

**CHARTER TOWNSHIP OF FENTON BOARD OF TRUSTEES
MINUTES FOR REGULAR MEETING OF JANUARY 6, 2003**

**FENTON TOWNSHIP CIVIC COMMUNITY CENTER
12060 MANTAWAUKA DRIVE, FENTON, MICHIGAN**

Supervisor Gabrielson called the meeting to order at 7:30 p.m.

Present: Gabrielson, Mueller, Brancheau, Krug, Mathis, McKenna, Office Manager
Broecker and Attorney Cooley

Absent: Garfield

PLEDGE OF ALLEGIANCE:

Supervisor Gabrielson led the pledge of allegiance to the flag.

APPROVAL OF AGENDA:

Motion to approve the 1/6/03 Fenton Township Board Meeting agenda as presented.

Motion by: Krug

Seconded: McKenna

Ayes: All Present

Nays: None

Absent: Garfield

Motion carried. The agenda is approved.

PRESENTATION:

John O'Brien – Genesee County Water & Waste Services

Mr. O'Brien, in response to recent newspaper articles on the topic, reviewed the WWS District 3 program for land application of biosolids (a.k.a. sludge). Sludge from the District 3 treatment plant is applied to eight farm fields in Fenton and Argentine Townships. Sludge from other treatment plants is also applied to some fields in Fenton Township. The biosolid land application process is strictly regulated by the DEQ and detailed records are kept on all applications. This issue of land application of biosolids is currently being debated among the EPA, DEQ and other agencies. If the existing laws are changed it may affect the current WWS program.

Trustee Krug asked if haulers of the biosolids are required to be certified by the State of Michigan. Mr. O'Brien responded that biosolids are not considered a hazardous material and therefore no special certification is required to transport it. Trustee Krug also asked about crop production on fields treated with sludge. Mr. O'Brien stated that crops grown on treated fields cannot be used for human consumption and the farmer receiving the land application must sign a certification to that effect.

Trustee Mathis expressed concern regarding the rezoning and development of property after it has been treated with biosolids. It was suggested that the Township's rezoning application include a question regarding biosolid application. Trustee Mathis also stated that she had spoken with Bahram Zamani of the DEQ, who suggested that upgrading the plant treatment process to create "Class A" sludge should be considered, (the current process results in "Class B" sludge). According to Mr. Zamani, Class A sludge can be converted into a fertilizer product that can be sold, thus generating revenue. Mr. O'Brien responded that any revenue generated by creating Class A biosolids would fall far short

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of the cost to upgrade the treatment process. Trustee Mathis also expressed concern regarding the increased production of biosolids if Livingston County communities are permitted to join WWS District 3. Mr. O'Brien responded that, because of the ongoing debate regarding land application, any expansion of the District 3 plant will not result in increased land applications of biosolids. All additional biosolid material will be placed in landfills. Trustee Mathis stated that Mr. Zamani had claimed that placement of biosolids in landfills is not advisable. Mr. O'Brien responded that the DEQ is opposed to placing biosolids in landfills because the DEQ receives revenue for land application of biosolids but not from landfilling.

The board also raised the issue of odor control at the plant. Trustee Mathis stated that Livingston County should not be permitted to join District 3 until the odor problems have been corrected. Mr. O'Brien stated that, when the Drain Commissioner met with local residents in August, he committed to the implementation of measures to reduce the odor problem. Several initiatives are under way and the odor control improvements should be implemented by summer 2003. Even if the agreements for Livingston County were approved today, physical connection to the District 3 treatment plant would not occur before 2004.

MEETING MINUTES:

The minutes of the 12/16/02 regular meeting stand approved as presented.

EXPENDITURES:

Trustee Mathis referenced an invoice from Lawrence Engineering, which included the installation of manhole infiltration bladders. She believes it is unnecessary to install bladders on all manholes, especially if they are located on higher ground. Trustee Brancheau asked if bladders were required by the State of Michigan. Supervisor Gabrielson responded that bladders are not specifically required however installing them on all manholes will ultimately reduce infiltration, which is required by the State.

Motion to approve expenditures as presented.

Motion by: Mueller

Seconded: Brancheau

Ayes: Gabrielson, Mueller, Brancheau, Krug, McKenna

Nays: Mathis

Absent: Garfield

Motion carried.

PUBLIC HEARINGS:

None

REPORTS:

Town Hall Meeting

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Supervisor Gabrielson confirmed that a "Town Hall Meeting" will be held on Monday January 13, 2003, beginning at 7:30 p.m.

Referendum Notice

Clerk Mueller reported that a notice of intent to file referendum petitions was filed with the Township with regard to the consent judgement in the LJS Partnership vs. Fenton Township lawsuit. Although opinions are varied, the Township is taking the position that a referendum is legal in this case. Attorney Cooley stated that, because the consent judgement specifically rezones the subject property, the right of referendum does exist. Clerk Mueller also clarified that, if a referendum were to overturn the decision of the Township Board, that does not mean the issue is over. It would place the lawsuit back in court as if the consent judgement never existed, and the Township would be faced with the same risks regarding a higher density development and monetary damages.

COMMUNICATIONS:

Supervisor Gabrielson noted that the Genesee County Road Commission will be holding an orientation course for local government officials on Saturday 1/11/03 from 8:30 a.m. until noon. He encouraged the members of the Township Board to attend.

UNFINISHED BUSINESS-ADOPTION OF ORDINANCES:

None

UNFINISHED BUSINESS-OTHER:

None

NEW BUSINESS:

Schedule Public Hearing for 2003 Road Improvement Projects

Supervisor Gabrielson noted that it is time for the annual public hearing on potential local road improvement projects. He recommends conducting the hearing at the 1/20/03 meeting.

Motion to conduct a public hearing at the 1/20/03 Township Board meeting for the purpose of obtaining citizen input regarding potential local road improvement projects for 2003.

Motion by: Gabrielson

Seconded: Mueller

Ayes: Gabrielson, Mueller, Brancheau, Krug, Mathis, McKenna

Nays: None

Absent: Garfield

Motion carried.

PUBLIC COMMENT - AGENDA OR NON-AGENDA ITEMS:

Patrick Carmody, 16245 Silver Shore Drive

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Mr. Carmody suggested utilizing the Channel 19 public access channel to publicize the upcoming town hall meeting. With regard to the recently approved consent judgement, Mr. Carmody also expressed concern with the Township Board's reliance on attorneys provided by insurance companies to represent the Township. He doesn't believe such attorneys will always work in the best interests of the Township.

ADJOURN: Meeting adjourned at 8:45 p.m.

Carl Gabrielson, Supervisor

Charles Mueller, Clerk

Minutes Posted 1/7/03