/Kg-dry**	1	7/31/2018
METALS ANALYSIS BY ICP			**SW846 6010C**		Prep Date: **7/27/2018**		Analyst: **ABL**
Arsenic	**5.4**	**0.35**	**0**		**mg/Kg-dry**	1	7/27/2018
Barium	**47**	**0.44**	**0**		**mg/Kg-dry**	1	7/27/2018
Cadmium	ND	0.88	0		mg/Kg-dry	1	7/27/2018
Chromium	**6.8**	**0.44**	**0**		**mg/Kg-dry**	1	7/27/2018
Copper	**17**	**0.88**	**0**		**mg/Kg-dry**	1	7/27/2018
Lead	**670**	**0.44**	**0**		**mg/Kg-dry**	1	7/27/2018
Selenium	**0.91**	**0.88**	**0**		**mg/Kg-dry**	1	7/27/2018
Silver	ND	0.44	0		mg/Kg-dry	1	7/27/2018
Zinc	**180**	**0.88**	**0**		**mg/Kg-dry**	1	7/27/2018
SEMI-VOLATILE ORGANIC COMPOUNDS			**SW846 8270D**		Prep Date: **7/27/2018**		Analyst: **RM**
2-Methylnaphthalene	ND	330	330		µg/Kg-dry	1	7/28/2018
Acenaphthene	ND	330	330		µg/Kg-dry	1	7/28/2018
Acenaphthylene	ND	330	330		µg/Kg-dry	1	7/28/2018
Anthracene	ND	330	330		µg/Kg-dry	1	7/28/2018
Benzo(a)anthracene	**1,200**	**330**	**330**		**µg/Kg-dry**	1	7/28/2018
Benzo(a)pyrene	**780**	**330**	**330**		**µg/Kg-dry**	1	7/28/2018
Benzo(b)fluoranthene	**1,800**	**330**	**330**		**µg/Kg-dry**	1	7/28/2018
Benzo(g,h,i)perylene	**470**	**330**	**330**		**µg/Kg-dry**	1	7/28/2018
Benzo(k)fluoranthene	**950**	**330**	**330**		**µg/Kg-dry**	1	7/28/2018
Chrysene	**1,300**	**330**	**330**		**µg/Kg-dry**	1	7/28/2018
Dibenzo(a,h)anthracene	ND	330	330		µg/Kg-dry	1	7/28/2018
Fluoranthene	**2,800**	**330**	**330**		**µg/Kg-dry**	1	7/28/2018
Fluorene	ND	330	330		µg/Kg-dry	1	7/28/2018
Indeno(1,2,3-cd)pyrene	**750**	**330**	**330**		**µg/Kg-dry**	1	7/28/2018
Naphthalene	ND	330	330		µg/Kg-dry	1	7/28/2018
Phenanthrene	**750**	**330**	**330**		**µg/Kg-dry**	1	7/28/2018
Pyrene	**2,000**	**330**	**330**		**µg/Kg-dry**	1	7/28/2018
Surr: 2-Fluorobiphenyl	*93.0*	*20-140*			*%REC*	1	7/28/2018
Surr: 4-Terphenyl-d14	*71.2*	*22-172*			*%REC*	1	7/28/2018
Surr: Nitrobenzene-d5	*102*	*28-140*			*%REC*	1	7/28/2018
MOISTURE			**SW3550C**				Analyst: **SBR**
Moisture	**12**	**0.050**	**0**		**% of sample**	1	7/30/2018

Note: See Qualifiers page for a list of qualifiers and their definitions.

ALS Group, USA

Date: 31-Jul-18

Client: Otwell Mawby, P. C.
Project: Otwell (White Water Twp MDOT 17-24B)
Work Order: 18071695

Case Narrative

Batch 121977 The MS/MSD data for Metals is not related to this project's samples. No data requires qualification.

ALS Group, USA

Date: 31-Jul-18

Client: Otwell Mawby, P. C.

QC BATCH REPORT

Work Order: 18071695

Project: Otwell (White Water Twp MDOT 17-24B)

Batch ID: **122118** Instrument ID: **HG1** Method: **SW7471B**

MBLK Sample ID: **MBLK-122118-122118** Units: **mg/Kg** Analysis Date: **7/31/2018 02:22 PM**

Client ID: Run ID: **HG1_180731A** SeqNo: **5177286** Prep Date: **7/31/2018** DF: **1**

Analyte	Result	PQL	SPK Val	SPK Ref Value	%REC	Control Limit	RPD Ref Value	%RPD	RPD Limit	Qual
Mercury	ND	0.020								

LCS Sample ID: **LCS-122118-122118** Units: **mg/Kg** Analysis Date: **7/31/2018 03:13 PM**

Client ID: Run ID: **HG1_180731A** SeqNo: **5177456** Prep Date: **7/31/2018** DF: **1**

Analyte	Result	PQL	SPK Val	SPK Ref Value	%REC	Control Limit	RPD Ref Value	%RPD	RPD Limit	Qual
Mercury	0.1617	0.020	0.1665	0	97.1	80-120	0			

MS Sample ID: **18071617-01BMS** Units: **mg/Kg** Analysis Date: **7/31/2018 03:26 PM**

Client ID: Run ID: **HG1_180731A** SeqNo: **5177469** Prep Date: **7/31/2018** DF: **1**

Analyte	Result	PQL	SPK Val	SPK Ref Value	%REC	Control Limit	RPD Ref Value	%RPD	RPD Limit	Qual
Mercury	0.1433	0.017	0.1417	0.007747	95.6	75-125	0			

MSD Sample ID: **18071617-01BMSD** Units: **mg/Kg** Analysis Date: **7/31/2018 03:28 PM**

Client ID: Run ID: **HG1_180731A** SeqNo: **5177470** Prep Date: **7/31/2018** DF: **1**

Analyte	Result	PQL	SPK Val	SPK Ref Value	%REC	Control Limit	RPD Ref Value	%RPD	RPD Limit	Qual
Mercury	0.1475	0.017	0.1417	0.007747	98.6	75-125	0.1433	2.93	35	

The following samples were analyzed in this batch:

18071695-01A	18071695-02A	18071695-03A

Note: See Qualifiers Page for a list of Qualifiers and their explanation.

Client: Otwell Mawby, P. C.
Work Order: 18071695
Project: Otwell (White Water Twp MDOT 17-24B)

QC BATCH REPORT

Batch ID: **121977** Instrument ID: **ICP2** Method: **SW846 6010C**

MBLK Sample ID: **MBLK-121977-121977** Units: **mg/Kg** Analysis Date: **7/27/2018 06:21 PM**
Client ID: Run ID: **ICP2_180727A** SeqNo: **5173492** Prep Date: **7/27/2018** DF: **1**

Analyte	Result	PQL	SPK Val	SPK Ref Value	%REC	Control Limit	RPD Ref Value	%RPD	RPD Limit	Qual
Arsenic	ND	0.25								
Barium	ND	0.25								
Cadmium	ND	0.50								
Chromium	ND	0.25								
Copper	ND	0.50								
Lead	ND	0.25								
Selenium	ND	0.50								
Silver	0.06	0.25								J
Zinc	0.1075	0.50								J

LCS Sample ID: **LCS-121977-121977** Units: **mg/Kg** Analysis Date: **7/27/2018 06:28 PM**
Client ID: Run ID: **ICP2_180727A** SeqNo: **5173493** Prep Date: **7/27/2018** DF: **1**

Analyte	Result	PQL	SPK Val	SPK Ref Value	%REC	Control Limit	RPD Ref Value	%RPD	RPD Limit	Qual
Arsenic	4.485	0.25	5	0	89.7	80-120	0			
Barium	5.579	0.25	5	0	112	80-120	0			
Cadmium	4.84	0.50	5	0	96.8	80-120	0			
Chromium	5.191	0.25	5	0	104	80-120	0			
Copper	4.995	0.50	5	0	99.9	80-120	0			
Lead	4.97	0.25	5	0	99.4	80-120	0			
Selenium	4.59	0.50	5	0	91.8	80-120	0			
Silver	4.903	0.25	5	0	98.1	80-120	0			
Zinc	5.028	0.50	5	0	101	80-120	0			

MS Sample ID: **18071602-03AMS** Units: **mg/Kg** Analysis Date: **7/27/2018 06:58 PM**
Client ID: Run ID: **ICP2_180727A** SeqNo: **5173498** Prep Date: **7/27/2018** DF: **1**

Analyte	Result	PQL	SPK Val	SPK Ref Value	%REC	Control Limit	RPD Ref Value	%RPD	RPD Limit	Qual
Arsenic	12.13	0.37	7.407	6.08	81.7	75-125	0			
Barium	203.2	0.37	7.407	180.6	306	75-125	0			SO
Cadmium	6.681	0.74	7.407	0.1169	88.6	75-125	0			
Chromium	25.89	0.37	7.407	12.94	175	75-125	0			S
Copper	22.73	0.74	7.407	15.22	101	75-125	0			
Lead	19.23	0.37	7.407	13.47	77.7	75-125	0			
Selenium	7.215	0.74	7.407	0.843	86	75-125	0			
Silver	7.487	0.37	7.407	-0.03084	101	75-125	0			
Zinc	80.17	0.74	7.407	72.24	107	75-125	0			O

Note: See Qualifiers Page for a list of Qualifiers and their explanation.

Client: Otwell Mawby, P. C.
Work Order: 18071695
Project: Otwell (White Water Twp MDOT 17-24B)

QC BATCH REPORT

Batch ID: **121977** Instrument ID: **ICP2** Method: **SW846 6010C**

MSD Sample ID: **18071602-03AMSD** Units: **mg/Kg** Analysis Date: **7/27/2018 07:04 PM**

Client ID: Run ID: **ICP2_180727A** SeqNo: **5173499** Prep Date: **7/27/2018** DF: **1**

Analyte	Result	PQL	SPK Val	SPK Ref Value	%REC	Control Limit	RPD Ref Value	%RPD	RPD Limit	Qual
Arsenic	12.18	0.37	7.386	6.08	82.5	75-125	12.13	0.349	20	
Barium	224.2	0.37	7.386	180.6	591	75-125	203.2	9.8	20	SO
Cadmium	6.61	0.74	7.386	0.1169	87.9	75-125	6.681	1.07	20	
Chromium	25.9	0.37	7.386	12.94	176	75-125	25.89	0.0405	20	S
Copper	22.73	0.74	7.386	15.22	102	75-125	22.73	0.0168	20	
Lead	19.07	0.37	7.386	13.47	75.8	75-125	19.23	0.821	20	
Selenium	7.186	0.74	7.386	0.843	85.9	75-125	7.215	0.399	20	
Silver	7.456	0.37	7.386	-0.03084	101	75-125	7.487	0.41	20	
Zinc	80.39	0.74	7.386	72.24	110	75-125	80.17	0.27	20	O

The following samples were analyzed in this batch:

18071695-01A	18071695-02A	18071695-03A

Note: See Qualifiers Page for a list of Qualifiers and their explanation.

Client: Otwell Mawby, P. C.
Work Order: 18071695
Project: Otwell (White Water Twp MDOT 17-24B)

QC BATCH REPORT

Batch ID: **121951** Instrument ID: **SVMS6** Method: **SW846 8270D**

MBLK Sample ID: **SBLKS1-121951-121951** Units: **µg/Kg** Analysis Date: **7/27/2018 06:30 PM**

Client ID: Run ID: **SVMS6_180727A** SeqNo: **5175308** Prep Date: **7/27/2018** DF: **1**

Analyte	Result	PQL	SPK Val	SPK Ref Value	%REC	Control Limit	RPD Ref Value	%RPD	RPD Limit	Qual
2-Methylnaphthalene	ND	42								
Acenaphthene	ND	42								
Acenaphthylene	ND	42								
Anthracene	ND	42								
Benzo(a)anthracene	ND	42								
Benzo(a)pyrene	ND	42								
Benzo(b)fluoranthene	ND	42								
Benzo(g,h,i)perylene	ND	42								
Benzo(k)fluoranthene	ND	42								
Chrysene	ND	42								
Dibenzo(a,h)anthracene	ND	42								
Fluoranthene	ND	42								
Fluorene	ND	42								
Indeno(1,2,3-cd)pyrene	ND	42								
Naphthalene	ND	42								
Phenanthrene	ND	42								
Pyrene	ND	42								
Surr: 2-Fluorobiphenyl	*3030*	0	*3333*	0	*90.9*	*20-140*	0			
Surr: 4-Terphenyl-d14	*2414*	0	*3333*	0	*72.4*	*22-172*	0			
Surr: Nitrobenzene-d5	*3327*	0	*3333*	0	*99.8*	*28-140*	0			

Note: See Qualifiers Page for a list of Qualifiers and their explanation.

Client: Otwell Mawby, P. C.
Work Order: 18071695
Project: Otwell (White Water Twp MDOT 17-24B)

QC BATCH REPORT

Batch ID: **121951** Instrument ID: **SVMS6** Method: **SW846 8270D**

LCS Sample ID: **SLCSS1-121951-121951** Units: **µg/Kg** Analysis Date: **7/27/2018 06:45 PM**

Client ID: Run ID: **SVMS6_180727A** SeqNo: **5175310** Prep Date: **7/27/2018** DF: **1**

Analyte	Result	PQL	SPK Val	SPK Ref Value	%REC	Control Limit	RPD Ref Value	%RPD	RPD Limit	Qual
2-Methylnaphthalene	734.9	42	1333	0	55.1	40-140	0			
Acenaphthene	610.3	42	1333	0	45.8	40-140	0			
Acenaphthylene	635.9	42	1333	0	47.7	40-140	0			
Anthracene	737.2	42	1333	0	55.3	40-140	0			
Benzo(a)anthracene	658.6	42	1333	0	49.4	40-140	0			
Benzo(a)pyrene	684.6	42	1333	0	51.4	40-140	0			
Benzo(b)fluoranthene	679.9	42	1333	0	51	40-140	0			
Benzo(g,h,i)perylene	676.2	42	1333	0	50.7	40-140	0			
Benzo(k)fluoranthene	616.5	42	1333	0	46.2	40-140	0			
Chrysene	657	42	1333	0	49.3	40-140	0			
Dibenzo(a,h)anthracene	641.2	42	1333	0	48.1	40-140	0			
Fluoranthene	611.4	42	1333	0	45.9	40-140	0			
Fluorene	647	42	1333	0	48.5	40-140	0			
Indeno(1,2,3-cd)pyrene	634.6	42	1333	0	47.6	40-140	0			
Naphthalene	734.1	42	1333	0	55.1	40-140	0			
Phenanthrene	609.2	42	1333	0	45.7	40-140	0			
Pyrene	634.2	42	1333	0	47.6	40-140	0			
Surr: 2-Fluorobiphenyl	*1559*	0	*3333*	0	*46.8*	*20-140*	0			
Surr: 4-Terphenyl-d14	*1228*	0	*3333*	0	*36.8*	*22-172*	0			
Surr: Nitrobenzene-d5	*1820*	0	*3333*	0	*54.6*	*28-140*	0			

Note: See Qualifiers Page for a list of Qualifiers and their explanation.

Client: Otwell Mawby, P. C.
Work Order: 18071695
Project: Otwell (White Water Twp MDOT 17-24B)

QC BATCH REPORT

Batch ID: **121951** Instrument ID: **SVMS6** Method: **SW846 8270D**

MS Sample ID: **18071677-01B MS** Units: **µg/Kg** Analysis Date: **7/27/2018 07:00 PM**

Client ID: Run ID: **SVMS6_180727A** SeqNo: **5175311** Prep Date: **7/27/2018** DF: **1**

Analyte	Result	PQL	SPK Val	SPK Ref Value	%REC	Control Limit	RPD Ref Value	%RPD	RPD Limit	Qual
2-Methylnaphthalene	1234	40	1292	0	95.5	40-140	0			
Acenaphthene	1168	40	1292	0	90.4	40-140	0			
Acenaphthylene	1239	40	1292	0	95.9	40-140	0			
Anthracene	1449	40	1292	0	112	40-140	0			
Benzo(a)anthracene	1255	40	1292	0	97.1	40-140	0			
Benzo(a)pyrene	1213	40	1292	0	93.9	40-140	0			
Benzo(b)fluoranthene	1182	40	1292	0	91.5	40-140	0			
Benzo(g,h,i)perylene	1068	40	1292	0	82.6	40-140	0			
Benzo(k)fluoranthene	1152	40	1292	0	89.2	40-140	0			
Chrysene	1213	40	1292	0	93.9	40-140	0			
Dibenzo(a,h)anthracene	950.1	40	1292	0	73.5	40-140	0			
Fluoranthene	1210	40	1292	0	93.6	40-140	0			
Fluorene	1226	40	1292	0	94.9	40-140	0			
Indeno(1,2,3-cd)pyrene	1006	40	1292	0	77.9	40-140	0			
Naphthalene	1464	40	1292	223.2	96.1	40-140	0			
Phenanthrene	1238	40	1292	0	95.9	40-140	0			
Pyrene	1214	40	1292	0	93.9	40-140	0			
Surr: 2-Fluorobiphenyl	*3084*	0	*3230*	0	*95.5*	*20-140*	0			
Surr: 4-Terphenyl-d14	*2321*	0	*3230*	0	*71.9*	*22-172*	0			
Surr: Nitrobenzene-d5	*3821*	0	*3230*	0	*118*	*28-140*	0			

Note: See Qualifiers Page for a list of Qualifiers and their explanation.

Client: Otwell Mawby, P. C.
Work Order: 18071695
Project: Otwell (White Water Twp MDOT 17-24B)

QC BATCH REPORT

Batch ID: **121951** Instrument ID: **SVMS6** Method: **SW846 8270D**

MSD Sample ID: **18071677-01B MSD** Units: **µg/Kg** Analysis Date: **7/27/2018 07:15 PM**
Client ID: Run ID: **SVMS6_180727A** SeqNo: **5175312** Prep Date: **7/27/2018** DF: **1**

Analyte	Result	PQL	SPK Val	SPK Ref Value	%REC	Control Limit	RPD Ref Value	%RPD	RPD Limit	Qual
2-Methylnaphthalene	1216	41	1304	0	93.2	40-140	1234	1.5	30	
Acenaphthene	1131	41	1304	0	86.7	40-140	1168	3.25	30	
Acenaphthylene	1201	41	1304	0	92.1	40-140	1239	3.13	30	
Anthracene	1380	41	1304	0	106	40-140	1449	4.89	30	
Benzo(a)anthracene	1225	41	1304	0	93.9	40-140	1255	2.39	30	
Benzo(a)pyrene	1189	41	1304	0	91.2	40-140	1213	1.93	30	
Benzo(b)fluoranthene	1161	41	1304	0	89	40-140	1182	1.81	30	
Benzo(g,h,i)perylene	1041	41	1304	0	79.8	40-140	1068	2.55	30	
Benzo(k)fluoranthene	1112	41	1304	0	85.3	40-140	1152	3.56	30	
Chrysene	1170	41	1304	0	89.7	40-140	1213	3.63	30	
Dibenzo(a,h)anthracene	930.9	41	1304	0	71.4	40-140	950.1	2.03	30	
Fluoranthene	1144	41	1304	0	87.7	40-140	1210	5.63	30	
Fluorene	1184	41	1304	0	90.8	40-140	1226	3.53	30	
Indeno(1,2,3-cd)pyrene	1017	41	1304	0	78	40-140	1006	1.03	30	
Naphthalene	1429	41	1304	223.2	92.5	40-140	1464	2.42	30	
Phenanthrene	1165	41	1304	0	89.4	40-140	1238	6.07	30	
Pyrene	1179	41	1304	0	90.4	40-140	1214	2.92	30	
Surr: 2-Fluorobiphenyl	*3019*	0	*3260*	0	*92.6*	*20-140*	3084	*2.14*	*0*	
Surr: 4-Terphenyl-d14	*2281*	0	*3260*	0	*69.9*	*22-172*	2321	*1.77*	*0*	
Surr: Nitrobenzene-d5	*3832*	0	*3260*	0	*118*	*28-140*	3821	*0.311*	*0*	

The following samples were analyzed in this batch:

18071695-01A	18071695-02A	18071695-03A

Note: See Qualifiers Page for a list of Qualifiers and their explanation.

Client: Otwell Mawby, P. C.
Work Order: 18071695
Project: Otwell (White Water Twp MDOT 17-24B)

QC BATCH REPORT

Batch ID: **R241278** Instrument ID: **MOIST** Method: **SW3550C**

MBLK Sample ID: **WBLKS-R241278** Units: **% of sample** Analysis Date: **7/30/2018 03:41 PM**
Client ID: Run ID: **MOIST_180730E** SeqNo: **5176485** Prep Date: DF: **1**

Analyte	Result	PQL	SPK Val	SPK Ref Value	%REC	Control Limit	RPD Ref Value	%RPD	RPD Limit	Qual
Moisture	ND	0.050								

LCS Sample ID: **LCS-R241278** Units: **% of sample** Analysis Date: **7/30/2018 03:41 PM**
Client ID: Run ID: **MOIST_180730E** SeqNo: **5176484** Prep Date: DF: **1**

Analyte	Result	PQL	SPK Val	SPK Ref Value	%REC	Control Limit	RPD Ref Value	%RPD	RPD Limit	Qual
Moisture	100	0.050	100	0	100	99.5-100.5	0			

DUP Sample ID: **18071872-01B DUP** Units: **% of sample** Analysis Date: **7/30/2018 03:41 PM**
Client ID: Run ID: **MOIST_180730E** SeqNo: **5176479** Prep Date: DF: **1**

Analyte	Result	PQL	SPK Val	SPK Ref Value	%REC	Control Limit	RPD Ref Value	%RPD	RPD Limit	Qual
Moisture	4.19	0.050	0	0	0	0-0	3.92	6.66	10	

DUP Sample ID: **18071872-02B DUP** Units: **% of sample** Analysis Date: **7/30/2018 03:41 PM**
Client ID: Run ID: **MOIST_180730E** SeqNo: **5176481** Prep Date: DF: **1**

Analyte	Result	PQL	SPK Val	SPK Ref Value	%REC	Control Limit	RPD Ref Value	%RPD	RPD Limit	Qual
Moisture	6.21	0.050	0	0	0	0-0	6.4	3.01	10	

The following samples were analyzed in this batch:

18071695-01A	18071695-02A	18071695-03A

Note: See Qualifiers Page for a list of Qualifiers and their explanation.

ALS Group, USA

Date: 31-Jul-18

Client: Otwell Mawby, P. C.
Project: Otwell (White Water Twp MDOT 17-24B)
WorkOrder: **18071695**

QUALIFIERS, ACRONYMS, UNITS

Qualifier	Description
*	Value exceeds Regulatory Limit
**	Estimated Value
a	Analyte is non-accredited
B	Analyte detected in the associated Method Blank above the Reporting Limit
E	Value above quantitation range
H	Analyzed outside of Holding Time
Hr	BOD/CBOD - Sample was reset outside Hold Time, value should be considered estimated.
J	Analyte is present at an estimated concentration between the MDL and Report Limit
ND	Not Detected at the Reporting Limit
O	Sample amount is > 4 times amount spiked
P	Dual Column results percent difference > 40%
R	RPD above laboratory control limit
S	Spike Recovery outside laboratory control limits
U	Analyzed but not detected above the MDL
X	Analyte was detected in the Method Blank between the MDL and Reporting Limit, sample results may exhibit backgr or reagent contamination at the observed level.

Acronym	Description
DUP	Method Duplicate
LCS	Laboratory Control Sample
LCSD	Laboratory Control Sample Duplicate
LOD	Limit of Detection (see MDL)
LOQ	Limit of Quantitation (see PQL)
MBLK	Method Blank
MDL	Method Detection Limit
MS	Matrix Spike
MSD	Matrix Spike Duplicate
PQL	Practical Quantitation Limit
RPD	Relative Percent Difference
TDL	Target Detection Limit
TNTC	Too Numerous To Count
A	APHA Standard Methods
D	ASTM
E	EPA
SW	SW-846 Update III

Units Reported	Description
% of sample	Percent of Sample
µg/Kg-dry	Micrograms per Kilogram Dry Weight
mg/Kg-dry	Milligrams per Kilogram Dry Weight

ALS Group, USA

Sample Receipt Checklist

Client Name: **OTWELL** Date/Time Received: **26-Jul-18 09:30**

Work Order: **18071695** Received by: **DS**

Checklist completed by Diane Shaw 26-Jul-18 Reviewed by: Gary Byar 26-Jul-18

eSignature Date eSignature Date

Matrices: Soil

Carrier name: FedEx

Shipping container/cooler in good condition?	Yes ☑	No ☐	Not Present ☐
Custody seals intact on shipping container/cooler?	Yes ☑	No ☐	Not Present ☐
Custody seals intact on sample bottles?	Yes ☐	No ☐	Not Present ☑
Chain of custody present?	Yes ☑	No ☐	
Chain of custody signed when relinquished and received?	Yes ☑	No ☐	
Chain of custody agrees with sample labels?	Yes ☑	No ☐	
Samples in proper container/bottle?	Yes ☑	No ☐	
Sample containers intact?	Yes ☑	No ☐	
Sufficient sample volume for indicated test?	Yes ☑	No ☐	
All samples received within holding time?	Yes ☑	No ☐	
Container/Temp Blank temperature in compliance?	Yes ☑	No ☐	
Sample(s) received on ice?	Yes ☑	No ☐	
Temperature(s)/Thermometer(s):	4.6/4.6 c	SR2	
Cooler(s)/Kit(s):			
Date/Time sample(s) sent to storage:	7/26/2018 1:51:39 PM		
Water - VOA vials have zero headspace?	Yes ☐	No ☐	No VOA vials submitted ☑
Water - pH acceptable upon receipt?	Yes ☐	No ☐	N/A ☑
pH adjusted?	Yes ☐	No ☐	N/A ☑
pH adjusted by:			

Login Notes:

Client Contacted: Date Contacted: Person Contacted:

Contacted By: Regarding:

Comments:

CorrectiveAction

☑ ALS Environmental
781 Industrial Cir, Ste 3
Traverse City, Michigan 49686
(Tel) 231.421.3204
(Cell) 231.944.3459

Chain of Custody Form

Page 1 of 1

☐ ALS Environmental
3352 128th Avenue
Holland, Michigan 49424
(Tel) 616.399.6070
(Fax) 616.399.6185

ALS Project Manager: Gary Byar | ALS Work Order #: 18071695

Customer Information		Project Information		Parameter/Method Request for Analysis		
Purchase Order		Project Name	White Water Township - MDOT Property	A	MI 10 Metals	Soils
Work Order		Project Number	17-247B	B	PNAs	
Company Name	Otwell Mawby, P. C.	Bill To Company	Otwell Mawby, P. C.	C	Moisture	
Report Attn.	Mark Collison	Invoice Attn.	Mark Collison	D		
Address	309 E Front St. Suite 200	Address	309 E Front St. Suite 200	E		
				F		
City/State/Zip	Traverse City, MI 49684	City/State/Zip	Traverse City, MI 49684	G		
Phone	231-946-5200	Phone	231-946-5200	H		
Fax	231-946-5216	Fax	231-946-5216	I		
e-Mail Address	markcollison@otwellmawby.com		markcollison@otwellmawby.com	J		

No.	Sample Description	Date	Time	Matrix	Pres. Key Numbers	# Bottles	A	B	C	D	E	F	G	H	I	J	Hold
1	HA-1	7/25/18	2:00 PM	Soil	NONE	(1) 8oz	X	X	X								
2	HA-4	"	"	"			X	X	X								
3	HA-5	"	"	"			X	X	X								
4																	
5																	
6																	
7																	
8																	
9																	
10																	

Sampler(s): Please Print & Sign: Robert Winters, Ryan Mawby III | Shipment Method: | Required Turnaround Time: (Check Box) ☐10 Wk Days ☑5 Wk Days ☐3 Wk Days ☐2 Wk Days ☐24 Hour ☐Other | Results Due Date:

Relinquished by:	Date:	Time:	Received by:	Date:	Time:
Robert Winters	7/25/18	3:00PM		7/25/18	8:00 PM
Relinquished by:	Date:	Time:	Received by (Laboratory):	Date:	Time:
	7/25/18	5:00 PM		7/26/18	0930
Logged by (Laboratory):	Date:	Time:	Checked by (Labor		
DES	7/26/18	1345	GRB		

Notes: ALS PROJECT: OTWELL-MISC
Color: _____ Odor: _____

ALS Cooler ID	Cooler Temp	QC Package: (Check Box Below)	
SR2	4.6°C	☑Level II: Standard QC	☐Level III: Raw Data
		☐TRRP LRC	☐TRRP Level IV
		☐Level IV: SW846 Methods/CLP like	
		☐Other:	

Preservative Key: 1-HCl 2-HNO_3 3-H_2SO_4 4-NaOH 5-$Na_2S_2O_3$ 6-$NaHSO_4$ 7-Other 8-4°C

Note: Any changes must be made in writing once samples and COC Form have been submitted to ALS.

Copyright 2007 by ALS Environmental

Office of the Whitewater Township Supervisor

Memo

To: Whitewater Township Board

From: Ron Popp, Supervisor

CC:

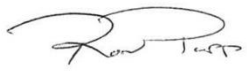
Date: 06-20-2018

Re: MDOT Phase Two Study -

Board Members,

Following Chris Patterson's response about the statutory process of environmental studies, I contacted Mark Collison, of Otwell Mawby for estimate to conduct Phase Two of the Test. I expect that document to arrive before meeting time.

Respectfully,



Ron Popp
Supervisor, Whitewater Township

Ron Popp

From: Christopher Patterson <cpatterson@fsbrlaw.com>
Sent: Monday, June 18, 2018 6:40 PM
To: Ron Popp
Cc: Matthew Kuschel
Subject: RE: Proposed MDOT Property Purchase

Ron:

In addressing your questions, there are some potential options for the Township to consider, which are itemized below:

1. Ownership of a property with contamination poses potential risk of clean-up costs. Federal and state law applies as to potential successor liability for previous contamination. But, there is a process that would allow the Township to limit future liability, which was the process started by the Township in conducting a Phase 1. Federal requirements are contained in the Comprehensive Environmental Response, Compensation and Liability Act ("CERCLA"), which provides for an innocent landowner defense. Pursuant to 40 CFR § 312.1, the innocent landowner defense can be established by conducting **all appropriate inquires**, and showing the defendant took steps to: (1) stop any continuing release, (2) prevent any threatened future release, and (3) prevent or limit any human, environmental, or natural resource exposure to any previously released hazardous substance. 42 USC § 9601(35)(B)(i). The circumstances that amount to an appropriate inquiry are addressed by a Phase I study. If results indicate a potential hazard, the process is escalated to a Phase II, and subsequently a potential baseline environmental assessment ("BEA"). State law has an equally applicable law and similar requirements for limiting liability. The information gained in the Phase I and Phase II assessments is used to determine whether the property is contaminated at concentrations greater than the unrestricted residential criteria -- the state's most protective cleanup criteria. These criteria are available on the DEQ's web site at www.michigan.gov/deqrrd (scroll down and select Cleanup Criteria Requirements for Response Activity, then select Tables 1, 2 or 3 for appropriate criteria comparison table). If the contaminant concentrations on a property do not exceed the unrestricted residential criteria, then the property is not regulated pursuant to Parts 201 and/or 213. Documentation would be maintained by the Township to show that it has conducted due diligence in accordance with Parts 201 and 213. A BEA is only applicable for a property where contaminants in excess of the unrestricted residential criterion are detected. If the detected contaminant concentrations exceed one or more residential criteria, then the property is contaminated, and a BEA may be the next step.

2. Here, a Phase I was conducted and concluded potential contamination based on the historical use of the property. This is not unusual for railroad-owned property. Thus, the Township would have to proceed to a Phase II and conduct actual soil sampling to determine contamination. Without any further investigation, the Township has little basis to conclude whether contamination is or is not a risk. If there is contamination, then there is potential future liability for the Township, but the risk may or may not be remote. Township boards always have a difficult balance in assessing the financial impact of conducting further environmental testing against the future risk imposed by potential liability for contamination. In exercising a members duties to the public, the members ultimate having a fiduciary duty of to act with due care. This necessarily requires sufficient information to make a reasoned decision. Thus, in this instance, with a Phase I indicating potential contamination and no or little evidence suggesting otherwise, the Township may best be served by conducting a Phase II.

3. A Phase II is not the end of the process. If the Phase II returns positive results (i.e., contaminants exist) the Township may have to incur additional costs in environmental reporting with DEQ to file a BEA to truly limit liability. Recent experience estimates total cost for a Phase I through BEA to be approximately $10,000. So if the Township paid approximately $1,500 for a Phase I and an additional $4,000 for a Phase II, then the Township may expect to pay another $4,000 to $5,000 ***if contaminants are found***. The added benefit is not just avoiding liability, however, as the Township may ultimately decide that purchase of the property is not appropriate depending on the contamination.

4. Other than proper due diligence, the Township could potentially shield some future liability by using governmental immunity. The Governmental Tort Liability Act generally prohibits tort suits against the township for engaging in a governmental function. The Act would potentially limit tort claims brought by property owners against the Township for claims related to contamination, but there remains two potential concerns. The DEQ or EPA may still retain private causes of action for clean-up, which are not likely shielded by the Act. There is also the potential for non-tort claims to be filed by the property owners. Even assuming it did shield the Township, individuals officers of the Township obtain immunity when not acting with gross negligence. Further research would be necessary to determine to what extent not completing an environmental assessment is potential negligent or grossly negligent. In short, we have never relied on the Act or related theories to limit future liability regarding contamination.

5. Contamination on the property alone, if not detrimental to the Township's propose use of it, has limited risk. The concern is impact to adjacent properties due to leaching or plumes created from contamination on the parcel owned by the Township. Those property owner impacted by the contamination could bring claims against the Township for damage to their wells, property values, etc.

6. A third possibility would be seeking that the State hold the Township harmless and indemnify the Township if any claims are brought against the Township regarding contamination. I have seen this work in a single instance with a private company. I am inclined to believe the State may not entertain such an agreement, but it would be a reasonable and appropriate inquiry with the State.

I hope this provides you some feedback and thoughts regarding your questions. If you have additional questions or comments, please let me know.

Sincerely,

Chris

Christopher S. Patterson
Member • Fahey Schultz Burzych Rhodes

Direct: 517.381.3205 • Cell: 269.744.4807
Office: 517.381.0100 • Fax: 517.381.3185
fsbrlaw.com • cpatterson@fsbrlaw.com

4151 Okemos Road, Okemos, MI 48864 USA
▼ U.S. News & World Report Ranked Best Law Firm

From: Ron Popp [mailto:supervisor@whitewatertownship.org]
Sent: Monday, June 18, 2018 1:46 PM
To: Christopher Patterson <cpatterson@fsbrlaw.com>
Subject: Proposed MDOT Property Purchase

Hi Chris,

About a year ago we talked about a piece of MDOT Railroad Right-of-Way adjacent to our existing Fire Station that we would like to purchase. At that time you advised we should complete a Phase One Environmental Study which we did and it was completed last November.

The study concluded that the existence of the rail siding was a “Recognized Environmental Condition” and needs further testing, including soil samples, designed to identify the presence of known chemicals and by products the railroad was noted for back in the day. The Phase Two (if that is what it is called) has been estimated at an additional $4K. If bad stuff is found, it is unlikely the SOM will clean it up just to sell the property. Moreover, contamination might very well put the property outside of the Township’s price range.

The Township Board’s question: Is there a way for the Township to take ownership of the parcel, without taking ownership of contamination if found? Who would make us look for contamination?

Thanks,
Ron Popp
Whitewater Township Supervisor
5777 Vinton Road, P.O. Box 159
Williamsburg, Michigan 49690
231.267.5141 X 23
supervisor@whitewatertownship.org

Ron Popp

From: M. Collison, OMPC <mcollison@otwellmawby.com>
Sent: Thursday, June 21, 2018 8:29 AM
To: Ron Popp
Cc: 'Roger Mawby'
Subject: Phase II Proposal - MDOT Property, Whitewater Township
Attachments: Whitewater.MDOT.PHII Proposal 062118.pdf

Good morning Ron,

Please find attached to this email our proposal to complete a Phase II Environmental Site Assessment of the MDOT Property located in Whitewater Township.
If you have any questions or would like to discuss further, please let us know.
Thank you for the opportunity to provide you with our services and have a great day.

Sincerely,

Mark Collison, C.E.S.
Otwell Mawby, P.C.
Consulting Engineers
309 E. Front Street
Traverse City, MI 49684
(231) 946-5200
(231) 946-5216 FAX

mcollison@otwellmawby.com
www.otwellmawby.com

Environmental ▪Brownfield ▪Asbestos ▪Geotechnical ▪Materials Testing

CONFIDENTIALITY NOTICE: This E-mail and any files transmitted with it are confidential and are intended solely for the use of the recipient to which they are addressed. If you are not the intended recipient or the person responsible for delivering the E-mail to the intended recipient, be advised that you have received this E-mail in error and that any use, dissemination, forwarding, printing, or copying of this E-mail is STRICTLY PROHIBITED. If you have received this E-mail in error, please notify the sender immediately by reply E-mail or telephone at 231-946-5200. Thank you.

Otwell Mawby, P.C.
Consulting Engineers

Environmental ▪Brownfield ▪Asbestos ▪Geotechnical ▪Materials Testing

June 21, 2018

Whitewater Township
C/o: Mr. Ron Popp, Supervisor
5777 Vinton Road
P.O. box 159
Williamsburg, Michigan 49690

Email: supervisor@whitewatertownship.org

SUBJECT: PROPOSAL - PHASE II ENVIRONMENTAL SITE ASSESSMENT, BASELINE ENVIRONMENTAL ASSESSMENT, AND DUE CARE PLAN
MICHIGAN DEPARTMENT OF TRANSPORTATION
RAILWAY PROPERTY
OLD M-72
WHITEWATER TOWNSHIP, GRAND TRAVERSE COUNTY, MI
OTWELL MAWBY PROJECT NUMBER: 17-247

Dear Mr. Popp:

Otwell Mawby P.C. (OMPC) is pleased to present our proposal for Phase II Environmental Site Assessment (Phase II ESA) services related to the Michigan Department of Transportation Railway Property located along Old M-72, in Whitewater Township, Grand Traverse County, Michigan (the subject property). The proposed scope of services is to complete a Phase II ESA to address Recognized Environmental Condition (REC), which was identified during the completion of a Phase I ESA conducted by Otwell Mawby, P.C., dated November 2017. The one identified REC is as follows:

1. **Presence of an Onsite Railroad Siding:** During the completion of the Phase I ESA, review of historical aerial and site photographs, and provided MDOT Railway Map depicted a railroad siding on the subject property along the southern portion of the parcel. Given the time period the railroad siding was present, coal and cinder deposits may be present along the location of the siding. Coal and cinders, as well as the railroad ties and track ballast itself, have the potential to impact soil and groundwater with metals, hydrocarbons, and other hazardous constituents. The presence of the railroad siding on the subject property represents an REC.

The following presents Otwell Mawby's scope of services, schedule, and budget for the requested services.

SCOPE OF SERVICES

Otwell Mawby will provide the labor, equipment, and materials to complete the following scope of service.

Task #1 - Conduct Phase II Environmental Site Assessment

During the completion of the Phase I ESA historical research activities and interviews with individuals (representatives of the current owner) familiar with the location of the subject property identified the REC, as presented above. Below discusses the activities for completing a Phase II ESA for the REC.

To address the potential for coal and cinders, as well as the railroad ties and track ballast itself to exist on the subject property, Otwell Mawby will collect soil samples from along the location of the former railroad siding located on the subject property. Five to six soil borings will be conducted along the length of the former siding with up to three soil samples collected to determine whether soils have been impacted by the historical railroad operations. The soil borings and soil samples will be completed with a stainless-steel hand auger sampling device. The three soil samples will be selected and submitted for laboratory analysis of polynuclear aromatics (PNAs), Michigan 10 metals. The soil sampling activities for the subject property are discussed in the following paragraphs.

All of the soils will be field screened with a photoionization detector (PID) for potential visual, olfactory, and field evidence of impact. During the completion of the Phase II ESA activities, all sampling equipment will be decontaminated between sampling locations. Following the completion of the borings, cuttings will be returned to the boreholes. The soil samples will be submitted under chain-of-custody to ALS Environmental Laboratory (ALS) of Traverse City and Holland, Michigan for analysis. Laboratory sample analysis is estimated at seven to ten business days.

Following acceptance of the laboratory analytical results, Otwell Mawby will prepare a Phase II ESA report for the site. The report will conclude the findings of the Phase II investigation activities and the results of the analysis for the property. This report will also outline recommendations for additional work if necessary to further address the initial findings and due diligence activities.

Task #2 - (If Required) – Baseline Environmental Assessment and Section 7a Compliance Analysis (Due Care Plan)

If the results of the Phase II ESA indicate that the subject property is a “Facility” as defined by Part 201 of P.A. 201 of 1994, as amended; a Baseline Environmental Assessment (BEA) and Section 7a Compliance Analysis (Due Care Plan) would be considered for the subject property to provide protection from liabilities associated with environmental impact and ensure safe future use of the subject property. Additional sampling and laboratory analysis beyond that of which is scoped herein, may be necessary for the completion of the BEA and Section 7a Due Care Plan.

Otwell Mawby would prepare a Baseline Environmental Assessment and Section 7a Compliance Analysis (Due Care Plan) on behalf of the purchaser, pursuant to 1994 PA 451, Part 201, as amended. The purpose of the BEA is to present sufficient information about the property to identify pre-existing contamination to provide the purchaser with exemption from environmental liability. The BEA must be substantially complete prior to or within 45 days after transfer or occupancy of the property. At a minimum, the BEA will include the following:

- a description and scaled map of the property;
- the names of hazardous substances known to be present and the basis for the property to be considered a "facility" under Part 201;
- identification of general locations of known environmental impact on the subject property;
- an assessment as to the likelihood other hazardous substances are also present on the subject property; and
- an assessment of the hazardous substances known or that are likely to exist on the property, versus hazardous substances used in the future.

The BEA would be formatted in accordance to the requirements identified in the MDEQ's instructions for preparing and submitting BEAs (Minimum Technical Standards for Baseline Environmental Assessments Conducted Under Section 20126(1)© of 1995 PA 451, as amended).

Otwell Mawby would submit two copies of the BEA to you and one to the Michigan Department of Environmental Quality (MDEQ).

Otwell Mawby will also conduct a Due Care Evaluation (Section 20107a Compliance Analysis) and prepare the Due Care Plan for the property. The Due Care Plan would include the explanation and demonstration that:

- the proposed use will not exacerbate existing environmental impacts;
- unacceptable exposures will not exist, or will be prevented or mitigated;
- the proposed use will not increase response costs; and
- precautions that will be taken will protect against the reasonably foreseeable acts or omissions of a third party.

Otwell Mawby will submit two copies of the Due Care Plan to you for your use.

SCHEDULE

Otwell Mawby will initiate the project activities upon receipt of a signed authorization-to-proceed. The Phase II ESA activities can be completed within five to six weeks of receipt of project authorization.

COMPENSATION

Otwell Mawby will provide each of the requested services scoped herein on an estimated basis as indicated below.

Phase II ESA Investigation:	
Field Investigation Activities	$ 550.00
Field Investigation Equipment and Supplies	$ 150.00
Laboratory Analytical Services (Subcontracted)	$ 650.00
Phase II ESA Data Analysis and Report Preparation	$ 660.00
Total Phase II ESA	$ **2,010.00**
BEA and Due Care Plan (If Required)	
Baseline Environmental Assessment	$ 1,100.00
Section 7a Compliance Analysis (Due Care Plan)	$ 1,100.00
Total Cost	**$ 2,200.00**

The work will be completed and invoiced as described herein in accordance with the attached Contract Terms and Conditions. Additional work beyond the scope provided in this proposal will only be executed upon your authorization.

Following your review and acceptance of our proposal, please sign and return the attached project authorization form authorizing Otwell Mawby, P.C. to work on this project.

We thank you for the opportunity to provide our proposal for your review and consideration. If you have any questions or concerns, please do not hesitate to contact us.

Sincerely,
OTWELL MAWBY, P.C.

Roger L. Mawby, P.E.
Project Manager

Mark R. Collison, C.E.S.
Environmental Professional

Otwell Mawby, P.C., Consulting Engineers
Environmental ▪Brownfield ▪Asbestos ▪Geotechnical ▪Materials Testing
Otwell Mawby Project: 17-247

Attachment

AUTHORIZATION TO PROCEED

Whitewater Township
C/o: Mr. Ron Popp, Supervisor
5777 Vinton Road
P.O. box 159
Williamsburg, Michigan 49690

Email: supervisor@whitewatertownship.org

Your signature, or an authorized representative's signature, on this form will provide authorization for Otwell Mawby P.C. to proceed in accordance with the attached Contract Terms and Conditions and constitute acknowledgement of the scope of services described in the proposal dated June 21, 2018.

PROJECT DESCRIPTION / COST

The requested services are for the completion of a Phase II ESA investigation for the Michigan Department of Transportation Railway Property located along Old M-72, in Whitewater Township, Grand Traverse County, Michigan (the subject property). Following is an estimated cost for the requested activities at the site. Please initial next to the requested services and sign the authorization to proceed.

Phase II ESA Investigation:		
Field Investigation Activities	$ 550.00	
Field Investigation Equipment and Supplies	$ 150.00	
Laboratory Analytical Services (Subcontracted)	$ 650.00	
Phase II ESA Data Analysis and Report Preparation	$ 660.00	
Total Phase II ESA	$ **2,010.00**	_____

BEA and Due Care Plan (If Required)		
Baseline Environmental Assessment	$ 1,100.00	
Section 7a Compliance Analysis (Due Care Plan)	$ 1,100.00	
Total Cost	**$ 2,200.00**	_____

Please sign below and return a copy of this document to Otwell Mawby, P.C., Consulting Engineers, 309 East Front Street, Traverse City, Michigan 49684. The executed document can be sent via email (mcollison@otwellmawby.com) or facsimile at (231) 946-5216.

Name: _____

Signature: _____

Title: _____

Company: _____

Address: _____

City / Zip: _____

Phone / Fax: _____

Email: _____

Date: _____

OTWELL MAWBY, P.C.
309 East Front Street
Traverse City, Michigan 49684

STANDARD TERMS AND CONDITIONS
EFFECTIVE JANUARY 2018

I. Fees for Consulting Services

Hourly rates for:	Principal	$110.00
	Project Manager / Sr. Engineer / Geologist	$96.00
	Project Engineer / Geologist	$80.00
	Staff Engineer/Geologist	$72.00
	Senior Environmental Technician	$65.00
	Technician II	$47.00
	Technician I	$43.00
	Clerical	$30.00

II. Equipment Charges

Mileage	$0.56 per mile
Sampling Pump	$80.00 per day
Water Well Monitoring Equipment	$25.00 per day
Pressure Transducer Equipment	$50.00 per day
Photoionization Detector (PID)	$125.00 per day

III. Services of Others

On occasion, subcontractors and subconsultants will be used with your approval. The cost of such services plus a fifteen percent contract administration fee will be included in our invoice.

IV. Invoices

Invoices will generally be submitted once a month for services performed during the previous month. Payment will be due within 30 days of invoice date. Interest will be added to accounts in arrears at the rate of 1.5 percent per month.

V. On-Site Services During Project Activities

Should our services be provided on the job site during project activities, clean-up or other site tasks, it is understood that, in accordance with generally accepted engineering practices, the contractor will be solely and completely responsible for working conditions on the job site, including safety of all persons and property during the performance of the work, and compliance with OSHA regulations, and that these requirements will apply continuously and not be limited to normal working hours. Any monitoring of the contractor's performance conducted by our personnel is not intended to include review of the adequacy of the contractor's safety measures, in, on, or near the site.

It is further understood that field services provided by our personnel will not relieve the contractor of his responsibilities for performing the work in accordance with applicable laws and regulations and with the plans and specifications.

VI. Ownership of Documents

All reports, field data and notes, laboratory test data, calculations, estimates, and other documents which we prepare, as instruments of service, shall remain our property. You agree that all reports and other work we furnish you or your agents, which are not paid for, will be returned upon demand and will not be used for any purpose whatsoever.

Any documents or reports prepared by our firm are intended for your use and benefit and any lenders that might rely on the report and findings whose interests are secured by the property. They are not intended for use by any other third party.

Reports and other materials resulting from our efforts on this project or site are not intended or represented to be suitable for reuse by you or others on extensions or modifications of this project or for any other projects or sites. Reuse of reports or other materials by you or others on extensions or modifications, of this project or on other sites, without our written permission or adaptation for the specific purpose intended shall be at the user's sole risk, without liability on our part, and you agree to indemnify and hold us harmless from all claims, damages and expenses, including attorney's fees, arising out of such unauthorized reuse resulting from the release of documents.

VII. Confidentiality

We will hold confidential all business or technical information obtained or generated in the performance of services under this Agreement. We will not disclose such information without your consent, except to the extent required for (1) performance of services under this Agreement; 2) compliance with professional standard of conduct regarding immediate and emergency public safety and health concerns; (3) compliance with any court order or governmental directive; and/or (4) protection of Otwell Mawby, P.C. against claims or liabilities arising from the performance of services under this Agreement. Our obligations hereunder shall not apply to information in the public domain or lawfully acquired on a non-confidential basis from others.

VIII. Insurance

We are protected against risks of liability exposure by Worker's Compensation Insurance, Comprehensive General Liability Insurance (bodily injury and property damage), Automobile Liability and Professional Liability Insurance. We will furnish information and certificates at your request. We will not be responsible for any loss, damage or liability arising from your negligent acts, errors and omissions, and those by your staff, consultants, contractors and agents or from those of any person for whose conduct we are not legally responsible.

IX. Standard of Care

In accepting this Agreement for consulting services, you acknowledge the inherent risk associated with oil, hazardous, radioactive, toxic, irritant, pollutant or otherwise dangerous substances or conditions as well as with construction. In performing our professional services, we will use that degree of care and skill ordinarily exercised, under similar circumstances, by members of the profession practicing in the same or similar locality. The standard of care shall exclusively be judged as of the time the services are rendered and not according to later standards. We make no express or implied warranty beyond our commitment to conform to this standard.

X. Indemnity

It is understood and agreed that, in seeking our consulting services under this Agreement, you are requesting us to undertake potentially uninsurable obligations for your benefit involving the presence or potential presence of hazardous wastes and substances. Therefore, you agree to hold harmless, indemnify, and defend us from and against any and all claims, losses, damages, liability, and costs, including but not limited to costs of defense, arising our of or in any way connected with the presence, discharge, release, or escape of contaminants of any kind, excepting only such liability as may arise out of our negligence in the performance of services under this Agreement.

XI. Limitation of Liability

As part of this contractual Agreement, both parties agree, acknowledge, and so contract between themselves that in the event the owner or signatory to this contract suffers any monetary damage resulting from the negligence of Otwell Mawby, P.C., it is specifically agreed that the liability shall be limited to the extent of coverage of Otwell Mawby, P.C.'s professional liability insurance policy.

XII. Guaranty

The undersigned hereby jointly and severally personally guarantee the full and prompt payment, when due, of the entire principal amount owed Otwell Mawby for services rendered. The liability of the guarantors on this guaranty shall be continuing, direct and immediate and not conditional or contingent upon the pursuit of any remedies against the client or any other person, nor against security or liens available to Otwell Mawby.

Ron Popp

From: Zoning Administrator <zoning@whitewatertownship.org>
Sent: Monday, August 27, 2018 3:58 PM
To: Popp, Ronald
Cc: Goss, Cheryl; Benak, Della; 'Paul Hubbell'; 'Lloyd Lawson'
Subject: Bowen Junk Complaint/7771 Crisp Road

August 27, 2018

Supervisor Popp:

I'm glad you called me today to ask about the Bowen Junk Complaint because I need direction from you as to how to proceed?

I sent an Ordinance Violation Notice to Mr. Bowen on September 25, 2017 advising him that we had received a complaint and that it appeared he was violating Section 16.10 – Outdoor Storage of the Whitewater Township Zoning Ordinance. Mr. Bowen responded to my letter and indicated that he is in poor health but would attempt to clean-up his property and frankly he has made little progress. At almost the same time I had received a complaint regarding the placement of a shed on a vacant lot on Topview Drive where at least three different neighbors were complaining – the shed was placed there by Edward Byrne who informed me that he would think about removing it when contacted, another clear violation of the Whitewater Township Zoning Ordinance.

In November 2017 I learned that Whitewater Township had never adopted a Civil Infraction Violation Ordinance that if employed could have easily the above two issues with a minimal cost to the taxpayers of this Township. I began working with the Township Attorney in an effort to resolve these violations.

In January 2018, the Whitewater Township Board amended the Ordinance at the request of the Planning Commission that appears to have removed my enforcement duties.

- Article 17.12 was amended and all mention of any enforcement was removed.

  The old Ordinance read: It shall be the duty of the Zoning Administrator to inspect buildings or structures; to determine compliance with this Ordinance and to be in charge of the enforcement of this Ordinance.

I'm very confused as to what the Board wants me to do…I consider myself a professional and I hope that is why I was hired, but frankly I keep hearing "it's not about you Denny, we are worried about who might come after you". Part of my job was to determine compliance, interpret the Ordinance and be in charge of the enforcement of the Ordinance – why was that changed? To keep these types of violations as misdemeanors makes absolutely no sense and it costs the taxpayer ten times as much.

So, are you telling me to file a complaint with Chris Patterson, have him type up a Misdemeanor Compliant & Warrant that can be delivered to the 86th District Court and signed by me in front of the Judge – then the Warrant can be delivered to the Sheriff's Department and Mr. Bowen can then be arrested and transported to jail for a zoning violation… I can't imagine having someone arrested for a misdemeanor violation, that stains your criminal record for the rest of your life. I can have a signed Warrant in-hand by Monday if you wish…… and in Mr. Martin's case I guess you can blame me and I'll take the heat.

It has been seven months without further action by the Board with respect to making these types of violations Civil Infractions or Misdemeanors. From experience, if we had been using the Civil Infraction Ordinance years ago we wouldn't have the problem we have on Old M-72 and the Township expenses would have been minimal…

Sorry, I had too much to say and a telephone call wouldn't have worked.

Dennis L. Habedank, Zoning Administrator
Whitewater Township
P.O. Box 159 – 5777 Vinton Road
Williamsburg MI 49690
(231) 267-5141 Ext 21
(231) 267-9020 (Fax)
(231) 534-4000 (Cell)
zoning@whitewatertownship.org
Monday – Thursday from 8:00 AM – 4:00 PM

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From the Whitewater Township Planning Commission

September 6, 2018

Attention: Supervisor Ron Popp and the Whitewater Township Board,

This is official notice that the Planning Commission by unanimous consent is forwarding the attached proposed amendment to Article 17.14, Administration, for initial consideration by the township board. We have carefully reviewed Article 17 and the comments provided by Mr. Paterson and found the following:

*It would be a beneficial clarification, although not essential, to detail the specific requirements of land use permits.

*There is no substantive difference between the attorney's introductory paragraph of 17.14 and our proposed version. We felt that ours was slightly less formal and better suited to our ordinance.

*We preferred listing the additional points in 17.14 A (2,3, and 4) over incorporating them into one big paragraph and felt that it better highlights each individual point.

*We were confused with the inclusion of commentary regarding 17.12 as it was not part of deliberation nor the document submitted. Furthermore, we found that these recommendations would be in conflict with the official policy and procedures for the Zoning Administrator as approved by the Township Board. Several years ago, a similar portion of text was removed in order to clearly place all responsibility and decision-making authority in the hands of the board for any enforcement which could have the intentional or coincidental effect of placing the Township into legal action. We feel that this is the correct placement of this authority and would discourage removal of this oversight role of the township board.

*Going forward, in an effort to improve communication and reduce confusion the planning commission has agreed to provide a written explanation of the goals, intent, and purpose for any potential zoning amendment at the time of the initial submission to the board for review.

In the coming months, we will be providing the board with a detail proposal and potential timeline for recodification of our ordinance. We thank you for your careful consideration of this matter.

Respectfully Submitted,

Kim Mangus, PC Chair, on behalf of the Whitewater Township Planning Commission

The following text is a DRAFT under review by the WWTS Planning Commission.

COLOR CODE: **EXISTING** **PROPOSED WORDING** **NOTES**

GOAL: To provide better clarity regarding Land Use Permit Requirements

Current 17.14 as of 1-26-18

17.14 LAND USE PERMIT REVIEW.

A. The Zoning Administrator shall verify that all applications for land use permits shall be accompanied by a clearly drawn plot plan which contains the following:

1. Owner Information
2. Parcel ID Number
3. Property Address
4. North Arrow
5. Scale
6. Existing and/or Proposed Structures (including fencing)
7. Existing and/or Proposed Driveways
8. Road Right of Way and/or Utility Easements
9. Sanitary Facilities and Well
10. Water Bodies on the Site
11. Wetlands

B. The Zoning Administrator shall request that the applicant submit with the application such additional materials as may be needed to determine whether or not a permit should be issued, such as surveys, soil suitability tests, surface water disposal surveys, erosion control surveys and excavation disposal plans, abstracts, building plans, and permits from other government agencies.

C. Evidence of Ownership. The Zoning Administrator shall review evidence of ownership for all property affected by the permit application.

D. Voiding of Permit. The Zoning Administrator may suspend or revoke a permit issued under the provisions of this Ordinance whenever the permit is issued erroneously on the basis of incorrect information supplied by the applicant or his agent and is in violation of any of the provisions of this Ordinance or of any other Ordinances or regulations of the Township.

E. The Zoning Administrator shall require submission of an application for Site Plan Review in accord with the provisions of Section 25.00 as required.

The following text is a DRAFT under review by the WWTS Planning Commission.

PROPOSED

17.14 LAND USE PERMIT REVIEW.

A. Any individual, corporation, association, officer, department, board or bureau of the State, County, or Township, planning to erect or move a structure or alter any existing structure or to establish a new use or expand and existing use for any premises in any land use district, shall file an application in writing with the Zoning Administrator for a Land Use Permit. Issuance of a Land Use Permit shall be subject to the following standards:

1. The Zoning Administrator shall verify that all applications for land use permits shall be accompanied by a clearly drawn plot plan which contains the following:
   (This line was moved down from A, and 1-11 labeled a-k)
   a. Owner Information
   b. Parcel ID Number
   c. Property Address
   d. North Arrow
   e. Scale
   f. Existing and/or Proposed Structures (including fencing)
   g. Existing and/or Proposed Driveways
   h. Road Right of Way and/or Utility Easements
   i. Sanitary Facilities and Well
   j. Water Bodies on the Site
   k. Wetlands

2. Zoning Administrator shall issue a Land Use Permit if such planned building, Structure, or land use is in compliance with the provisions of this Ordinance.

3. A Land Use Permit must be obtained prior to applying for a County building permit.

4. A Land Use Permit shall not be required for the following items:
   a. Any shed or similar structure which is: under 200 square feet, does not have a permanent foundation and does not require a County building permit.

(B-E are unchanged)

B. The Zoning Administrator shall request that the applicant submit with the application such additional materials as may be needed to determine whether or not a permit should be issued, such as surveys, soil suitability tests, surface water disposal surveys, erosion control surveys and excavation disposal plans, abstracts, building plans, and permits from other government agencies.

C. Evidence of Ownership. The Zoning Administrator shall review evidence of ownership for all property affected by the permit application.

D. Voiding of Permit. The Zoning Administrator may suspend or revoke a permit issued under the provisions of this Ordinance whenever the permit is issued erroneously on the basis of incorrect information supplied by the applicant or his agent and is in violation of any of the provisions of this Ordinance or of any other Ordinances or regulations of the Township.

E. The Zoning Administrator shall require submission of an application for Site Plan Review in accord with the provisions of Section 25.00 as required.

ARTICLE XVII
ADMINISTRATION

(Effective January 26, 2018)

17.10 ZONING ADMINISTRATOR; APPOINTMENT; DUTIES.

A Zoning Administrator shall be appointed by and on such terms as shall be determined by the Township Board; provided that the Zoning Administrator shall not be a member of the Township Board, the Planning Commission or the Zoning Board of Appeals. He/she shall perform such duties as the Township Board may prescribe in addition to any duties prescribed in this Ordinance.

17.11 ZONING ADMINISTRATOR ELIGIBILITY.

To be eligible for appointment, the Zoning Administrator shall be generally informed on good building construction, on good practice in fire prevention and the proper installation of safety, health and sanitary facilities. He/she shall be in good health and physically capable of fulfilling his duties. In case he/she is personally interested in the construction of any building subject to the provisions of this code, the Township Board shall designate some other person to examine the plans, to inspect such building and to issue the necessary permits, approvals and certificates.

17.12 ZONING ADMINISTRATOR; DUTIES.

The Zoning Administrator shall:

A. Administer and interpret the provisions within this Ordinance, subject to appeal to the Zoning Board of Appeals.

B. Investigate alleged violations of this Ordinance and take appropriate enforcement action.

~~A.~~C. Receive and review all applications for land use permits and certificates of occupancy and approve or disapprove such applications based on compliance or non-compliance with the provisions of the Whitewater Township General and Zoning Ordinances.

~~B.~~D. Receive all applications for site plan review and special use permits which the Planning Commission is required to decide under this Ordinance.

~~C.~~E. Receive all applications for appeals, variances or other matters which the Zoning Board of Appeals is required to decide under this Ordinance.

~~D.~~F. Receive applications for amendments to this Ordinance.

~~E.~~G. Conduct field inspections and investigations, prepare maps, charts and other pictorial materials when necessary or desirable, and process applications so as to assist the Planning Commission, Zoning Board of Appeals and Township Board in formulating recommendations and/or approvals.

~~F.~~H. Notify applicants in writing of any decision of the Planning Commission and implement the decisions of the Planning Commission.

~~G.~~I. Maintain a map or maps showing current zoning classifications of all land in the Township.

~~H.~~J. Maintain written records of all actions taken by the Zoning Administrator.

~~I.~~K. Meet with the Township Board, Planning Commission, Zoning Board of Appeals and related committees as requested.

~~J.~~L. Be responsible for providing forms necessary of the various applications to this Ordinance and any other forms as directed by the Township Board.

~~K.~~M. Any additional responsibilities outlined in the Whitewater Township Zoning Administrator Job Description, as revised.

17.13 ZONING ADMINISTRATOR; COMPENSATION.

Compensation for the Zoning Administrator shall be established by the Township Board.

17.14 LAND USE PERMIT REVIEW.

A land use permit is required for the erection of a new structure, the movement of an existing structure, the establishment of a new use and the expansion of an existing use. Applications for a land use permit must made in writing and filed with the Zoning Administrator. The Zoning Administrator will issue land use permit if such planned building, structure, or land use is in compliance with the provisions of this Ordinance. Provided, however, a land use permit shall not be required for any shed or similar structure which is under 200 square feet.

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A. The Zoning Administrator shall verify that all applications for land use permits shall be accompanied by a clearly drawn plot plan which contains the following:
   1. Owner Information
   2. Parcel ID Number
   3. Property Address
   4. North Arrow
   5. Scale
   6. Existing and/or Proposed Structures (including fencing)
   7. Existing and/or Proposed Driveways
   8. Road Right of Way and/or Utility Easements
   9. Sanitary Facilities and Well
   10. Water Bodies on the Site
   11. Wetlands

B. The Zoning Administrator shall request that the applicant submit with the application such additional materials as may be needed to determine whether or not a permit should be issued, such as surveys, soil suitability tests, surface water disposal surveys, erosion control surveys and excavation disposal plans, abstracts, building plans, and permits from other government agencies.

C. Evidence of Ownership. The Zoning Administrator shall review evidence of ownership for all property affected by the permit application.

D. Voiding of Permit. The Zoning Administrator may suspend or revoke a permit issued under the provisions of this Ordinance whenever the permit is issued erroneously on the basis of incorrect information supplied by the applicant or his agent and is in violation of any of the provisions of this Ordinance or of any other Ordinances or regulations of the Township.

E. The Zoning Administrator shall require submission of an application for Site Plan Review in accord with the provisions of Section 25.00 as required.

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17.15 LAND USE PERMITS; INSPECTIONS

A. The construction or usage covered by any land use permit shall be subject to the inspection by the Zoning Administrator to ensure compliance with the provisions of this Ordinance and the approved plot or site plan.

B. The Zoning Administrator shall clearly communicate the inspections schedule to the applicant. It shall be the duty of the holder of every permit to notify the Zoning Administrator when the construction or usage is ready for inspection.

C. Inspections shall be made by the Zoning Administrator at the following intervals:
   1. At the time of staking out lot corners and proposed structures.
   2. When the building foundation forms are in place and/or poles are set, if required and noted on the permit.
   3. Upon completion of the work authorized by the permit.

17.16 LAND USE PERMITS; DENIAL.

The Zoning Administrator shall promptly inform the applicant, in writing, of the denial of a Land Use Permit if such planned building or structure or land use does not comply with the provisions of this Ordinance. Applicants that have been denied a land use permit may appeal Zoning Ordinance decisions in accordance with Section 18.00 - Zoning Board of Appeals or the standards set forth in the applicable General Ordinance.

17.17 LAND USE PERMITS; FEES.

The fees for land use permits shall be established by the Township Board.

To: Whitewater Township Board

From: Cheryl A. Goss, Clerk

Date: 09/07/2018

Re: **Request to Accept or Decline Responsibility – Elkwood Shores Community Drain Field Project**

Professional Engineer Scott Jozwiak brought documents to my office in July regarding a new project, the Elkwood Shores Community Drain Field Project. After reviewing his submission, a couple items were missing. Mr. Jozwiak was contacted and later supplied those items.

As he states in his letter, his purpose in contacting the township is to ask that the board either accept or decline ultimate responsibility for the sewer system, as required by the DEQ permit process.

I invited Mr. Jozwiak to attend the 9/11 meeting in order to answer board questions about the project.

I have also sent Mr. Jozwiak's packet of materials to Attorney Chris Patterson as the township will need legal advice on this issue and preparation of appropriate documents.

Since Attorney Patterson was only asked to provide his recommendations on 9/4, I doubt we will have those by the 9/11 meeting.

Upon receiving Attorney Patterson's recommendations, this matter should be placed on the next agenda for action.

# # #

jozwiak consulting po box 5342 | traverse city, mi 49696 | (231) 218-1201 | www.jozwiakconsulting.com

July 24, 2018

Cheryl A. Goss
Clerk
Whitewater Township
5777 Vinton Road, P.O. Box 159
Williamsburg, MI 49690

RECEIVED 7-25-18 CG

RE: Request for Resolution by Township Board for operation and maintenance of a proposed privately owned, publicly used sewer system
Elkwood Shores Sanitary Association - Community Wastewater Treatment System

Dear Cheryl:

Our office has been developing a project plan that addresses the wastewater needs for nine properties along the west side of Elk Lake. This effort has been in response to the growing desire by these individuals that are currently on holding tanks or failing septic systems the opportunity to have a conventional drainfield system.

We are in the process of developing plans and securing construction contracts for the installation of a privately owned, publicly used sewer system. The group has formed an association and are working with an adjacent landowner to acquire an easement of land that will provide for a drainfield system large enough to service the nine properties.

We have included a preliminary plan that illustrates the intended service district as well as depict the planned location of the drainfield. The proposed system provides a discharge location for the effluent from each of the homes into a community drainfield. Their existing tanks will still remain provided the integrity and sizing is found to be suitable and will function as a septic tank does for any other conventional drainfield system. A pump system will be installed in the last tank at each home. The pump will be connected to a common forcemain that will be located within the road right-of-way. The forcemain will connect to a drainfield located in an easement on land owned by Eucher Bluffs (Bud Mims).

The purpose for our presentation is to ask the Township to either accept or decline ultimate responsibility for the sewer system as required by the DEQ permit application for the construction of a sewer system.

A sewer system serving more than one home is deemed to be a public sewer system and thereby falls under the review of the DEQ under Part 41. Public systems are required to obtain a construction permit through the district office of the DEQ (Cadillac). This permit application (Addendum C) is attached. Item 6 on the application discusses operation and maintenance for the proposed sewerage system. Under this item are listed Sections A, B and C. Essentially, this item asks the question of who is going to be responsible for the system. As you can see, we are obligated to ask the Local Unit of Government (LUG or the Township) if you will accept responsibility.

The township board is given a choice.

- It can accept the responsibility……
    - The private entity will follow the requirements of **Section A** and will work with the Township to develop a funding mechanism to have in place that would provide financial assurance that would be accessible by the Township to operate and maintain the system in the event that the homeowners failed to do so. This is usually accomplished by asking that the private entity place money in escrow to fund the operation and maintenance of the system over a set number of years.
    - In the event that the funding has been exceeded, the township has the authority to leverage an assessment on the properties.
    - Municipalities that have voted to pass a resolution to accept responsibility for identical projects include:
        - Whitewater Township, Grand Traverse County
        - Benzonia Township, Benzie County
- It can decline to accept responsibility…
    - The private entity will follow the requirements of **Section B** and will prepare the necessary legal documents identified in this section. The attachment includes samples of the agreements that the DEQ requires the private entity to record.
    - The operation and maintenance fund is set up with the DEQ
    - Municipalities that have voted to decline passing the resolution for identical projects include:
        - Cleveland Township, Leelanau County
            - Lin-Sher-Dave Drive along the south side of Lime Lake (2006)
        - Glen Arbor Township, Leelanau County (3 projects)
        - Elmwood Township

We are not seeking township approval for the development or for the installation of the system. The required action by the Township is to accept or decline to have ultimate responsibility for a privately owned, publicly used sewer system. This project is wholly funded by the property owners involved. They are not seeking any Township or government assistance for this project.

Most townships favor the route of declining responsibility and this is perfectly acceptable. The Township's action on this item merely determines the flow chart path that we are to proceed along as we work towards securing our permits. Accepting responsibility means that the group of homeowners will work with the Township to develop the financial assurance plan that everyone feels comfortable with. Declining responsibility means that we will develop the documents outlined in Section B of the application and work with the DEQ to establish the safeguards that will insure funding is available for the operation and maintenance.

Included with our packet is a document issued by the DEQ further explaining this requirement. You will note that they refer to Option 1 (acceptance by the LUG) and Option 2 (LUG declines). This packet also contains examples (written by the DEQ) of a resolution to accept responsibility and the sample documents that we must provide to the DEQ if you decline responsibility. There is also a copy of the portion of the permit application that discusses the operation and maintenance provisions (Addendum C). We have also included an exhibit that identifies the project area and a rendering of what this system will look like upon completion of the construction documents.

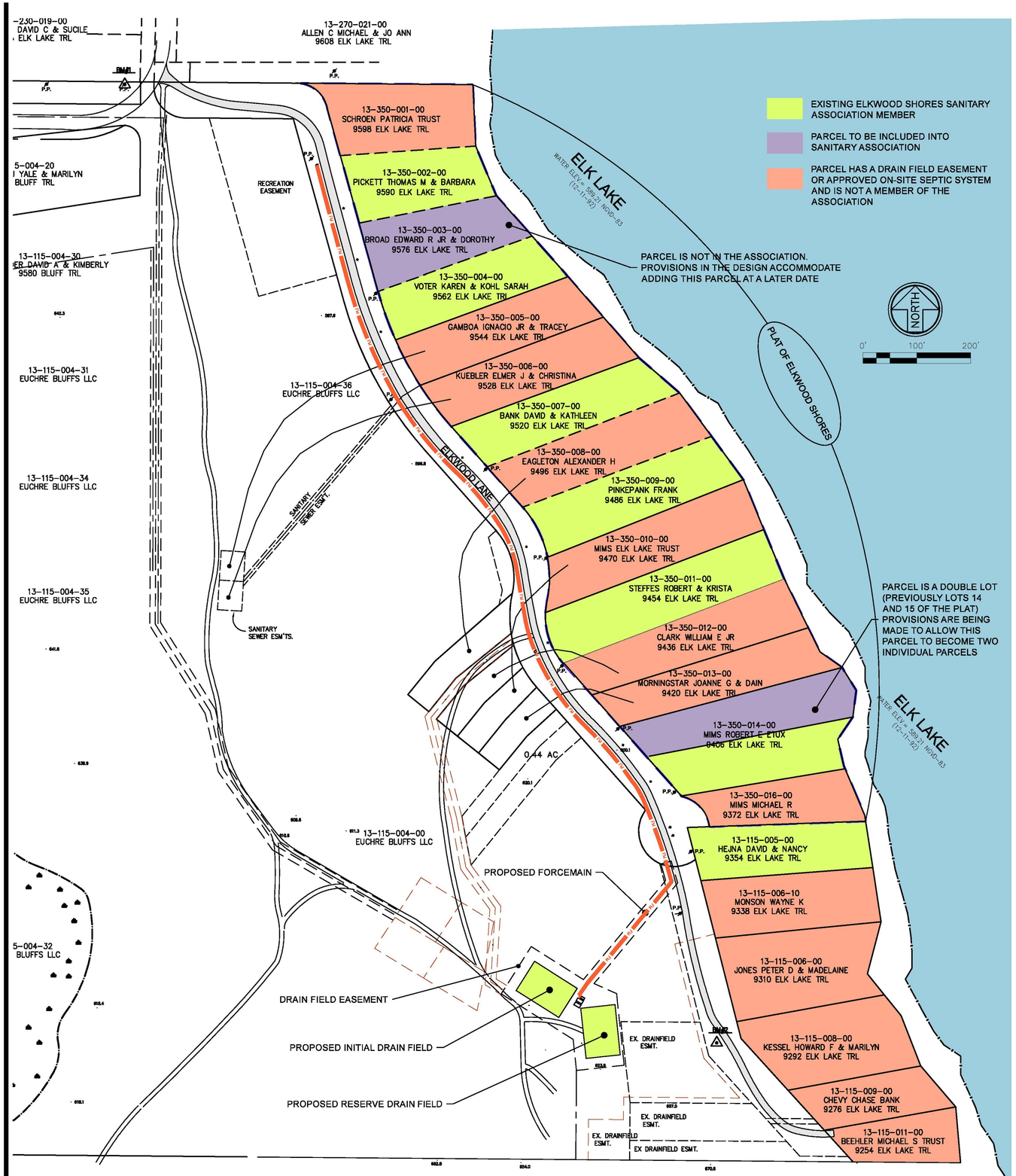
We look forward to presenting this to you on at the next available Township Board meeting. If there is any additional information that you feel we should provide or bring to the meeting, please call.

Sincerely,

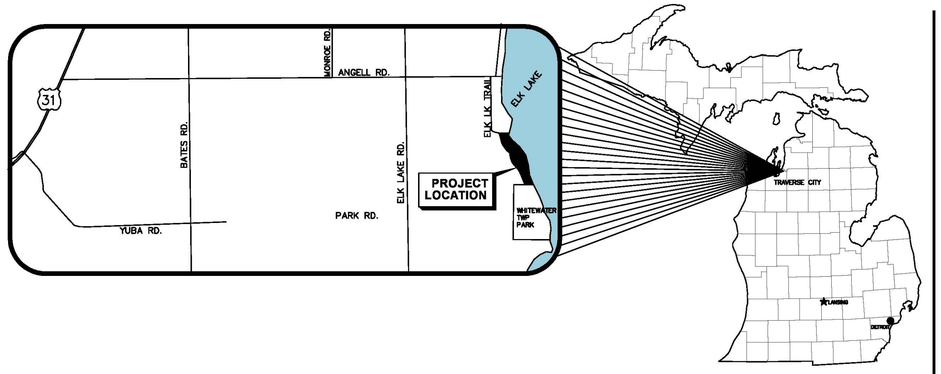
Scott M. Jozwiak, P.E.
Principal

ELKWOOD SHORES COMMUNITY DRAIN FIELD PROJECT

ELKWOOD SHORES SANITARY ASSOCIATION



OVERALL PROJECT MAP



PROJECT LOCATION MAP

SITE ENGINEER:
jozwiak consulting
p.o. box 5342 | traverse city, mi 49696 | 231-218-1201
www.jozwiakconsulting.com

PLAN DATE:
5-7-18 PRELIMINARY PLANS

PROJECT:
ELKWOOD SHORES COMMUNITY DRAIN FIELD PROJECT

LOCATION:
SECTION 15
WHITEWATER TOWNSHIP
GRAND TRAVERSE COUNTY, MI

CLIENT:
ELKWOOD SHORES SANITARY ASSOCIATION

PROJECT NO.:
2016-155

GENERAL PLAN INFORMATION

C1.0

DEQ

WATER BUREAU
POLICY AND PROCEDURES

NUMBER:	**WB-010**
SUBJECT:	**PRIVATELY OWNED, PUBLICLY USED, SEWERAGE SYSTEMS PERMIT APPROVAL**
EFFECTIVE DATE:	**JULY 26, 2007** **PAGE: 1 OF 7**
REVISION DATE:	**OCTOBER 30, 2007**

ISSUE:

Public Sewerage System Construction Permit Approval, and Owner/User Obligations Pursuant to Part 41, Sewerage Systems, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended (NREPA).

Initially, it is noted that a municipality (hereinafter local unit of government or LUG) is subject to the requirements of Section 3109(2) and Section 3109(3) of Part 31, Water Resources Protection, of the NREPA, (MCL 324.3109), for the direct or indirect discharge of raw sewage within its borders that enters the waters of the state.

Further, no person may discharge any waste or waste effluent into the waters of the state unless the person is in possession of a valid permit issued by the Department of Environmental Quality (DEQ) [Section 3112(1) of Part 31]. A person may not construct a sewerage system used or intended to be used by the public for human waste without obtaining a permit to construct in accordance with Part 41 of the NREPA.

The Water Bureau (WB) is charged with administering the Public Sewerage System program governed under Part 41. This policy is established as a direct result of an adverse ruling from the Michigan Court of Appeals invalidating R 299.2933(4), 1954 ACS 85, as amended, promulgated pursuant to Part 41[Subrule 33(4)]. Specifically, the court determined that the DEQ could not require persons who are requesting a permit for constructing and operating a sewerage system designed for public use to first obtain a resolution from the LUG as a guarantee that the LUG would assume responsibility for the operation and maintenance of the system in the event that the private owner fails to perform these functions. The court further found that the DEQ does not have the statutory authority to force the LUG to pass the resolution.

In response to the court opinion, the DEQ has established this alternative process to ensure that sewerage systems governed under Part 41 are continually operated and maintained to avoid the unauthorized discharge of raw or untreated sewage into the waters of the state; and to ensure that sewage is not potentially prejudicial to the public health. In the event that a private developer or operator in charge of the sewerage system abandons or otherwise fails to maintain proper system operation, the DEQ faces two major problems: difficulty in imposing liability against the individual users; and due to the court ruling in the Lake Isabella case, the DEQ is unable to force a municipality to comply with Subrule 33(4) of 1979 AC R 299.2933, as amended. Therefore, to ensure that privately owned public sewerage systems are properly operated and maintained in accordance with Part 41 and the rules promulgated thereunder, the WB will implement the following requirements that shall be completed before issuing a construction permit.

This policy provides guidance to staff regarding the implementation and interpretation of laws administered by the DEQ. It is merely explanatory, does not affect the rights of or procedures and practices available to the public, and it does not have the force and effect of law.

AUTHORITY:

The DEQ is granted statutory authority to regulate public sewerage systems under the provisions of Section 4102 of Part 41. The DEQ also has broad authority to reject or require modifications to a construction permit application if it finds that the proposed sewerage system plans and specifications submitted by the applicant do not adequately protect the public health or may not prevent unlawful pollution of the waters of the state. Under Section 4107 of Part 41 the DEQ is authorized to require specific conditions in the sewerage system design plans and specifications, including method of operation, to ensure that the public health is adequately protected before the owner is issued a construction permit to build the system. The DEQ is further authorized under this section to require a developer or sewerage system owner to comply with recommendations or orders from the DEQ with respect to the method of operation of the proposed sewerage system.

Further, R 299.2941, 1954 ACS 85, as amended, promulgated under Part 41 (Rule 41) provides that either proper devices are or will be in satisfactory operation before discharges to the waters of the state will occur; or a definite program or agreement, approved by the department, which governs the operation of the system must be in place before the DEQ is required to issue a construction permit. In addition, R 299.2955, 1954 ACS 85, as amended, promulgated under Part 41 (Rule 55) requires that the owner of the sewerage system operate and maintain it at all times to avoid any unlawful discharges or upsets.

DEFINITIONS:

The term "public" means that the sewerage system collects, conveys, transports, treats, or otherwise handles sanitary sewage for more than one individually owned family unit or dwelling, or more than one individually owned business.

POLICY:

The DEQ may seek civil fines and penalties and/or criminal sanctions against a municipality or any other "person" when an unauthorized discharge of sewerage occurs. If a private developer constructs a sewerage system intended for use by the public, meaning for the express purpose of treating sewage received from persons defined as public herein, the developer is obligated to maintain the operation of this system for the benefit of those intended users.

In the event that a private developer or operator in charge of the sewerage system abandons or otherwise fails to maintain proper system operation; and to ensure that privately owned public sewerage systems are properly operated and maintained in accordance with Part 41 and the rules promulgated thereunder, the following requirements under either Section A or Section B below shall be completed by the Part 41 permit applicant before the DEQ will issue a construction permit:

A. The owner of the sewerage system shall first approach the LUG and request that it pass a resolution whereby the LUG agrees to assume responsibility for operating and maintaining the sewerage system in the event that the private owner/operator becomes insolvent or otherwise is unable to continue system operation. This request shall be in writing, and shall be sent via

certified letter, in order to obtain a delivery receipt. In addition, the owner of the sewerage system and LUG, under this option, will enter into a binding agreement through which the LUG expressly agrees to assume this responsibility. An example of a resolution is attached to this Policy as Addendum A and an example of an agreement, including the required conditions, is attached as Addendum B.

B. If the LUG declines to pass the resolution and voluntarily assume responsibility, then the owner of the sewerage system shall complete the following requirements before a construction permit will be issued.

The following requirements will be listed as "completed" on a certification statement signed by the owner of the sewerage system and notarized by a public notary before the Part 41 Permit will be issued. Please note that the submittal of any falsified documents attached to the Part 41 application; or the submittal of a falsified Part 41 application is a violation of Part 41. Additionally, please note that any person who shall utter and publish as true, any false, forged, altered, or counterfeit record, deed, instrument, or other writing, . . . knowing the same to be false, altered, forged, or counterfeit, with intent to injure or defraud as aforesaid, may be guilty of a felony, punishable by imprisonment in the state prison for not more than 14 years in accordance with Section 249 of the Michigan Penal Code, 1931 PA 328, as amended, MCL 750.249.

1. The owner of the sewerage system must obtain and submit a letter to the DEQ that is signed by the local municipality in which the project is located that certifies that the municipality has declined to enter the resolution and agreement, provided under paragraph A of this guidance, accepting responsibility for the sewerage system in accordance with Section 3109 of Part 31 of the NREPA, (MCL 324.3109). If the local municipality declines to sign such a letter, or provides no response to the request, the owner of the sewerage system shall submit to the DEQ a written statement, along with the certified letter mailing receipt, that describes the unresponsiveness of the local municipality to its request.

2. The owner of the sewerage system will either retain ownership of the sewerage system or transfer ownership to a "legal entity" it has created to represent all of the users of the sewerage system, and of which all users of the sewerage system shall be a member. The "legal entity" must be a legal entity registered and authorized to conduct business in the State of Michigan. Examples of such legal entities include, but are not limited to, associations, LLCs, P.C.s, LLPs, or partnerships. When that legal entity acquires ownership of the sewerage system, it assumes the responsibility for all aspects of the sewerage system with respect to the obligations set forth under the covenant [see paragraph B(4)]. In the event, however, that the owner of the sewerage system sells the sewerage system, that new owner will also need to form a legal entity as stated herein and such legal entity shall be the registered sewerage system owner of record, and solely responsible for it.

3. The owner of the sewerage system shall, before issuance of the Part 41 Permit, establish a perpetual funding mechanism in the form of an escrow agreement or other financial instrument (collectively escrow) in the two-year amount as is detailed in subparagraph B(3)(II) of this paragraph. This instrument must be payable to the owner of the sewerage system and all users of the system, jointly (this is the "legal entity"); and both shall

be obligated to maintain the escrow to ensure that sufficient funding is available and its use is restricted for the sole purpose of continuing uninterrupted system operation and maintenance in the event that the primary funding mechanism from user fees or other assessments is inadequate or becomes unavailable. The owner of the sewerage system and the users of the system (represented by the "legal entity," of which all users of the system are a member) thereby shall jointly and severally have authority to access the escrow for its intended use. The escrow shall be established and replenished by the owner of the sewerage system and the "legal entity" as stated in subparagraphs B(3)(I) and (B)(3)(II) of this paragraph.

I. A calculation of the costs to operate and maintain all operational aspects of the sewerage system for a time period of five years shall be completed by a Michigan licensed professional engineer. The engineer shall certify this operation and maintenance calculation with his legal name, and professional engineer license number, attesting that the amount is sufficient to pay for the sewerage system operation and maintenance costs for a period of five years (an example workbook for these costs is attached to this Policy as Addendum D).

II. The escrow shall be initially established by the sewerage system owner in an amount sufficient to properly operate the facility, and sufficient to conduct maintenance and necessary repairs and replacements, in accordance with all applicable laws, regulations, and permits, for a period not less than two years. Each user shall be required through the covenant to contribute an additional prorated amount as a portion of the user fee or other funding process to increase the amount of the escrow to pay for the sewerage system operation, maintenance, repairs, and replacements for a total escrow amount of not less than five years. The escrow shall be fully funded to the five-year amount not later than two years after system operation commences. The amount of the two-year escrow calculation and the five-year escrow calculation shall be the amount of money that was determined to be sufficient to pay for the sewerage system operation, maintenance, repairs, replacements, and other necessary costs for the time period stated, as was determined and certified in writing on forms prepared by the licensed professional engineer [subparagraph B(3)(I) of this paragraph].

4. The owner of the sewerage system shall establish and record on the land a "covenant running with the land" (covenant). The covenant shall be legally binding on and enforceable by all system users individually, and will require each individual system user to sign the covenant, or legally agree to the terms in another manner (as in the instance of recordation on the users' property), as a condition precedent of connecting to the sewerage system. Authority for the DEQ requiring this covenant is set forth under Rule 41 promulgated under Part 41 and shall serve as an agreement with specific conditions necessary to properly operate and maintain the sewerage system (an example covenant is attached to this Policy as Addendum E).

Conditions within the covenant shall include the following:

I. Each user shall agree through the covenant that the sewerage system owner may assess a user fee, prorated among the system users, sufficient to maintain all

operational aspects of the system, including potential upgrades, repairs, and general maintenance consistent with the system design and all applicable laws, regulations, and permits. The covenant shall provide for periodic rate increases as necessary to cover operation, maintenance, repair, and expansion costs. This agreement shall be binding on the sewerage system owner, the "legal entity" and individual users jointly.

II. Each user shall agree through the covenant that it will pay into and maintain the escrow account in an amount sufficient to operate and maintain the sewerage system for a period of five years. The covenant shall allow access to the escrow funds by the legal entity, representing all of the system users jointly, for the operation, maintenance, repair, and replacement of the sewerage system.

REFERENCES TO BUREAU PROGRAMS:

The Wastewater Facility Permits program is impacted by this policy.

METHOD OF DISTRIBUTION:

Intranet

PROCEDURE:

Responsibility	Action
Permit Application Review District Engineering Staff	Reviews permit applications submitted for the construction of privately owned, publicly used sewerage systems to ensure that the plans and specifications are adequate for the proposed sewerage system, in accordance with Part 41. The submittal shall include the plans and specifications, and the documents detailed under Option1 or Option 2 of this guidance.
OPTION 1	If the documents that are submitted with the plans and specifications are submitted under Option 1 of this guidance, those documents shall include: • A Resolution from the LUG (see Addendum A), accepting responsibility for the system, if the LUG has agreed to this option. • An Agreement (see Addendum B) between the LUG and the owner of the sewerage system. • A signed and notarized (by a public notary) checklist and Certification Statement (see Addendum C).

For Option 1, district engineering staff will review the plans, specifications, resolution, agreement, and Certification Statement.

OPTION 2

If the LUG refuses to pass a resolution and sign an agreement accepting responsibility, then the applicant shall follow Option 2 and submit an application package containing:

- A letter of declination from the LUG, declining to pass a resolution and sign an agreement for the continued operation and maintenance of the sewerage system, in the event that the owner of the sewerage system fails to properly operate and maintain it.
- A signed and notarized (by a public notary) checklist with Certification Statement. The checklist and Certification Statement (see Addendum C) shall assure:
  - That the "legal entity," of which all users of the system shall be a member, has been created and is registered by the Michigan Department of Labor and Economic Growth (DLEG), and is thereby authorized to conduct business in the State of Michigan;
  - That the Covenant has been drafted in accordance with the requirements of this Policy and has been recorded on the land that the sewerage system is to be constructed upon (an example covenant is attached as Addendum E);
  - That a Michigan licensed professional engineer has personally examined the plans and specifications for the sewerage system and has drafted the operation, maintenance, repair, and replacement costs for a five-year period for the sewerage system, based on the engineer's direct review of the plans and specifications of the proposed sewerage system (the engineer's certification is a part of the workbook attached as Addendum D); and

This policy provides guidance to staff regarding the implementation and interpretation of laws administered by the DEQ. It is merely explanatory, does not affect the rights of or procedures and practices available to the public, and it does not have the force and effect of law.

- That an escrow account has been created and finalized; and is payable to the "legal entity" in the initial amount of 2/5 of the total five-year operation and maintenance cost of the sewerage system, as determined by the Michigan licensed professional engineer (workbook attached as Addendum D).

For Option 2, district engineering staff will review the plans, specifications; letter of declination by the LUG; certificate of creation of the "legal entity" by the DLEG; and the signed and notarized certification statement certifying that the permit applicant recorded the Covenant with the Register of Deeds Office, that the permit applicant has a workbook showing the five-year escrow calculations completed by the Michigan licensed professional engineer along with his certification of the document and that the permit applicant has an escrow agreement with at least a two-year escrow account.

Construction Permit

District Engineering Staff

Issues construction permit if the final plans and specifications comport with Part 41 and the administrative rules promulgated thereunder and if the Option 1 or Option 2 documents are complete and comport with this Policy.

APPROVED: _____ DATE: 10/31/07

Richard A. Powers, Chief
Water Bureau

LAST REVIEWED BY: _____ DATE: _____

Name
Title

This policy provides guidance to staff regarding the implementation and interpretation of laws administered by the DEQ. It is merely explanatory, does not affect the rights of or procedures and practices available to the public, and it does not have the force and effect of law.

ADDENDUM A

NOTICE

This document is intended strictly for use as an example document to assist in the implementation of Water Bureau Policy No. WB-010. This document should be revised to accurately reflect the specific needs of the parties represented herein. This document should not be relied upon as being legally sufficient to accurately represent all potential issues related to the specific needs of any municipality or private entity. The Michigan Department of Environmental Quality (DEQ) does not accept responsibility or assume any liability for any omission or misunderstanding of any party who relies on this document as meeting the party's expectations. The DEQ encourages the parties listed on this document to seek independent legal advice to ensure that their respective needs are met.

DIRECTIONS

- **{language like this}** should be deleted and filled in with the appropriate information.
- *Language like this* is specific directions applicable to that section of this document and should be deleted.

*PLEASE DELETE THIS TEXT BOX WHEN DRAFTING THE RESOLUTION

RESOLUTION

At a meeting of the (Municipality board name here), of the Municipality of, _____, _____ County, Michigan, held on the _____ day of (month) ___, (year), at (location of the meeting), at _____ o'clock a.m. /p.m.

PRESENT: _____

_____

_____

_____

ABSENT: _____

_____

_____

_____

The following Resolution was offered by member (name here) and supported by member (name here):

WHEREAS, (name of the developer/owner corporation, LLC, LLP or partnership) has proposed the construction of a new *(choose one)* Waste Water Treatment Plant (WWTP) *(or)* sanitary sewage collection system to serve (kinds of buildings here) and

surrounding properties, which properties are located in (Municipality name here) and set forth on the attached Exhibit "A"; and

WHEREAS, (name of the developer/owner, LLC, LLP or partnership), a Michigan corporation, agrees to construct said *(choose one)* (WWTP) *or* (collection system) and any accompanying appurtenances at its sole cost and to be responsible for it operation and maintenance upon completion thereof; and

WHEREAS, this Municipality Board recognizes the need for proper construction and continued adequate operation and maintenance of said sanitary sewage system to protect the public health, safety and welfare of Municipality residents;

NOW, THEREFORE, BE IT RESOLVED:

1. That (name of the developer/owner, LLC, LLP or partnership), present plans for review and approval by the Municipality Zoning Administrator (name here), as well as appropriate health and building agencies of the County of (name of affected county) and the State of Michigan, more particularly the Department of Environmental Quality of the State of Michigan; and

2. That (name of the developer/owner, LLC, LLP or partnership) obtain all necessary approvals, both State and Local, necessary to construct said (WWTP) *or* (collection system), and any appurtenances associated therewith and file copies of the same with the Municipality. Further, the cost and expense of construction, together with all necessary approvals of the (WWTP) *or* (collection system) and any appurtenances, shall be the sole and exclusive responsibility of (name of the developer/owner, LLC, LLP or partnership).

3. That (name of the developer/owner, LLC, LLP or partnership) cause to be executed an Agreement, which shall also be binding upon any assignee or successor in interest to (name of the developer/owner, LLC, LLP or partnership) , and the Municipality of _____, whereby (name of the developer/owner, LLC, LLP or partnership) agrees to operate the system and maintain it in accordance with all State and local regulations and statutes, but in the event of insolvency or other reasons including dissolution of the corporation owning the (WWTP) *or* (collection system), that the Municipality of _____ would assume responsibility for operation and maintenance if certain conditions are satisfied. Further, (name of the developer/owner, LLC, LLP or partnership) shall provide a financial assurance mechanism in the form of a (type of mechanism) to ensure funds will be available for the continued operation and maintenance of the sanitary sewage system, in the event of (name of the developer/owner, LLC, LLP or partnership) insolvency or other occurrence that results in a failure of the operation and maintenance of the sanitary sewage system; or insolvency or other occurrence of a successor or assignee that results in a failure of the operation and maintenance of the sanitary sewage system.

4. That the Agreement shall be attached to this Resolution, and shall be executed by (name of the developer/owner, LLC, LLP or partnership) prior to, or within five (5) days of the passage of this Resolution; and this Resolution incorporates, by reference, the terms and provisions of said agreement.

5. That, as noted above, all the terms and provisions of the proposed Agreement (a copy of which is attached to this Resolution and specifically incorporated herein by reference) are a part of this Resolution, and in the event (name of the developer/owner, LLC, LLP or partnership) or its assignee or successor becomes insolvent, dissolves or otherwise has insufficient funds to operate or maintain the (WWTP) *or* (collection system) in a manner required by law or local regulation, the terms and provisions of said Agreement shall apply and the Municipality will take such steps as are authorized under the Agreement.

AYES: _____

NAYES: _____

RESOLUTION DECLARED ADOPTED

(Signed name of Municipality Clerk)
(Typed name here)
(Title of person here)

I hereby certify that the foregoing is a true and complete copy of the Resolution adopted by the Municipality Board of the Municipality of _____, County of _____, State of Michigan, at a meeting held on (month here), (Year here), and that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act and that the minutes of said meeting were kept and will be or have been made available as required by said Statute.

(Signed name of Municipality Clerk)
(Typed name here)
(Title of person here)

ADDENDUM B

NOTICE

This document is intended strictly for use as an example document to assist in the implementation of Water Bureau Policy No. WB-010. This document should be revised to accurately reflect the specific needs of the parties represented herein. This document should not be relied upon as being legally sufficient to accurately represent all potential issues related to the specific needs of any municipality or private entity. The Michigan Department of Environmental Quality (DEQ) does not accept responsibility or assume any liability for any omission or misunderstanding of any party who relies on this document as meeting the party's expectations. The DEQ encourages the parties listed on this document to seek independent legal advice to ensure that their respective needs are met.

DIRECTIONS

- **{language like this}** should be deleted and filled in with the appropriate information.
- *Language like this* is specific directions applicable to that section of this document and should be deleted.

*PLEASE DELETE THIS TEXT BOX WHEN DRAFTING THE AGREEMENT

AGREEMENT

This Agreement is made this **(day)** day of **(month)**, **(year)**, between **(name of developer/owner)**, a Michigan corporation, LLC, PLC, partnership or adoption of a resolution, of _____ County, Michigan, hereinafter referred to as **("short name of corporation")** and **(Municipality name)**, a Michigan General Law Municipality, referred to as **(put any shortened/alternate name the Municipality is referred to as here)**, a Michigan General Law Municipality, of _____ County, Michigan, hereinafter referred to as either **("shortened name of Municipality here")** or "Municipality" and collectively known as "the parties".

WHEREAS pursuant to the terms and provisions of this agreement and the provisions hereinafter set forth by the Adopted Resolution, the _____ Municipality will accept responsibility for the operation and maintenance of the *(Waste Water Treatment Plant)* (WWTP) *and/or (collection system)*, as defined under Part 41, Sewerage Systems, of the NREPA, P.A. 451 of 1994, in the event that (name of developer/owner) becomes insolvent or is otherwise unable to properly operate the **(WWTP and/or collection system)** in accordance with applicable laws; and

WHEREAS **(name of developer/owner)** and the Municipality desires to provide, among other things, a procedure to ensure that adequate monies will be available to cover the cost of operation of the sewage treatment facility in the interim between the time, if any, when **(name of developer/owner)** becomes insolvent and no longer able to

operate the sewage treatment facility and the time period for a creation of a special assessment district as set forth herein;

NOW IT IS AGREED AS FOLLOWS:

1. Construction:

(Name of developer/owner), or its approved assignee or transferee, at its sole cost and expense, agrees to construct an appropriate WWTP, meeting all necessary and applicable Michigan Department of Environmental Quality specifications. All applications, procedures, construction, approval, and the like, shall be obtained by (name of developer/owner) and the cost and expenses related shall be the sole and exclusive responsibility of (name of developer/owner). Further, (name of developer/owner) agrees to meet any and all Michigan Department of Environmental Quality requirements for the construction of such a WWTP, and all plans and specifications shall first be approved by the Michigan Department of Environmental Quality.

This Agreement relates only to the operation and maintenance of the WWTP, in the event (name of developer/owner), a Michigan corporation, was to become insolvent at some future date, or is otherwise be unable to operate and maintain the WWTP in accordance with applicable law. The Agreement does not extend to, or contemplate, any responsibility on the part of the Municipality for the construction of the WWTP.

2. Cost of Operation/Assignment or Transfer:

The cost of operation and maintenance of the WWTP, whether by way of treatment cost, maintenance, repair, or the like, shall be the sole and exclusive responsibility of (name of developer/owner) for so long as (name of developer/owner) is financially able to do so. In the event (name of developer/owner) transfers any or all of its interest in and to the WWTP to a successor in interest or a third party, said successor in interest or third party shall be bound by the terms and provisions of this Agreement, and shall assume all of (name of developer/owner)'s responsibilities as stated in this Agreement.

(Name of developer/owner) shall not assign or transfer any part, or all, of its interest in the WWTP to any third party or successor in interest, without the express written approval of the Municipality, whose consent shall not be unreasonably withheld, but the Municipality may inquire and ascertain, to the satisfaction of any applicable governing board or commission, after a review of the financial books and records of the proposed assignee, that said assignee has sufficient financial resources to meet the obligations set forth in this Agreement. Further, any such assignment, by consent, shall not operate to relieve or release (name of developer/owner)'s liability or responsibility under the terms and provisions of this Agreement.

3. Insolvency or Inability of the Developer/Owner to Continue WWTP Operation and Maintenance

The Municipality, subject to the terms and provisions of this paragraph, agree to accept and be responsible for the operation costs of the WWTP (whether by way of actual treatment costs, operation or maintenance) in the event (name of developer/owner), a Michigan corporation, were to become insolvent or is otherwise

unable to continue operation and maintenance the WWTP, provided, however, that the following circumstances exist at the time the Municipality is requested to assume operation costs:

A. That the _____Municipality is able, pursuant to then existing law, to create a special assessment district encompassing all of the treatment facility and facilities, be they residential units, condominium units, hotel accommodations, or otherwise, that are serviced or benefit from the existence of the WWTP.

B. That there have been no violations or breaches of the terms and provisions of this Agreement, in that the perpetual escrow (as set forth below) is in fact in existence, and is paid to the Municipality; and

C. This Agreement pertains only to the insolvency or other form of dissolution of (name of developer/owner), and not to any third party assuming an ownership interest in and to said properties, unless said assumption has specifically been approved by the Municipality and provides that the terms and provisions of this Agreement would remain in effect; and

D. That there exist no claims, or potential claims, whether by way of contract, tort, or otherwise, against the WWTP, or any portion of the sewage delivery system, including appurtenant structures. It is specifically understood that any acceptance by the Municipality of the operation of the WWTP shall be solely related to the costs and expenses thereof and there shall be no assumption of liability to any third party. In the event substantial liabilities exist against the WWTP, of whatsoever source and nature, the Municipality's agreement to accept responsibility for the operation, maintenance and replacement of the WWTP as stated herein shall not terminate.

E. That the Municipality does not accept responsibility for any environmental contamination or pollution of any kind and nature as shall fall under or be defined by either Federal or State laws or regulations, as amended, that may exist at the time of the WWTP transfer. Further, (name of developer/owner) shall provide, prior to transfer, written confirmation by a reputable firm engaged in analysis and determination of environmental quality/contamination that no such contaminants or pollution exists on the property, surface water, ground water, or other body of water or natural resources over which the Municipality would assume control or the related facilities and operations pursuant to this Agreement.

F. During the term of this Agreement, (name of developer/owner), agrees to give written notice to the Municipality of any contamination or pollution known or discovered or which should have been reasonably discovered within 72 hours from the time the contaminants or pollution is known or discovered.

4. Indemnification/Existing Contamination or Pollution:

In the event that the Municipality, for any reason whatsoever, assumes the control or operation of the WWTP, which is the subject matter of this Agreement, it is specifically understood and acknowledged between the parties hereto that the Municipality assumes no liability of (name of developer/owner) or its assignees for contamination or pollution that existed or exists on or before the date of transfer of the system or operational control pursuant to this Agreement.

Further, if the Municipality takes over the premises, the facility and the system subject to the terms of this Agreement and contamination or pollution is discovered subsequent to the date of transfer or assumption of control that is attributable to a period of time before the date of transfer, then (name of developer/owner) , or its assigns, shall defend, hold harmless and indemnify the Municipality from any and all liability and expenses associated with such pollution or contamination including, but not limited to, the remedial costs as required by either Federal or State laws or regulations, together with reasonable, actual attorneys fees incurred by the Municipality in defending or participating in any litigation, administrative hearing or other procedures or hearing necessitates as a result of such pollution or contamination.

5. Financial Records:

(Name of developer/owner) agrees to provide the Municipality with a yearly financial statement setting forth the estimated cost to operate the WWTP based upon known facts and figures. Such information shall be provided to the Municipality at least sixty (60) days prior to the expiration date of the perpetual escrow, as set forth below, and said escrow shall be increased to cover the anticipated operating costs of the sewage treatment facility for the coming eighteen (18) month period. In the event such information is not provided by (name of developer/owner), then any new or continuing bond shall be automatically increased by ten (10%) percent of the face amount. The surety on any such bond shall be by a company authorized to do business in the State of Michigan, and escrow shall be in a form acceptable to the Municipality.

6. Financial Bond:

(Name of developer/owner) agrees to annually obtain and pay for a perpetual escrow in the amount of the estimated cost of operating said sewage treatment facility for a two year period. The escrow required pursuant to this section shall remain in full force and effect throughout the term of this Agreement and shall be reviewed and increased or decreased annually, to reflect the cost of operation and maintenance of the WWTP.

That the surety on said escrow shall be a company authorized and approved to do business in the State of Michigan, and the escrow shall be in a form satisfactory to the Municipality.

That the cost of said bond shall be paid for in its entirety by (name of developer/owner), and said cost shall be paid in advance, such that the escrow is "non-cancelable" during the period covered.

7. Effective Date:

This Agreement becomes effective upon the occurrence of all four of the following events:

A. Execution of the Agreement and passage of a resolution incorporating the Agreement by _____ Municipality, _____ County, Michigan;

B. Acceptance and signature by (name of developer/owner), a Michigan corporation, agreeing to be bound by the terms and provisions of this Agreement;

C. The completion, including approval by the Department of Environmental Quality, of the WWTP.

IN WITNESS WHEREOF, the parties have thus accepted this Agreement on the (day here) day of (month here), (year here).

(NAME OF DEVELOPER/OWNER HERE)

By: _____
(Typed Name of Developer/Owner Here)
Developer/Owner

(NAME OF MUNICIPALITY HERE)

By: _____
(Typed Supervisor Name Here), Supervisor

By: _____

(Typed Clerk's Name Here), Clerk

DEQ

MICHIGAN DEPARTMENT OF ENVIRONMENTAL QUALITY, WATER BUREAU

NON GOVERNMENTAL OWNERSHIP CHECKLIST

Addendum to **PERMIT APPLICATION FOR WASTEWATER SYSTEMS**

Part 41, Act 451, PA 1994

Permit applications for a **non governmentally owned, publicly used sewerage systems** must include a completed copy of this checklist. Water Bureau Policy WB-010 for addressing this issue is available at http://www.michigan.gov/deq (Water Program Wastewater Construction Page).

Items 1 through 5: Enter information as on page 1 of the PERMIT APPLICATION FOR WASTEWATER SYSTEMS (EQP4600).

1. **ORGANIZATION, AND ADDRESS** which will own the proposed wastewater facilities:	3. **PROJECT NAME** 4. **Project Location**
2. **Owner's Contact Person** (provide name for questions): Name: Phone:	5. **County** (location of project)

6. **Operation and Maintenance Program for the proposed sewerage system:**

Use **Section A** if the local unit of government (LUG) has accepted responsibility in accordance with MCL 324.3109(3).
Use **Section B** if the LUG has declined to accept responsibility in accordance with MCL 324.3109(3) and the applicant has set up a Section B program to fulfill WB010.
Use **Section C** if the LUG has declined to accept responsibility in accordance with MCL 324.3109(3) and the applicant has fulfilled WB-010 in some other manner.

Section A For projects that the LUG has accepted responsibility.

Yes No
☐ ☐ A copy of a resolution from the LUG agreeing to accept responsibility is attached
☐ ☐ A copy of the O&M agreement between the LUG and the owner is attached

Section B For projects that the LUG has declined to accept responsibility, and the following program has been put it place.

1. **Either** ☐ A LUG signed statement of declination of responsibility is attached, or ☐ Proof of LUG unresponsiveness is attached

Yes No
2. a ☐ ☐ A "legal entity" has been created.
b ☐ ☐ Each co-owner of the sewerage system is a member of the "legal entity."
C ☐ ☐ A copy of the "legal entity" creation certificate from the Department of Labor and Economic Growth is attached.
3. a ☐ ☐ A Restrictive Covenant that runs with the project land is executed and is in effect. Enter Liber and Page
b ☐ ☐ The Restrictive Covenant has been recorded on the titles of all properties served by the project.
c ☐ ☐ The Restrictive Covenant provides for continued proper O&M of the sewage system.
d ☐ ☐ The Restrictive Covenant fully complies with Part 41, Rules 299.2941 and 299.2955 promulgated under Part 41, and DEQ Policy WB-010.
4. a ☐ ☐ The cost of 5-years of O&M of the sewerage system has been calculated and certified by a Michigan Licensed P.E.
b ☐ ☐ An escrow account with escrow agreement has been established in accordance with WB-010
c ☐ ☐ The escrow account is payable to the "legal entity" and is restricted for emergency O&M of the sewerage system

Section C For projects that the LUG has declined to accept responsibility and WB-010 is fulfilled in some alternative way.

1. **Either** ☐ A LUG signed statement of declination of responsibility is attached, or ☐ Proof of LUG unresponsiveness is attached

Yes No
2. ☐ ☐ A program is in force and effect that fulfills all the requirements of WB-010
3 ☐ ☐ A full explanation of how the program intends to fulfill all of the requirements of WB-010 is included with this application.
Note: The department will review alternative O&M assurance programs to confirm that they meet all requirements.

7. **Owner's Certification**

I,_____ (name), acting as the _____ (title/position) for _____ (entity owning the proposed facilities) do hereby certify that the information provided on this checklist is true and accurate to the best of my knowledge. I also hereby certify that the documents described above on this checklist have been executed, are currently in effect, and have been completed in conformance with DEQ Policy WB-010, Part 41, Sewerage Systems, of the Natural Resources and Environmental Protection Act, 1994 PA 451 as amended, MCL 324.4101 *et seq.* and Rules 299.2941 and 299.2955 promulgated under Part 41. I will provide any document herein described to the DEQ upon request.

Signature:_____

Date: _____ Phone No: _____

SUBSCRIBED AND SWORN to before me on the _____ day of _____, _____, a notary public in and for

_____ County, Michigan.

Notary Public:_____ My Commission Expires: _____

ADDENDUM D

NOTICE

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DIRECTIONS

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*PLEASE DELETE THIS TEXT BOX WHEN DRAFTING THE WORKBOOK

INSTRUCTIONS

Pursuant to the Sewerage System Construction Permit Approval process and the owner/user obligations set forth in Part 41, Sewerage Systems, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended (NREPA), this workbook has been established to assist the developer/owner of the proposed sewerage system in calculating an accurate perpetual funding mechanism (as is acceptable to the DEQ) amount based on the annual amount required to properly operate, maintain, and replace the system and system components in accordance with all local, state and federal laws and regulations.

This perpetual funding mechanism (collectively, escrow) must be payable jointly and severally to the owner and the legal entity created to provide proper operation and maintenance of the sewerage system, collectively the "user association," and both shall be obligated to maintain the escrow to ensure that sufficient funding is available and restricted for the sole purpose of continuing uninterrupted system operation and maintenance in the event that the primary funding mechanism from user fees or other assessments is inadequate or becomes unavailable. The owner and the user association thereby shall jointly and severally have the authority to access the perpetual funding mechanism for its intended use only, as allowed by the covenant running with the land (covenant).

The enclosed worksheets are for example and convenience for the licensed professional engineer or the certified wastewater treatment plant (WWTP) operator to complete and

attach any and all applicable documents to. In doing so, the licensed professional engineer or the certified WWTP operator is attesting that the calculated escrow amount is sufficient for the system operation, maintenance, and necessary replacement costs for a period of five years, including periodic rate increases as provided for in the covenant.

Use the Worksheet Table 1 and Table 2 to determine the operating Expenses, Operating Revenues, Non-Operating Revenues, and Total Escrow amount needed for years 1 through 5. Therefore, when completed, one Table 1 (Projected Expenses and Revenues), four Table 2 (Operating Revenues Calculator), and one table 3 (Replacement Needs) shall be submitted. The terms contained in these Tables are defined in "Definitions". Table 1 shall be completed for a summary of five years of the expenses and revenues of the system being permitted under Part 41. The expenses and revenues in this Table shall also exhibit increased or decreased values based on inflationary factors such as, but not limited to wastewater rates, wastewater fees, and changing costs, all relating to the terms of the covenant for the system. Table 3 should be completed for each of years 1 through 5 for values to be inserted into Table 1.

EXAMPLE ENGINEER CERTIFICATION

TOTAL ESCROW AMOUNTS NEEDED

I, **John Doe, P.E.**, **a certified wastewater works engineer**, (*please choose one:* 1) a certified wastewater works engineer or 2) licensed professional engineer) in the State of Michigan, have personally examined the design specifications and operational plans for the sewerage system project proposal for **Majestic Condominiums** (name of development) located at **1234 South Road** (*address*) in the Township of **Kingsville**, County of **Queen**. The type of sewerage system proposed for **Majestic Condominiums** (*name of development*) is a **privately owned, public sewerage system with a common septic tank capable of receiving 12,000 gallons per day. A wastewater discharge permit to a public water body is required with expected effluent limits of** (*explain the type, give a short description, and if a discharge permit is required, name the type of permit and the expected effluent limits for it*). I hereby certify that the amount of the escrow sufficient to operate, maintain and perform needed replacements of the wastewater system for a period of two years is $**2,146.** The amount of escrow sufficient to operate, maintain and perform needed replacements of the wastewater system for e period of five years is $**5,450.** These amounts were calculated considering reasonable inflationary costs as provided in the attached evaluation document. These operation, maintenance and replacement costs were determined on the **7th** (*date*) day of **May** (*month*), **2005** (*year*), using the attached documents that summarize the costs of operation, maintenance and needed replacement.

_____ _____

(*Signature of certified engineer*) (*Date*)

_____

(*List credentials here*)

_____

(*Location*)

_____

(*Address*)

(___) _____

(*Phone number*)

EXAMPLE DOCUMENT ONLY

TOTAL ESCROW AMOUNTS NEEDED

I, _____ a _____, in the State of Michigan, have personally examined the design specifications and operational plans for the sewerage system project proposal for _____ located at _____ in the Township of _____, County of _____. The type of sewerage system proposed for _____ is a _____. A wastewater discharge permit to a public water body is required/not required (please circle) with expected effluent limits of (please fill in if applicable) _____. I hereby certify that the amount of the escrow sufficient to operate, maintain and perform needed replacements of the wastewater system for a period of two years is $ _____. The amount of escrow sufficient to operate, maintain and perform needed replacements of the wastewater system for a period of five years is $ _____. These amounts were calculated considering reasonable inflationary costs as provided in the attached evaluation document. This certification determined on the _____ day of _____, _____, using the attached documents that summarize the costs of operation, maintenance and needed replacement.

_____ _____

(*Signature of certified engineer*) (*Date*)

_____

(*List credentials here*)

_____

(*Location*)

_____

(*Address*)

(___)_____

(*Phone number*)

DEFINITIONS FOR THE WORKSHEET

I. Operating Expenses – typical system expenses

a. **Administration:** expenses for billing, accounting, or engineering services from internal sources other than the water system.
b. **Contractual services:** expenses by outside contractors for services for O&M of the system.
c. **Equipment rental:** expenses for rent of equipment used by the system. This rented equipment can come from outside sources or from the central garage, public works, or other internal source.
d. **Insurance:** expenses for insurance of the system.
e. **Personnel services:** expenses for salaries, wages, benefits, overtime, sick and vacation leave, insurance pension plans, worker's comp.
f. **Professional services:** expenses for legal, engineering, accounting services by outside contractors.
g. **Repairs and maintenance:** expenses for repairs and maintenance of system equipment and facilities.
h. **Replacement:** expenses for the replacement of operational equipment that has a life span of less than 20 years and that is dedicated to the wastewater treatment facility to maintain system integrity.
i. **Supplies:** expenses for materials and supplies used for operation and maintenance (O&M) other than those from contractual services.
j. **Utilities:** expenses for electricity, gas, and water for operation of the system.
k. **Other:** expenses not included elsewhere (i.e. training, permit fees, etc.)

II. A. Revenues – typical sources of revenue

a. **Penalties and shutoffs:** revenues from disconnections, late fees, and penalties.
b. **Surcharges:** revenues from added demands.
c. **Wastewater rates:** revenues based on quantity of water used (this may be different for each user, and may change based on changing usage).
d. **Wastewater charges:** revenues based on a fixed component such as hook-ups, residential equivalent units, meter size, operator salaries (this is a basic charge)
e. **Other:** add revenues other internal sources such as sale of assets, etc.

B. Non-Operational Revenues:

a. **Interest income:** add revenues from notes, loans, securities, etc.
b. **Transfers in:** add revenues from funds outside the water fund; funds transferred in for expenses that are not covered by other revenues.

TABLE 1
PROJECTED EXPENSES AND REVENUES
Project expenses and revenues for the next 5 years

	Operating Expenses	**Year 1**	**Year 2**	**Year 3**	**Year 4**	**Year 5**
a.	Personnel services	$	$	$	$	$
b.	Professional services	$	$	$	$	$
c.	Supplies	$	$	$	$	$
d.	Contractual services	$	$	$	$	$
e.	Repairs and maintenance	$	$	$	$	$
f.	Equipment rental	$	$	$	$	$
g.	Insurance	$	$	$	$	$
h.	Utilities	$	$	$	$	$
i.	Administration	$	$	$	$	$
j.	Replacement of equipment	$	$	$	$	$
k.	Other	$	$	$	$	$
l.	**Total Expenses**	$	$	$	$	$
	Operating Revenues	**Year 1**	**Year 2**	**Year 3**	**Year 4**	**Year 5**
m.	Wastewater rates	$	$	$	$	$
n.	Wastewater charges	$	$	$	$	$
o.	Penalties and shutoffs	$	$	$	$	$
p.	Surcharges	$	$	$	$	$
q.	Other	$	$	$	$	$
	Non-Operating Revenues					
r.	Interest Income	$	$	$	$	$
s.	Transfers in	$	$	$	$	$
t.	**Total Revenues**	$	$	$	$	$

* Please add the "Total Expenses" boxes at the end of year 1 and 2 to determine the amount of money that must be in a perpetual funding mechanism prior to the attainment of a construction permit for the sewerage system. Please add years 1 through 5 for the five year amount. Then put both amounts on the engineer's certification on page 4 of this packet of worksheets.

TABLE 2
OPERATING REVENUES CALCULATOR
For Table 1, Items m, n and q

a.	Wastewater Rates $_____ x Flow Amount _____= Revenue$_____
b.	Wastewater Charge $_____ x Number of Users ____= Revenue$_____
e.	Other_____$_____ x_____ = Revenue$_____

TABLE 3
REPLACEMENT NEEDS

Use this table to itemize a list of equipment that is dedicated to the operation of the wastewater system and that will effectively operate less than 20 years. Items included, but not limited to this purpose should be items like vehicles, pumps, motors and computers. This itemized list is for the procurement and installation of the equipment, accessories and appurtenances necessary during the useful life of the water system to maintain its design capacity and performance. It is not intended to provide funding for reconstruction, expansion, or upgrading.

Item	Replacement Value	Est. Life	Annual Replacement Amount
Computers	$	years	$
Pumps	$	years	$
Generators	$	years	$
Control Valves	$	years	$
Vehicles	$	years	$
Safety Equipment	$	years	$
Other	$	years	$
		Total Replacement Costs:	**$**

Note: If the estimated life of an item is less than 5 years, only account for the item once by treating it as if it had a 5 year life. See table 3(a) for an example of this table. The rest of the calculations are based on straight line depreciation of the items, prorated over its life span.

TABLE 3(A)
REPLACEMENT NEEDS EXAMPLE

Item	Replacement Value	Est. Life	Annual Replacement Amount
Computers	$ 5,000	10 years	$ 500
Pumps	$ 10,000	3 years	$ 2,000
Generators	$ 10,000	4 years	$ 2,000
Control Valves	$ 6,000	15 years	$ 400
Vehicles	$ 75,000	10 years	$ 7,500
Safety Equipment	$ 15,000	4 years	$ 3000
Other	$ 0	years	$ 0
		Total Replacement Costs:	**$15,400**

ADDENDUM E

NOTICE

This document is intended strictly for use as an example document to assist in the implementation of Water Bureau Policy No. WB-010. This document should be revised to accurately reflect the specific needs of the parties represented herein. This document should not be relied upon as being legally sufficient to accurately represent all potential issues related to the specific needs of any municipality or private entity. The Michigan Department of Environmental Quality (DEQ) does not accept responsibility or assume any liability for any omission or misunderstanding of any party who relies on this document as meeting the party's expectations. The DEQ encourages the parties listed on this document to seek independent legal advice to ensure that their respective needs are met.

DIRECTIONS

- **{language like this}** should be deleted and filled in with the appropriate information.
- *Language like this* is specific directions applicable to that section of this document and should be deleted.

*PLEASE DELETE THIS TEXT BOX WHEN DRAFTING THE COVENANT

RESTRICTIVE COVENANT RUNNING WITH THE LAND

WHEREAS, **{legal name of permittee}**, is the Developer and owner of **{name of the development}** ("**{short name to be used as reference}**") located in **{name of Township}** Township, **{name of county}** County, Michigan and is legally described on Exhibit A to this Covenant hereto *(make sure there is a legal description attached named "Exhibit A")*; and

WHEREAS, **{name of development}** will be served by a privately owned, public sewerage system (the "Sewerage System"); and

WHEREAS, the Sewerage System is comprised of a Treatment Facility and a Collection System *(change, if necessary)*; and

WHEREAS, the Treatment Facility is owned by **{legal name of owner}** and the Collection System is owned by **{legal name of owner}** *(note, if there is only one owner, please change this section accordingly)*; and

WHEREAS, pursuant to Part 41 of the Natural Resources and Environmental Protection Act, 1994 P A 451, as amended, the Michigan Department of Environmental Quality ("DEQ") has developed a Policy dated June 10, 2004, signed by the Chief of the Water Bureau that was established as a direct result of an adverse ruling from the

Michigan Court of Appeals invalidating Rule 33(4), 1975 ACS R 299.2933(4) promulgated pursuant to Part 41. Specifically, the Court determined that the DEQ could not require persons who are requesting a permit for constructing and operating a sewerage system designed for public use to first obtain a resolution from the Local Unit of Government as a guarantee that the Local Unit of Government would assume responsibility for the operation and maintenance of the system in the event that the private owner fails to perform these functions; and

WHEREAS, pursuant to the Michigan Court of Appeals adverse ruling, the DEQ was charged with establishing and implementing an alternative process for ensuring that privately owned public sewerage systems governed under Part 41 are operated and maintained to avoid the unauthorized discharge of raw or untreated sewage into the waters of the state; and

WHEREAS, the DEQ is granted statutory authority to regulate public sewerage systems under the provisions of Section 4102 of Part 41; and

WHEREAS, under Section 4107 of Part 41, the DEQ is authorized to require specific conditions in the sewerage system design plans and specifications, including method of operation, to ensure that the public health is adequately protected before the owner is issued a construction permit to build the system; and

WHEREAS, the DEQ is authorized under Section 4107 of Part 41 to require a developer or sewerage system owner to comply with recommendations or orders from the DEQ with respect to the method of operation of the proposed sewerage system; and

WHEREAS, Rule 41, promulgated under Part 41, provides that either proper devices are or will be in satisfactory operation before discharges to the waters of the state will occur; or a definite program or agreement, approved by the department, which governs the operation of the system must be in place before the DEQ is required to issue a construction permit; and

WHEREAS, Rule 55, promulgated under Part 41, requires that the owner of the sewerage system operate and maintain it at all times to avoid any unlawful discharges or upsets; and

WHEREAS, the placement of this Restrictive Covenant on **{name of development}** is required by the DEQ to ensure that the sewerage system will be operated and maintained in accordance with Part 41 of the NREPA at all times; and

WHEREAS, the Developer has established the **{name of legal entity responsible to upkeep the O&M for the sewerage system}** (**choose one, or insert other** "the **"Association"**; the **"LLC"**; the **"LLP"**; the **"Corporation"**) that has responsibilities for and rights in the property of **{name of development}**, including the Collection System portion of the Sewerage System; and

WHEREAS, the Developer has entered into an Agreement (the "Sewerage Agreement") with **{legal name of that third party}**, (**{"shortened name to be used as reference"}**) that has responsibilities for the Sewerage System and owns the Treatment Facility portion of the Sewerage System and is attached to this covenant as Exhibit B; and *(Only use this section, or portion of this section, if there is a third party owner/operator of the treatment facility; make sure that the Agreement is attached as Exhibit B)*

WHEREAS, the Developer has granted **{third party}** easement rights (the "Easement") by this covenant and located in the Sewerage Agreement over the property of **{name of development}** to allow **{third party}** to access its property and fulfill its obligations under the Sewerage Agreement; and

WHEREAS, each owner of a unit in **{name of development}** is a member of the **{legal entity}** and has individual responsibilities for paying a proportionate share of the costs of the Sewerage System; and

WHEREAS, the purpose of this covenant is to establish the necessary responsibilities for the Sewerage System and to establish procedures to ensure compliance with applicable governing law, including Part 41.

NOW, THEREFORE, in consideration of the mutual benefits to be derived by the Developer and **{legal entity}**, a **{describe what the legal entity is, i.e. a "non-profit corporation", or other}** of which all Co-Owners of **{name of development}** shall be members, the undersigned, for itself, its successors, and assigns, does hereby declare and make known to all purchasers and Owners of the Units using the Sewerage system, that Units will and shall be used, held, and/or sold subject to the following restrictions, covenants and agreements, which, by acceptance of a deed, purchase agreement, or option for a Unit, shall be deemed accepted by present and future purchasers and Owners of Units. This covenant shall run with the land and is binding upon the grantees of Units jointly as to all obligations hereunder, and on their respective heirs, personal representatives, successors, assigns and grantees.

1. Responsibility for Construction, Maintenance and Repair.

(a) The Developer and/or its contractual assignee will be responsible for the initial construction and installation of the Collection System portion of the Sewerage System. **{third party}** will be responsible for the initial construction and installation of the Treatment Facility portion of the Sewerage System, to be located within **{name of development}** and accessed via the sewer easement granted for such purposes (only use this if it is true). **{third party},** pursuant to the Sewerage Agreement shall thereafter be responsible for the maintenance, repair and ultimate replacement of the Sewerage System(make sure the Agreement addresses this), all of which shall be performed in strict conformance with all applicable statutes, ordinances, rules and regulations of the State of Michigan, **{name of county}** County, and other governmental agencies thereof having jurisdiction and in strict conformance with this section, unless and until easements to the

Sewerage System have been granted to, and accepted by, a public agency whereupon the responsibility for such maintenance, repair and necessary replacements shall be that of the public agency having jurisdiction. All costs of such maintenance, repair and/or replacement shall be costs of **{third party}** and pursuant to the Sewerage Agreement shall be assessed as costs of administration of the **{legal entity}** *(only add this if the Agreement addresses this)* and shall be jointly and severally borne by the sum of all Co-Owners, which are served thereby, and shall be assessed to the Co-Owners in accordance with attachment B to this covenant *(make sure there is an attachment B outlining costs, can be a Master Deed in some cases)*. Attachment B requires that the **{legal entity}**, and each of the Co-Owners, on behalf of themselves and their respective heirs, devisees, personal representatives, successors and assigns, and with the express intent to bind, and run with, their respective Units and **{name of development}** in perpetuity, irrevocably consent to grant the operator or operators of the Wastewater System, the authority to assess a user fee to each Unit using the system to be paid in monthly payments to the Operator of the Wastewater System at the rate proportionate to each Unit based upon the gallons of waste water generated and sent to the Wastewater System. Attachment B also grants the **{legal entity} the** authority to assess fines and penalties and to take legal action in the event any Co-Owner does not pay its required fees.

(b) It is anticipated that separate portions of the Sewerage System will be located within individual Units of **{name of development}**. The construction of each portion of the Sewerage System within each Unit will be the sole responsibility of the Co-Owner(s) of the Units which are served thereof and shall be performed strictly in accordance with all applicable state, county and local public health and other statutes, regulations, rules and ordinances.

(c) Use of the Sewerage System is for **{name of development}** use only. The placement of waste into the Sewerage System, other than **{name of development}** use, is prohibited. Any costs borne by the owner to pay for remediation due to the placement of harmful substances into the Sewerage System shall be fully reimbursed by the person or persons that placed the harmful substance in the system.

2. **{legal entity}** Escrow Fund. Co-Owner Responsibilities for the Perpetual Funding Mechanism for the Operation, Maintenance and Needed Replacement of the Sewerage System:

(a) Each Co-Owner will be responsible for payment of appropriate charges/fees made for the use of the Sewerage treatment services and payment of appropriate charges/assessed fees made into the perpetual escrow fund, as set forth in the Sewerage Agreement *(make sure the Agreement outlines this)*.

(b) A perpetual escrow fund or funds *(use plural if there will be two funds due to two different owners of portions of the sewerage sytem, i.e. separate ownership of the collection and treatment facilities)* shall be established and maintained solely for the use of operation, maintenance and possible replacement of those elements of the Sewerage System. The funds are established solely for the use by the respective owners

and legal entity of the portions of the Sewerage System in the event that the owner is otherwise unable to sufficiently operate and maintain the sewerage system in accordance with all applicable laws and rules. *(Only use this portion if there is more than one owner of different portions of the sewerage system)* **{third party}**, as the owner of the Treatment Facility shall have responsibility for the establishment and funding of the escrow fund for the Treatment Facility portion of the Sewerage System. The **{legal entity}** shall have the responsibility for the establishment and funding of the escrow fund for the Collection System portion of the Sewerage System. The escrow funds shall be separate from any other fund established and held for **{name of development}** by the **{legal entity}** and **{third party}** and each shall be a beneficiary of the other's escrow fund in the event the owner of the escrow fund fails to operate and maintain its portion of the Sewerage System in accordance with all applicable laws and rules.

(c) The perpetual escrow funds shall be initially established for a two-year amount of operation, maintenance and needed replacement of the respective portions of the Sewerage System as certified by a Michigan licensed engineer and reviewed by the MDEQ for administrative completeness in the permit application process for a sewerage system construction permit under the authority of Part 41 of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended. Additionally, not later than two years after the first day of operation of the sewerage system, these perpetual escrow funds shall be increased to the amount as was certified by the Michigan licensed engineer and reviewed for administrative completeness by the MDEQ for the five-year amount of operation, maintenance and possible replacement of the sewerage system. This amount may be increased in the future as determined to be necessary by a Michigan licensed engineer; but shall never be decreased. If this fund is accessed for the sole purpose of continuing operation, maintenance and completing necessary replacement of the Sewerage System in the event that the owner is otherwise unable to sufficiently operate and maintain the Sewerage System in accordance with all applicable laws and rules, notice shall be sent to the **{legal entity}**, **{third party}** and the MDEQ within 10 days of the initial withdrawal. The notice to the **{legal entity}** shall include a description of the additional prorated fees for reimbursement of the escrow. Each Co-Owner consents and agrees to pay a prorated amount of money into the escrow account as is necessary to fully replenish it to the required amount as identified herein, in the event the escrow funds or portion thereof are utilized for the operation, maintenance, repair, replacement or for other sewage treatment purposes of the entire Sewerage System. The certified five-year amount shall be reimbursed not later than five years from the date of the initial withdrawal.

3. Consent to Fees and Special Assessment for Sanitary Sewage System. The **{legal entity}**, and each of the Co-Owners, on behalf of themselves and their respective heirs, devisees, personal representatives, successors and assigns, and with the express intent to bind, and run with, their respective Units and the **{name of development}** in perpetuity, hereby irrevocably consent to grant the operator or operators of the Sewerage System, the authority to assess a user fee to each Unit using the system to be paid in monthly payments to the Owner and Operator of the Sewerage System at the rate proportionate to each Unit based upon the gallons of waste water generated and sent to

the Sewerage System, granting the Owner and Operator of the Sewerage System the authority to assess the user fee as indicated above until such time a governmental agency may need to assume the responsibility for the operation and maintenance of the Sewerage System under the terms described in a legally binding agreement between that governmental agency and all owners of the sewerage system. In addition, in case of agreement with a governmental agency to operate and maintain the Sewerage System, the **{legal entity}** and each of the Co-Owners authorizes and consents to the establishment of a special assessment district ("SAD") to assist the governmental agency in its recovery of such expenditures, if necessary. In connection therewith, the **{legal entity}** and every co-owner of the sewerage system (Co-Owners) covenant and agree to enter into, and execute, any and all documentation from time to time determined by the governmental agency to be necessary for the establishment of such SAD. The **{legal entity}** and Co-Owners acknowledge and agree that the sum of all fees assessed as provided hereunder, whether by the Operator of the Sewerage System or the governmental agency shall be equal to 100% of all costs of operation of the Sewerage System. The **{legal entity}** and Co-Owners further acknowledge and agree that in the event a Co-Owner does not, for any reason, pay a required assessment that the **{legal entity}** will nevertheless be responsible for 100% of the costs of operation of the Sewerage System.

5. Easements for Maintenance, Repair and Replacement. The Developer, hereby grants **{third party}** an easement over the premises in **{name of development}** that shall run in duration with the Sewerage Agreement, for access to the Treatment Facility and to the remainder of the Sewerage System as necessary to allow **{third party}** to maintain and operate the Sewerage System as contemplated in the Sewerage Agreement. *(Make sure the Agreement contemplates this)* The Developer and the **{legal entity}** shall have such easements as may be necessary over the premises in **{name of development}**, including all Units, to fulfill any responsibilities of maintenance, repair or replacement that are required or permitted to perform in the Agreement.

6. Binding Nature. This Covenant shall be recorded in the **{name of county}** County Register of Deeds office, and by acceptance of a deed, purchase agreement, or option for a Unit in **{name of development}**, shall be deemed accepted by present and future purchasers and Owners of Units and shall run with the land and be binding upon grantees, of Units and on their respective heirs, personal representatives, successors, assigns and grantees.

7. Amendment. This covenant may only be amended by written document with the express consent of the Owners of the Unit it is recorded on, and the DEQ.

DEVELOPER:
{legal name of developer}

_____
By:
Its:

State of Michigan)
)ss
County of **{name of county}**)

The foregoing document was acknowledged before me on this _____ day of, _____200* by _____, on behalf of **{legal name of development}**.

_____
_____, Notary Public
_____ County, Michigan
My Commission Expires:_____
Acting in _____ County

DEVELOPER FORMED:
{legal name of legal entity}

_____
By:
Its:

State of Michigan)
)ss
County of **{name of county}**)

The foregoing document was acknowledged before me on this_____ day of, _____ 200* by_____, on behalf of **{legal name of legal entity}**.

_____
_____, Notary Public
_____ County, Michigan
My Commission Expires: _____
Acting in _____ County

To: Whitewater Township Board

From: Cheryl A. Goss, Clerk

Date: 09/07/2018

Re: Decision re: Third Brine Application

On 08/30/2018, Deb Hunt from the Grand Traverse County Road Commission called my office to inquire whether the township would like the third road brine application.

With the recent rain, I told her I would ask the board at the next meeting on 9/11 what they wish to do.

If the township opts to get the third brining, it will be done the week of September 17th.

Does the board wish to have a third brine application?

# # #

To: Whitewater Township Board

From: Cheryl A. Goss, Clerk

Date: 09/07/2018

Re: Consumers Energy Franchise Renewal

In July, Jessah Rolstone from Consumers Energy sent the attached e-mail asking the township to renew their franchise in Whitewater Township. I originally looked at her e-mail very quickly and thought that it could be handled by resolution. After looking closer, I see that they want us to adopt an ordinance.

Any proposed ordinance should be reviewed by the township's attorney in order to make sure the township's interests are protected. Accordingly, these materials have been forwarded to Attorney Chris Patterson, along with a copy of Ordinance No. 43, the current Consumers Energy Franchise ordinance. The current ordinance was for a 10-year period and expires in January 2019.

Once Attorney Patterson provides his recommendations, I will put this back on the board's agenda for review before it is set for public hearing.

Recommended Action: None until Attorney Patterson has completed his review.

# # #

Cheryl A. Goss

From: Jessah A. Rolstone <Jessah.Rolstone@cmsenergy.com>
Sent: Tuesday, July 10, 2018 1:45 PM
To: Cheryl A. Goss
Cc: Douglas W. Deyoung
Subject: Consumers Energy Franchise Renewal for the TOWNSHIP OF WHITEWATER, GRAND TRAVERSE COUNTY
Attachments: Whitewater Twp-Grand Traverse Co-Elec.docx

Follow Up Flag: Follow up
Flag Status: Flagged

Hello Ms. Goss,

As you may be aware, the Consumers Energy Franchise for the Township of Whitewater expires on January 20, 2019. The Franchise allows Consumers to serve electricity to your residents and businesses. To renew the Franchise I have enclosed:

1. Possible Franchise Enactment Schedule.
2. Consumers Energy Company Electric Franchise Ordinance.

What you need to do:

1. Please have the Township Board properly enact the Franchise a few months prior to expiration.
2. After enactment, please provide me with a copy of the enacted Franchise.
3. Contact either myself or the local Consumers Area Manager Douglas DeYoung at Douglas.Deyoung@cmsenergy.com with any questions or concerns you may have.

Please let us know if there is anything we can do to help you with this process.

Thank you,

Jessah Rolstone
Community Affairs
One Energy Plaza, EP8-206, Jackson, MI 49201
Office: 517-788-0882
WORKING TO DELIVER THE ENERGY YOU NEED, WHENEVER YOU NEED IT.
THAT'S OUR PROMISE TO MICHIGAN!

Consumers Energy
Count on Us

Possible Franchise Enactment Schedule
REVOCABLE ELECTRIC FRANCHISE
TOWNSHIP OF WHITEWATER, GRAND TRAVERSE COUNTY, MICHIGAN

Non-Charter Township

First Meeting
Meeting of Township Board

Franchise Ordinance passed

Within 30 days

Publish complete franchise ordinance (in full)

ORDINANCE NO. _____

CONSUMERS ENERGY COMPANY ELECTRIC FRANCHISE ORDINANCE

AN ORDINANCE, granting to CONSUMERS ENERGY COMPANY, its successors and assigns, the right and authority to construct, maintain and commercially use electric lines and related facilities including but not limited to towers, masts, poles, crossarms, guys, wires and transformers on, under, along, and across public places including but not limited to highways, streets, alleys, bridges, and waterways, and to conduct a local electric business in the TOWNSHIP OF WHITEWATER, GRAND TRAVERSE COUNTY, MICHIGAN, for a period of thirty years.

THE TOWNSHIP OF WHITEWATER ORDAINS:

SECTION 1. GRANT and TERM. The TOWNSHIP OF WHITEWATER, GRAND TRAVERSE COUNTY, MICHIGAN, hereby grants to Consumers Energy Company, its successors and assigns, hereinafter called "Consumers" the right and authority to towers, masts, poles, crossarms, guys, wires and transformers on, under, along, and across public places including but not limited to highways, streets, alleys, bridges, and waterways, and to conduct a local electric business in the TOWNSHIP OF WHITEWATER, GRAND TRAVERSE COUNTY, MICHIGAN, for a period of thirty years.

SECTION 2. CONDITIONS. No public place used by Consumers shall be obstructed longer than necessary during construction or repair, and shall be restored to the same order and condition as when work was commenced. All of Consumers' electric lines and related facilities shall be placed as not to unnecessarily interfere with the public's use of public places. Consumers shall have the right to trim or remove trees if necessary in the conducting of such business.

SECTION 3. HOLD HARMLESS. Consumers shall save the Township free and harmless from all loss, costs and expense to which it may be subject by reason of the negligent construction and maintenance of the lines and related facilities hereby authorized. In case any action is commenced against the Township on account of the permission herein given, Consumers shall, upon notice, defend the Township and its representatives and hold them harmless from all loss, costs and damage arising out of such negligent construction and maintenance.

SECTION 4. EXTENSIONS. Consumers shall construct and extend its electric distribution system within said Township, and shall furnish electric service to applicants residing therein in accordance with applicable laws, rules and regulations.

SECTION 5. FRANCHISE NOT EXCLUSIVE. The rights, power and authority herein granted, are not exclusive.

SECTION 6. RATES and CONDITIONS. Consumers shall be entitled to provide electric service to the inhabitants of the Township at the rates and pursuant to the conditions as approved by the Michigan Public Service Commission. Such rates and conditions shall be subject to review and change upon petition to the Michigan Public Service Commission.

SECTION 7. REVOCATION. The franchise granted by this ordinance is subject to revocation upon sixty (60) days written notice by either party. Upon revocation this ordinance shall be considered repealed and of no effect past, present or future.

SECTION 8. MICHIGAN PUBLIC SERVICE COMMISSION JURISDICTION. Consumers remains subject to the reasonable rules and regulations of the Michigan Public Service Commission applicable to electric service in the Township and those rules and regulations preempt any term of any ordinance of the Township to the contrary.

SECTION 9. REPEALER. This ordinance, when enacted, shall repeal and supersede the provisions of any previous electric franchise ordinance adopted by the Township including any amendments.

SECTION 10. EFFECTIVE DATE. This ordinance shall take effect on _____.

We certify that the foregoing Franchise Ordinance was duly enacted by the Township Board of the TOWNSHIP OF WHITEWATER, GRAND TRAVERSE COUNTY, MICHIGAN, on the _____ day of _____, 20__.

_____
Ron Popp, Township Supervisor

Attest:

I, _____, Clerk of the TOWNSHIP OF WHITEWATER, GRAND TRAVERSE COUNTY, MICHIGAN, DO HEREBY CERTIFY that the ordinance granting Consumers Energy Company, an electric franchise, was properly adopted by the Township Board of the TOWNSHIP OF WHITEWATER, GRAND TRAVERSE COUNTY, MICHIGAN, and that all proceedings were regular and in accordance with all legal requirements.

_____
Cheryl A. Goss, Township Clerk

Dated: _____, 20__

To: Whitewater Township Board

From: Cheryl A. Goss, Clerk

Date: 09/07/2018

Re: Resolution #18-17 to Set Rates for Cemetery Services

The rates charged for purchase of burial spaces and the services of a cemetery sexton to open and close graves in Whitewater Township has not changed in many, many years. In order to find out what other townships in Grand Traverse County are charging, I sent an e-mail to other clerks earlier this year, during budget time, asking for this information.

Interestingly, not every township has a cemetery. Some have more than one, like Whitewater Township. The townships shown below responded to my query and provided the following information about what their sextons are paid:

Blair Township:

- Casket $500
- Cremains $150
- Marking of sites/putting out flags $15/hour

Acme Township:

- Mon thru Friday 8:00 a.m. to 3:30 p.m. – Casket $500, cremains $200
- After 3:30 p.m. and weekends/holidays – Casket $600, cremains $300

Long Lake Township:

- Casket $475, cremains $175
- Maintenance person marks graves (not sexton)

Green Lake Township:

- Casket $300, cremains $150

Whitewater Township currently charges $150 to purchase a burial space, $400 for the interment of a casket, and $50 for interment of cremains.

I am recommending an increase in the fees that are charged by Whitewater Township for burial spaces and interment of caskets/cremains.

Additionally, I found out at an MTA seminar a couple summers ago that a township cannot refuse to conduct a burial in the winter. However, the township can recoup the actual costs associated with a winter burial.

Accordingly, I have prepared a resolution setting new rates for the purchase of burial spaces, the interment of caskets and cremains, as well as provided for reimbursement to the township for the actual costs of winter burials.

I will add that in my six years here, there has only been one request for a winter burial and it was not accommodated because the ordinance prohibited it. We now know that we cannot

prohibit winter burials. The ordinance will need to be amended in that regard. However, in the meantime, we should adopt revised rates.

An appropriate motion would be: **Motion to adopt Resolution #18-17.**

# # #

RESOLUTION #18-17

Resolution to Set Rates for Cemetery Services

Whitewater Township
Grand Traverse County, Michigan

At a meeting of the Whitewater Township Board, Grand Traverse County, Michigan, held at the Whitewater Township Hall, 5777 Vinton Road, Williamsburg, MI 49690, on the 11th day of September, 2018, at 7:00 p.m.

PRESENT: _____

ABSENT: _____

WHEREAS, Whitewater Township has two cemeteries, Circle Hill Cemetery on Vinton Road and Williamsburg Cedar Rapids Cemetery on Old M-72; and

WHEREAS, the Whitewater Township Cemetery Ordinance prescribes that the Township Board, by resolution, may periodically set and adjust the fee for burial spaces to accommodate increased costs and needed reserve funds for cemetery maintenance and acquisition; and

WHEREAS, the Whitewater Township Cemetery Ordinance also prescribes that the opening and closing of any burial space, prior to and following a burial therein, and including the interment of ashes, shall be at a cost to be determined from time to time by resolution of the Township Board; and

WHEREAS, the current rates for burial spaces and opening and closing of burial spaces have been in effect for an unknown but very lengthy period of time and should be increased to keep pace with the rising cost of providing cemetery services; and

NOW, THEREFORE, BE IT RESOLVED that the following rates shall be in effect for cemetery services upon the adoption of this resolution:

1. The cost of each burial space (4' x 9') shall be $200.00.
2. The cost of interment of cremains (opening and closing of grave) shall be $150.00, except that actual costs as set forth in No. 5 herein will also apply if interment is requested when the ground is partially or completely frozen.
3. The cost of interment of a casket (opening and closing of grave) shall be $500.00, except that actual costs as set forth in No. 5 herein will also apply if interment is requested when the ground is partially or completely frozen.
4. The cost of pre-purchase marking or flagging of a burial space shall be $35.00.
5. The cost of any interment requested to be conducted during a time when the burial space is partially or completely frozen shall be the actual costs billed to the township for the following:
    A. snowplowing of the access road to the burial space.
    B. snowplowing of a parking area to accommodate the attendance of family and friends at any service held.

C. warming of the burial space to accommodate opening of the grave.
D. fees charged for the use of any mechanical equipment required to open and/or close the grave.
E. wages incurred for any equipment operator(s).
F. any other incidental costs incurred by the township as a direct result of an interment conducted when the burial space is partially or completely frozen.

A motion to adopt the foregoing resolution was made by _____ and seconded by _____.

Upon roll call vote, the following voted:
Yes:
No:
Absent:

Resolution declared adopted.

_____
Ron Popp, Whitewater Township Supervisor

CERTIFICATE

STATE OF MICHIGAN)
)
GRAND TRAVERSE COUNTY)

I, the undersigned, the duly qualified Clerk for Whitewater Township, Grand Traverse County, Michigan, HEREBY CERTIFY that the foregoing is a true and complete copy of certain proceedings taken by the Whitewater Township Board at a meeting held on the 11th day of September, 2018, and further certify that the above Resolution #18-17 was adopted at said meeting.

_____
Cheryl A. Goss, Whitewater Township Clerk

To: Whitewater Township Board

From: Cheryl A. Goss, Clerk

Date: 09/07/2018

Re: Approval of Wages for New Park Ranger – Seth Anderson

Seth Anderson has applied to work at Whitewater Township Park as a ranger and maintenance person. He is currently a journeyman electrician with Windemuller Electric. He also has carpentry and small engine repair skills. His wife Kali is also a ranger at the park. Seth is mostly interested in doing maintenance projects for the parks and at the township hall on a part-time basis. We can definitely use his skills in this capacity!

Accordingly, I would ask the board to approve starting park ranger wages of $11 per hour for Seth Anderson.

An appropriate motion would be: **Motion to approve $11 per hour starting park ranger wage for Seth Anderson.**

This should be a roll call vote.

# # #