

**CHARTER TOWNSHIP OF FENTON BOARD OF TRUSTEES
MINUTES FOR REGULAR MEETING OF FEBRUARY 3, 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, Office Manager Broecker
and Attorney Cooley

Absent: Garfield, McKenna

PLEDGE OF ALLEGIANCE:

Supervisor Gabrielson led the pledge of allegiance to the flag. All in attendance observed a moment in silence in memory of the seven astronauts lost in the Space Shuttle Columbia tragedy.

PRESENTATIONS:

Land Application of Biosolids

Supervisor Gabrielson introduced Dr. Bahram Zamani of the Michigan Department of Environmental Quality, who works with the DEQ's Biosolid Land Application Program. Dr. Zamani provided an overview of the program, stating that land application was the best use of biosolids (as opposed to incineration or landfilling the material), which are the by-product of the wastewater treatment plant. Public perception has been the biggest obstacle to widespread acceptance of the program. In actuality, the biosolids have been processed to remove virtually all pathogens and is cleaner than animal manure for use as fertilizer. In response to questions and issues raised at this and prior meetings, Dr. Zamani made the following statements:

- Upgrading the District 3 treatment plant to produce a "Class A" biosolid would be expensive but would also result in a product that could be sold as fertilizer (the board agreed to look into this issue further).
- Crop production uses up the biosolid fertilizer within 1-2 years. Subsequent development of treated land is not a cause for concern.
- Some of the odor concerns raised by residents may be a result of land application of septic waste, which is not regulated by the DEQ.
- Although injection is the preferred and most commonly used method of applying biosolids to farm fields, surface application is sometimes approved, but only for relatively flat land.

The board thanked Dr. Zamani for his valuable information and it was suggested that he be invited back for another meeting, along with representatives from Genesee County WWS and the cities of Fenton and Linden, to continue some of tonight's discussion items.

Supervisor Gabrielson recessed the meeting at 8:30 p.m. The meeting reconvened at 8:40 p.m.

Groundwater Issues

Supervisor Gabrielson introduced Brian McKenzie, who works in the groundwater division of the Genesee County Health Department. Mr. McKenzie provided the board

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with information on arsenic, which occurs naturally in groundwater. He emphasized that any risks related to arsenic come from consumption and not from any other use of the water. Consumption of arsenic has been linked to various health problems, however studies to date have not shown clear proof of this. The Genesee County Health Department encourages anyone with concerns to have their water tested for arsenic. The MDEQ is currently offering free arsenic testing and kits are available at the Fenton Township office and the Health Department. In response to questions and issues raised at this and prior meetings, Mr. McKenzie made the following statements:

- Community wells, which are defined as any water system, public or private, that provides drinking water to 14 or more dwelling units, are currently required to maintain an arsenic level no higher than 50 parts per billion. That standard is scheduled to be reduced to 10 parts per billion in 2006.
- There is no arsenic level requirement for individual private wells, however between the years of 1993 and 2002, 243 private well water samples from Fenton Township were tested for arsenic. Of those, 16 exceeded 50 parts per billion, 49 tested below 10 parts per billion and the remaining 178 fell between 10 and 50 parts per billion.
- In general, arsenic levels can vary from well to well within the same aquifer, and even from test to test from the same well.
- The number of wells located in, or the amount of water being drawn from any given aquifer does not affect arsenic levels.

Mr. McKenzie left a case of arsenic testing kits and other related literature. The board thanked him for the valuable information.

APPROVAL OF AGENDA:

Motion to approve the 2/3/03 Fenton Township Board Meeting agenda as presented.

Motion by: Krug
Seconded: Brancheau
Ayes: All Present
Nays: None
Absent: Garfield, McKenna

Motion carried. The agenda is approved.

MEETING MINUTES:

The minutes of the 1/20/03 regular meeting stand approved as presented.

EXPENDITURES:

Motion to approve expenditures as presented.

Motion by: Mueller
Seconded: Krug
Ayes: Gabrielson, Mueller, Brancheau, Krug, Mathis
Nays: None
Absent: Garfield, McKenna

Motion carried.

PUBLIC HEARINGS:

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None

REPORTS:

Crane's Cove Home

Trustee Mathis, referring to a Hot Line that appeared in the Tri-County Times, mentioned the home being built with a bridge on Crane Road. She asked what would stop someone else from doing the same thing. Clerk Mueller responded that this particular situation is unusual because in the early 1990's the DEQ (then DNR) failed to act on the original permit application within a timely manner. When the applicant took them to court and won, the DEQ had no choice but to issue the permit. To compound the situation, the Township never received the public notice on this application so the Township Board was unaware of the application until the initial deadline had passed. It is unlikely that this set of circumstances would occur again.

Township Insurance Coverage

Trustee Krug asked if the Township had investigated the possibility of additional insurance coverage, as has been suggested at previous meetings. Office Manager Broecker reported that the \$1 million zoning coverage is the maximum that our insurance company will authorize. It was pointed out that this coverage is separate from general liability and errors & omissions coverage. Supervisor Gabrielson suggested that a meeting be scheduled with a representative from the insurance company to discuss this issue further.

COMMUNICATIONS:

None

UNFINISHED BUSINESS-ADOPTION OF ORDINANCES:

Ordinance to Repeal Ordinance No. 241/2nd Reading

Supervisor Gabrielson briefly reviewed the proposed ordinance, which repeals Ordinance No. 241, as recommended by the DNR. There was no further discussion.

Motion to adopt Ordinance No. 602, a repeal of Ordinance No. 241, as presented.

Motion by: Mueller

Seconded: Brancheau

Ayes: Gabrielson, Mueller, Brancheau, Krug, Mathis

Nays: None

Absent: Garfield, McKenna

Motion carried. Resolution declared adopted.

Rezoning #R02-005, Richard Thenhaus, 06-21-400-009; R-3 to OS/1st Reading

Supervisor Gabrielson, noting that the applicant was not in attendance, postponed the first reading of the proposed rezoning ordinance until the 2/17/03 meeting.

UNFINISHED BUSINESS-OTHER:

None

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NEW BUSINESS:

Resolution No. 2003-01/ Resolution for Changes to Consumers Street Light Contract

It was noted that Consumers Energy requires an annual resolution to authorize the Township Supervisor and Clerk to approve changes to the township's street lighting contract. Clerk Mueller presented the following resolution:

RESOLUTION NO. 2003-01

BE IT RESOLVED, that it is hereby deemed advisable to authorize Consumers Energy Company to make changes in the streetlighting service as is provided in the Standard Streetlighting Contract between the Company and the Charter Township of Fenton, dated September 29, 1976 in accordance with the Authorization for Change in Standard Streetlighting Contract dated as of February 3, 2003, heretofore submitted to the Charter Township of Fenton, and

BE IT FURTHER RESOLVED, that Carl T. Gabrielson, Township Supervisor and Charles L. Mueller, Township Clerk be and are authorized to execute such authorizations for change on behalf of the Charter Township of Fenton.

Motion to adopt Resolution No. 2003-01 as presented.

Motion by: Mueller

Seconded: Brancheau

Ayes: Gabrielson, Mueller, Brancheau, Krug, Mathis

Nays: None

Absent: Garfield, McKenna

Motion carried. Resolution declared adopted.

2003 Board of Review Hardship Policy

Office Manager Broecker reviewed the proposed 2003 Property Tax Hardship Exemption Policy. This policy is the same as the one adopted in 2002, except for updated income levels. Board adoption of the policy is required before the Board of Review meets next month. There was no further discussion.

Motion to adopt the 2003 Property Tax Financial Hardship Exemption Policy as presented.

Motion by: Mueller

Seconded: Brancheau

Ayes: Gabrielson, Mueller, Brancheau, Krug, Mathis

Nays: None

Absent: Garfield, McKenna

Motion carried.

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Proposed Revisions to Fenton Township Fee Schedule

Office Manager Broecker reviewed proposed revisions to the Township's fee schedule. The sewer inspection fee is proposed to be increased to \$125.00 to offset our cost of having the inspections performed by the Township's sewer maintenance contractor. A fee has been added for administratively approved Special Use Permits and the fee structure for GIS documents has been streamlined and revised.

Motion to approve the revised Fenton Township Schedule of Fees as presented.

Motion by: Krug
Seconded: Mueller
Ayes: Gabrielson, Mueller, Brancheau, Krug, Mathis
Nays: None
Absent: Garfield, McKenna

Motion carried.

Proposed Purchase of Generator

Supervisor Gabrielson reviewed a proposal from Standby Power for the purchase of an 80kw generator. Per the direction of the Township Board, the Township solicited bids from three companies and Standby Power was the vendor selected. This generator will be mounted on a trailer and used primarily to provide electricity to sewer pump stations during power outages. Additionally, it will be designed to operate the Township Office during a power outage or other emergency.

Motion to approve the purchase of an 80kw generator from Standby Power in the amount of \$25,800.00, as presented.

Motion by: Mueller
Seconded: Krug
Ayes: Gabrielson, Mueller, Brancheau, Krug, Mathis
Nays: None
Absent: Garfield, McKenna

Motion carried.

Proposed Expansion of Sewage Treatment Plant

The Township Board discussed this sewer plant expansion issue. The Township needs to commit to a number of units very soon so the expansion project can be designed by Genesee County. The board agreed to postpone action pending receipt of updated information for the Sewer Impact Study and so the decision can be made when all seven board members are present.

Approval of Ballot Language – March 11, 2003 Special Election

Supervisor Gabrielson reviewed a memo with the proposed ballot language for the referendum on the manufactured home development consent judgement, which will be conducted at a special election on Tuesday March 11, 2003. The language was drafted by the Township's attorneys. The proposed language is as follows:

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The Board of Trustees of the Charter Township of Fenton has entered into a consent judgement whereby certain real estate situated in the Township, designated as part of parcel 06-03-300-003, containing approximately 154 acres, has been rezoned from AG (Agricultural) to RMH (Residential-Mobile Home) which will permit the development of a 398-unit manufactured home community under conditions and restrictions to be enforced by the Charter Township of Fenton. The consent judgement eliminates any possibility of an adverse monetary judgement against the Township in the underlying litigation.

Shall Township Board approval of this consent judgement be set aside, thereby reinstating the lawsuit against the Township?

YES _____ NO _____

Motion to approve the ballot language for the March 11, 2003 special election, as presented.

Motion by: Mueller
Seconded: Brancheau
Ayes: Gabrielson, Mueller, Brancheau, Krug, Mathis
Nays: None
Absent: Garfield, McKenna

Motion carried.

Scheduling of Election Commission Meeting

Clerk Mueller announced that a meeting of the Election Commission has been scheduled for Monday February 17, 2003 at 7:00 p.m.

Proposed Amendment to 2003 Budget

Office Manager Broecker reviewed proposed amendments to the 2003 Fenton Township General Fund budget. The primary changes were a result of reduced revenue sharing and the budgeting of expense to conduct the special election. Trustee Mathis asked about the increase to equipment for the auditorium. Office Manager Broecker responded that the money budgeted in 2002 was not spent and was being added to the 2003 budget to allow the purchase of new tables for the banquet hall.

Motion to approve the 2003 Fenton Township budget amendments as presented.

Motion by: Mueller
Seconded: Brancheau
Ayes: Gabrielson, Mueller, Brancheau, Krug, Mathis
Nays: None
Absent: Garfield, McKenna

Motion carried.

PUBLIC COMMENT - AGENDA OR NON-AGENDA ITEMS:

Patrick Carmody, 16245 Silver Shore

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Mr. Carmody questioned the expense for electrical upgrades in the sewer pump stations. It was his understanding that this work was the responsibility of the Township's sewer maintenance contractor. Supervisor Gabrielson clarified that routine repairs and maintenance of the pump stations, including electrical work, are included in the sewer maintenance contract. The electrical upgrades, however are a separate issue tied to the overall upgrade of the sewer system. Many of the stations were constructed in the 1960's and 70's under electrical codes that are no longer in effect. The upgrades are necessary to bring the system into compliance, but are not considered a part of routine maintenance.

ADJOURN: Meeting adjourned at 10:20 p.m.

Carl Gabrielson, Supervisor

Charles Mueller, Clerk

Minutes Posted 2/5/03