

WHITEWATER TOWNSHIP
PARKS AND RECREATION ADVISORY COMMITTEE
AGENDA FOR REGULAR MEETING
April 16, 2024
7:00 PM, Whitewater Township Hall
5777 Vinton Road, Williamsburg, MI 49690
Phone 231-267-5141/Fax 231-267-9020

Topic: Parks and Rec Advisory Committee Meeting
Time: April 16, 2024, 07:00 PM Eastern Time (US and Canada)

1. Roll Call of Committee Members
2. Set/Adjust Meeting Agenda
3. Declaration of Conflict of Interest
4. **Public Comment:** Any person shall be permitted to address a meeting of the committee. Public comments shall be carried out in accordance with the following rules and procedures:
 - a. Comments shall be directed to the Committee, with questions directed to the Chair.
 - b. Any person wishing to address the Committee shall speak from the lectern and state his/her name and address.
 - c. Persons may address the commission on matters that are relevant to township Parks and recreation issues.
 - d. No person shall be allowed to speak more than once on the same matter, excluding the time needed to answer Committee members' questions.
 - e. Public comment shall be limited to 3 minutes.
5. Approval of March 19,2024 regular meeting minutes
6. Correspondence/Reports/Presentations:
7. Unfinished Business:
 - 1) Bylaw Revisions; ON Hold pending Liaison Request
 - 2) PRAC Liaison request – draft memo
 - 3) WWT Park Playground Toddler equipment – engineering layout drawing – review/comments
 - 4) Lossie Road Motorized vehicle access; memo to board-further development;
8. New Business:
 - 1) Written 12 month goals
9. Next Meeting May 21, 2024
10. Public Comment
11. Adjournment

Whitewater Township will provide necessary reasonable auxiliary aids and services to individuals with disabilities who are planning to attend. Contact the township supervisor at 231-267-5141.



Mel Melton <mammelon@gmail.com>

Battle Creek trail improvements

7 messages

Gary buczkowski <gbuczowski.1226@gmail.com>
To: Mel Melton <mammelon@gmail.com>

Thu, Apr 4, 2024 at 9:28 AM

Hi Mel,FYI Steve L from GTLC needed a status updated on the BCNA trail for scheduling purposes. With that in mind I picked up a copy of the 24-25 approved Recreation Budget and see that BC trail was not included for next year 😞. I asked about our memo and I was told that it was not accepted because last months meeting may not have been conducted according to policy. If that is correct, Do we need to submit it again to PRAC for approval and resubmit it to the Board? Also is there an official list of projects we want to accomplish this year and timeline for completing those items. Always help in any way or talk. G 🙏
Sent from my iPhone

Mel Melton <mammelon@gmail.com>
To: Gary buczkowski <gbuczowski.1226@gmail.com>

Thu, Apr 4, 2024 at 3:58 PM

Hi Gary - PRAC did submit our 'suggestions' for budgets, both from our original meeting in February and then again a slightly revised one after our March meeting. We are only an advisory committee, so we advise but it is the board's responsibility to decide what money is allocated for each of the areas of our township's budget. The fact that Ron is trying to indicate that any information provided by us after our March meeting (because we adjusted the time of our regular meeting) is frankly irresponsible on his part. They also didn't take our recommendation to increase the LRNT project, due to potential of inflation (1.5 years since this was budgeted by contractors), so that is on them as well.

I did get contacted by Steve's replacement Cameron, regarding the Trail mowing8 and Lossie improvements update. I did respond to him early this week that we did request the trail mowing (both BCNA & Lossie) for this 2024 season using the budget numbers Steve had given me.

Also, We were not given approval in the budget for the BCNA loop project, so we will have to decide as a committee if we can continue to pursue this project with alternative funding options going forward (ie. the local ARPA funding that the township hasn't allocated for 'Recreation Project' yet.

On the playground layout drawing we received from Gosling Czubak, you had made some initial comments/concerns, but then gave another email indicating you found different rules related to fall protection. So I am unclear if you still want me to forward you comments/notes from that original email or not? Kevin is asking if we have any questions/comments on this.

Thank you!
Melissa

[Quoted text hidden]

Gary buczkowski <gbuczowski.1226@gmail.com>
To: Mel Melton <mammelon@gmail.com>

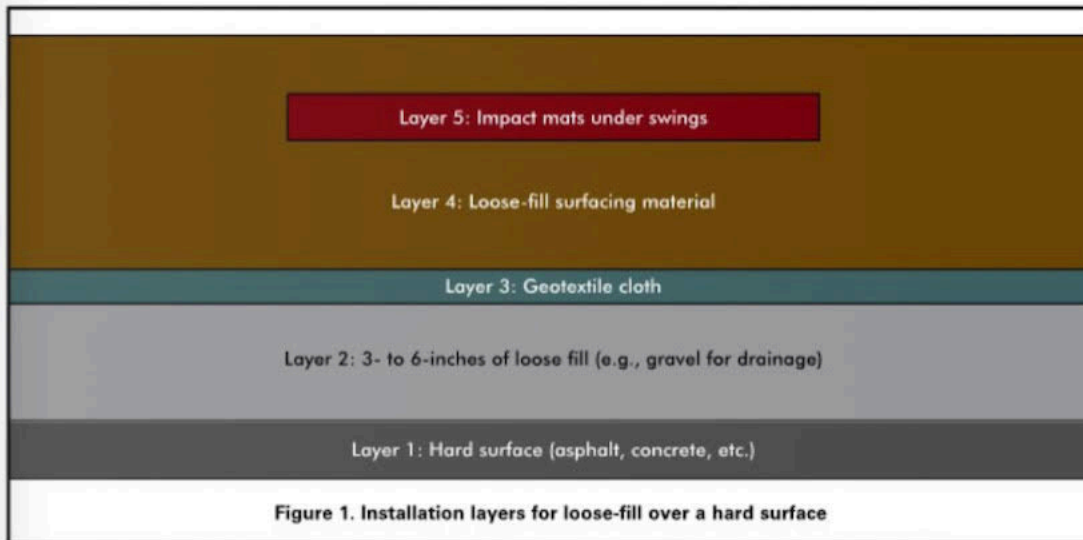
Thu, Apr 4, 2024 at 6

Thanks Mel for the updated info. I did find information that a sand fall-surface could meet the fall height of the existing swing structure at Whitewater park. See attached. I do still have concern with the use of sand as it is not accessible compliant as per ASTM 1951. As for my other questions for Kevin they still stand: 1. CPSC recommends age appropriate areas be in a playground specifically moving equipment should be placed on the outer edge of PG. Kevin is recommending the new 2-5 structure be placed next to the merry-go-round. ? 2. Has any thought been given to how WWT could provide additional equipment in the future. 3. Suggestions regarding ADA access to playground from existing paths. Thanks also available to help and or talk 🙏

Table 2. Minimum compressed loose-fill surfacing depths

Inches	Of	(Loose-Fill Material)	Protects to	Fall Height (feet)
6*		Shredded/recycled rubber		10
9		Sand		4
9		Pea Gravel		5
9		Wood mulch (non-CCA)		7
9		Wood chips		10

* Shredded/recycled rubber loose-fill surfacing does not compress in the same manner as other loose-fill materials. However, care should be taken to maintain a constant depth as displacement may still occur.



• Finishes, treatments, and preservatives should be selected carefully so that they do not present a health hazard to users.

2.5.2 Hardware

When installed and maintained in accordance with the manufacturer’s instructions:

• All fasteners, connectors, and covering devices should not loosen or be removable without the use of tools.

• All fasteners, connectors, and covering devices that are exposed to the user should be smooth and should not be likely to cause laceration, penetration, or present a clothing entanglement hazard (see also §3.2 and Appendix B).

• Lock washers, self-locking nuts, or other locking means should be provided for all nuts and bolts to protect them from detachment.

• Hardware in moving joints should also be secured against unintentional or unauthorized loosening.

6:03



Wood products are the most widely used type of loose-fill material, and require the most shallow depth of material to protect against injuries from a given fall height, including the best performance at fall heights above 9 feet. Wood products' ability to cushion a fall is less affected by erosion than sand and pea gravel.

Sand was found to require the most surface depth to cushion falls, while pea gravel displayed the greatest tendency to disperse and yield inconsistent surface depths. Both effectively cushion falls below 9 feet, but performance was found to decrease above 9 feet.

Due to the expected degradation of impact-absorption performance for loose-fill surfaces (due to age, usage, and weathering), we

recommend extra depth of surfacing materials in high-traffic and high-erosion areas. Additionally, maintenance intervals should be monitored and adjusted according to periods of high playground use, or harsher weather, particularly to maintain consistent surface depths. Avoid using equipment if the surfacing is notably eroded or worn, and contact your playground's facility team (often municipal facilities managers or school officials) to request maintenance.

Topics

Sent from my iPhone

On Apr 4, 2024, at 3:58 PM, Mel Melton <mammelon@gmail.com> wrote:

[Quoted text hidden]

Gary buczkowski <gbuczkowski.1226@gmail.com>
To: Mel Melton <mammelon@gmail.com>

Fri, Apr 12, 2024 at 8:23 AM

Mel, I was reviewing my emails for next Tuesday's meeting and think I did not respond to your question regarding my concern with the placement of the new playground equipment at Whitewater township park.

1. The proposed design by Gosling Czubak. positions the new composite 2-5 yr old structure next to an old merry go round intended for 5-12 yr olds. Does this placement follow CPSC guidelines? If not, is this something we are comfortable doing?
2. What standard or guidelines is Gosling Czubak following... Maybe there are some other standards I am not aware of!
3. Does the proposed placement take into account any additional playground equipment we may want to install in the future?
4. As consultant, has Gosling Czubak. made any mention that we need to address the ADA standards as a public playground operator? Does WWT have a position on this issue? Is this something the WWT needs to address for all of it's facilities?

I have prepared a quick concept sketch of my thoughts that might address some of my questions above. Please let me know if it would be helpful and I will forward it on to you.

Thanks, and sorry for not responding earlier.

Gary Buzz

From: Gary buczkowski <gbuczkowski.1226@gmail.com>
Sent: Thursday, April 4, 2024 5:04 PM
To: Mel Melton <mammelon@gmail.com>
Subject: Re: Battle Creek trail improvements

[Quoted text hidden]

Melissa Melton <mammelon@gmail.com>
 To: Gary buczkowski <gbuczkowski.1226@gmail.com>

Fri, Apr 12, 2024 at 7:33 PM

Hi Gary - great questions. Yes, would you mind sending us your conceptual sketch to have as discussion point on Tuesday meeting.

Thank you!
 Melissa Melton

On Apr 12, 2024, at 8:23 AM, Gary buczkowski <gbuczkowski.1226@gmail.com> wrote:

Mel, I was reviewing my emails for next Tuesday's meeting and think I did not respond to your question regarding my concern with the placement of the new playground equipment at Whitewater township park.

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2. What standard or guidelines is Gosling Czubak following... Maybe there are some other standards I am not aware of!
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4. As consultant, has Gosling Czubak. made any mention that we need to address the ADA standards as a public playground operator? Does WWT have a position on this issue? Is this something the WWT needs to address for all of it's facilities?

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<image0.jpeg>
 [Quoted text hidden]

Gary buczkowski <gbuczkowski.1226@gmail.com>
 To: Melissa Melton <mammelon@gmail.com>

Fri, Apr 12, 2024 at 7:49 PM


Mel, The attached park playground layout concept drawing is provided for discussion purposes only and not intended to replace any professional work provided by Gosling Czubak.

Thanks Gary

From: Melissa Melton <mammelon@gmail.com>
Sent: Friday, April 12, 2024 6:33 PM
To: Gary buczkowski <gbuczkowski.1226@gmail.com>

[Quoted text hidden]

[Quoted text hidden]


 **WWT Park Playground layout concept - Thu Apr 11 16-29-20 2024.pdf**
 1970K

Mel Melton <mammelon@gmail.com>
 To: Brandon Hubbell <brandon@gtfruit.com>, Tom Cosgrove <tac9414447@gmail.com>, "Voice, Amber" <Amber.voice@mclaren.org>, Fran Butler <frannib4491@gmail.com>, Gary buczkowski <gbuczkowski.1226@gmail.com>
 Cc: Lois Maclean <loismaclean@sbcglobal.net>

Sun, Apr 14, 2024 at 10:33 AM

PRAC - please see below and attached. I will include it in a packet for Tuesday meeting as well, which will be out a little later today.

Thank you!
 Melissa
 [Quoted text hidden]

 **WWT Park Playground layout concept - Thu Apr 11 16-29-20 2024.pdf**
1970K

**Whitewater Township –
Parks & Recreation**

Memo

To: Whitewater Township Board
From: Melissa Melton, PRAC Chair
cc: PRAC
Date: 04/16/2024
Re: Request for PRAC Liaison to Board

Board, as you are aware we have been without a liaison designation between Parks and Recreation Advisory Committee and the Board for months. There is clearly a gap in information and communication that we would like to resolve.

Prac would like to re-establish a direct communication conduit between W.W.T. Board and the PRAC committee. The PRAC requests that the Park manager fulfill that duty. If that scenario were to come about, the PARC should allow the manager to voice his or her opinion on an equal basis to all other members of the committee. The expectation of the PRAC would be that the manager would report back to the Board monthly at the regular monthly meeting. This report by the park manager would be based on fact and without any personal bias unless the Board directly requests the manager's point of view.

If this request is approved by the board, we will finalize our By-Law revisions accordingly to state these changes.

MOTION (might look something like:)

MOTION TO APPROVE THE PARK MANAGER BE THE DIRECT LIAISON BETWEEN THE WHITewater TOWNSHIP BOARD AND THE PARKS AND RECREATION ADVISORY COMMITTEE TO REPORT AND COMMUNICATE BETWEEN THEM.



Mel Melton <mammelton@gmail.com>

PO 5929 - Gosling Czubak - WTP Toddler Playground

11 messages

Cheryl A. Goss <clerk@whitewatertownship.org>
To: Melissa Melton <mammelton@gmail.com>

Wed, Jan 3, 2024 at 12:18 PM

Melissa –

See PO 5929 attached.

Cheryl A. Goss

Whitewater Township Clerk

[5777 Vinton Road](#), P.O. Box 159

Williamsburg, Michigan 49690

Telephone: 231.267.5141 x24

Fax: 231.267-9020

clerk@whitewatertownship.org**Office Hours: Mon/Tue/Wed/Thurs 9:00 a.m. to 5:00 p.m.****I Pledge Allegiance to the Flag of the United States of America, and to the REPUBLIC for which it stands, One Nation, Under God, Indivisible, with Liberty and Justice for All.**

 **PO #5929 - Gosling Czubak - WTP Toddler Playground.pdf**
118K

Mel Melton <mammelton@gmail.com>
To: kskrogulecki@goslingczubak.com

Thu, Jan 4, 2024 at 9:27 AM

Hi Kevin - the whitewater township board has approved to have Gosling Czubak do the site plan layout drawings for the park playground equipment proposed. Let me know what further info you need from me to get this going.

Thank you!
Melissa Melton

Begin forwarded message:

From: "Cheryl A. Goss" <clerk@whitewatertownship.org>
Date: January 3, 2024 at 12:18:53 PM EST
To: Melissa Melton <mammelton@gmail.com>
Subject: PO 5929 - Gosling Czubak - WTP Toddler Playground

[Quoted text hidden]

 **PO #5929 - Gosling Czubak - WTP Toddler Playground.pdf**
118K

Kevin S. Krogulecki, PLA <kskrogulecki@goslingczubak.com>
To: Mel Melton <mammelon@gmail.com>
Cc: "Dallas A. Wirtz, PLA, ASLA" <dawirtz@goslingczubak.com>

Wed, Jan 17, 2024 at 7:11 AM

Hi Mel thank you very much for this. I see we are to move forward without the topographic survey component which is fine.

Could you please have the township sign and scan/return our original proposal for this? It is attached for the amount of \$1,740.

Thank you very much!

--

Kevin S. Krogulecki | Landscape Architect

Gosling Czubak Engineering Sciences, Inc.

231.946.9191 office | 231.933.5105 direct | 231.463.9341 mobile

kskrogulecki@goslingczubak.com | www.goslingczubak.com

Connect with us on LinkedIn!

From: Mel Melton <mammelon@gmail.com>
Sent: Thursday, January 4, 2024 9:28 AM
To: Kevin S. Krogulecki, PLA <kskrogulecki@goslingczubak.com>
Subject: Fwd: PO 5929 - Gosling Czubak - WTP Toddler Playground

CAUTION: This email originated from outside of GCES. Do not click links or open attachments unless you recognize the sender and know the content is safe.

[Quoted text hidden]

 **Whitewater Twp Playground - Playground Layout - 2023.pdf**
95K

Melissa Melton <mammelon@gmail.com>
To: Cheryl Goss <clerk@whitewatertownship.org>

Thu, Jan 18, 2024 at 10:52 PM


Cheryl - can you assist with this?

Thank you!
Melissa Melton

Begin forwarded message:

From: "Kevin S. Krogulecki, PLA" <kskrogulecki@goslingczubak.com>
Date: January 17, 2024 at 7:11:49 AM EST
To: Mel Melton <mammelon@gmail.com>
Cc: "Dallas A. Wirtz, PLA, ASLA" <dawirtz@goslingczubak.com>
Subject: RE: PO 5929 - Gosling Czubak - WTP Toddler Playground

[Quoted text hidden]

 **Whitewater Twp Playground - Playground Layout - 2023.pdf**
95K

Kevin S. Krogulecki, PLA <kskrogulecki@goslingczubak.com> Fri, Jan 19, 2024 at 5:05 PM
To: "Cheryl A. Goss" <clerk@whitewatertownship.org>, Melissa Melton <mammelon@gmail.com>

Thank you Cheryl! We will likely get out there next week to take our field measurements and will get the plan together shortly after that.

--

Kevin S. Krogulecki | Landscape Architect

Gosling Czubak Engineering Sciences, Inc.

231.946.9191 office | 231.933.5105 direct | 231.463.9341 mobile

kskrogulecki@goslingczubak.com | www.goslingczubak.com

Connect with us on LinkedIn!

From: Cheryl A. Goss <clerk@whitewatertownship.org>
Sent: Friday, January 19, 2024 2:10 PM
To: 'Melissa Melton' <mammelon@gmail.com>; Kevin S. Krogulecki, PLA <kskrogulecki@goslingczubak.com>
Subject: RE: PO 5929 - Gosling Czubak - WTP Toddler Playground

Melissa/Kevin –

Please find attached the executed Contract for Services pertaining to the Whitewater Township Park Playground project.

Note that an excerpt of the 12/12/2023 approved township board minutes has been included verifying that the township board approved this contract in the amount of \$1,740.

FYI -

Cheryl A. Goss

Whitewater Township Clerk

5777 Vinton Road, P.O. Box 159

Williamsburg, Michigan 49690

Telephone: 231.267.5141 x24

Fax: 231.267-9020

clerk@whitewatertownship.org

Office Hours: Mon/Tue/Wed/Thurs 9:00 a.m. to 5:00 p.m.

I Pledge Allegiance to the Flag of the United States of America, and to the REPUBLIC for which it stands, One Nation, Under God, Indivisible, with Liberty and Justice for All.

[Quoted text hidden]

Kevin S. Krogulecki, PLA <kskrogulecki@goslingczubak.com>

Tue, Mar 19, 2024 at 7:20 AM

To: Mel Melton <mammelton@gmail.com>, "Dallas A. Wirtz, PLA, ASLA" <dawirtz@goslingczubak.com>

Hi Mel, Dallas put together the attached playground layout for Whitewater township park. It includes the proposed Burke playground equipment piece, as well as the existing site layout of what is there. The existing site elements are shown based off of tracing best available aerial photographs, as well as Dallas's site visit and site measurements. He shows a playground surfacing limits for the playground area, right not it is just sand/dirt/grass, though if going by code it would require an approved playground surfacing. The simplest and cheapest is engineered wood fiber mulch at 18" thick for the area, and I believe this requires supplementing/freshening up every so often.

If you have any questions please let us know, Dallas will be back around after 4/1 if you want to review with us, thank you!

--

Kevin S. Krogulecki | Landscape Architect

Gosling Czubak Engineering Sciences, Inc.

231.946.9191 office | 231.933.5105 direct | 231.463.9341 mobile

kskrogulecki@goslingczubak.com | www.goslingczubak.com

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From: Mel Melton <mammelon@gmail.com>
Sent: Thursday, January 4, 2024 9:28 AM
To: Kevin S. Krogulecki, PLA <kskrogulecki@goslingczubak.com>
Subject: Fwd: PO 5929 - Gosling Czubak - WTP Toddler Playground

CAUTION: This email originated from outside of GCES. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi Kevin - the whitewater township board has approved to have Gosling Czubak do the site plan layout drawings For the park playground equipment proposed. Let me know what further info you need from me to get this going.

[Quoted text hidden]

 **Whitewater Playground Layout 031924.pdf**
1222K

Mel Melton <mammelon@gmail.com> Tue, Mar 19, 2024 at 10:24 AM
To: Brandon Hubbell <brandon@gfruit.com>, Tom Cosgrove <tac9414447@gmail.com>, "Voice, Amber"
<Amber.voice@mclaren.org>, Gary buczkowski <gbuczkowski.1226@gmail.com>
Cc: Lois Maclean <loismaclean@sbcglobal.net>

Please see email I just received for Toddler equipment site plan.

Thanks,
Melissa

[Quoted text hidden]

 **Whitewater Playground Layout 031924.pdf**
1222K

Lois Maclean <loismaclean@sbcglobal.net> Tue, Mar 19, 2024 at 3:57 PM
To: Mel Melton <mammelon@gmail.com>

Andrew – parksmanager7@gmail.com - on your email list.

Lois

From: Mel Melton [mailto:mammelon@gmail.com]
Sent: Tuesday, March 19, 2024 10:24 AM
To: Brandon Hubbell; Tom Cosgrove; Voice, Amber; Gary buczkowski
Cc: Lois Maclean
Subject: Fwd: PO 5929 - Gosling Czubak - WTP Toddler Playground

Please see email I just received for Toddler equipment site plan.

Thanks,

Melissa

----- Forwarded message -----

From: **Kevin S. Krogulecki, PLA** <kskrogulecki@goslingczubak.com>

Date: Tue, Mar 19, 2024 at 7:20 AM

Subject: RE: PO 5929 - Gosling Czubak - WTP Toddler Playground

To: Mel Melton <mammelon@gmail.com>, Dallas A. Wirtz, PLA, ASLA <dawirtz@goslingczubak.com>

Hi Mel, Dallas put together the attached playground layout for Whitewater township park. It includes the proposed Burke playground equipment piece, as well as the existing site layout of what is there. The existing site elements are shown based off of tracing best available aerial photographs, as well as Dallas's site visit and site measurements He shows a playground surfacing limits for the playground area, right not it is just sand/dirt/grass, though if going by code it would require an approved playground surfacing. The simplest and cheapest is engineered wood fiber mulch at 18" thick for the area, and I believe this requires supplementing/freshening up every so often.

[Quoted text hidden]

Gary buczkowski <gbuczkowski.1226@gmail.com>

Tue, Mar 19, 2024 at 4:22 PM

To: Mel Melton <mammelon@gmail.com>

Hi Mel, The following questions should be asked: 1. The two overhead climbers are located approximately 7 ft apart. CPSC handbooks 5.3.10 states that equipment Higher than 30" should be separated by no less than 9 ft. 2. Are there any concerns locating a compost 2-5 yrs structure next to a merry go round intended for 5-12 yr olds. 3. In Kevin's email he is recommending 18" thick wood fiber fall surface. On page 10 in the handbook the chart reflects a Depth of 9" will protect falls up to 10ft. Assuming the fall zone of 16ft of the swing the cross bar is 8 ft above finish grade. If this is true the fall height requirement would be 8 ft. 12" wood fiber surfacing ok ? 3. Not all Wood chips meet the ASTM 1951 ADA access requirement standard. Where as processed wood fiber chips if made correctly can meet the standard. To my knowledge the closest source that can provide certified product is south of Grand Rapids. Thanks and happy to talk anytime. Gary 🐞

Sent from my iPhone

On Mar 19, 2024, at 10:24 AM, Mel Melton <mammelon@gmail.com> wrote:

[Quoted text hidden]

<Whitewater Playground Layout 031924.pdf>

Kevin S. Krogulecki, PLA <kskrogulecki@goslingczubak.com>

Thu, Apr 4, 2024 at 8:20 AM

To: Mel Melton <mammelon@gmail.com>, "Dallas A. Wirtz, PLA, ASLA" <dawirtz@goslingczubak.com>

Hi Mel, were you able to receive this playground layout and do you have any questions??

--

Kevin S. Krogulecki | Landscape Architect

Gosling Czubak Engineering Sciences, Inc.

231.946.9191 office | 231.933.5105 direct | 231.463.9341 mobile

kskrogulecki@goslingczubak.com | www.goslingczubak.com

Connect with us on LinkedIn!

[Quoted text hidden]

Mel Melton <mammelon@gmail.com>
To: "Kevin S. Krogulecki, PLA" <kskrogulecki@goslingczubak.com>

Sun, Apr 14, 2024 at 11:27 AM

Hi Kevin - we have our Parks n Rec meeting this Tuesday, so I will give you any feedback/questions that come out.

Thank you!

Melissa

[Quoted text hidden]

PURCHASE ORDER

No.5929

BILL TO:
WHITEWATER TOWNSHIP
 P.O. Box 159
 WILLIAMSBURG, MI 49690
 Tax ID# 38-2043508
 Telephone 231-267-5141 X24
 Fax 231-267-9020

SHIP TO:

- WHITEWATER TOWNSHIP HALL**
5777 VINTON ROAD
WILLIAMSBURG, MI 49690
- EMERGENCY SERVICES BLDG**
8380 OLD M-72
WILLIAMSBURG, MI 49690
- WHITEWATER TOWNSHIP PARK**
9500 PARK ROAD
WILLIAMSBURG, MI 49690
- HI PRAY PARK**
6075 ELK LAKE ROAD
WILLIAMSBURG, MI 49690

TO: Gosling Czubak

Issued

DATE ORDERED <i>12-14-23</i>	DATE WANTED	MEMO EMERGENCY SERVICES BLDG <i>Park</i>
--	-------------	--

PLEASE ENTER OUR ORDER FOR THE FOLLOWING - TO BE SHIPPED AS DIRECTED

QTY ORDERED	QTY RECEIVED	DESCRIPTION	UNIT PRICE	AMOUNT
		<i>Professional services re: WTP Proposed Toddler Playground</i>		<i>\$1,740-</i>
		<i>Approved 12/12/2023 by Whitewater Twp Board</i>		
		<i>Requested by Don Glenn</i>		

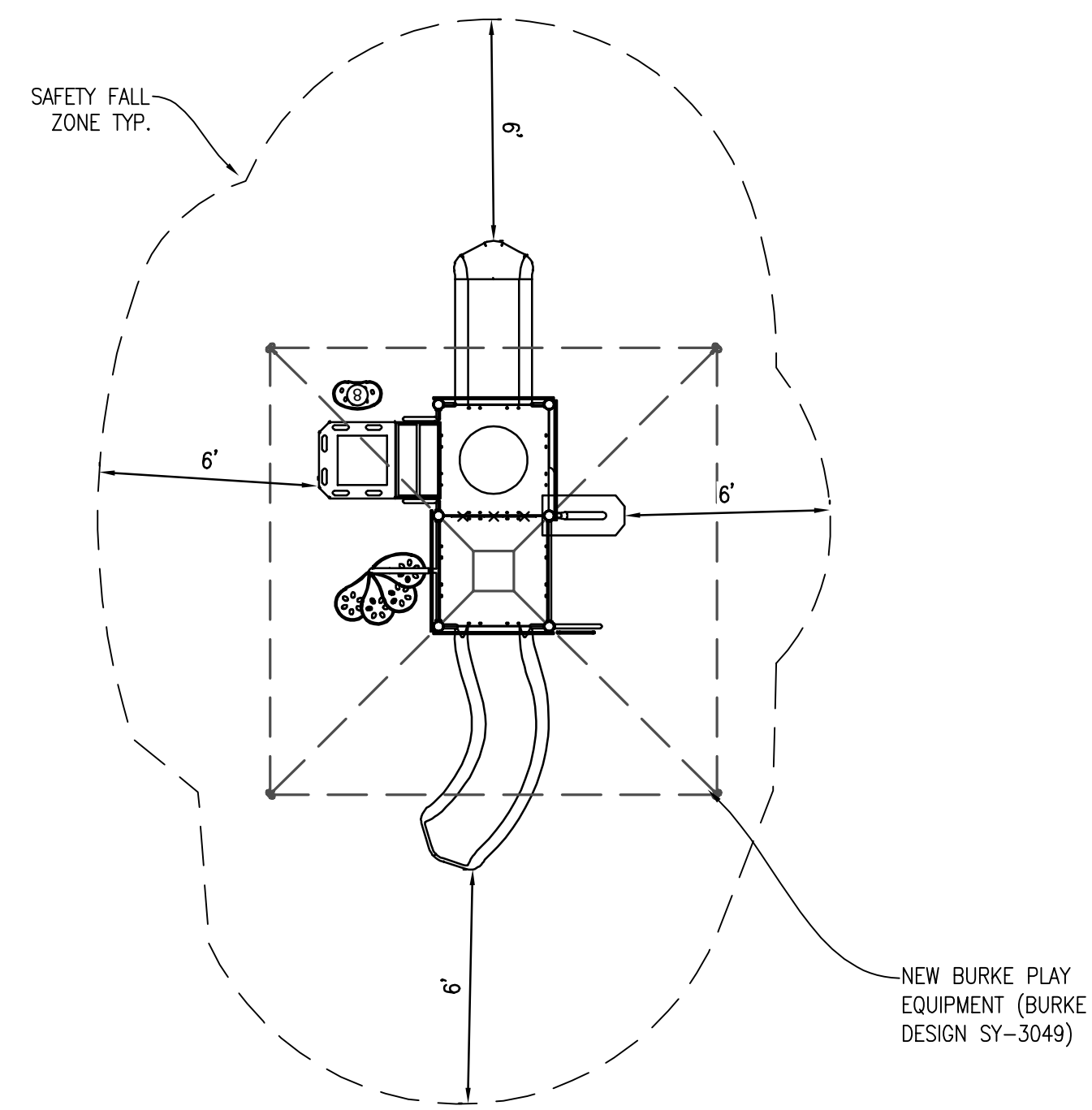
CONDITIONS
 GOODS ARE SUBJECT TO OUR INSPECTION AND APPROVAL. IF SHIPMENT WILL BE DELAYED FOR ANY REASON, ADVISE US IMMEDIATELY, STATING ALL THE NECESSARY FACTS. TO AVOID ERRORS, NOTE SPECIFICATIONS CAREFULLY AND IF UNABLE TO COMPLETE ORDERS AS WRITTEN, NOTIFY US PROMPTLY.

BY *Cheryl Lass*

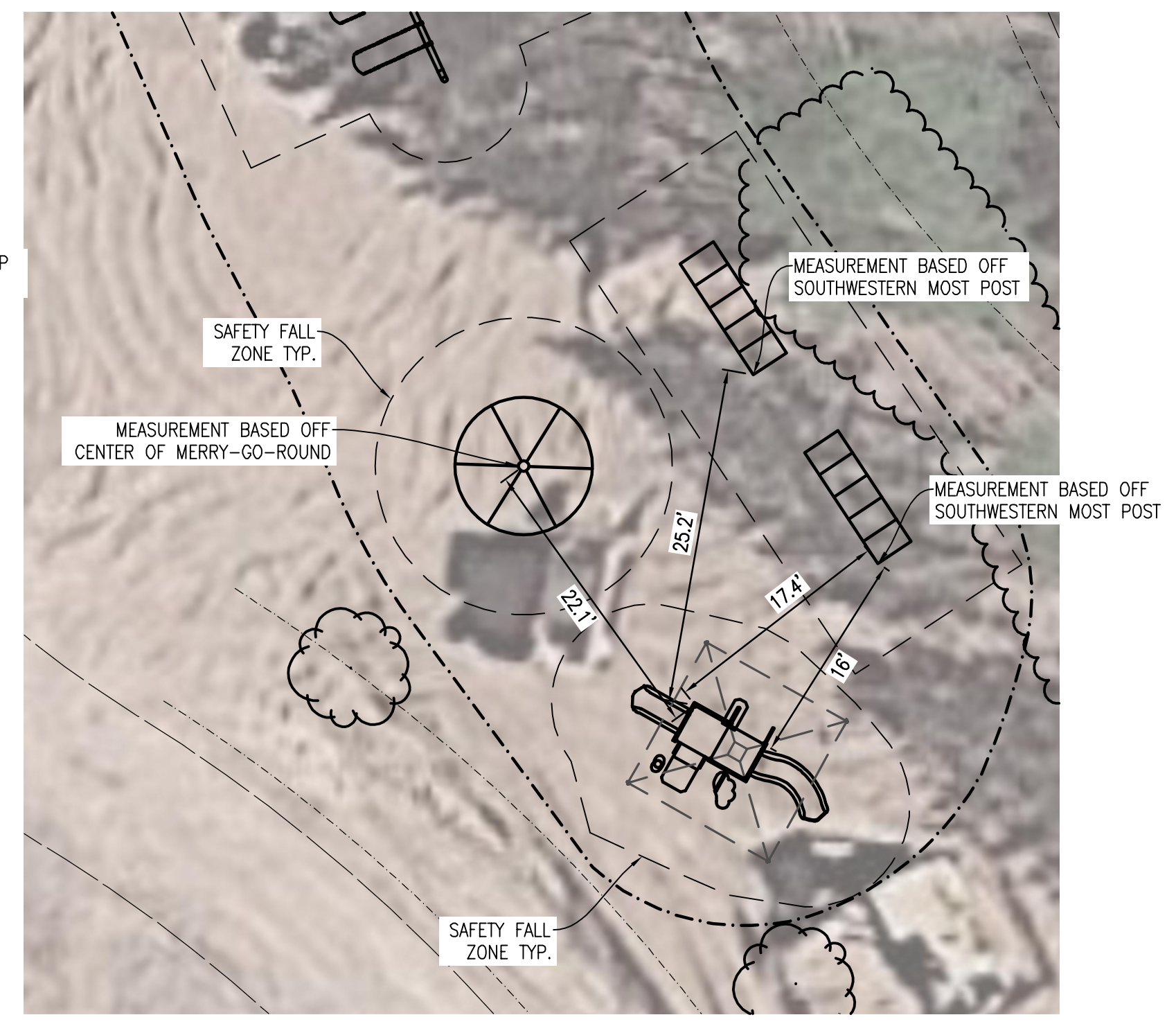
AUTHORIZED SIGNATURES



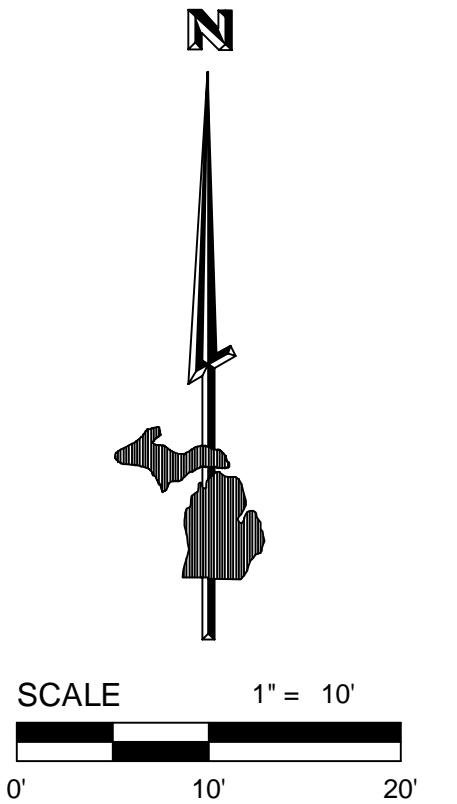
PLAYGROUND LAYOUT
SCALE: 1" = 10'



**BURKE PLAY STRUCTURE LAYOUT
(FROM MANUFACTURER)**
SCALE: NTS



NE PLAY EQUIPMENT MEASUREMENT LAYOUT
SCALE: 1" = 10'



No.	Date	Revision	By

**PLAYGROUND LAYOUT
WHITEWATER TOWNSHIP PARK
WHITEWATER TOWNSHIP**

Date Issued: 03-15-2024
Date Surveyed: N/A
Designed By: DAW
Drawn By: DAW
Checked By: KSK
Scale: 1" = 10'
Original sheet size is 22x34

Location:
SECTION 15
T26N, R9W
WHITEWATER TOWNSHIP
GRAND TRAVERSE COUNTY
MICHIGAN

Project Number:
240044

Sheet:
01

General Notes

- LAYOUT CREATED WITHOUT THE BENEFIT OF TOPOGRAPHIC SURVEY. EXISTING ELEMENTS AND SITE CONDITIONS ARE DEPICTED ARE DRAWN FROM RECENT AERIAL PHOTOGRAPHY AND FIELD MEASUREMENTS. CONFIRM ALL ELEMENTS ON SITE PRIOR TO CONSTRUCTION. CONFIRM WITH OWNER DURING CONSTRUCTION FINAL GRADES FOR THE PROJECT ELEMENTS.



Know what's below.
Call before you dig.



CONTRACT FOR SERVICES

From: Kevin S. Krogulecki, P.L.A.

Prepared For

Melissa Melton, Parks and Recreation
Whitewater Township
PO Box 159, 5777 Vinton Rd
Williamsburg, MI 49690

Project Name and Location

Whitewater Township Park
Campground Playground Layout Updates

Gosling Czubak Engineering Sciences, Inc. (GCES) and Whitewater Township (CLIENT) agree that GCES will perform the professional services described in the Proposed Scope of Work, subject to GCES's Terms and Conditions, attached.

Proposed Scope of Work

Gosling Czubak will provide the professional services described below:

1.0 Playground Layout Updates:

- Perform site visit to campground playground and take measurements of existing conditions to locate trees, play equipment, play area limits, and other elements necessary for locating new equipment.
- Create drawing of approximate existing conditions of playground over aerial imagery. Drawing will not be georeferenced or suitable for construction staking layout.
- Assess existing conditions and locate a new toddler playground piece (Burke Design SY-3049) with appropriate fall zone distance. Suggest adjustments to surrounding trees, playground equipment or limits of play area if necessary.
- Provide layout plan with location dimensions from other known elements for siting prior to construction
- Optional Topographic Survey: Perform topographic survey of existing playground area locating surrounding surface elements and existing playground pieces. A topographic survey would be used for high accuracy layout and georeferenced to allow for construction staking layout of new elements if needed. Topographic survey would add several weeks to the estimated completion date.

Proposed Schedule

The estimated completion date is 2/1/2024.

Table of Fees

Task	Description	Estimated Fees
Engineering	Playground Layout Update	\$1,740
Survey (Optional)	Topographic Survey	\$1,500

The total fee to provide these service is \$1,740. Does not include optional topographic survey.

Will be based on a time and materials basis in accordance with GCES's normal rates and charges.

Approval

Whitewater Township

By: _____

Signature: _____

Title: _____

Date: _____

Gosling Czubak Engineering Sciences, Inc.

Mark J. Hurley, M.S., P.E.

Principal-in-Charge

Terms and Conditions

Description of Services: GCES agrees to perform those professional services described in the attached Contract for Services which is incorporated herein by reference as if the same had been fully set forth.

Payment for Services: The estimated total fee for the services set forth in the Contract for Services. The Client understands and agrees that the aforementioned amount is an estimate for the scope of work described in the Contract. Additional fees may be billed if the scope of the work is changed. A statement for work done in a month will be billed in the following month, and that payment is to be made by the Client within 30 days of the invoice.

Estimated Date of Completion: GCES will complete the performance of the services as indicated with the dates provided in the Contract for Services absent an act, condition, or event beyond the control of the parties.

Ownership of Documents: All original documents, drawings, computer files and survey notes represent the product of training, experience and professional skill. All such items are, and will remain, the property of GCES, regardless if the project is completed. Upon full payment of all amounts due hereunder, GCES will furnish copies of suitable, original drawings and other final work products in the form required by applicable law to the Client. Such documents furnished to the Client are not intended or represented to be suitable for reuse by the Client or others on extensions of the project or any other project. Any unauthorized reuse of documents will be at the Client's sole risk and without liability or exposure to GCES.

Scope of Services Rendered: Client assumes full responsibility for determining the suitability of the described services to meet its needs. If indicated on the attached Contract for Services, such services may include preparation and attendance at public hearings or informational meetings, when so requested by the Client; but this Agreement does not include services that would pertain to the preparation or appearance on behalf of the Client in litigation.

Assignment of Contract: GCES will be solely responsible for all services performed under this Agreement and will supervise and direct the work in accordance with in a manner consistent with that degree of care and skill ordinarily exercised by members of the same profession currently practicing under similar circumstances and in the same locality. Neither the Client nor GCES may assign, sublet, or transfer their interest in this Agreement, without the prior written consent of the other.

Lien for Services/Attorney's Fees: GCES reserves the right to file any statutorily authorized lien against the property which is the subject of this contractual Agreement in the event payment is not received for services rendered. If GCES is required to file suit to secure payment, GCES shall be entitled to receive its actual attorney's fees and costs incurred in such litigation.

Termination of Services: This contract may be terminated by the Client or GCES should the other fail to perform its obligations under this contract. In the event of termination, the Client shall pay GCES for all services and expenses rendered to the date of the termination.

Limitation of Liability: The Client agrees to limit the liability of GCES on this project for claims, losses or damages and claims expenses to a sum not to exceed \$25,000 or GCES's total fee for services on this project, whichever is greater.

Consequential Damages: Neither the Client nor GCES shall be liable to the other, shall make any claim for any incidental, indirect, or consequential damages arising out of this Agreement. This mutual waiver of consequential damages shall include any consequential damages that either party may have incurred from any cause of action including negligence, strict liability, breach of contract and breach of strict or implied warranty. Both the Client and GCES shall require similar waivers of consequential damages in all contracts and subcontracts with others involved in this project.

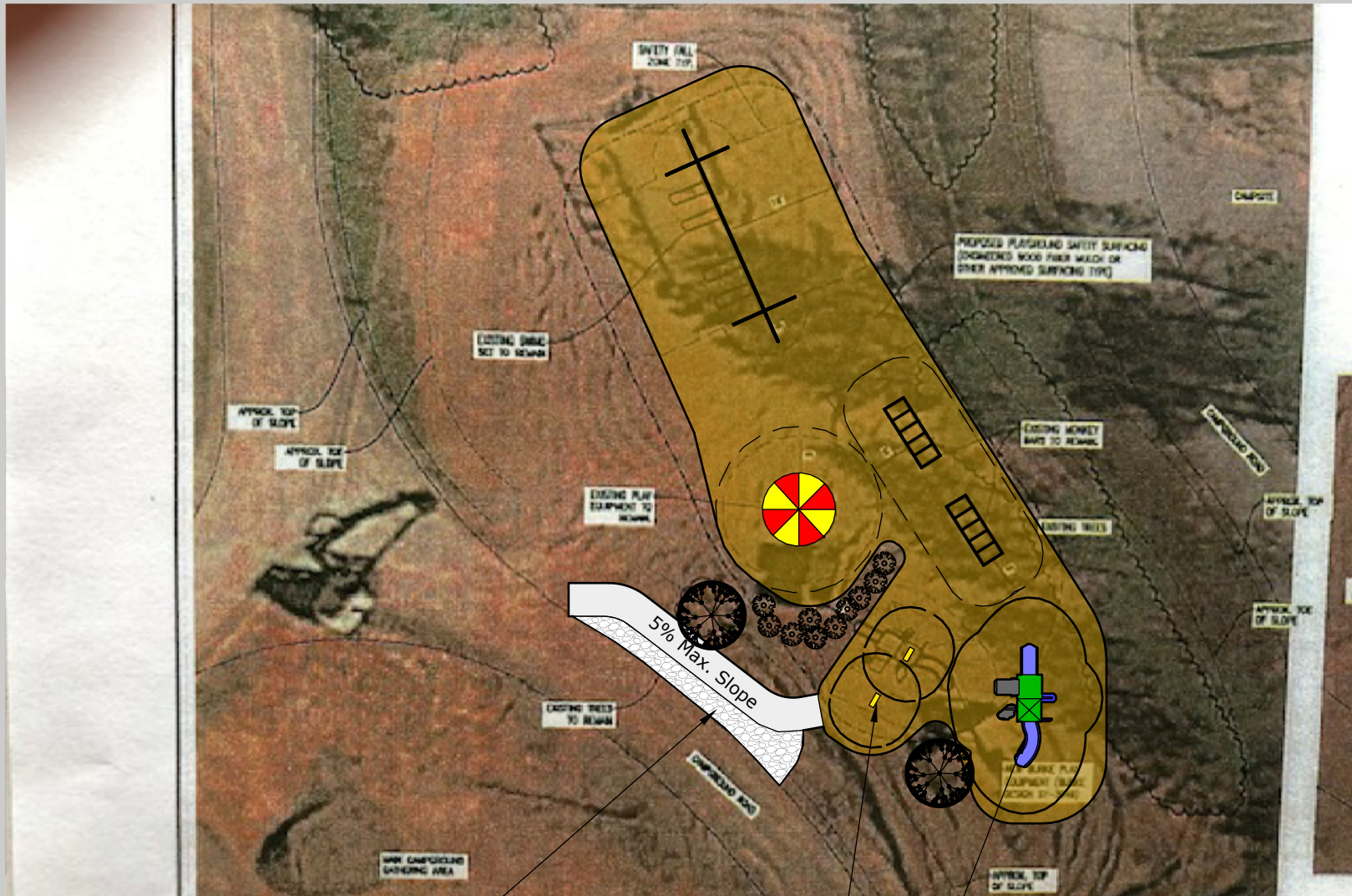
Dispute Resolution: Any claims or disputes between the Client and GCES shall be submitted to non-binding mediation. The Client and GCES agree to include a similar mediation agreement with all contracts, subcontractors, suppliers and fabricators that provides for mediation as the primary method for dispute resolution between all parties.

Entire Agreement: This Agreement constitutes the entire Agreement of the parties and no alteration or amendment shall be effective until such time as it is reduced to writing and signed by both parties.

Permits: GCES will assist the Client with preparation and submittal of permit applications to the approving agencies listed in the description of services. GCES's contract fee estimate for permitting assistance is based on its experience working with the listed agencies. The Client and GCES acknowledge that permitting requirements are subject to the opinions of the permit review official(s) and may result in unforeseen conditions imposed by the permitting official. Any permitting assistance, design changes or inspections made necessary by newly enacted laws, codes, regulations, or interpretations of codes made by permitting and code officials that are not described in the contract services or were unforeseen by GCES at the time that this contract was signed, can be provided by GCES for additional fees. The amount of additional fees required by unexpected permitting or inspection requirements will be presented to the Client for the Client's approval before the additional work is undertaken.

Not For Construction
without professional
Review

Whitewater Park Playground Concept Layout Drawing



Rock Boulders on Slope ●
Spring Toys ●
New Burke 2-5yrs Modular Structure ●

Not For Construction
without professional
Review

MEMO

TO:

FROM:

DATE:

RE: Lossie Road Trail motorized vehicle access

BACKGROUND Lossie Road was deeded to Whitewater Township from the Grand County Road Commission in 1992. This public right of way was previously considered a seasonal road and was located for the most part on privately owned property. Since taking over the access easement rights of Lossie Road, Whitewater Township has been responsible for all maintenance, capital improvements and enforcement of rules.

According to Whitewater Township, Lossie Road (Trail) is considered part of the Battle Creek Natural Area. That Management plan which governs how Battle Creek Natural area functions states, "Lossie Road Trail shall be utilized for passive recreational use by the public including hiking, skiing, and wildlife viewing. Such use shall be non-motorized. however, motorized vehicles may be used for maintenance activities by authorized persons." Research has provided no evidence that motor vehicle use by the public was never voted upon by any elected officials other than what is stated in the management plan.

In recent times, the Trail has been primarily used by walkers/hikers and occasionally used by adjacent landowners (with motorized vehicles) to access portions of their private property which otherwise would not be accessible. Enforcement of the vehicle restrictions identified in the B.C.N. management plan has not taken place.

IMPLICATIONS With plans on the table to make improvements to the trail, the Township must find consensus on whether to continue allow the public motorized vehicle access to Lossie trail. This determination would directly affect how future improvements are designed and built.

A recent review of documents has revealed some insight into the possible understanding by those involved with the 1992 access easement acquisition. Some of these documents suggest the intent was to keep Lossie Road as a seasonal road for public similar to its former use when under County Road Commission control. See attached document 1, whereby Micheal K. Dillenbeck states according to State law "when the road is abandoned the general public no longer has the right to use the road." Because the road was not abandoned, but transferred to the Township, that public right of use should have continued. The author further writes based on legal opinions "the adjacent landowners who have used a former Township/County Road for access to their properties have established rights in addition to the rights of the County Road Commission." The elected officials from Whitewater Township must have known this information when casting their vote. See document 2 (Minutes of 5/27/92) whereby the motion to accept included the following statement, "Whitewater Township will provide access easement, if needed". In document 3, a news account of the acquisition also makes reference to the statement "Whitewater Township will provide access easement, if needed."

Finally, there is correspondence dated July 27,1992 (Document 4) written two months after the transfer of easement which refers to making capital improvements to the Lossie Road by the County and Whitewater Township for the purpose “to provide better vehicle access.”

Use of motor vehicles on Lossie Road was probably in the minds of elected officials. While this review of existing documents and assumption are not made from a legal position moving forward, one might conclude the Lossie Road (Trail) was intended to remain public right-of-way and at minimum would allow adjacent property owners access thru that easement to their properties.

Based on the information provided above and the need to move forward for the purposes of making improvements to the trail, The Park and Recreation Advisor Committee has identified five scenarios the board should consider regarding vehicular access on the Lossie Road (Trail).

Scenario 1. Restrict all motor vehicle access with physical barriers (See Barrier Drawing attached Barrier #1) on Skegemog and Cook Roads. This restriction would not include authorized emergency, maintenance, and or construction vehicles access.

Pros:

- Eliminate impact on path walking users.
- Eliminate impact on physical environment.

Cons:

- Would limit access for adjacent property owners whose only means of access to their property is through the Loosie road trail easement.
- Would likely cause litigation between property owners and the Township.
- If legal action were to occur the project could be delayed outside of the grant expenditure timing requirements.
- If this scenario were to be pursued, Whitewater Township should seek legal advice in advance of any official actions on this matter.

Scenario 2. Allow motor vehicle access to the public during open public hours without any restrictions.

Pros:

- Would provide a means for adjacent property owners to access their properties.
- Would allow individuals with mobility issues better access to the trail system.

Cons:

- Could cause damage to trail surface especially during wet seasons especially within the lower wetland area.
- Could impact trail walkers experience.
- Could endanger other trail users.
- Would require additional engineering and capital improvements expense to deal with motor vehicles.

Scenario 3. Limit motor vehicle access by the general public but allow limited vehicular access for adjacent property owners controlled by operatable physical barriers. (See Barrier Drawing attached Barrier #1). Access Right to adjacent property owners would be granted through newly created legal agreements with defined terms and conditions to prevent damage to the trail/natural environment and or harm to the public user. This restriction would not include authorized emergency, maintenance, and or construction vehicles access.

Pros:

- Would allow adjacent property owners access to their properties.
- Would allow the proposed improvements to move forward without legal delay.
- Would limit public vehicular access to minimize potential damage to trail and adjacent private properties.

Cons:

- Would require drafting an access agreement between each of the adjacent property owners and the Township.
- Would require enforcement of that legal easement agreement between adjacent property owners and the Township.
- Would require additional engineering and capital improvements to deal with vehicles at great expense to any capital improvement made on the trail.

Scenario 4. Limit motor vehicle access by the general public but allow limited vehicular access for adjacent property owners controlled with operatable physical barriers. (See Barrier Drawing attached Barrier #1) This limited access would be granted through newly created legal agreements with defined terms and conditions to prevent damage to the trail and or harm to the public trail user. This scenario would also include the installation of a second set of operatable barriers at a point where no access by motor vehicles is needed by any adjacent property owners. (See Barrier Drawing attached Barrier #2. This restriction would not include authorized emergency, maintenance, and or construction vehicles access.

Pros:

- Would allow adjacent property owners access to their properties.
- Would allow the proposed improvements to move forward without legal delay.
- Would limit public vehicular access to minimize potential damage to trail and or private adjacent properties.
- Would limit adjacent property owners from damaging wetland areas of the trail.

Cons:

- Would require drafting an access agreement between each of the adjacent property owners and the Township.
- Would require enforcement of that legal access easement agreement by the Township.

Scenario 4 Abandon and or dissolve the Lossie Road Trail Easement.

Pros:

- Whitewater Township would no longer incur any maintenance or repair costs for the trail.
- Whitewater Township would not have to enforce vehicle use on the trail and or any associated legal costs for enforcement.

Cons:

- The Public would lose access to a valuable natural area.
- The adjacent property owners would have to negotiate access easement rights among themselves.
- The adjacent property owners would have to protect their own properties from public trespassing.

RECOMMENDATIONS

The Parks and Recreation Advisory Committee recommend the Whitewater Township Board move forward with Scenario 3 as outlined above. Furthermore, instinct legal counsel to put together an agreement that if approved by the Board would to be presented to the adjacent property owners of the Lossie Road Trail.

Lossie Road Memo Document 1



WILLIAM H. WALTON
Chairman

MAURIE DORE DENNIS
Vice-Chairman

JAMES A. BURKHOLDER
Commissioner

MICHEAL K. DILLENBECK, P.E.
Manager

DAVID L. MILLIRON
Financial Director/Clerk

JAMES C. JOHNSON, P.E.
County Highway Engineer

July 20, 1990

Mr. Terry Snowday
P. O. Box 232
Traverse City, MI 49684

RE: ABANDONMENT OF LOSSIE ROAD, WHITEWATER TOWNSHIP

Dear Mr. Snowday:

In follow-up to our discussion of this past Wednesday, I wish to state my knowledge and understanding of the landowners rights to an abandoned road right-of-way. The Board of County Road Commissioners have obtained jurisdiction over the Lossie Road right-of-way by resolutions passed by the Whitewater Township Board granting it to the Grand Traverse County Commission under the McNitt Act of 1931. The right-of-way under that Act and all subsequent Acts have stated that the road right-of-ways are 66 feet in width. These are statutory right of ways that are established, by usage of the township and/or Road Commission. To the best of my knowledge, no easements or deeds have been granted to the Township of Whitewater or the Road Commissioners. Therefore, the Board does not have the underlying deed title to the property, but has a usage easement based on state law.

The State Law allows the Board of Road Commissioners to abandon county roads. When the road is abandoned, the general public nor longer has to right to use the roadway, nor does the Road Commission have the right to use it or responsibility for its care. We simply have the dissolved the statutory usage right-of-way.

The adjacent landowners who have used a former township/county road for access to their property have established rights in addition to the rights of to the County Road Commission. I have been advised by numerous attorneys during my experience in managing road commissions that the landowners retain their access rights after the public rights are abandoned. Therefore, each landowner has the right to continue to use the abandoned road to access his property as they have historically without the interference from the owner who may own the underlying title. The landowners may desire to survey the roadway and establish a legal description and record a mutual easement granting each other the right to use the abandoned road. By recording the mutual easement it would be clear to any future purchaser of property that those rights exist without seeking court ruling of the private access. It could also be mutually agreeable among the landowners to install gates and to issue keys to each landowner having a usage easement on the abandoned roadway, thereby, eliminating the possibility of the continued public usage of an abandoned county road.

Page 2
Mr. Terry Snowday
July 20, 1990

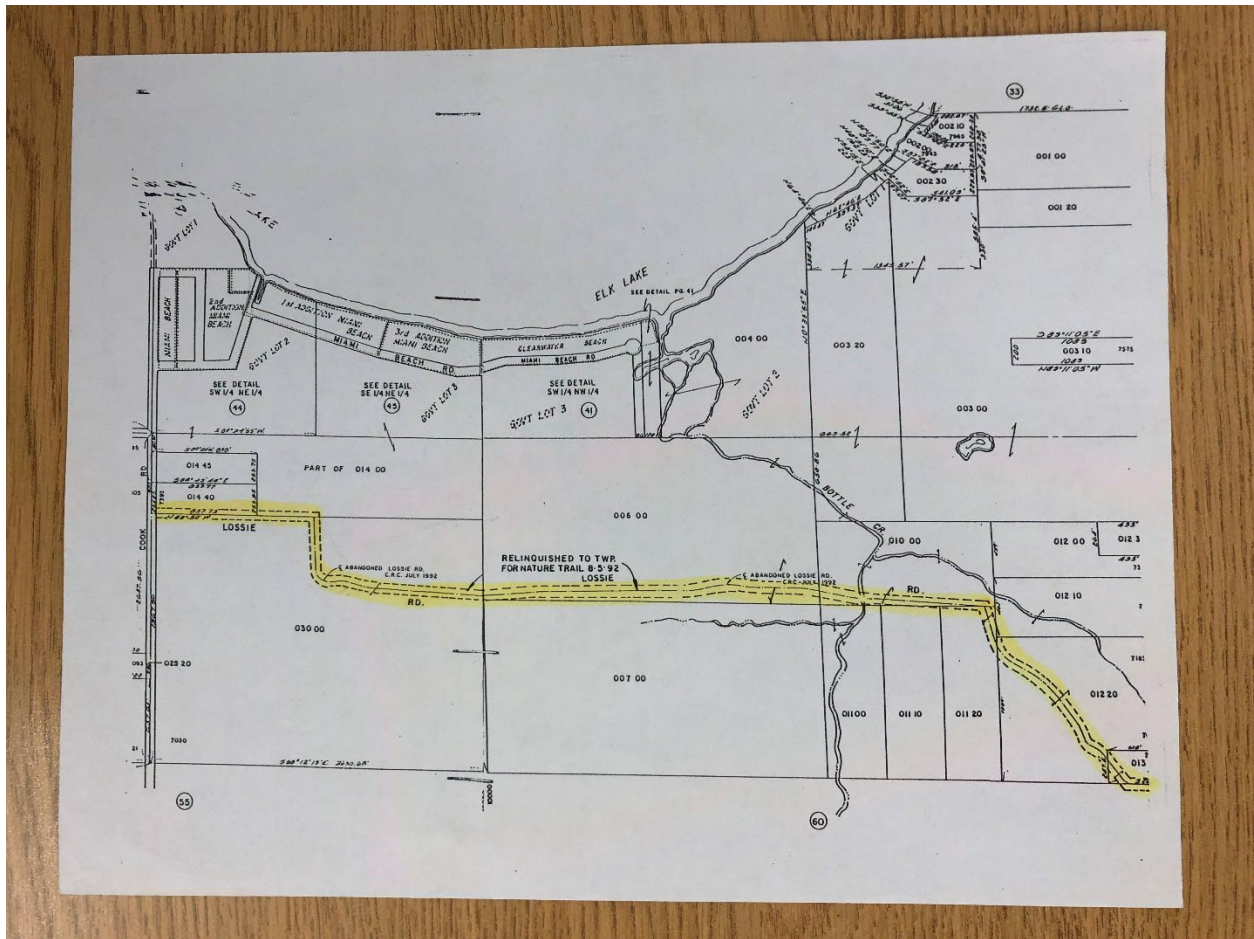
I hope this information is helpful to you as a composite of my experience and knowledge in these areas. Each individual may want to consult their personal attorney to ensure their interest is properly considered. I am not proposing to offer legal advice, but to share a summary of my knowledge and experience.

Sincerely yours,

Michael K. Dillenbeck
Manager

MKD/dh

Lossie Road Memo Document 1 pg. 3



Minutes of Special Whitewater Township Board Meeting Held at the Township Hall
5/27/92

1

The meeting was duly posted in compliance with P.A. 267 of 1976. Sup. Galligan called the meeting to order at 8:00 p.m. Board members present: Ostlund, E. Galligan, Shaffer, D. Galligan, Beckwith. Also attending: four others.

Purpose of meeting: a rezoning from Industrial (N) to R-3 (multiple residential).

The Board addressed the issue of rezoning the Irish property on Elk Lake Road (no one had objected to this at the May 6 Planning Commission public hearing).

A motion was made by D. Galligan, seconded by Shaffer, to adopt a resolution to Amend Section 5.13 Industrial District N, Subsection 3 to read as follows:

3. The Southwest quarter of Section 33, Town 28 North, Range 9 West, except the East 438.9 feet of the Southeast quarter, except the North 214.5 feet, and except the South 624.0 ± feet.

Amend Section 5.16 Residential District R-3 by adding the following:

2. The East 438.9 feet of the Southeast quarter of the Southwest quarter of Section 33, Town 28 North, Range 9 West, except the North 214.5 feet, and except the South 624.0 ± feet.

Resolution effective upon publication. Roll call vote: E. Galligan- yes, Beckwith- yes, Ostlund- yes, D. Galligan- yes, Shaffer- yes. Motion carried.

A motion was made by D. Galligan, seconded by Shaffer, to adopt a resolution for Whitewater Township to accept Lossie Road after relinquishment by Grand Traverse County Road Commission using the 3/10/92 survey; further, Whitewater Township will provide access easement, if needed. Roll call vote: Beckwith- yes, Ostlund- abstain, D. Galligan- yes, Shaffer- yes, E. Galligan- yes. Motion carried.

A motion was made by Ostlund, seconded by Shaffer, that the Clerk pay the park ranger according to the terms of his contract. Motion carried.

A motion was made by D. Galligan, seconded by Ostlund, to approve the payment of four bills (Postmaster, two insurance bills, Heritage Flag). Motion carried.

A motion was made by Ostlund to adjourn at 8:55 p.m.

Sandra Beckwith
Clerk

Lossie Road Memo Document 3

(26)
#3152 # adopted

* 3rd
4 approved
motion
is
Amend-
ment
25

5,
24,
85,

[Hann.
Comm.
Notes
4 minutes
5/27/92]

6/92
7/92

SYNOPSIS OF SPECIAL
WHITEWATER TOWNSHIP
BOARD MEETING
May 27, 1992

The meeting was called to order by Sup. E. Galligan at 8:00 p.m. Board members present: Richard E. Galligan, Sheriff, D. Galligan, Beckwith. Also attending: 4 others.

Motions made and approved:

1. Approved adopting a resolution to Amend Section 5.13 Industrial District N, Subsection 3 to read as follows:
 3. The Southwest quarter of Section 33, Town 28 North, Range 9 West, except the East 438.9 feet of the Southeast quarter, except the North 214.5 feet, and except the South 624.0 +/- feet.
2. The East 438.9 feet of the Southeast quarter of Section 33, Town 28 North, Range 9 West, except the North 214.5 feet, and except the South 624.0 +/- feet.

Resolution effective upon publication.

2. Approved adopting a resolution for Whitewater Township to accept Lossie Road after relinquishment by Grand Traverse County Road Commission following 3/10/92 survey; further, Whitewater Township will provide access easement, if needed.
3. Approved the Clerk paying the Park Ranger according to the terms of his contract.
4. Approved payment of four bills.

Meeting adjourned at 8:55 p.m.

Sandra Beckwith
Whitewater Twp. Clerk
Minutes have not been approved by the Twp. Board.
June 5, 1992 - 11

STATE OF MICHIGAN
County of Grand Traverse

M.C. Yau

deposes and says he is publishers of the REC newspaper printed and Grand Traverse County,

In said county, that the Notice

a copy of which is published in said REC as follows:

June

Subscribed

9th day of 1992

6

Notary

County.

Commission E

19

NOTARY PUBLIC
GRAND TRAVERSE COUNTY

exute order

3/10/92 survey

Lossie Road Memo Document 4



MAURIE DORE DENNIS
Chairman

JAMES A. BURKHOLDER
Vice-Chairman

WILLIAM H. WALTON
Commissioner

MICHAEL K. DILLENBECK, P.E.
Manager

DAVID L. MILLIRON
Financial Director/Clerk

JAMES C. JOHNSON, P.E.
County Highway Engineer

July 27, 1992

We, the Township of Whitewater in Grand Traverse County, and the Grand Traverse County Road Commission, hereby agree to the following construction in said Township:

Lossie Road - Cook Road to Skegemog Point Road, Section 26, 27, T28N,R9W, 1.77 mile. Improve the existing seasonal county local road to provide better vehicle access. Work shall consist of replacing the Battle Creek stream crossing and placing fills in low areas. Tree removal shall be completed as needed in areas requiring earth change and if trees are obstructing vehicle traffic or clear vision areas. Work schedule subject to any required permits.

TOTAL ESTIMATED COST \$20,000

The project cost will not be exceeded unless approved by Whitewater Township.

It is further agreed that fifty (50%) per cent of the actual cost of construction of the above project will be paid by said Township to the Road Commission.

Edna D. Galligan Supervisor

James L. Burkholder Clerk

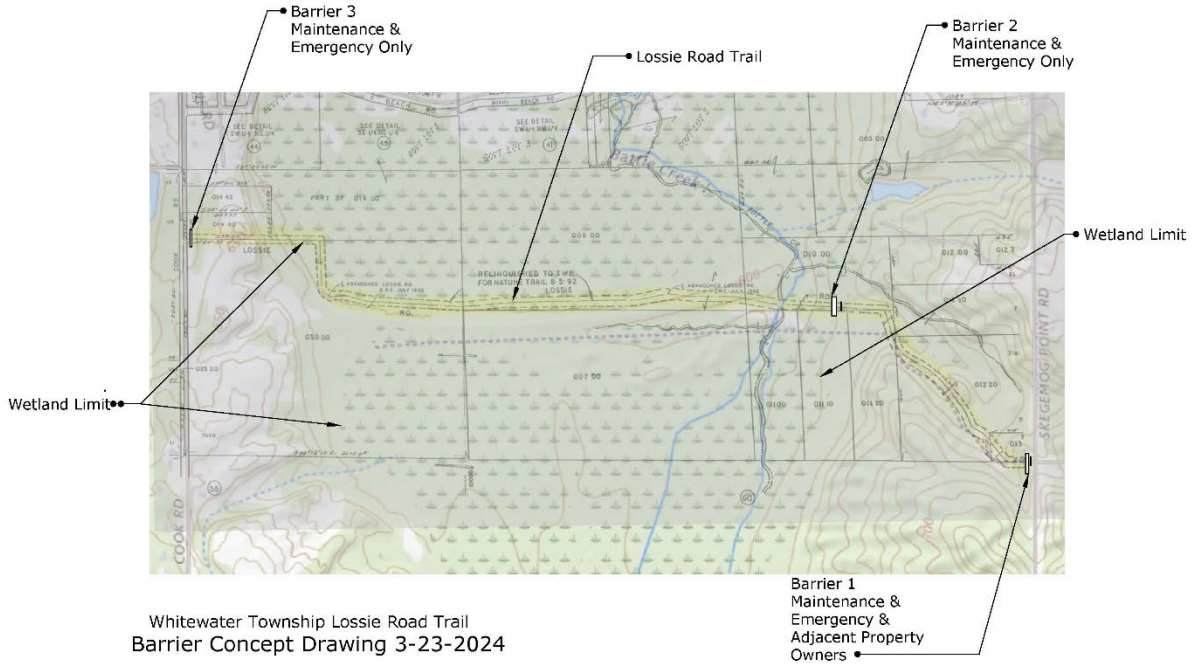
Whitewater Township

Michael Dillan Manager

Grand Traverse County Road Commission

*Ad relinquished To Top
8/5/92*

Lossie Road Barrier Concept Drawing 3-23-2024





Mel Melton <mammelon@gmail.com>

Lossie Trail update

10 messages

Kevin S. Krogulecki, PLA <kskrogulecki@goslingczubak.com>
To: "supervisorwhitewater@gmail.com" <supervisorwhitewater@gmail.com>
Cc: Mel Melton <mammelon@gmail.com>

Wed, Mar 20, 2024 at 6:39 PM

Hi Ron, thanks for your call today. I can see your point with Gosling having our contracted work done by 1/25/24 as this was our estimated deliverable date on the executed proposal (attached). This proposal submitted 8/14/23 had an almost 3 month lead time to begin any work and about a 5 month lead time before complete, this is due to our ongoing workload and backlog. But since we didn't get approval until 11/29/23, these lead times to begin and complete the work still applied, leading us to get started later than our proposal dates. We also assembled and submitted on 10/16/23 the attached more thorough engineering proposal as requested from us for full trail surveying, engineering, permitting, and construction document production for bidding to contractors.

I had some questions/concerns about the trail easement over the private parcels, and know this is historic but wasn't sure if the easement allowed for trail improvements (fill/structures) or allows the Township to prevent the underlying landowners from using motorized vehicles on the trail – I say this because it was apparent it was being used by motorized vehicles by tracks I saw on my visit. This is important to know as motorized vehicle use would change trail design and estimated costs. We would also need to know this info for future permitting, so I was trying to get it clearly defined early on in this process.

Our call today helped with some of these assumptions and moving forward we can continue with our proposal work with the understanding:

- Trail easement area has no limitations as to development trail and trail structures – other than what would be limited by permitting agencies
- Any motorized use of trail would be limited to off-road emergency vehicles – general public and landowners would not be allowed to use motorized vehicles on trails.
- Approximate project construction budget of \$143,000 to be spent (or maybe just obligated to a construction contract) by August '24

We can continue with the conceptual layout and cost estimating, which I think will take shape quickly in hopes that decisions could be made to move forward with certain parts of the trail improvement design.

Thank you again Ron, I you have any questions please let me know, I can be reached directly at my contact information below.

--

Kevin S. Krogulecki | Landscape Architect

Gosling Czubak Engineering Sciences, Inc.

231.946.9191 office | 231.933.5105 direct | 231.463.9341 mobile

kskrogulecki@goslingczubak.com | www.goslingczubak.com

Connect with us on LinkedIn!

2 attachments

 **Gosling Czubak Contract for Services re LRNT Improvements (fully executed).pdf**
388K

 **Proposals | Lossie Rd Nature Trail Improvements 101623.pdf**
93K

Melissa Melton <mammelon@gmail.com>

Wed, Mar 20, 2024 at 7:23 PM

To: Gary buczkowski <gbuczowski.1226@gmail.com>, Brandon Hubbell <brandon@gtfruit.com>, Tom Cosgrove <tac9414447@gmail.com>, Amber Voice <Amber.voice@mclaren.org>

Cc: Lois Maclean <loismaclean@sbcglobal.net>

Prac - FYI

Thank you!
Melissa Melton

Begin forwarded message:

From: "Kevin S. Krogulecki, PLA" <kskrogulecki@goslingczubak.com>

Date: March 20, 2024 at 5:39:37 PM CDT

To: supervisorwhitewater@gmail.com

Cc: Mel Melton <mammelon@gmail.com>

Subject: Lossie Trail update

[Quoted text hidden]

2 attachments

 **Gosling Czubak Contract for Services re LRNT Improvements (fully executed).pdf**
388K

 **Proposals | Lossie Rd Nature Trail Improvements 101623.pdf**
93K

Ron Popp <supervisorwhitewater@gmail.com>

Mon, Mar 25, 2024 at 5:27 PM

To: "Kevin S. Krogulecki, PLA" <kskrogulecki@goslingczubak.com>, Melissa Melton <mammelon@gmail.com>

Sorry for the delayed response Kevin - I will repeat my request to Gosling Czubak to supply all correspondence on this matter. It is clear the board does not have a complete picture from your firm's perspective. In my opinion, the motion approving the \$6,800.00 agreement had a specific time deadline for deliverables:

Motion by Popp to approve the Gosling Czubak Engineering Sciences proposal dated 08/14/2023 for design services and a site plan in the amount of \$6,800 for the Lossie Road

Nature Trail improvement project to be completed no later than 01/22/2024; second by Glenn. Roll call vote: Popp, yes; Benak, absent; Vollmuth, absent; Goss, yes; Glenn, yes. Motion carried.

Melton nor Goss have authority to change or accept a change in a contract, including a deadline. That is a function reserved onto the Board.

The deadline was part of the motion due to the concern over deadlines in the ARPA funding agreement in place with Grand Traverse County that are more stringent than Federal Mandates. Additionally, in my opinion, once ARPA funds are spent towards this project, the Township must complete the project as outlined in the grant before 12.31.2025 timeline and is responsible for all cost overruns. Pending overall costs, we simply may not have that kind of funding available and will result in a return of funds. Bankrupting the township over a failed park project is not on my to do list.

Respectfully submitted,

Ron Popp
Whitewater Township Supervisor
231.267.5141 Ext. 23
supervisorwhitewater@gmail.com

bcc: township board

On Thu, Mar 21, 2024 at 8:08 AM Kevin S. Krogulecki, PLA <kskrogulecki@goslingczubak.com> wrote:

Ron I also went through some old emails last night.

We received our signed contract on 11/29/23 last year as I mention, this was after the proposal's noted start date of 11/6. At this time we had 2 separate proposals in to the Township for review on this same project, with two different scopes of work, and two different project timelines.

A day after we received a signed proposal (I was expecting our October proposal to be signed as it was most recent, but we received the signed August proposal), I made my concerns about the schedule known in 11/30 email to Mel and Clerk Cheryl, I provided a revised schedule that worked with the engineering needs of the project (ability to see the trail and lowlands in wet conditions since that is what we are trying to remediate). I provided a spring deliverable date in this revised schedule. Mel and Cheryl should have all of the email communication of this project and I would ask that you contact them with any questions of documentation about our correspondence.

That said, can we all have a call next week to discuss this project and where Gosling is supposed to go from here? I'd like everyone involved in the design or decision making on this call if we can do this so that everyone involved is on the same page.

--

Kevin S. Krogulecki | Landscape Architect

Gosling Czubak Engineering Sciences, Inc.

231.946.9191 office | 231.933.5105 direct | 231.463.9341 mobile

kskrogulecki@goslingczubak.com | www.goslingczubak.com

Connect with us on LinkedIn!

From: Kevin S. Krogulecki, PLA

Sent: Wednesday, March 20, 2024 6:40 PM

To: supervisorwhitewater@gmail.com
Cc: Mel Melton <mammelon@gmail.com>
Subject: Lossie Trail update

Hi Ron, thanks for your call today. I can see your point with Gosling having our contracted work done by 1/25/24 as this was our estimated deliverable date on the executed proposal (attached). This proposal submitted 8/14/23 had an almost 3 month lead time to begin any work and about a 5 month lead time before complete, this is due to our ongoing workload and backlog. But since we didn't get approval until 11/29/23, these lead times to begin and complete the work still applied, leading us to get started later than our proposal dates. We also assembled and submitted on 10/16/23 the attached more thorough engineering proposal as requested from us for full trail surveying, engineering, permitting, and construction document production for bidding to contractors.

[Quoted text hidden]

Kevin S. Krogulecki, PLA <kskrogulecki@goslingczubak.com>

Tue, Mar 26, 2024 at 9:14 AM

To: Ron Popp <supervisorwhitewater@gmail.com>, Melissa Melton <mammelon@gmail.com>, "Mark J. Hurley, MS, PE" <mjhurley@goslingczubak.com>

Thanks Ron attached is my communication, I'll send remaining in additional emails what doesn't fit in this one. I think you are right that we should provide a revised proposal/change order that defines a new schedule for our work before we move forward since original proposal timeline has lapsed. We are committed to providing deliverables of our approved proposal. But can we have a call later this week or next week with you, Mel, myself, or whomever may be involved on this project on the Townships end to understand the timeline, discuss some of our questions, etc.?

--

Kevin S. Krogulecki | Landscape Architect

Gosling Czubak Engineering Sciences, Inc.

231.946.9191 office | 231.933.5105 direct | 231.463.9341 mobile

kskrogulecki@goslingczubak.com | www.goslingczubak.com

Connect with us on LinkedIn!

From: Ron Popp <supervisorwhitewater@gmail.com>

Sent: Monday, March 25, 2024 5:28 PM

To: Kevin S. Krogulecki, PLA <kskrogulecki@goslingczubak.com>; Melissa Melton <mammelon@gmail.com>

Subject: Re: Lossie Trail update

CAUTION: This email originated from outside of GCES. Do not click links or open attachments unless you recognize the sender and know the content is safe.

[Quoted text hidden]

2 attachments

 **Lossie Sent.zip**
9591K

 **Lossie received 1.zip**
12364K


Kevin S. Krogulecki, PLA <kskrogulecki@goslingczubak.com>
To: Ron Popp <supervisorwhitewater@gmail.com>, Melissa Melton <mammelon@gmail.com>

Tue, Mar 26, 2024 at 9:14 AM

[Quoted text hidden]

----- Forwarded message -----

From: Mel Melton <mammelon@gmail.com>
To: "Kevin S. Krogulecki, PLA" <kskrogulecki@goslingczubak.com>
Cc:
Bcc:
Date: Mon, 9 Jan 2023 22:05:22 +0000
Subject: Whitewater Township Lossie Rd Nature Trail

 **IRONSCALES couldn't recognize this email as this is the first time you received an email from this sender**
mammelon@gmail.com

CAUTION: This email originated from outside of GCES. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi Kevin - it was nice talking to you today.

Here is the prelim draft of the trail areas needing improvement. As we discussed, the first project is the Lossie Rd wet area and bridge over creek improvements.

If you have a date/time in mind that you are able to walk this and want to see if I can walk it with you, please let me know.

I will keep in touch.

Thanks,
Melissa

2 attachments

 **2022 Lossie Rd BCNA google overview aerial mockup REV01092023.pdf**
14253K

 **Whitewater Township Lossie Rd Nature Trail.eml**
19516K

Kevin S. Krogulecki, PLA <kskrogulecki@goslingczubak.com>
To: Ron Popp <supervisorwhitewater@gmail.com>, Melissa Melton <mammelon@gmail.com>

Tue, Mar 26, 2024 at 9:15 AM

[Quoted text hidden]

 **2023-08-13 09.18.17 - Melissa Melton - EGLE File_Whitewater Twp Preapplication Meeting, HPR-Z5GV-H6XSS**
- 1.msg
14667K

Kevin S. Krogulecki, PLA <kskrogulecki@goslingczubak.com>
To: Ron Popp <supervisorwhitewater@gmail.com>, Melissa Melton <mammelon@gmail.com>

Tue, Mar 26, 2024 at 9:15 AM

[Quoted text hidden]

----- Forwarded message -----

From: Melissa Melton <mammelon@gmail.com>
To: "Kevin S. Krogulecki, PLA" <kskrogulecki@goslingczubak.com>
Cc:
Bcc:
Date: Sun, 13 Aug 2023 13:07:54 +0000
Subject: Fwd: EGLE File_Whitewater Twp Preapplication Meeting, HPR-Z5GV-H6XSS

CAUTION: This email originated from outside of GCES. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Kevin - please see attached Egle pre-construction correspondence.

Thank you!
Melissa Melton

Begin forwarded message:

From: "Cheryl A. Goss" <clerk@whitewatertownship.org>
Date: April 12, 2023 at 2:33:02 PM EDT
To: Melissa Melton <mammelon@gmail.com>
Subject: **FW: EGLE File_Whitewater Twp Preapplication Meeting, HPR-Z5GV-H6XSS**

FYI -

Cheryl A. Goss, MiPMC

Whitewater Township Clerk
5777 Vinton Road, P.O. Box 159
Williamsburg, Michigan 49690
Telephone: 231.267.5141 X 24
Fax: 231.267.9020

clerk@whitewatertownship.org

Office Hours: Mon/Tue/Wed/Thurs 9:00 am to 5:00 pm

I Pledge Allegiance to the Flag of the United States of America, and to the REPUBLIC for which it stands, one Nation, under God, Indivisible, with Liberty and Justice for All.

From: Hudson, Sonya (EGLE) <HudsonS@michigan.gov>
Sent: Wednesday, April 12, 2023 1:20 PM
To: Cheryl A. Goss <clerk@whitewatertownship.org>
Cc: Crane, Joshua (EGLE) <CraneJ3@michigan.gov>; Conradson, Susan (EGLE) <CONRADSONS2@michigan.gov>; gtcclerk@gtcountymi.gov; eh@gtcountymi.gov; Cheryl A. Goss <clerk@whitewatertownship.org>
Subject: EGLE File_Whitewater Twp Preapplication Meeting, HPR-Z5GV-H6XSS

Good afternoon:

Please see the attached EGLE correspondence for your records.

If you have any questions, please contact Josh Crane at CraneJ3@michigan.gov.

Thank you,

Sonya

Sonya Hudson

District Secretary

Water Resources Division, Cadillac District Office

Michigan Department of Environment, Great Lakes and Energy

231-429-5012

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2 attachments

 **Goss_Whitewater Twp Preapp Letter.pdf**
14406K

 **Fwd: EGLE File_Whitewater Twp Preapplication Meeting, HPR-Z5GV-H6XSS.eml**
19738K

Kevin S. Krogulecki, PLA <kskrogulecki@goslingczubak.com>
To: Ron Popp <supervisorwhitewater@gmail.com>, Melissa Melton <mammelton@gmail.com>

Tue, Mar 26, 2024 at 9:15 AM

[Quoted text hidden]

----- Forwarded message -----
From: Mel Melton <mammelton@gmail.com>
To: "Kevin S. Krogulecki, PLA" <kskrogulecki@goslingczubak.com>
Cc:
Bcc:

Date: Tue, 8 Aug 2023 16:38:37 +0000

Subject: Re: Whitewater Township Lossie Rd Nature Trail

Hi Kevin - I am trying to get confirmation of documentation on a deed/easement and will let you know.

We did complete the EGLE preconstruction walk down. I will find that document and forward to you.

I am attaching a map which might be more helpful on trail general areas of concerns.

Our intent is to get an engineering cost to put together a preliminary design and rfp package - to then be able to go out for bids for final engineering, permits, and construction. Does that answer your question?

Also, here is some verbiage out of our successful Grand Traverse County ARPA grant application which may help.

Excerpt No. 1:

Lossie Road Nature Trail (LRNT) was the right-of-way for Lossie Road between Cook Road and Skegemog Point Road. The trail was relinquished to Whitewater Township by the Grand Traverse County Road Commission on August 5, 1992. It is now a 66 feet wide right-of-way natural trail, approximately 3 miles in length.

A portion of this trail runs through a low area that has become extremely wet and rutted by vehicle traffic.

The project includes:

- creating a safe, reliable, and sustainable walking path over wetland locations
- replacement and upgrade of a bridge for traversing Battle Creek
- improvements to signs
- blockade to stop the use of unauthorized motorized vehicles

We have been in contact with the Grand Traverse Conservation District (GTCD) for assistance in the planning and budgeting of these improvements. They have suggested to work with the EGLE to insure we are building a trail that mitigates the destruction of these wetlands, while creating a safe trail to traverse this area. We will discuss the best method, whether it is a wooden boardwalk, culverts, adding fill or crushed materials or a combination of these solutions. Some of these solutions may pose other safety concerns and more maintenance, so this collaboration is imperative. The Parks and Recreation Advisory Committee has engaged with the Grand Traverse Regional Land Conservancy (GTRLC) and the GTCD with hopes of partnering with this project and other needed trail improvement projects. Our goal is to make a safe natural walking trail for our community and the general public. We would also like to work with the GTRLC to create a natural walking path to Battle Creek Natural Area as a future goal.

The current footbridge is old, too narrow, and dilapidated. We are planning to install a new footbridge, which meets current safety standards.

Excerpt No. 2:

We plan to use GTCD ideas to help design and create a sustainable trail system and make these pathways more environmentally friendly and maintenance free. By using gravel and/or culverts, we hope to achieve a completely dry walking trail, reducing or eliminating the need for boardwalks that would require future maintenance. Currently, portions of the existing trail are more open from lack of tree canopy coverage and require mowing maintenance. We will evaluate innovative approaches to reduce this need such as increased gravel or other sustainable trail materials. By not using large heavy equipment, we will preserve the land and natural habitat, taking care to not damage or disrupt the terrain, wetlands, or watershed. We plan to use a gate system that will reduce the negative impact of ATV usage, which allows this trail to be safer, last longer and bring back natural habitat.

On Tue, Aug 8, 2023 at 10:45 AM Kevin Krogulecki, P.L.A. <kskrogulecki@goslingczubak.com> wrote:

Hi Melissa, I had some questions about the RFP for this project, could you shed a little more light on the scope of work and deliverables the Township is looking for? Thanks! If I can think of anything else I will let you know.

Lossie Trail RFP Questions

- What is the engineering scope of the work for this trail project? i.e. what is the Township’s goal of the at then end of this engineering/design effort?

- Conceptual trail layout, potential project phasing, identification of landowner issues/concerns and conceptual cost estimating?

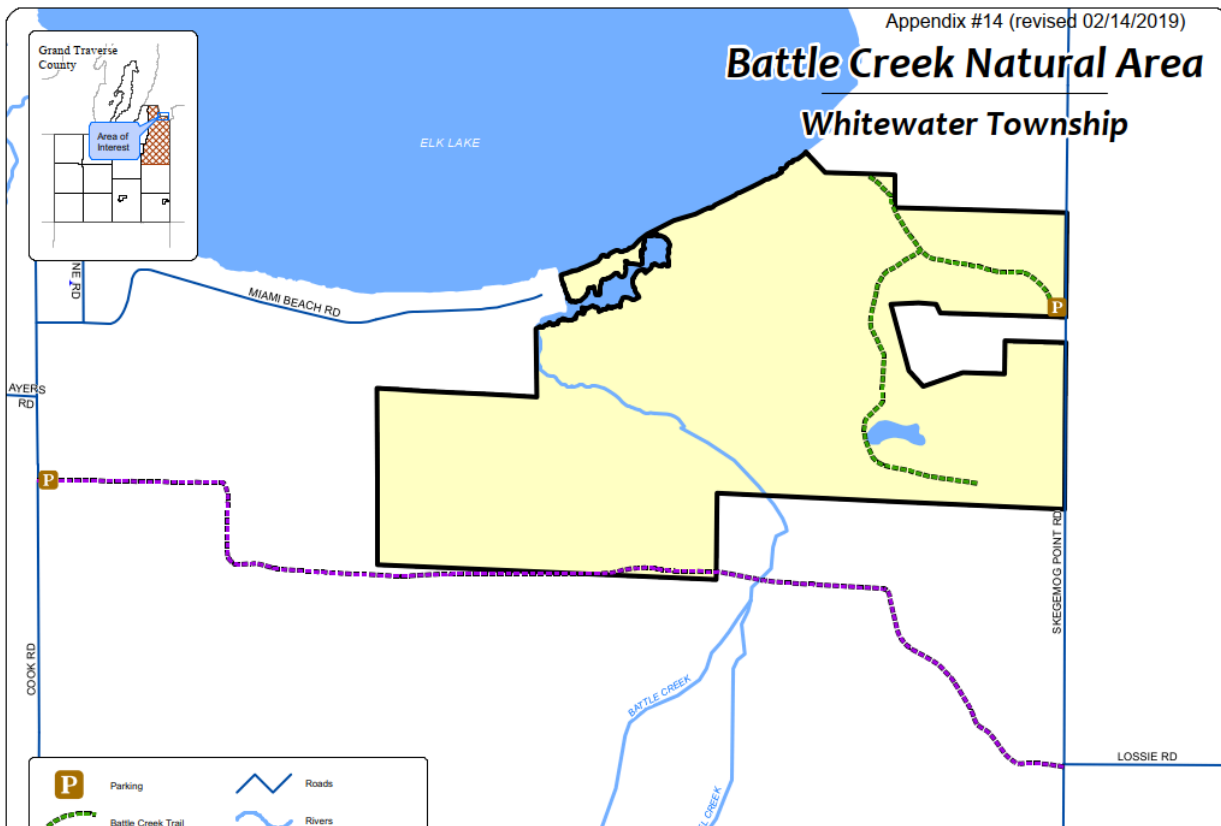
- Preliminary Engineering, Permitting, and Cost Estimating?

- Preliminary Engineering, Final Engineering, Construction Plans and Specifications, project Bidding, Construction Management? (complete project design through construction)

- Does the project include the entire length, west to east, of the purple dashed line on the provided map?

- Can you provide any documentation or write ups if an EGLE permit pre-application meeting has been completed?

- Is there any ownership documentation, deeds, easements available for the trail if not located on Township owned parcels?



--

Kevin S. Krogulecki | Landscape Architect

Gosling Czubak Engineering Sciences, Inc.

231.946.9191 office | 231.933.5105 direct | 231.463.9341 mobile

kskrogulecki@goslingczubak.com | www.goslingczubak.com

Connect with us on LinkedIn!

From: Melissa Melton <mammelton@gmail.com>
Sent: Wednesday, August 2, 2023 12:11 PM
To: Kevin Krogulecki, P.L.A. <kskrogulecki@goslingczubak.com>
Cc: Kerri Janisse <kljanisse@goslingczubak.com>
Subject: Re: Whitewater Township Lossie Rd Nature Trail

Hi Kevin -great! Yes, questions are fairly informal and I would think we could answer them right up to bid day.

Thank you!

Melissa Melton

On Aug 2, 2023, at 11:08 AM, Kevin Krogulecki, P.L.A. <kskrogulecki@goslingczubak.com> wrote:

Got it thanks Mel! Our company also found this posted online and let me know.

It's a pretty slim description of required deliverables/timing/what you are looking for in an end product, so I will likely have some questions once I get a look at this, and will formally submit my questions about the RFP via email next week.

Is there a deadline for RFP questions, and Township responses prior to the rfp due date? Or are questions and answers a pretty informal thing.

--

Kevin S. Krogulecki | Landscape Architect

Gosling Czubak Engineering Sciences, Inc.

231.946.9191 office | 231.933.5105 direct | 231.463.9341 mobile

kskrogulecki@goslingczubak.com | www.goslingczubak.com

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From: Mel Melton <mammelon@gmail.com>
Sent: Monday, July 31, 2023 12:30 PM
To: Kevin Krogulecki, P.L.A. <kskrogulecki@goslingczubak.com>
Subject: Re: Whitewater Township Lossie Rd Nature Trail

Hi Kevin - We have put out this request for engineering services for this project, if you are interested in bidding please see attached:

Thank you,

Melissa Melton

On Wed, May 10, 2023 at 8:06 AM Kevin Krogulecki, P.L.A. <kskrogulecki@goslingczubak.com> wrote:

OK Great thanks Melissa,

I just sent you a virtual meeting invite for 1 pm on Friday. If we need to shift times please let me know, im open all day. But lets stick with this for now!

--

Kevin S. Krogulecki | Landscape Architect

Gosling Czubak Engineering Sciences, Inc.

231.946.9191 office | 231.933.5105 direct | 231.463.9341 mobile

kskrogulecki@goslingczubak.com | www.goslingczubak.com

Connect with us on LinkedIn!

From: Melissa Melton <mammelon@gmail.com>
Sent: Tuesday, May 9, 2023 8:50 PM
To: Kevin Krogulecki, P.L.A. <kskrogulecki@goslingczubak.com>
Subject: Re: Whitewater Township Lossie Rd Nature Trail

Hi Kevin - ok great! Yes I can meet up virtually - Friday would be better for me. Anytime after 11am would be good for me.

Thank you!

Melissa Melton

On May 9, 2023, at 8:29 PM, Kevin Krogulecki, P.L.A. <kskrogulecki@goslingczubak.com> wrote:

Hi Melissa! Thanks for reaching out. Yes I did walk the trail last Wednesday and saw the majority of it. It might be best for you and I to do a quick virtual meeting if possible and I can pull up the plan and pictures and maybe talk through some ideas, to get an idea of what you're looking to do.

I am available all day Thursday and Friday this week if a time works for you? I can set up a virtual teams meeting and share my screen which would be best. Does a time Thursday or Friday work for you??

--

Kevin S. Krogulecki | Landscape Architect

Gosling Czubak Engineering Sciences, Inc.

231.946.9191 office | 231.933.5105 direct

kskrogulecki@goslingczubak.com | www.goslingczubak.com

Sent from mobile device

From: Mel Melton <mammelton@gmail.com>
Sent: Tuesday, May 9, 2023 5:14:29 PM
To: Kevin Krogulecki, P.L.A. <kskrogulecki@goslingczubak.com>
Subject: Re: Whitewater Township Lossie Rd Nature Trail

Hi Kevin - In our discussion the other day, I was curious if you have had a chance to walk the Lossie Road Nature Trail? We have our Parks and Rec meeting next week Tuesday, so any update you might have would be appreciated. And if you wanted to speak at our meeting I would be glad to put on agenda, but don't feel like you have to - it was just a thought.

Thanks,

Melissa

On Fri, Mar 31, 2023 at 12:16 PM Mel Melton <mammelton@gmail.com> wrote:

Kevin - OK, if you can make a walk prior to that and want to see if we can meet up, I would be glad to show you generally where the problem areas are.....or most likely you will be able to find them with this melt and rain right now.

Let me know if there are particular questions I should ask EGLE or take note of as we do the walk down on the 11th with them.

Thanks for your help!

Melissa

On Tue, Mar 21, 2023 at 2:58 PM Kevin Krogulecki, P.L.A.
<kskrogulecki@goslingczubak.com> wrote:

Hi Melissa, sorry for my mess up here, but I will actually be out of the office from April 11th-April 18th and unfortunately not be able to make the EGLE pre-application meeting on the 11th. Sorry I didn't have my time away on my calendar when I responded to you last. I can plan to make a trip to walk the site and see what is going on close to and prior to the 11th, and let you know if I have any specific questions or comments that may pertain to EGLE's visit. Or, I would be able to visit most any day outside of the 11-18th.

--

Kevin S. Krogulecki | Landscape Architect

Gosling Czubak Engineering Sciences, Inc.

231.946.9191 office | 231.933.5105 direct | 231.463.9341 mobile

kskrogulecki@goslingczubak.com | www.goslingczubak.com

Connect with us on LinkedIn!

From: Kevin Krogulecki, P.L.A.
Sent: Thursday, March 16, 2023 10:06 AM
To: 'Melissa Melton' <mammelton@gmail.com>
Subject: RE: Whitewater Township Lossie Rd Nature Trail

Hi Melissa!

That's great that you have a meeting set up. Yes, I have this on my schedule for April 11th at 10 am. I will plan on meeting you there and will give you a shout beforehand to touch base, closer to the on-site meeting. Thank you again!

--

Kevin S. Krogulecki | Landscape Architect

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231.946.9191 office | 231.933.5105 direct | 231.463.9341 mobile

kskrogulecki@goslingczubak.com | www.goslingczubak.com

Connect with us on LinkedIn!

From: Melissa Melton <mammelon@gmail.com>
Sent: Wednesday, March 15, 2023 7:36 PM
To: Kevin Krogulecki, P.L.A. <kskrogulecki@goslingczubak.com>
Subject: Re: Whitewater Township Lossie Rd Nature Trail

Hi Kevin - I hope all is well with you. I have set up a EGLE pre construction site walk down on April 11 @ 10 am. Can you join to walk this Lossie trail?

Thank you!

Melissa Melton

On Feb 14, 2023, at 8:59 PM, Kevin Krogulecki, P.L.A.
<kskrogulecki@goslingczubak.com> wrote:

Thanks for the info here Melissa,

I will likely wait a few weeks or more and see if we can't get some good snow melt before I take a walk out there. I will definitely let you know though when I plan on heading out, and I can do this independently. If you have any questions about how to set up a preapplication egle meeting, please just let me know. I'll keep you posted as a little more of this snow burns off, thanks!

--

Kevin S. Krogulecki | Landscape Architect

Gosling Czubak Engineering Sciences, Inc.

231.946.9191 office | 231.933.5105 direct | 231.463.9341 mobile

kskrogulecki@goslingczubak.com | www.goslingczubak.com

Connect with us on LinkedIn!

From: Mel Melton <mammelton@gmail.com>
Sent: Thursday, February 9, 2023 1:03 PM
To: Kevin Krogulecki, P.L.A. <kskrogulecki@goslingczubak.com>
Subject: Re: Whitewater Township Lossie Rd Nature Trail

Hi Kevin - Thanks for reaching out. I am out of town today and tomorrow, so unfortunately I would not be able to meet with you. If you want to take a walk on your own, it's completely up to you. You can park in a small lot (that's not marked very well, but does have a stone marker and I believe a blank kiosk (for now). If you need me to pin location and send it to you I can.

Otherwise, if you wanted to wait until more snowmelt happens, we could meet up sometime later. I haven't been able to get the application for EGLE to do a pre-construction meeting yet, but it's on my list and I hope we might be able to walk it sometime mid-April.

Thanks,

Melissa

On Thu, Feb 9, 2023 at 10:23 AM Kevin Krogulecki, P.L.A. <kskrogulecki@goslingczubak.com> wrote:

Hi Melissa!

Sorry for the late notice, I've been juggling a few things with my schedule and had an opening tomorrow (Friday 2/9) after a meeting I have north of Elk Lake that runs from 9am-about 10:30am. I could swing by the Lossie Trail on my way back to town and take a walk and get oriented with the area.

Ideally we would want to see this trail and future improvements with a snow-off condition, ideally in the wetter spring when we can see what water flows/levels/wetness/groundwater look like. It would really need to be seen then to fully make any recommendation to trail stabilization /water management, etc.

I could swing by late morning tomorrow, or if you want we could meet for a walk early next week with the understanding that we could really only make the proper observations and recommendations after a spring visit when conditions allow for a proper assessment.

Please lets me know your thoughts and if you think it is still good to take a walk and observe before the spring, thanks much!

--

Kevin S. Krogulecki | Landscape Architect

Gosling Czubak Engineering Sciences, Inc.

231.946.9191 office | 231.933.5105 direct | 231.463.9341 mobile

kskrogulecki@goslingczubak.com | www.goslingczubak.com

Connect with us on LinkedIn!

From: Mel Melton <mammelon@gmail.com>

Sent: Monday, January 9, 2023 5:05 PM

To: Kevin Krogulecki, P.L.A. <kskrogulecki@goslingczubak.com>

Subject: Whitewater Township Lossie Rd Nature Trail

<~WRD3919.jpg>

IRONSCALES couldn't recognize this email as this is the first time you received an email from this sender mammelon@gmail.com

CAUTION: This email originated from outside of GCES. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi Kevin - it was nice talking to you today.

Here is the prelim draft of the trail areas needing improvement. As we discussed, the first project is the Lossie Rd wet area and bridge over creek improvements.

If you have a date/time in mind that you are able to walk this and want to see if I can walk it with you, please let me know.

I will keep in touch.

Thanks,

Melissa

2 attachments

 **Lossie Rd Wet areas google overview aerial mockup REV08072023.pdf**
14238K

 **Re: Whitewater Township Lossie Rd Nature Trail.eml**
19748K

Melissa Melton <mammilton@gmail.com>

Tue, Mar 26, 2024 at 2:07 PM

To: Tom Cosgrove <tac9414447@gmail.com>, Brandon Hubbell <brandon@gtfruit.com>, Amber Voice

<Amber.voice@mclaren.org>, Gary buczkowski <gbuczkowski.1226@gmail.com>

Cc: Lois Maclean <loismaclean@sbcglobal.net>

Bcc: Heidivourtrustee@gmail.com, dglenn6542@yahoo.com, clerk@whitewatertownship.org,
treasurer@whitewatertownship.org

Prac - fyi.

Thank you!
Melissa Melton

Begin forwarded message:

[Quoted text hidden]

----- Forwarded message -----

From: Melissa Melton <mammilton@gmail.com>

To: "Kevin S. Krogulecki, PLA" <kskrogulecki@goslingczubak.com>

Cc:

Bcc:

Date: Sun, 13 Aug 2023 13:07:54 +0000

Subject: Fwd: EGLE File_Whitewater Twp Preapplication Meeting, HPR-Z5GV-H6XSS

CAUTION: This email originated from outside of GCES. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Kevin - please see attached Egle pre-construction correspondence.

Thank you!
Melissa Melton

Begin forwarded message:

From: "Cheryl A. Goss" <clerk@whitewatertownship.org>

Date: April 12, 2023 at 2:33:02 PM EDT

To: Melissa Melton <mammilton@gmail.com>

Subject: FW: EGLE File_Whitewater Twp Preapplication Meeting, HPR-Z5GV-H6XSS

FYI -

Cheryl A. Goss, MiPMC

Whitewater Township Clerk

5777 Vinton Road, P.O. Box 159

Williamsburg, Michigan 49690

Telephone: 231.267.5141 X 24

Fax: 231.267.9020

clerk@whitewatertownship.org

Office Hours: Mon/Tue/Wed/Thurs 9:00 am to 5:00 pm

I Pledge Allegiance to the Flag of the United States of America, and to the REPUBLIC for which it stands, one Nation, under God, Indivisible, with Liberty and Justice for All.

From: Hudson, Sonya (EGLE) <HudsonS@michigan.gov>

Sent: Wednesday, April 12, 2023 1:20 PM

To: Cheryl A. Goss <clerk@whitewatertownship.org>

Cc: Crane, Joshua (EGLE) <CraneJ3@michigan.gov>; Conradson, Susan (EGLE) <CONRADSONS2@michigan.gov>; gtcclerk@gtcountymi.gov; eh@gtcountymi.gov; Cheryl A. Goss <clerk@whitewatertownship.org>

Subject: EGLE File_Whitewater Twp Preapplication Meeting, HPR-Z5GV-H6XSS

Good afternoon:

Please see the attached EGLE correspondence for your records.

If you have any questions, please contact Josh Crane at CraneJ3@michigan.gov.

Thank you,

Sonya

Sonya Hudson

District Secretary

Water Resources Division, Cadillac District Office

Michigan Department of Environment, Great Lakes and Energy

231-429-5012

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2 attachments

 **Goss_Whitewater Twp Preapp Letter.pdf**
14406K

 **mime-attachment.eml**
19738K

Gary buczkowski <gbuczowski.1226@gmail.com>
To: Melissa Melton <mammelon@gmail.com>

Wed, Mar 27, 2024 at 3:24 PM

Thanks for keeping me in the loop on Loosie and G&C. Did you get my memo on Motor vehicles on Lossie? Does it possibly help with Kevin's question regarding types of access. I know the final decision lies with the Board and the adjacent property owners. Let me know how I can help. FYI, I am suburb of Chicago until Sunday. Gary 🍷

Sent from my iPhone

On Mar 26, 2024, at 1:10 PM, Melissa Melton <mammelon@gmail.com> wrote:

Prac - fyi.

[Quoted text hidden]

<mime-attachment.eml>

MEMO

TO:

FROM:

DATE:

RE: Lossie Road Trail motorized vehicle access

BACKGROUND Lossie Road was deeded to Whitewater Township from the Grand County Road Commission in 1992. This public right of way was previously considered a seasonal road and was located for the most part on privately owned property. Since taking over the access easement rights of Lossie Road, Whitewater Township has been responsible for all maintenance, capital improvements and enforcement of rules.

According to Whitewater Township, Lossie Road (Trail) is considered part of the Battle Creek Natural Area. That Management plan which governs how Battle Creek Natural area functions states, "Lossie Road Trail shall be utilized for passive recreational use by the public including hiking, skiing, and wildlife viewing. Such use shall be non-motorized. however, motorized vehicles may be used for maintenance activities by authorized persons." Research has provided no evidence that motor vehicle use by the public was never voted upon by any elected officials other than what is stated in the management plan.

In recent times, the Trail has been primarily used by walkers/hikers and occasionally used by adjacent landowners (with motorized vehicles) to access portions of their private property which otherwise would not be accessible. Enforcement of the vehicle restrictions identified in the B.C.N. management plan has not taken place.

IMPLICATIONS With plans on the table to make improvements to the trail, the Township must find consensus on whether to continue allow the public motorized vehicle access to Lossie trail. This determination would directly affect how future improvements are designed and built.

A recent review of documents has revealed some insight into the possible understanding by those involved with the 1992 access easement acquisition. Some of these documents suggest the intent was to keep Lossie Road as a seasonal road for public similar to its former use when under County Road Commission control. See attached document 1, whereby Micheal K. Dillenbeck states according to State law "when the road is abandoned the general public no longer has the right to use the road." Because the road was not abandoned, but transferred to the Township, that public right of use should have continued. The author further writes based on legal opinions "the adjacent landowners who have used a former Township/County Road for access to their properties have established rights in addition to the rights of the County Road Commission." The elected officials from Whitewater Township must have known this information when casting their vote. See document 2 (Minutes of 5/27/92) whereby the motion to accept included the following statement, "Whitewater Township will provide access easement, if needed". In document 3, a news account of the acquisition also makes reference to the statement "Whitewater Township will provide access easement, if needed."

Finally, there is correspondence dated July 27,1992 (Document 4) written two months after the transfer of easement which refers to making capital improvements to the Lossie Road by the County and Whitewater Township for the purpose “to provide better vehicle access.”

Use of motor vehicles on Lossie Road was probably in the minds of elected officials. While this review of existing documents and assumption are not made from a legal position moving forward, one might conclude the Lossie Road (Trail) was intended to remain public right-of-way and at minimum would allow adjacent property owners access thru that easement to their properties.

Based on the information provided above and the need to move forward for the purposes of making improvements to the trail, The Park and Recreation Advisor Committee has identified five scenarios the board should consider regarding vehicular access on the Lossie Road (Trail).

Scenario 1. Restrict all motor vehicle access with physical barriers (See Barrier Drawing attached Barrier #1) on Skegemog and Cook Roads. This restriction would not include authorized emergency, maintenance, and or construction vehicles access.

Pros:

- Eliminate impact on path walking users.
- Eliminate impact on physical environment.

Cons:

- Would limit access for adjacent property owners whose only means of access to their property is through the Loosie road trail easement.
- Would likely cause litigation between property owners and the Township.
- If legal action were to occur the project could be delayed outside of the grant expenditure timing requirements.
- If this scenario were to be pursued, Whitewater Township should seek legal advice in advance of any official actions on this matter.

Scenario 2. Allow motor vehicle access to the public during open public hours without any restrictions.

Pros:

- Would provide a means for adjacent property owners to access their properties.
- Would allow individuals with mobility issues better access to the trail system.

Cons:

- Could cause damage to trail surface especially during wet seasons especially within the lower wetland area.
- Could impact trail walkers experience.
- Could endanger other trail users.
- Would require additional engineering and capital improvements expense to deal with motor vehicles.

Scenario 3. Limit motor vehicle access by the general public but allow limited vehicular access for adjacent property owners controlled by operatable physical barriers. (See Barrier Drawing attached Barrier #1). Access Right to adjacent property owners would be granted through newly created legal agreements with defined terms and conditions to prevent damage to the trail/natural environment and or harm to the public user. This restriction would not include authorized emergency, maintenance, and or construction vehicles access.

Pros:

- Would allow adjacent property owners access to their properties.
- Would allow the proposed improvements to move forward without legal delay.
- Would limit public vehicular access to minimize potential damage to trail and adjacent private properties.

Cons:

- Would require drafting an access agreement between each of the adjacent property owners and the Township.
- Would require enforcement of that legal easement agreement between adjacent property owners and the Township.
- Would require additional engineering and capital improvements to deal with vehicles at great expense to any capital improvement made on the trail.

Scenario 4. Limit motor vehicle access by the general public but allow limited vehicular access for adjacent property owners controlled with operatable physical barriers. (See Barrier Drawing attached Barrier #1) This limited access would be granted through newly created legal agreements with defined terms and conditions to prevent damage to the trail and or harm to the public trail user. This scenario would also include the installation of a second set of operatable barriers at a point where no access by motor vehicles is needed by any adjacent property owners. (See Barrier Drawing attached Barrier #2. This restriction would not include authorized emergency, maintenance, and or construction vehicles access.

Pros:

- Would allow adjacent property owners access to their properties.
- Would allow the proposed improvements to move forward without legal delay.
- Would limit public vehicular access to minimize potential damage to trail and or private adjacent properties.
- Would limit adjacent property owners from damaging wetland areas of the trail.

Cons:

- Would require drafting an access agreement between each of the adjacent property owners and the Township.
- Would require enforcement of that legal access easement agreement by the Township.

Scenario 4 Abandon and or dissolve the Lossie Road Trail Easement.

Pros:

- Whitewater Township would no longer incur any maintenance or repair costs for the trail.
- Whitewater Township would not have to enforce vehicle use on the trail and or any associated legal costs for enforcement.

Cons:

- The Public would lose access to a valuable natural area.
- The adjacent property owners would have to negotiate access easement rights among themselves.
- The adjacent property owners would have to protect their own properties from public trespassing.

RECOMMENDATIONS

The Parks and Recreation Advisory Committee recommend the Whitewater Township Board move forward with Scenario 3 as outlined above. Furthermore, instinct legal counsel to put together an agreement that if approved by the Board, the approved agreement would be presented to the adjacent property owners.

Lossie Road Memo Document 1



WILLIAM H. WALTON
Chairman

MAURIE DORE DENNIS
Vice-Chairman

JAMES A. BURKHOLDER
Commissioner

MICHEAL K. DILLENBECK, P.E.
Manager

DAVID L. MILLIRON
Financial Director/Clerk

JAMES C. JOHNSON, P.E.
County Highway Engineer

July 20, 1990

Mr. Terry Snowday
P. O. Box 232
Traverse City, MI 49684

RE: ABANDONMENT OF LOSSIE ROAD, WHITEWATER TOWNSHIP

Dear Mr. Snowday:

In follow-up to our discussion of this past Wednesday, I wish to state my knowledge and understanding of the landowners rights to an abandoned road right-of-way. The Board of County Road Commissioners have obtained jurisdiction over the Lossie Road right-of-way by resolutions passed by the Whitewater Township Board granting it to the Grand Traverse County Commission under the McNitt Act of 1931. The right-of-way under that Act and all subsequent Acts have stated that the road right-of-ways are 66 feet in width. These are statutory right of ways that are established, by usage of the township and/or Road Commission. To the best of my knowledge, no easements or deeds have been granted to the Township of Whitewater or the Road Commissioners. Therefore, the Board does not have the underlying deed title to the property, but has a usage easement based on state law.

The State Law allows the Board of Road Commissioners to abandon county roads. When the road is abandoned, the general public nor longer has to right to use the roadway, nor does the Road Commission have the right to use it or responsibility for its care. We simply have the dissolved the statutory usage right-of-way.

The adjacent landowners who have used a former township/county road for access to their property have established rights in addition to the rights of to the County Road Commission. I have been advised by numerous attorneys during my experience in managing road commissions that the landowners retain their access rights after the public rights are abandoned. Therefore, each landowner has the right to continue to use the abandoned road to access his property as they have historically without the interference from the owner who may own the underlying title. The landowners may desire to survey the roadway and establish a legal description and record a mutual easement granting each other the right to use the abandoned road. By recording the mutual easement it would be clear to any future purchaser of property that those rights exist without seeking court ruling of the private access. It could also be mutually agreeable among the landowners to install gates and to issue keys to each landowner having a usage easement on the abandoned roadway, thereby, eliminating the possibility of the continued public usage of an abandoned county road.

Page 2
Mr. Terry Snowday
July 20, 1990

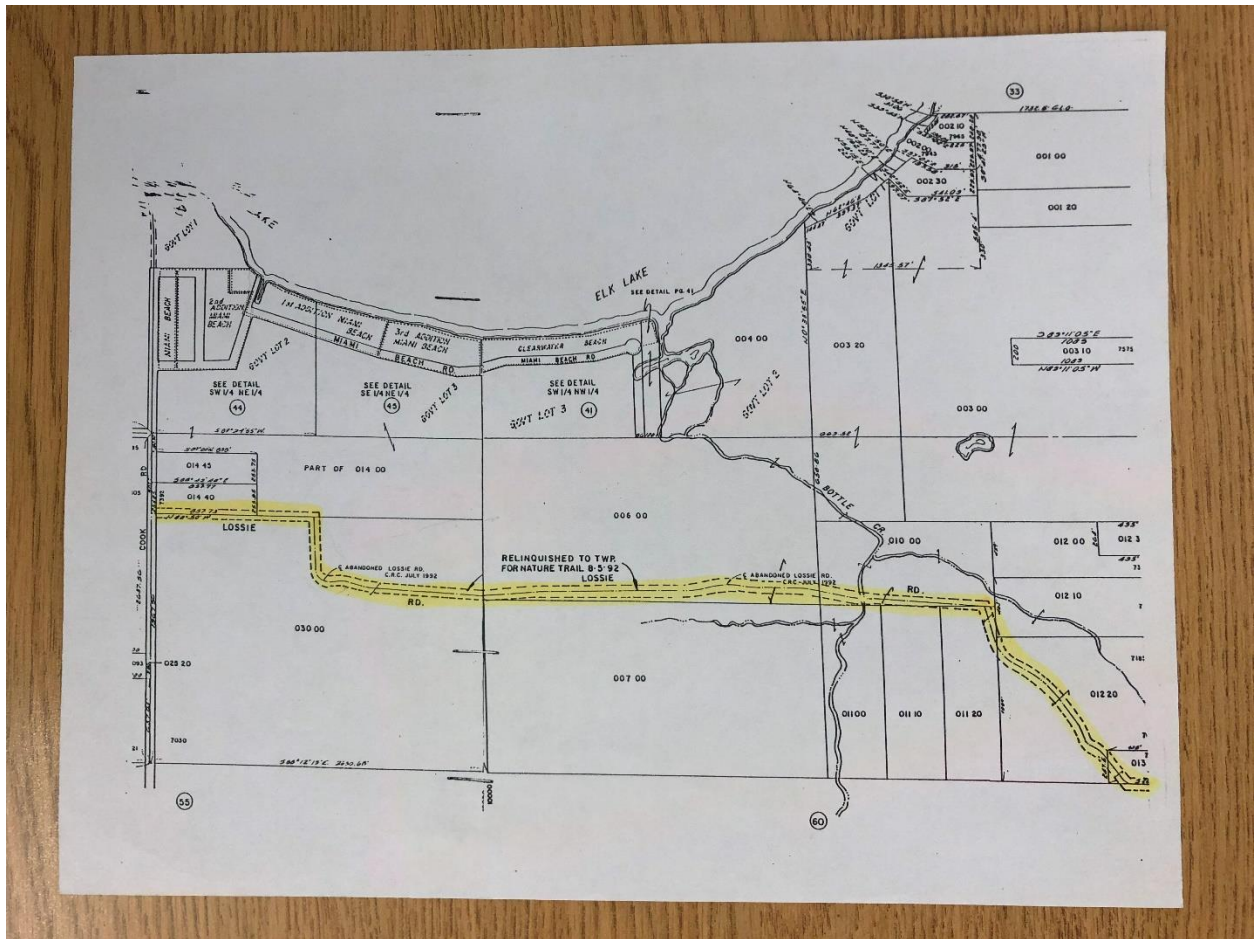
I hope this information is helpful to you as a composite of my experience and knowledge in these areas. Each individual may want to consult their personal attorney to ensure their interest is properly considered. I am not proposing to offer legal advice, but to share a summary of my knowledge and experience.

Sincerely yours,

Michael K. Dillenbeck
Manager

MKD/dh

Lossie Road Memo Document 1 pg. 3



Minutes of Special Whitewater Township Board Meeting Held at the Township Hall
5/27/92

1

The meeting was duly posted in compliance with P.A. 267 of 1976. Sup. Galligan called the meeting to order at 8:00 p.m. Board members present: Ostlund, E. Galligan, Shaffer, D. Galligan, Beckwith. Also attending: four others.

Purpose of meeting: a rezoning from Industrial (N) to R-3 (multiple residential).

The Board addressed the issue of rezoning the Irish property on Elk Lake Road (no one had objected to this at the May 6 Planning Commission public hearing).

A motion was made by D. Galligan, seconded by Shaffer, to adopt a resolution to Amend Section 5.13 Industrial District N, Subsection 3 to read as follows:

3. The Southwest quarter of Section 33, Town 28 North, Range 9 West, except the East 438.9 feet of the Southeast quarter, except the North 214.5 feet, and except the South 624.0 ± feet.

Amend Section 5.16 Residential District R-3 by adding the following:

2. The East 438.9 feet of the Southeast quarter of the Southwest quarter of Section 33, Town 28 North, Range 9 West, except the North 214.5 feet, and except the South 624.0 ± feet.

Resolution effective upon publication. Roll call vote: E. Galligan- yes, Beckwith- yes, Ostlund- yes, D. Galligan- yes, Shaffer- yes. Motion carried.

A motion was made by D. Galligan, seconded by Shaffer, to adopt a resolution for Whitewater Township to accept Lossie Road after relinquishment by Grand Traverse County Road Commission using the 3/10/92 survey; further, Whitewater Township will provide access easement, if needed. Roll call vote: Beckwith- yes, Ostlund- abstain, D. Galligan- yes, Shaffer- yes, E. Galligan- yes. Motion carried.

A motion was made by Ostlund, seconded by Shaffer, that the Clerk pay the park ranger according to the terms of his contract. Motion carried.

A motion was made by D. Galligan, seconded by Ostlund, to approve the payment of four bills (Postmaster, two insurance bills, Heritage Flag). Motion carried.

A motion was made by Ostlund to adjourn at 8:55 p.m.

Sandra Beckwith
Clerk

Lossie Road Memo Document 3

(26)
#3/52 # adopted

** 3rd approved motion is Amend - ment # 25*

5, 24, 85

[Hann. Comm. Non-5. 4 minutes 5/8/92]

6/92 - 7/92

SYNOPSIS OF SPECIAL WHITEWATER TOWNSHIP BOARD MEETING
May 27, 1992

The meeting was called to order by Sup. E. Galligan at 8:00 p.m. Board members present: Richard E. Galligan, Shorter, D. Galligan, Beckwith. Also attending: 4 others.

Motions made and approved:

1. Approved: adopting a resolution to Amend Section 5.13 Industrial District N, Subsection 3 to read as follows:
 3. The Southwest quarter of Section 33, Town 28 North, Range 9 West, except the East 438.9 feet of the Southeast quarter, except the North 214.5 feet, and except the South 624.0 +/- feet.
2. The East 438.9 feet of the Southeast quarter of Section 33, Town 28 North, Range 9 West, except the North 214.5 feet, and except the South 624.0 +/- feet.

Resolution effective upon publication.

2. Approved: adopting a resolution for Whitewater Township to accept Lossie Road after relinquishment by Grand Traverse County Road Commission following 3/10/92 survey; further, Whitewater Township will provide access easement, if needed.
3. Approved the Clerk paying the Park Ranger according to the terms of his contract.
4. Approved payment of four bills.

Meeting adjourned at 8:55 p.m.

Sandra Beckwith
Whitewater Twp. Clerk
Minutes have not been approved by the Twp. Board.
June 5, 1992 - 11

STATE OF MICHIGAN
County of Grand Traverse

M.C. Yau

deposes and says he is publishers of the REC newspaper printed and published in Grand Traverse County, Michigan.

In said county, that the following Notice is published in said REC as follows:

June 9th 1992

Subscribed and sworn to before me this 9th day of June, 1992.

Notary Public
County of Grand Traverse
Commission Expires 1992

NOTARY PUBLIC
GRAND TRAVERSE COUNTY

Lossie Road Memo Document 4



MAURIE DORE DENNIS
Chairman

JAMES A. BURKHOLDER
Vice-Chairman

WILLIAM H. WALTON
Commissioner

MICHAEL K. DILLENBECK, P.E.
Manager

DAVID L. MILLIRON
Financial Director/Clerk

JAMES C. JOHNSON, P.E.
County Highway Engineer

July 27, 1992

We, the Township of Whitewater in Grand Traverse County, and the Grand Traverse County Road Commission, hereby agree to the following construction in said Township:

Lossie Road - Cook Road to Skegemog Point Road, Section 26, 27, T28N,R9W, 1.77 mile. Improve the existing seasonal county local road to provide better vehicle access. Work shall consist of replacing the Battle Creek stream crossing and placing fills in low areas. Tree removal shall be completed as needed in areas requiring earth change and if trees are obstructing vehicle traffic or clear vision areas. Work schedule subject to any required permits.

TOTAL ESTIMATED COST \$20,000

The project cost will not be exceeded unless approved by Whitewater Township.

It is further agreed that fifty (50%) per cent of the actual cost of construction of the above project will be paid by said Township to the Road Commission.

*Ad relinquished To Top
8/5/92*

Edna B. Galligan Supervisor

James F. Barkwick Clerk

Whitewater Township

Michael Dillanck Manager

Grand Traverse County Road Commission

Lossie Road Barrier Concept Drawing 3-23-2024

