

**CHARTER TOWNSHIP OF FENTON BOARD OF TRUSTEES
MINUTES FOR REGULAR MEETING OF MARCH 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, McKenna, Office Manager
Broecker and Attorney Siler

Absent: Garfield

PLEDGE OF ALLEGIANCE:

Supervisor Gabrielson led the pledge of allegiance to the flag.

APPROVAL OF AGENDA:

Motion to approve the 3/3/03 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:

Supervisor Gabrielson introduced Gabriel Zawadzki of the Michigan Groundwater Stewardship Program, whose goal is to educate the public on methods to protect their groundwater resources. Mr. Zawadzki gave presentation highlighting the areas of:

- Water well management
- Storage and disposal of household hazardous products
- Lawn care
- Stormwater management
- Septic systems

Mr. Zawadzki also left a supply of home assessment guides for residents to review their own practices. The board thanked Mr. Zawadzki for a very informative presentation.

MEETING MINUTES:

The minutes of the 2/17/03 regular meeting stand approved as presented.

EXPENDITURES:

Motion to approve expenditures as presented.

Motion by: McKenna

Seconded: Brancheau

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

Nays: None

Absent: Garfield

Motion carried.

REPORTS:

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Legal Update – Consent Judgement Referendum

Attorney Siler reported on court actions from earlier today. Sam Ragnone had filed a motion to stop the scheduled referendum on the consent judgement that settled the LJS Partnership vs. Fenton Township lawsuit. While a majority of the Township Board supports the consent judgement, the board also supports the citizens right to a referendum. Judge Hayman denied the motion and the referendum will be held as scheduled. Another court date has been set, however, to hear arguments regarding the applicability of existing case law to this issue, and to hear arguments on Mr. Ragnone's claim for additional damages resulting from delays caused by the referendum.

Emergency Management

Trustee McKenna reported that he, along with Supervisor Gabrielson, Trustee Brancheau, Fire Chief Moulton and Building Inspector Ray Hill, attended a recent seminar on emergency management. At that seminar Chief Moulton was recognized for his role in the development of a hazardous materials response program. The board commended Chief Moulton for his efforts.

COMMUNICATIONS:

Genesee County WWS District 3 – Biosolid Program Compliance Report

Supervisor Gabrielson briefly reviewed a report from Dr. Bahram Zamani, indicating that the District 3 wastewater treatment plant is in full compliance with DEQ biosolids program requirements.

UNFINISHED BUSINESS-ADOPTION OF ORDINANCES:

Rezoning #R02-004, J. M. Developments Inc., 06-10-300-012; AG to R-3/2nd Reading

Supervisor Gabrielson reviewed the proposed rezoning ordinance. There was no further discussion.

Motion to adopt Ordinance No. 603, an amendment to the Zoning Ordinance to rezone parcel 06-10-300-012 from AG to R-3, as presented.

Motion by: McKenna

Seconded: Mueller

Ayes: Gabrielson, Mueller, Brancheau, Mathis, McKenna

Nays: Krug

Absent: Garfield

Motion carried. Ordinance declared adopted.

UNFINISHED BUSINESS-OTHER:

None

NEW BUSINESS:

Proposed Revisions to Fenton Township Fee Schedule

Office Manager Broecker reviewed proposed changes to the Township's fee schedule. Most of the changes are in the building permit area. Fenton Township fees have not been increased since 1996 and are below average in Genesee County. Rental of the main level

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meeting room is also being changed to an hourly rate instead of a flat rate. There was no further discussion.

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

Motion by: Mueller

Seconded: Brancheau

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

Nays: None

Absent: Garfield

Motion carried. Resolution declared adopted.

Proposed Purchase of Sewer Flow Meters

Supervisor Gabrielson reviewed the lowest of three quotes obtained for the purchase of four flow meters for the sanitary sewer system. These meters will be used to monitor sewage flows where the Township's mains enter into the county interceptors. The meters will help identify infiltration problems and assist in the Township's efforts to comply with the Administrative Consent Order (ACO) issued by the DEQ. Trustee Mathis expressed concern regarding the purchase of the flow meters. The board lacks the necessary expertise in this area and she recommended that Rowe Incorporated review the proposals before the board approves the purchase. The low bid may not always be the best choice. Clerk Mueller clarified that the three quotes were for the exact same equipment so price is the only consideration in this case. Supervisor Gabrielson stated that consulting Rowe Incorporated is not necessary in this case because Lawrence Engineering, also a designated Township engineer, assisted with the solicitation and review of the price quotes.

Motion to approve the purchase of sewer flow meters from Hamlett Engineer Sales for the amount of \$17,726.00, as presented.

Motion by: McKenna

Seconded: Krug

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

Mr. Carmody expressed concern over the continued approval of expenses related to the sanitary sewer system. What control measures are in place with regard to the various expenses related to the sewer inventory and upgrade projects? Supervisor Gabrielson responded that Lawrence Engineering is overseeing all aspects of the projects on behalf of the Township.

He also asked for a clarification regarding Attorney Siler's report on today's court proceedings. Mr. Siler responded that Mr. Ragnone has indicated that he will seek additional damages from the Township due to the delay caused by allowing the

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referendum. Mr. Ragnone claims that the delay has negatively affected his ability to obtain financing for the project. Mr. Carmody also stated that the election notice mailed to Fenton Township voters was, in his opinion, biased.

Tony Brown, 12159 Jennings Road

Mr. Brown thanked the Township for upholding the rights of the residents at today's court proceedings.

Mr. Brown also stated that, based on information in the groundwater study completed by the University of Michigan, he believes the construction of additional sanitary sewer lines should not be approved unless municipal water is also provided. He believes that septic systems are a better option because the groundwater is replenished. Trustee Brancheau noted that no study had been conducted regarding any potential aquifer depletion and also noted that aquifers are not stationary and are not likely to be significantly impacted by sewer installation. Trustee McKenna added that the U-M Groundwater Study indicated that groundwater supplies in Fenton Township are abundant.

David Franz, 3475 Breezpointe

Mr. Franz reported that the construction of the new Lake Fenton High School on Lahring Road has resulted in large amounts of dirt and mud on the road. Supervisor Gabrielson responded that he would address the situation ASAP.

Bill Ochodnicki, 14107 Landings Way

Mr. Ochodnicki also asked about the new damage claim submitted by Sam Ragnone. Clerk Mueller clarified that Mr. Ragnone has asked for damages due to the delay created by allowing the referendum election. Mr. Ochodnicki also asked if the requirement in the consent judgement that requires 50% senior citizens is enforceable. Supervisor Gabrielson confirmed that all provisions of the consent judgement are enforceable.

Jack Wheatley, Rowe Incorporated

With regard to the sewer flow meters approved earlier, Mr. Wheatley, an engineer employed by Rowe Incorporated, stated that he has worked with several other Genesee County governmental units on similar projects and most communities will be installing this type of equipment in the near future. He also noted that the price quote approved by Fenton Township was very reasonable compared to similar purchases with which he had been involved.

Tom Richard, 12425 Jennings Road

Mr. Richard questioned the legality of the 50% senior citizen requirement in the consent judgement for the mobile home development. Supervisor Gabrielson that all provisions of the consent judgement are enforceable.

Trustee Mathis stated that many residents have contacted her regarding the election notice that was mailed out and are confused by it. Supervisor Gabrielson clarified that a "Yes" vote means that the voter believes that the consent judgement should be set aside

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and the Township should continue to fight the lawsuit in court. A “No” vote means that the voter supports the Township’s decision to approve the consent judgement that settled the lawsuit.

ADJOURN: Meeting adjourned at 9:35 p.m.

Carl Gabrielson, Supervisor

Charles Mueller, Clerk

Minutes Posted 3/5/03